

**POCONO TOWNSHIP**

**MONROE COUNTY**

**COMMONWEALTH OF PENNSYLVANIA**

**AN ORDINANCE OF THE TOWNSHIP OF POCONO, MONROE COUNTY,  
PENNSYLVANIA, TO REGULATE SHORT-TERM RENTALS.**

**ORDINANCE NO. \_\_\_\_\_**

**BE IT ENACTED AND ORDAINED BY THE BOARD OF  
COMMISSIONERS OF THE TOWNSHIP OF POCONO, MONROE COUNTY,  
PENNSYLVANIA,**

**WHEREAS**, Short-Term Rentals (STR) of dwellings have become a significant segment of the local tourism economy, and

**WHEREAS**, Short-Term Rentals of dwellings provide a community benefit by expanding the number and type of lodging facilities available and assist owners of single-family homes by providing revenue which may be used for maintenance, upgrades and deferred costs; and

**WHEREAS**, while the majority of these Short-Term Rentals operate without a problem, there have been numerous complaints to the Township regarding excessive noise, parking, litter, and concerns regarding security, public safety, and trespass; and

**WHEREAS**, the transitory nature of occupants of Short-Term Rentals makes enforcement against the occupants difficult; and

**WHEREAS**, the provisions of this Ordinance are necessary to prevent the continued burden on Township and community services and impacts on residential neighborhoods posed by Short-Term Rentals; and

**WHEREAS**, the provisions of this Ordinance are necessary to provide for a system of inspections and for issuance and renewal of licenses and to establish penalties for violations.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Commissioners of Pocono Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted as follows:

**Preamble.**

The preamble of this Ordinance is incorporated herein by reference and approved as part hereof.

**Short Title.**

This Ordinance shall be known as "The Short-Term Rental Ordinance of Pocono Township".

## **Section I. INTENT AND SCOPE**

This Ordinance shall be construed to secure its expressed purpose of promoting the public health, safety and general welfare of the residents of Pocono Township. This Ordinance shall apply to all existing and future properties that are used as Short-Term Rentals (STR) in Pocono Township which are located in the R-1 and R-2 zoning district as set forth and established by Pocono Township Zoning Ordinance and shall constitute the minimum requirements and standards for the operation of any STR.

## **Section II. DEFINITIONS**

For the purpose of this Ordinance, certain terms, phrases and words are defined as follows:

A. Tense, Gender and Number. Words used in the present tense include the future; words in the masculine gender include the feminine and the neuter; the singular number includes the plural and the plural singular.

B. General Terms. The words "shall," "will" or "must" are always mandatory; the words "should" or "may" are permissive. The words "used for" includes "designed for," "arranged for," "intended for," "maintained for" or "occupied for." The word "building" includes "structure" and shall be construed as if followed by the phrase "or part thereof." The word "person" includes "individual," "profit or nonprofit organization," "partnership," "company," "incorporated association" or other similar entities.

C. Terms, Phrases and Words Not Defined. When terms, phrases or words are not defined, they shall have their ordinarily accepted meaning or such as the context may imply.

D. Specific Terms. Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

STR ANNUAL TERM - shall mean November 1th to October 31st of the following year.

BEDROOM - Any room or space designed to be used or intended to be used for sleeping purposes. Space used for eating, cooking, bathrooms, toilet rooms, closets, halls, storage or utility room and similar uses are not considered Bedrooms

CODE OFFICIAL - The official who is charged with the administration and enforcement of this Ordinance, or any duly authorized representative.

DWELLING UNIT - A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

OCCUPANCY - The purpose for which a building or portion thereof is utilized or occupied.

OWNER - Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the State, County or Township as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON - An individual, corporation, partnership or any other group acting as a unit.

**PERSON IN CHARGE** – A person or agent with actual authority to represent the Owner for purposes of contact and communication regarding the Owner’s STRs.

**SHORT-TERM RENTAL (STR)** - Any Dwelling Unit owned or managed by a Person which is rented or leased for a period of less than 30 days.

