

Penn Lake Park Borough- SHORT-TERM RENTAL ORDINANCE

ORDINANCE NO. 2020 - # 1

AN ORDINANCE RELATING TO THE USE AND REGULATION OF SHORT-TERM RENTAL UNITS WITHIN THE BOROUGH AND ESTABLISHING APPLICATION AND PERMIT STANDARDS AND PROCEDURES, PROVIDING FOR ADMINISTRATION AND ENFORCEMENT INCLUDING PENALTIES.

AS AMENDED OCTOBER 13th 2022 AND DECEMBER 21ST, 2023

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Section 1 – Title

This ordinance shall be known as and may be cited as the "Penn Lake Park Borough Short-Term Rental Ordinance".

Section 2 - Scope and Legal Authority

The provisions of this Ordinance shall apply to all properties within the Borough of Penn Lake Park. The owner of the subject property shall be responsible for compliance with the provisions of this Ordinance and the failure of an owner, agency, managing agency, local contact person, or renting occupants to comply with the provisions of this Ordinance shall be deemed noncompliance by the owner.

Section 3 – Interpretation

This Ordinance is not intended to, and does not, excuse any landowner from compliance with the Penn Lake Park Borough Zoning Ordinance, as amended from time to time. Whenever possible, this Ordinance and the Zoning Ordinance should be construed and interpreted as being consistent, and not in conflict. In the event of conflict, the regulations of this ordinance shall apply.

Section 4 – Definitions

For the purposes of this Ordinance, words and terms used shall have the following definitions:

BOROUGH – The Borough of Penn Lake Park, Luzerne County, Pennsylvania.

COMPANY – Any form of business organization, such as a corporation or limited liability company, that engages in a business or commercial activity for profit.

DWELLING UNIT - One or more rooms designed, occupied or intended for occupancy as separate living quarters for one or more persons, with cooking, sleeping, and sanitary facilities provided.

GOOD STANDING – Not currently in violation of any of the conditions governing Short Term Rental Permits found in the Short Term Residential Rental Registration Affidavit.

MANAGING AGENCY – A person or company that is appointed or hired by the owner of property within the Borough to manage the operation of the property.

NUISANCE – The unreasonable, unwarrantable or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person in the legitimate enjoyment of his or her reasonable rights of person or property. Examples of nuisances include but are not limited to causing excessive noise after 10:00 p.m., setting off fireworks, improperly disposing of solid waste, parking of cars in unauthorized areas including the roadway and neighboring properties, etc.

OWNER – The landowner of record of real property within the Borough as established by the deed to the property recorded with the Luzerne County Recorder of Deeds.

RENTING OCCUPANT – A person authorized to reside at a property with the owner’s permission, regardless of the length of time so authorized.

RESIDENT – A person who provides valid copies of two (2) of the following three (3) records to establish residency within the Borough:

- Driver’s license with an address belonging to the resident in the Borough;
- Voter registration card with an address belonging to the resident in the Borough;
- Tax bill with the owner’s name and mailing address in the Borough.

The name and address on each document provided must match each other in order to be considered valid.

SHORT-TERM RENTAL (STR) - Any Dwelling Unit owned or managed by a person, firm or corporation which is rented or leased for a period of less than thirty (30) consecutive days.

SHORT-TERM RENTAL PERMIT (STR Permit) - Permission granted to a resident of the Borough by the Borough to utilize a Dwelling Unit for Short-Term Rental use.

Section 5 - Permit Required

No property in Penn Lake Park Borough shall be used or advertised, online or offline, as a Short-Term Rental in Penn Lake Park Borough without its owner first obtaining a Short-Term Rental Permit from the Borough. Operation or advertisement of a Short-Term Rental by a landowner, company, managing agency, or renting occupant without such Short-Term Rental Permit is a violation of this Ordinance.

Section 5.1 – Number of Permits

The number of permits available shall be equal to three percent (3%) of the Land Use 101 properties in the Borough and may be adjusted annually.

Section 5.2 – Permit Eligibility

Only owners of property within the Borough who are also residents of the Borough shall be eligible to obtain Short Term Rental Permits to operate or advertise, online or offline, Short Term Rentals within the Borough.

Section 6 - Permit Procedure

A separate Short-Term Rental Permit is required for each Dwelling Unit. All permits shall be renewed yearly, with all renewal applications being submitted to the Borough for consideration by March 31. All Short-Term Rental Permits shall expire on April 15 of the year after which the Permit was obtained.

