

**FRANKLIN TOWNSHIP
ERIE COUNTY, PENNSYLVANIA
ORDINANCE NO. 2 of 2023**

AN ORDINANCE OF FRANKLIN TOWNSHIP, ERIE COUNTY, PENNSYLVANIA, TO PROVIDE FOR THE LICENSING AND REGULATION OF SHORT-TERM RENTALS WITHIN FRANKLIN TOWNSHIP, DEFINING CERTAIN TERMS USED HEREIN; ESTABLISHING APPLICATION AND PERMIT PROCEDURES; ESTABLISHING STANDARDS FOR SHORT-TERM RENTALS; PROVIDING FOR INSPECTIONS AND ENFORCEMENT. RESPONSIBILITY; ESTABLISHING AND PROVIDING FOR VIOLATIONS AND PENALTIES; DECLARING VIOLATIONS TO BE A PUBLIC NUISANCE; PROVIDING FOR APPEAL PROCEDURES, A REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, §1506 of the Second Class Township Code, Act of May 1, 1993; P.L. 103, No. 69, as amended by the Act of November 9, 1995, P.L. 350, No. 60, found at 53 P.S. §66506, entitled "General Powers," authorizes the Board of Supervisors of Franklin Township ("Township") to make and adopt ordinances necessary for the proper management, care and control of the Township, and the maintenance of the health and welfare of the Township and its citizens; and .

WHEREAS, §1517 of the Second Class Township Code, found at 53 P.S. §66517, entitled "Building and Housing Regulations", inter alia, authorizes the Township to enact codes and ordinances to govern and regulate the occupation, maintenance, sanitation, lighting, ventilation, toilet facilities, use and inspection of all buildings and housing used for occupancy; and

WHEREAS, §1527 of the Second Class Township Code, found at 53 P.S. §66527, entitled "Public Safety", inter alia, authorizes the Township to adopt ordinances to secure the safety of persons or property within the Township; and

WHEREAS, §1529 of the Second Class Township Code, found at 53 P.S. §66529, entitled "Nuisance's", inter alia, authorizes the Township to, by ordinance, prohibit nuisances.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Township, and it is hereby ordained pursuant above authority, as follows:

Section 1. Title

This Ordinance shall be known as and may be cited as "Short Term Rentals Ordinance".

Section 2. Findings and Purposes

The Township specifically finds and declares as follows:

- A. Short-term rentals are a growing use within the Township.

B. While most of these units operate without a problem, there have been numerous complaints to municipalities regarding excessive noise, parking, litter, and concerns regarding security, public safety, and trespass.

C. The transitory nature of occupants of a short-term rental makes enforcement against the occupants difficult and therefore the unit owner must be the responsible party.

D. The provisions of this Ordinance are necessary to prevent the potential burden on Township and community services and negative impacts on residential neighborhoods posed by short-term rentals.

E. Compliance with the provisions of this Ordinance will maintain the residential qualities and characteristics of our neighborhoods that attract residents, homeowners, and visitors.

Section 3. Scope; Interpretation; Responsibility.

A. Scope. This Ordinance shall apply to all short-term rentals as defined in section 5 and all provisions of this Ordinance shall apply to short-term rentals in addition to all other applicable requirements of Township ordinances, including but not limited to the Township Zoning Ordinance ("Zoning Ordinance"). This Ordinance does not apply to a hotel, motel, bed-and-breakfast, inn, boarding or rooming house or group home as defined in the Zoning Ordinance, when the property owner or representative is present on-site at the property on a twenty-four-hour-per-day basis.

B. Responsibility. The owner of the property wherein a short-term rental is located shall be responsible for compliance with the provisions of this Ordinance and the failure of an owner, agent, managing agency, contact person, or renting occupants to comply with the provisions of this Ordinance, including the monitoring and control of the number of occupants and visitors, shall be deemed noncompliance by the owner and subject the owner to enforcement proceedings and the penalties contained herein.

Section 4. Nuisance Declared.

In the interest of protecting and promoting the public health, safety, and welfare, and minimizing the burden on Township and community services and the negative impacts on residential neighborhoods posed by short-term rentals, a violation of any of the provisions of this Ordinance is declared to be a public nuisance.

Section 5. Definitions.

The words and phrases used in this Ordinance shall have the following meanings:

Bedroom: A room intended for, or capable of, being used for sleeping and that is at least 70 square feet in area. Space used primarily for eating, cooking, bathrooms, toilet rooms, closets, halls, storage or other utility rooms and similar uses are not considered Bedrooms. Space used or intended primarily for general and informal everyday use such as a living room, den, and sitting room or similar uses are not considered Bedrooms.

