FOSTER TOWNSHIP
SCHUYLKILL COUNTY, PENNSYLVANIA

ORDINANCE NO. 01-2022

AN ORDINANCE OF THE TOWNSHIP OF FOSTER, SCHUYLKILL COUNTY, PENNSYLVANIA, TO PROVIDE FOR THE LICENSING AND REGULATION OF SHORT-TERM RENTALS WITHIN FOSTER TOWNSHIP, SCHUYLKILL COUNTY, PENNSYLVANIA; DEFINING CERTAIN TERMS USED HEREIN; ESTABLISHING APPLICATION AND LICENSE PROCEDURES; ESTABLISHING STANDARDS FOR SHOR-TERM RENTALS; PROVIDING FOR INSPECTIONS; PROVIDING FOR ENFORCEMENT RESPONSIBILITY; ESTABLISHING AND PROVIDING FOR VIOLATIONS AND PENALTIES; DECLARING VIOLATIONS TO BE A PUBLIC NUISANCE; AND, PROVIDING APPEAL PROCEDURES.

The Board of Supervisors of Foster Township, Schuylkill County, Pennsylvania (the "Township"), hereby enacts and ordains as follows:

WHEREAS, Section 1506 of the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, as amended by Section 1 of the Act of November 9, 1995, P.L. 350, No. 60, found at 53 P.S. 66506, entitled "General Powers", authorizes any board of township supervisors 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, Section 1517 of the Second Class Township Code, found at 53 P.S. § 66517, entitled "Building and Housing Regulations", inter alia, authorizes the Board of Supervisors 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, Section 1527 of the Second Class Township Code, found at 53 P.S. 66527, entitled "Public Safety", inter alia, authorizes the Board of Township Supervisors to adopt ordinances to secure the safety of persons or property within the Township; and

WHEREAS, Section 1529 of the Second Class Township Code, found at 53 P.S. § 66529, entitled "Nuisances", inter alia, authorizes the Board of Supervisors to, by ordinance, prohibit nuisances.

NOW THEREFORE, it is hereby enacted and ordained by the Board of Supervisors of Foster Township, Schuylkill County, Pennsylvania, in accordance with the general powers permitted by the Second Class Township Code (53 P.S. 65101, et seq.) and the statutes noted above, as follows:

ARTICLE I. SHORT-TERM RENTALS.

Section 101. Title.

This Ordinance shall be known as the "Foster Township Short-Term Rentals Ordinance".

Section 102. Citation.

This Ordinance may be cited as the "Foster Township Short-Term Rentals Ordinance".

Section 103. Findings and Purpose.

The Board of Supervisors of Foster Township, Schuylkill County, Pennsylvania, is charged with the duty to protect and provide for the health, safety and general welfare of the citizens of the Township. The Board of Supervisors specifically finds and declares as follows:

A. Short-term rentals of dwellings have become a significant segment of the tourism economy.

B. Short-term rentals provide a community benefit by expanding the number and type of lodging facilities available and assist owners of short-term rentals by providing revenue which may be used for maintenance, upgrades and deferred costs.

C. While most of these units operate without a problem, there is a risk of excessive noise, parking, litter, and concerns regarding septic capabilities, security, public safety, and trespass.

D. 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.

E. The provisions of this Ordinance are necessary to prevent any burden on Township and any negative impacts on residential neighborhoods posed by short-term rentals.

F. Compliance with the provisions of this Ordinance will maintain the rural character of the Township that attracts residents, homeowners and visitors.

Section 104. Scope; Interpretation; Responsibility.

A. Scope. This Ordinance shall apply to all short-term rentals as defined in Section 6 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 Foster

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. Interpretation. This Ordinance is not intended to, and does not, excuse any landowner from compliance with the Zoning Ordinance. Whenever possible, this Ordinance shall be construed and interpreted as being consistent with the Zoning Ordinance and not in conflict. In the event of a conflict between this Ordinance and the Zoning Ordinance, the more restrictive provision shall control.

This Ordinance is not intended to and does not excuse any landowner from compliance with the declarations or covenants in a planned community where a short-term rental may be located.