**STR LICENSE** – The written grant of the right to operate a STR pursuant to the specific terms of the license granted to a specific Owner.

**TENANT** - For purposes of this ordinance the term “tenant” shall refer to the primary individual (transient Tenant) who signed an agreement with the Owner or Owner’s agent for the temporary use of a STR for 30 (thirty) consecutive calendar days or less. Such individual must be at least 21 years of age.

### **Section III. CODE OFFICIAL**

The Township Board of Commissioners will appoint one (1) or more Code Officials, who may be the Township Zoning Officer or Code Enforcement Officer, a Pocono Township Police Officer or a contracted individual, firm or agency, to conduct inspections, make reports, administer and enforce this Ordinance. The Code Official may inspect any STR property at the time an application has been submitted for the purpose of determining its qualification for a License or if it [receives] a complaint substantiated by the Zoning Officer, Code Official or Pocono Township Police Officer that the STR is in violation of the License or this Ordinance.

### **Section IV. LICENSING**

Effective upon enactment of this Ordinance, all Owners must obtain a License for all Dwellings Units intended for use as Short-term rentals (STR) prior to renting out a Dwelling Unit as a STR. Operating a STR without a License is a violation of this Ordinance and is subject to the criminal prosecution and the penalties set forth below. Owners or their agents must complete the STR License application and submit it to the Township Zoning Officer for processing. No property may be used as a STR until a License has been granted by the Zoning Officer.

The Township will prescribe the forms and procedures for processing of License applications under this Ordinance. The Owners must provide all requested information concerning the Dwelling Unit and must agree, in writing, to comply with all the requirements of this Ordinance.

Licenses are non-transferrable. If ownership of a STR changes, the new Owner(s) must complete a new license application form before renting out any part of the Dwelling Unit for a short-term rental and must pay the annual fee.

Upon the submission of a complete application to operate a STR, the Township will have 15(fifteen) business days to inspect the property and either grant or deny the request for a License. If after 15(fifteen) business days, the Township has not acted on the application, the application shall be deemed denied. If the application is denied due to the lack of information, applicant will be given the opportunity to provide the requisite information and resubmit the application.

#### **A. License Requirements.**

1. The STR License shall only be issued in the name of the Owner of the STR property.
2. A separate License is required for each STR property.

3. Each Owner shall maintain at least \$500,000 in liability insurance on the STR for the full duration of their License term and provide proof of the same to the Township.
  4. A copy of the current Monroe County Hotel Room Excise Tax Certificate and current Pennsylvania Sales Tax License if such Certificate is required by the applicable regulations.
  5. A copy of their STR form agreement which states that the Tenant(s)' acknowledge that violation of the STR Agreement or this Ordinance may result in termination of the Owners STR License.
  6. All STRs must be either Owner-occupied, or if not owner-occupied must designate a local Person in Charge. A Person in Charge, who may or may not be an/the Owner, must reside in or have an office within fifteen (15) miles of the STR property and be able to act as the legal agent for the Owner(s). The Township must be notified, in writing, within fourteen (14) days of the change if there is a change of ownership or in the identity of the Person in Charge.
  7. The Owner or Person in Charge shall respond to the Code Official within one (1) hour after being notified by the Code Official of the existence of a violation of this Ordinance or any disturbance requiring immediate remedy or abatement. If the Person in Charge is not the Owner, they shall immediately advise the Owner of any notification of a violation. Owners and Persons in Charge must maintain all STR Dwelling Units under their ownership and/or control in compliance with all applicable Township Ordinances and Regulations as established by the Township. Owners, Persons in Charge, and tenants shall be liable for violations of laws and/or ordinances, including, but not limited to, occupancy violations, at STR Dwelling Units under their ownership, control, or occupancy.
  8. The condition of any STR must fully comply with International Residential Code currently in use as adopted by the Commonwealth of Pa. and other relevant laws and codes.
  9. The Owner shall limit overnight occupancy of the STR to the specific number of Tenants designated in their STR License.
  10. Overnight occupancy of a STR Dwelling Unit shall be limited to no more than two (2) persons per bedroom plus four (4) additional persons per Dwelling Unit. The maximum number of day guests allowed at any one (1) time, in addition to the overnight occupants, shall not exceed to seventy-five percent (75%) of the maximum overnight occupancy of the STR.
  11. Density and Proximity Limitation
    - a) The Township reserves the right to limit the number of licensed properties in an R-1 and R-2 Zone to not more than 8 STR Dwelling Units per square mile and
    - b) A STR Dwelling Unit may not be located on a lot that is within 1000 feet of a lot on which another STR Dwelling Unit is located.
  12. No on street or yard parking will be permitted at any time. No tents are permitted. No recreational vehicles, campers, buses or other large vehicles may be parked on the STR property at any time. Outdoor overnight sleeping of Tenants or guests is prohibited.
  13. Owner is responsible for any trash or noise disturbance that is created or caused by any Tenant. Failure to have adequate trash storage and weekly collection service or to stop a noise disturbance caused by Tenant will result in a Notice of Violation.
- B. License posting requirement.