Contact Person: The owner, property manager or agent of the owner, who is available to respond to tenant and neighborhood questions, complaints or concerns, or any agent of the owner authorized by owner to take remedial action and respond to any violation of this Ordinance. The Contact Person shall have actual authority to represent the owner for purposes of emergency and non-emergency contact and communication regarding the owner's Short-Term Rental. A Contact Person must provide a 24-hour emergency contact number, be able and willing to come to and be present at the Short-Term Rental within one (1) hour following notification to address any issue that is not capable of being addressed by telephone and be able to act as legal agent for the owner. The Contact Person may be the owner of the Short-Term Rental. The Township must be notified, in writing, within fourteen (14) days if there is a change in the identity of the Contact Person.

Owner: The person or entity that holds legal or equitable title to the property and is a resident of Franklin Township or any contiguous municipality.

Rent: The consideration received by an owner and/or renter in money, credits, property, or other consideration valued in money for lodging.

Short-Term Rental: An establishment in which the Owner rents any area of the establishment to one, or more, individuals for compensation or fee, including offer or exchange in kind, of any type, whether or not involving overnight accommodations or separate sleeping quarters, for a period of time which is primarily less than thirty (30) consecutive days. The term shall not include a bed- and-breakfast use as that term is defined by the Zoning Ordinance.

Transient Use: Occupancy, use or possession of a dwelling by a person or persons primarily for a period of less than 30 consecutive days, other than the owner(s) of the dwelling or tenant(s) of the dwelling with a lease for 30 consecutive days or more, and/or the family of such owner(s) or tenant(s); and further excluding temporary stays-by unrelated individuals that are guests of the owner or tenant of the dwelling without the payment of any type of rent, compensation, or other remuneration.

Unreasonable Noise: Any sound that is plainly audible to an unaided human ear at any boundary line of the lot(s) or parcel(s) of land on which the Short-Term Rental (or

any activity, operation or use related to or associated with the Short-Term Rental) is located between the hours set forth below (1) for a continuous period in excess of fifteen (15) minutes, or (2) more than a total of thirty (30) minutes in any four (4) hour period:

Sunday	From 10:00 PM	To Monday	at	8:00AM
Monday	From 10:00 PM	To Tuesday	at	8:00AM
Tuesday	From 10:00 PM	To Wednesday	at	8:00AM
Wednesday	From 10:00 PM	To Thursday	at	8:00AM
Thursday	From 10:00PM	To Friday	at	8:00AM
Friday	From 12:00 AM	To Saturday	at	8:00AM
Saturday	From 12:00 AM	To Sunday	at	8:00AM

Notwithstanding the foregoing, on the following holidays the hours for the noise restrictions are from 12:00 AM until 8:00 AM: New Year’s Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas Day; and the noise restrictions will resume at 10:00 PM on. The holiday if the holiday falls on a Sunday, Monday, Tuesday, Wednesday, Thursday, or 12:00 AM on the day following the holiday if the holiday falls on a Friday or Saturday.

Section 6. Short-Term Rental Permit Requirements.

The owner of a short term rental shall be responsible for obtaining the permit and renewals as required by this Ordinance.

A. Permit Required. A short-term rental permit shall be required prior to renting out a dwelling as a short-term rental. Operating a short-term rental without a short-term rental permit is a violation of this Ordinance and shall subject the owner to the enforcement proceedings and penalties set forth herein.

B. Outstanding Violations. A dwelling located on any premises that violates any Township code or ordinance shall not be eligible for a short-term rental permit until such violation is corrected in a manner acceptable to the Township.

C. Permit Renewal. A short-term rental permit shall be renewed annually and any time when any of the conditions of the rental which are governed by this Ordinance are changed.

D. Separate Permits. A separate permit is required for each short-term rental; for townhouses, rowhouses or apartments, a separate permit shall be required for each dwelling being rented pursuant to the definition of “short-term rental”

E. Issuance to Owner. The permit shall be issued only to the owner of the short-term

rental.

F. Forms and Procedures. The Township is authorized to prescribe forms and procedures for the processing of permits under this Ordinance.

G. Two-Family/Multi-Family Short-Term Rentals. No building shall be used as a short-term rental that has two or more dwellings unless said building has been approved by the Township as a townhouse, rowhouse or apartment as defined in the Zoning Ordinance. If such approval has been granted by the Township and one or more of the dwellings, but not necessarily all, are being rented as set forth in the definition of "short-term rental," then the requirements of this Ordinance shall apply to such dwelling or units being rented.