C. 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 105. 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 106. 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 no-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.

Dwelling: See definition of "Dwelling" in the Zoning Ordinance.

Dwelling Unit: See definition of "Dwelling Unit" in the Zoning Ordinance.

Owner: The person or entity that holds legal or equitable title to the property.

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

Single-Family Detached Dwelling: See definition of "Single-Family Detached Dwelling" in the Zoning Ordinance.

Twin Dwelling Unit: See definition of "Twin Dwelling Unit" in the Zoning Ordinance.

Short-Term Rental: A dwelling unit that is rented and/or leased, in whole or in part, for a transient use in exchange for rent, compensation or remuneration of any kind. This definition applies to all types of dwelling units rented and/or leased for a transient use under this Ordinance, unless excluded herein, including, but not limited to, single family detached, twin dwelling units, townhouses, rowhouses or apartments, whether or not primarily used as permanent residences or seasonal or vacation homes.

Transient Use: Occupancy, use or possession of a dwelling unit by a person or persons for a period of less than 30 consecutive days, other than the owner(s) of the dwelling unit or tenant(s) of the dwelling unit 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 unit without the payment of any type of rent, compensation or other remuneration.

Unreasonable Noise: The definitions contained in the Foster Township Noise Ordinance are incorporated by reference fully set forth herein.

Section 107. Short-Term Rental License Requirements.

The owner of a short-term rental shall be responsible for obtaining the license and license renewals.

A. License Required. A short-term rental license shall be required prior to renting out a dwelling unit as a short-term rental. Operating a short-term rental without a short-term rental license 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 unit located on any premises that violates any Township code or ordinance shall not be eligible for a short-term rental license until such violation is corrected in a manner acceptable to the Township.

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

D. Separate Licenses. A separate license is required for each short-term rental; for twin dwelling units, townhouses, rowhouses or apartments, a separate license shall be required for each dwelling unit being rented pursuant to the definition of "short-term rental."

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

F. Forms and Procedures. The enforcement officer is authorized to prescribe forms and procedures for the processing of licenses under this Ordinance.

G. Two-Family/Multi-Family Short-Term Rentals. No buildings shall be used as a short-term rental that has two or more dwelling units unless said building has been approved by the Township as a twin dwelling, 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 dwelling units, 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 unit or units being rented.

H. Inspection Authorization. The owner, by making application for a short-term rental license and/or accepting issuance of such a license grants permission for all inspections authorized by Section 13.

I. License Not Transferrable.

(1) The license 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 license under the provisions of this Ordinance prior to renting the property as a short-term rental, but shall be entitled to get a license provided such new owner complies with the terms of this Ordinance.

(2) If an owner has been convicted of a violation of this Ordinance (hereinafter the "violating owner"), or if a violating owner's license has been revoked by the Township, then a transfer of the property by the violating owner to one or more family members, or to an entity owned by the violating owner, or such violating owner's family members, or an

entity in which either the owner or the owner's family members have any ownership interest, then that new owner shall be subject to the violations and penalties imposed upon the violating owner.

Section 108. Contact Person.

Each owner of a short-term rental shall designate a person, property manager or agent as a contact person who has access and authority to assume management of the short-term rental and take remedial measures. The contact person must be accessible by telephone 24 hours a day and must 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. An owner of a short-term rental may designate himself/herself as the contact person. The contact person shall respond to the enforcement officer within one (1) hour after being notified by the enforcement officer or other Township official of the existence of a violation of this Ordinance or any disturbance requiring immediate remedy or abatement. If the contact person is not the owner, the contact person shall immediately advise the owner of any notification of a violation.

Section 109. Application for Short-Term Rental License.

A. Application Required; Information. An application for a short-term rental license shall be filed with the designated Township official and a license issued prior to the use of the property as a short-term rental, except for an existing short-term rental use which shall apply for a license within six (6) months of the effective date of this Ordinance. License applications for properties presently used as short-term rentals shall be filed within six (6) months of the effective date of this Ordinance. In the event an existing short-term rental has been booked in advance of the enactment of this Ordinance, the owner/applicant may request an extended grace period for compliance with this Ordinance, subject to providing the Township with acceptable proof of the advanced bookings at the time of the application. 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 license 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 access road side.