Each STR License granted will include a public notice placard. It is the Owner's responsibility to post the notice on the front door of the Dwelling Unit. This notice shall remain on the front door at all times and it is the Owner's responsibility to ensure that it remains legible.

### **Section V. LICENSE FEE**

The License term for all STR runs from November 1st to October 31st of the following year. The initial licenses granted hereunder shall run until Oct 31st of 2018 regardless of when they were actually issued. The Annual STR License fee is per dwelling regardless of the point in a calendar year that a License is obtained. Fees are set forth in the Township Fee Schedule which may change from time to time. Fee(s) must be paid at the time the application is submitted for approval. If your application is denied your fee(s) shall be refunded, minus the inspection fee. Otherwise, no License fee(s) are to be prorated or refunded.

### **Section VI. LICENSE RENEWAL**

Each STR License shall be renewed annually. Failure to pay the renewal License fee will immediately terminate the STR License. Annual STR License renewal will not be approved unless all required licensing conditions are met, including but not limited to, verification that all owed hotel and sales taxes have been paid.

### **Section VII. INSPECTIONS**

- A. All STRs shall be subject to inspection by the Zoning Officer and the Code Official to verify application information, License, License renewal and/or operating requirements are being complied with.
- B. The issuance of a STR License or inspection is not a warranty that the premises is lawful, safe, habitable, or in compliance with this Ordinance or any other applicable Ordinances. Rather, the License indicates that the premises are either set to be inspected on a routine basis or, if inspected, the premises met this Ordinance or other applicable Ordinance requirements on the day and at the time of the inspection.
- C. If there is reasonable cause to believe that any provision of this Ordinance is being violated, the Board of Commissioners may or may cause, through an authorized representative of the Township, entry onto premises for the purpose of inspection of any and all premises, properties, buildings and/or structures located within the Township for ascertaining the existence of violations. In those matters where the nature of an alleged violation is such that an inspection of the interior of a building or structure is necessitated, prior arrangements must be made with the Owner or the Person in Charge to secure access thereof. Upon such request, the Owner or Person in Charge shall provide access.

### **Section VIII. MARKETING**

The marketing of a STR in which the advertised occupancy exceeds the maximum occupancy requirements permitted by the Owner's STR License, or which promotes any other activity which is prohibited by this Ordinance, shall be a violation of this Ordinance.

## **Section IX. NOTICE OF VIOLATION**

If it appears to a Code Official that a violation of this Ordinance or an issued STR License exists or has occurred, the Code Official shall provide a written Notice of Violation to the Owner, delivered personally, or by both United States first class and certified mail. The Enforcement Notice shall identify the premises which is the subject of the violation, enumerate the conditions which constitute the violation, cite the specific sections of this Ordinance or Regulations which are violated, indicate the action required to correct the violation, and provide a time frame (established by the Code Official based upon the nature of the violation) to correct the violation. The time frame may be immediate however in no event shall the time within which to correct the violation exceed seven (7) days.