Short-Term Rental Permit applications shall be submitted to the Penn Lake Park Borough Secretary or other designee and shall contain the following information:

1. Contact Information- Name, address, phone number and email address of the owner.
2. Signature of the owner.
3. Copy of the current recorded deed for the property establishing ownership.
4. All documentation required to establish residency within the Borough.
5. Registration fee in the form of personal check, cash or money order. Any returned personal check shall incur an additional expense owed by the applicant at a cost not to exceed the charge to the Borough.

If a Permit is granted to a Short Term Rental and the Short Term Rental ceases operations, the owner shall notify Penn Lake Park Borough through email or mail in a timely fashion. However, the owner shall not be entitled to reimbursement of any part of its registration fee. Additionally, if a property with a valid Short Term Rental Permit transfers ownership, the existing Permit will be null and void, and the new owner shall be required to obtain a new Short Term Rental Permit as a new applicant.

Section 7 - Fees, Term and Renewal

1. The Short-Term Rental registration fees, payable to Penn Lake Park Borough upon the submittal of a Short-Term Rental Permit application, shall be set each year by vote by Council at the November meeting of the prior year and listed in the permit application.
2. A Short-Term Rental Permit must be renewed annually. Short-Term Rental Permit renewal applications shall contain information regarding any changes from the immediately preceding application with respect to matters governed by this Ordinance.
3. A current year permit holder in good standing who submits a renewal application for the following year by the 15th of December will be renewed ahead of any new applications received.

Section 8 - Nuisance

A violation of any of the provisions of this Ordinance, any of the rules and regulations contained in the Permit application, or any other ordinance within the Borough shall be declared a public nuisance. Any owner found to be in violation of this Ordinance shall not be eligible to obtain a Short Term Rental Permit while the nuisance is ongoing. Additionally, nothing contained in this Ordinance shall limit the Borough's right to also enforce the penalties of other ordinances of the Borough, such as collecting from the property owner the cost incurred by the Borough plus a penalty of ten percent (10%) for removing or repairing a nuisance as authorized in the Borough's Ordinance No. 2 of 1997. Short Term Rental Permit holders shall be responsible for nuisances occurring on the property and nuisances in public areas caused by renting occupants of the property.

Section 9 - Occupancy

Maximum occupancy during the rental of a Short Term Rental shall be calculated as follows:

- (Number of bedrooms x 2) plus 2

Bedrooms	Occupancy
1	4
2	6
3	8
4	10
5	12

Section 10 – Severability

If any portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other portion of this Ordinance so long as it remains legally enforceable minus the invalid portion.

Section 11 – Repealer

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

Section 12 – Enforcement

This Ordinance shall be enforced by the zoning officer and/or the President of the Borough Council or his or her designee. Any owner, company, managing agency or renting occupant who violates this Ordinance or the rules and regulations contained in the Permit application shall be subject to a fine of \$250.00 per day that the violation continues and, upon any and all subsequent offenses, to a fine of \$1000.00 per day that the violation continues, plus the costs of prosecution, including reasonable attorneys’ fees, in each case.

Section 13 – Effective Date

This ordinance will be effective 9/10/2020.

Section 14 – Amendments

October 13 2022

- Section 4 modified
- Section 5.1 and 5.2 added
- Section 7 modified
- Section 12 modified

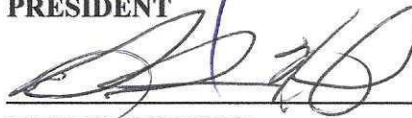
December 21, 2023

- Section 2 modified
- Section 4 modified
- Section 5 modified
- Section 5.1 modified
- Section 5.2 modified
- Section 6 modified
- Section 7 modified
- Section 8 modified
- Section 12 modified

PENN LAKE PARK BOROUGH COUNCIL:




PRESIDENT AYE



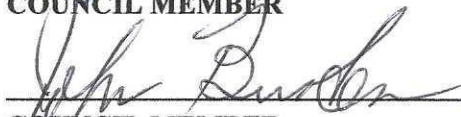
VICE PRESIDENT AYE



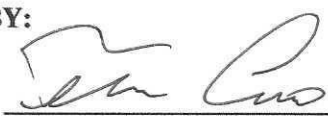
COUNCIL MEMBER AYE



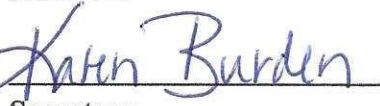
COUNCIL MEMBER AYE



COUNCIL MEMBER aye

APPROVED BY:


MAYOR

ATTEST:


Secretary