H. Inspection Authorization. The owner, by making an application for a short-term rental permit and/or accepting issuance of such a permit grants permission for all inspections authorized by section 12.

I. Permit not Transferrable. The permit issued to an owner pursuant to this Ordinance is personal to the owner identified in the application and does not run with the property. If the ownership of the property changes, either directly by sale or deed transfer, or indirectly by death, change in ownership of the entity owning the property, sheriff sale or court order, the new owner must apply for a permit under the provisions of this Ordinance prior to renting the property as a short-term rental but shall be entitled to get a permit provided such new owner complies with the terms of this Ordinance.

Section 7. Application for Short Term Rental Permit.

A. Application Required: Information. An application for a short-term rental permit shall be filed with the designated Township official and a permit issued prior to the use of the property as a short-term rental. All applications shall contain the following information:

- (1) The name, address, telephone number and email address of the owner of the short-term rental for which the permit is being applied for. If the owner is the contact person, then the owner shall provide a 24-hour telephone number.
- (2) The name, address, email address, and 24-hour telephone number of the contact person, if the owner is not the contact person.
- (3) A photograph of the short-term rental taken from the roadside.
- (4) A floor plan of the short-term rental, including location of smoke

detectors, CO detectors, fire extinguishers, and propane detectors.¹

- (5) Acknowledgment that all designated bedrooms contain a minimum of 70 square feet.
- (6) The number of bedrooms (each containing the required minimum of 70 square feet) and the maximum number of overnight occupants.
- (7) If the building is a townhouse, rowhouse or apartment structure, the number of dwellings and the number of dwellings being used as a short-term rental.
- (8) A diagram or photograph of the premises showing and indicating the number and location of designated on-site parking spaces and the maximum number of vehicles allowed for overnight occupants.
- (9) Acknowledgment that the owner or contact person, if different than the owner, have read all regulations pertaining to the operation of the short-term rental.
- (10) Other information the Township deems reasonably necessary to administer this Ordinance.

B. Term of Permit. Any short-term rental permit is good for a period not to exceed one (1) year from the date of issuance and must be renewed annually.

C. Inspection: Fee. If the information supplied by the property owner on the application for a short-term rental permit or any renewal thereof is not consistent with Township records, an inspection may be required prior to or after the issuance of the short-term rental permit or any renewal thereof. An inspection fee established by Resolution of the Board of Supervisors shall be charged for any inspection deemed necessary by the Township. The inspection fee is to be set from time-to-time by resolution of the Board of Supervisors:

Section 8. Application and Renewal Fees.

A. Application Fee. An application for a short-term rental permit shall be accompanied by the fee established by Resolution of the Board of Supervisors.

B. Renewal Fee. An annual renewal fee shall be established by Resolution of the Board of Supervisors that permit holders shall pay when renewing their permit issued pursuant to this Ordinance.

¹ A copy of the Emergency Exit Plan must be attached also.

C. Nonrefundable. Application fees and renewal fees are nonrefundable.

Section 9. Operational Standards and Conditions .

A. Standards. All short term rental permit issued pursuant to this Ordinance are subject to the following standards:

1. The owner shall, by written agreement, limit overnight occupancy of the short-term rental to the specific number of occupants designated in the permit.
2. The owner shall maintain a log of tenants with corresponding rental dates that shall be made available to the Township for inspection upon request. The maximum number of day guests allowed at any one time shall be 75 percent of the maximum overnight occupancy of the short-term rental.
3. The number of occupants permitted for short-term rental shall not exceed the number of occupants approved for the dwelling on the sewage permit issued for such property. Where there is no sewage permit on record, the short-term rental shall be limited to two persons per bedroom unless proof is provided to the Township that the sewage disposal system is adequate to handle additional flows.
4. The owner shall, by written agreement, limit the number of all vehicles of overnight occupants and day guests to the number designated in the short- term rental permit, with the number of vehicles not to exceed the number of designated on-site parking spaces.
 - (a) The number and location of all parking for overnight guests and day guests shall be designated in the permit and shall be located on the owner's property and not in any private, community or public right- of-way.
 - (b) A minimum of one parking space per bedroom shall be provided. The required number of parking spaces may include spaces in a garage which can accommodate vehicles.
 - (c) All parking spaces shall be improved to a mud-free condition.
5. The owner shall use best efforts to ensure that the occupants or guests of the short-term rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this ordinance or any Township ordinances or state law pertaining to noise or disorderly conduct by notifying the occupants of the

short-term rentals and responding when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner or contact person act as an enforcement officer or place himself or herself in harm's way.