## **Section X. NUISANCE**

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

## **Section XI. VIOLATIONS AND PENALTIES**

- A. Any violation of this Ordinance which has not been corrected within the time frame set forth in the Notice of Violation shall be enforced by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, partnership, corporation or other entity who or which violates or permits a violation of the provisions of this Ordinance shall, upon conviction in a summary proceeding, pay a fine of not less than five hundred (\$500) nor more than one thousand (\$1,000) per violation, plus all court costs and reasonable attorney's fees incurred by Pocono Township in the enforcement proceedings, and/or be imprisoned to the extent allowed by law for the punishment of summary offenses. Each day or portion thereof that a violation exists or continues shall constitute a separate violation. Further, the appropriate officers or agents of Pocono Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance with this Ordinance. All fines, penalties, costs and reasonable attorneys' fees collected for the violation of this Ordinance shall be paid to Pocono Township for its general use.
- B. In addition to, but not in limitation of, the provisions of this Section, the Zoning Officer or Code Official may either revoke, or deny an application to renew, a STR License, for failure to comply with the STR License, the provisions of this Ordinance or to provide accurate information on the STR License application. The STR License will be revoked for a period of 1 year after the Owner has been convicted of their second Violation. A revoked STR License may not be renewed for a period of 1 year. The Zoning Officer or Code Official shall issue, in writing, a Notice of Revocation to the Owner.

## **Section XII. OWNERS SEVERALLY RESPONSIBLE**

If the premises are owned by more than one Owner, each Owner shall jointly and severally be subject to prosecution for a violation of this Ordinance.

### **Section XIII. APPEALS**

- A. Appeals of a determination of the Zoning Officer or Code Official under this Ordinance to deny any application for, or to renew, a STR License, or to revoke a STR License, shall be filed with the Board of Commissioners at the Township's business office within thirty (30) days of the date of the determination appealed from. 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 the Township Commissioners, 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, and the relief sought. Every appeal shall refer to the specific provision of circumstances of the case.
- B. The Board of Commissioners 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 and written notice shall be given to the Appellant, the Zoning Officer or Code Official and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board of Commissioners, but not less than fifteen (15) days prior to the hearing.
  2. The hearing shall be held within 60 days from the date of the appeal is filed, unless the Appellant has agreed in writing to an extension of time.
  3. The hearings shall be conducted by the Board of Commissioners. The decision or, where no decision is called for, the findings, shall be in writing by the Board of Commissioners within forty-five (45) days after the conclusion of the hearing, unless the Appellant has agreed in writing to an extension of time, and shall be communicated to the Appellant and any other parties who have entered their written appearance and requested a copy of the decisions, at the addresses provided by them either by personal delivery or by United States First Class mail, postage prepaid.
  4. The President or Vice President of the Board presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
  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 Commissioners may, but is not required to make a stenographic record of the proceedings. In the event a stenographic record of the proceedings is not provided by the Board of Commissioners, 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 Commissioners 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 an opportunity to be present.

**Section XIV. SEVERABILITY**

If any section, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The Township reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

**Section XV. REPEALER**

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

**Section XVI. EFFECTIVE DATE**

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

**Adoption**

ORDAINED AND ENACTED this \_\_\_\_\_ day of \_\_\_\_\_ 2017 by the Board of Commissioners of Pocono Township.

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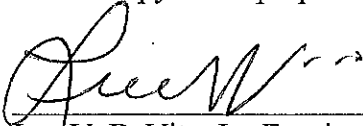
Pam Tripus  
Township Secretary

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Harold Werkheiser  
President of Board of Commissioners



I hereby certify that the within is a true and correct copy of the proposed Ordinance in this matter.

A handwritten signature in cursive script, appearing to read "Leo V. DeVito, Jr.", written over a horizontal line.

Leo V. DeVito, Jr., Esquire  
Solicitor  
Pocono Township, Monroe County