6. The owner shall, upon notification that occupants or guests of the short-term rental have created unreasonable noise or disturbances, engaged in disorderly conduct' or violated provisions of this Ordinance or other Township ordinances or state laws pertaining to noise or disorderly conduct, promptly use best efforts to prevent a recurrence of such conduct by those occupants or guests and/or future occupants or guests.
7. Any lights used for exterior illumination shall direct light away from adjoining properties. Lighting shall be pointed/shielded downward to minimize upward glare.
8. Additional occupancy by way of recreational vehicles, camper trailers and tents shall not be allowed.
9. The use of open fires, fire pits, charcoal-burning grills or other devices (as applicable) shall be the responsibility of the owner or contact person and shall comply with applicable ordinances and laws.
10. The owner of the short-term rental shall post a copy of the permit and a copy of the conditions set forth in this section 10 in a conspicuous place within the short-term rental.
11. Each short-term rental shall have a clearly visible and legible notice posted within the unit on or adjacent to the front door, containing the following information. The occupants of a short-term rental shall make the notice required by this paragraph available for inspection by the enforcement officer upon request.
 - (a) The number of the contact person and the telephone number at which that party may be reached on a 24-hour basis.
 - (b) The maximum number of occupants permitted to stay in the short- term rental dwelling and the maximum number of day guests permitted at any one time.
 - (c) The maximum number of all vehicles allowed to be parked on the property and the requirement that all renter/guest parking must be on the property and not in any private,

community or public right- of-way.

- (d) The number and location of on-site parking spaces and the parking rules for seasonal snow removal.

Section 10. Enforcement Officer(s).

- A. Appointment. The Township shall appoint one or more enforcement officers, who may be the Township Zoning Officer, Code Enforcement Officer or other authorized Township representative, or an individual, firm or agency contracted to conduct inspections, make reports and administer and enforce other parts of this Ordinance as determined by the Township.
- B. Duties. The administrative, inspection and enforcement responsibilities established by this Ordinance may be delegated to different enforcement officers appointed in accordance with section 10 (A).
- C. Consultation. The enforcement officer, with the authorization of the Board.

Section 11. Marketing.

The following shall be a violation of this ordinance:

- a) advertising or marketing the occupancy of a short-term rental for a number of occupants which exceeds the maximum occupancy requirements permitted by this ordinance;
- b) marketing or advertising of the short-term rental for a number of bedrooms which exceeds the maximum number of bedrooms permitted by this ordinance;
- c) marketing or advertising a short-term rental without having first obtained a short- term rental permit pursuant to this ordinance;
- d) failure to include the short-term rental permit number or property address of the short-term rental unit in any advertisement; or
- e) marketing or advertising a short-term rental unit outside the permitted scope of the short-term rental permit issued under this ordinance.

Section 12. Action on Complaints.

A. Violation. Upon receipt of a complaint of a violation the Township shall notify the owner and/or the contact person of the complaint and may thereafter investigate the matter. The Township may proceed with a notice of violation if the Township enforcement officer, police officer and/or other authorized Township representative determines a violation of this Ordinance has occurred.

B. False Reports. Any person who reports an alleged violation of this Ordinance to the Township knowing that it did not occur shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000.00, together with costs, including reasonable attorney fees.

Section 13. Notice to Violators.

A. Service of Notice: If it appears to the enforcement officer that a violation of this Ordinance has occurred, the Township shall initiate enforcement proceedings by preparing a written Notice of Violation to be served on the owner or contact person (if applicable) of the premises on which the violation exists or originates. The written Notice of Violation shall be served on the owner or contact person by one or more of the following methods:

- (1) Personal delivery to either the owner or the contact person; or,
- (2) Fixing a copy to the door of the building on the premises of the violation; or, Certified mail to the owner or the contact person to the address on the permit application (service to be complete upon mailing); or,
- (3) Email to the owner or the contact person to the email address on the permit application, together with first class mail to the owner or the contact person (whoever the email is sent to) to the address on
- (4) the permit application (service to be complete upon first class mailing); or,
- (5) Other means of legal service deemed appropriate by the Township and recognized by law.

B. Content of Notice.

- (6) The Notice of Violation shall enumerate the conditions which

constitute the violation and what action is required to abate and/or otherwise correct the violation.

- (7) The Notice of Violation shall include a time frame for the abatement and/or correction of the violation, with such time frame established by the enforcement officer based upon the nature of the violation and providing a reasonable period for the violator to take the required action. In certain cases, immediate correction may be required.

C. Repeat Violators. If an owner commits the same or a similar violation three or more times within six months of receiving a Notice of Violation as set forth in this Section 13, no additional notice shall be required to be served on that owner prior to initiating an enforcement action in accordance with this Section 15.

Section 14. Violations, Penalties and Costs.

A. Compliance. Failure to comply with any provision of this Ordinance and/or failure to comply with an order to abate and/or correct a violation of this Ordinance, shall be a violation of this Ordinance and subject the owner to criminal prosecution and the revocation of any short- term rental permit previously issued.

B. Fine. Any person who has violated or permitted the violation of any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000.00 per day per violation, together with costs, including reasonable attorney fees. Each day of a violation shall constitute a separate offense for which a summary conviction may be sought. All fines, judgments, administrative,

C. enforcement, and other costs, interest and reasonable attorney fees collected for the violation of this Ordinance, shall be paid over to the Township.

D. Other Remedies. The Township shall also have the right to seek any

other appropriate. legal or equitable remedies, including injunctive relief, for violations of this Ordinance.

E. Permit Revocation. If an owner is convicted of three (3) violations which occurred in any rolling twelve (12) calendar month period; then the permit shall be revoked by the Township for one (1) year and the short-term rental must be discontinued while the permit is revoked. The conviction of a fourth or more violations shall be cause

for permanent revocation.

Section 15. Appeals.

A Filing of Appeal. Appeals of an action under this Ordinance to deny any application for, or to renew, a Short-Term Rental Permit, or to revoke a Short-Term Rental Permit, shall be filed with the Township within 30 days of the date of the denial of application or revocation of permit. Appeals shall be processed as follows:

- (1) All appeals shall be in writing and signed by the Appellant on forms prescribed by the Township, and shall be accompanied by a fee, the amount of which shall be established by Resolution of the Township Board of Supervisors, which may include notice and advertising costs, and necessary administrative overhead in relation to the hearing.
- (2) Each appeal shall fully set forth the determination appealed from, a detailed reason or basis for the appeal, the relevant sections of this Ordinance, and the relief sought.

B. Hearings. The Board of Supervisors shall conduct hearings and make decisions pursuant to the Act of December 2, 1968 (P.L. 1133, No. 353), known as the "Local Agency Law" and in accordance with the following requirements:

- (1) Written notice shall be given to the Appellant and to any person who has made a timely request for same. Written notices shall be given not less than seven (7) days prior to the hearing.
- (2) The hearing shall be held within (60) days from the date the appeal is filed unless the Appellant has agreed in writing to an extension of time.
- (3) The hearing shall be conducted by the Board of Supervisors. The decision or, where no decision is called for, the findings, shall be in writing rendered by the Board of Supervisors within 45 days after the conclusion of the hearing, unless: the Appellant has agreed in writing be communicated to the Appellant and any other parties who have entered their written and appearance and requested a copy of the decisions at the address provided by them either by

personal delivery or by United State First Class mail postage prepaid.

- (4) The Chairman or Acting Chairman of the Board of Supervisors presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witness and documents requested by parties. to an extension of time, and shall.
- (5) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- (6) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- (7) The Board of Supervisors may, but is not required to, make a stenographic record of the proceedings. In the event that a stenographic record of the proceedings is not provided by the Board of Supervisors, a stenographic record shall be made and kept at the request of any party agreeing to pay the costs thereof. Any party or other person desiring a copy of the stenographic record shall order the copy directly from the stenographer who prepared the same and shall pay the cost imposed by the stenographer for the copy directly to the stenographer.
- (8) The Board of Supervisors shall not communicate, directly or indirectly, with any party or any party's representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or any party's representative unless all parties are given opportunity to be present.

Section 16. SEVERABILITY.

It is hereby declared to be the legislative intent that if a court of competent

jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section or part thereof other than any part declared invalid, if it had advance knowledge that any part would be declared invalid.

Section 17. REPEALER.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.


Section 18. EFFECTIVE DATE.

This Ordinance shall become effective five (5) days after enactment.

FRANKLIN TOWNSHIP

By: _____
Dennis Howard

ATTEST:


Ramona Junkius
Township Secretary

By: R. V. Simonelli
Robert Simonelli

By: James Sachar
James Sachar