(4) The marketing entity identification number for the short-term rental.

(5) A floor plan of the short-term rental drawn to scale.

(6) Acknowledgement that all designated bedrooms contain a minimum of 70 square feet.

(7) The number of bedrooms (each containing the required minimum of 70 square feet) and the maximum number of overnight occupants.

(8) If the building is a twin dwelling, townhouse, rowhouse or apartment structure, the number of dwelling units and the number of dwelling units being used as a short-term rental.

(9) A diagram or photograph of the premises showing and indicating the number and location of designated on-site parking spaces and the maximum number o vehicles allowed for overnight occupants.

(10) The location, type, approximate age and capacity of the sewage disposal system. The owner of the property shall supply the Township with an evaluation from a pumper/hauler certifying the sewage disposal system is properly functioning as intended, and proof that the tank was pumped by a pumper/hauler within at least three years prior to the date of the application for a short-term rental license, or a renewal thereof.

(11) 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.

(12) Acknowledgment that the owner or contact person will post and maintain the short-term rental with the notice required in Section 11(A)(13).

(13) Acknowledgment that the owner or contact person will post and maintain at the short-term rental the 911 emergency address sign in accordance with applicable requirements.

(14) As part of the application for renewal of a short-term rental license, the owner/applicant shall provide proof that there is no outstanding and unpaid Schuylkill County Hotel Room Excise tax or Pennsylvania Sales Tax for the immediately preceding year.

(15) Other information the Township and/or enforcement officer deems reasonably necessary to administer this Ordinance.

B. Term of License. Any short-term rental license 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 license 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 license 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.

Section 110. Application and Renewal Fees.

A. Application Fee. An application fee for a short-term rental license shall be accompanied by an initial 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 license holders shall pay when renewing their license issued pursuant to this Ordinance. Failure to pay the renewal fee on or before the one (1) year anniversary date of the issuance of the license, or on or before that same date each year thereafter, will result in the assessment of a fee twice the amount of the normal renewal fee. If the renewal fee is not paid within ninety (90) days of the date it is due, the license shall be null and void and application for a new license, not a renewal, shall be required thereafter prior to renting the subject short-term rental.

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

Section 111. Operational Standards and Conditions.

A. Standards. All short-term rental licenses 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 license, with the number of overnight occupants not to exceed an average of two persons per bedroom (i.e., number of occupants/number of bedrooms = average) plus four additional persons per residence. Children (12 years old or younger) shall not count towards the limit of overnight occupants.

(2) 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 bedrooms permitted for a short-term rental shall not exceed the number of bedrooms approved for the dwelling unit on the sewage permit issued for such property. Where there is no sewage permit on record, the short-term rental shall be limited to three bedrooms unless proof is provided to the Township Sewage Enforcement Officer that the sewage disposal system is adequate to handle additional flows. Any short-term rental advertising or providing more than five bedrooms shall provide

proof that the sewage disposal system is adequate to handle such flows by having the system approved by the Sewage Enforcement Officer, or by providing a sewage disposal system permit previously issued by a Sewage Enforcement Officer. If a sewage disposal system malfunction occurs, the use of the dwelling unit as a short-term rental shall be discontinued until the malfunction is corrected in accordance with Township and Pennsylvania Department of Environmental Protection requirements.

(4) In no instance shall the existing number of bedrooms be increased without proper Township (and DEP if required) approval being obtained.

(5) 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 license, with the number of all 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 license 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 with paving, stone or similar material approved by the Township and shall count as part of the maximum lot coverage established by the Zoning Ordinance.

(d) Each vehicle parking space shall be a rectangle with a minimum width of nine (9) feet and a minimum length of eighteen (18) feet and adequate aisle width shall be provided to facilitate access and use of the spaces.

(e) If the short-term rental is accessed directly by a Township or State road, all parking spaces shall be accessed from a driveway serving the short-term rental and not directly from the Township or State road.

(6) 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 ordinance or state law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding 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.

(7) The owner shall, upon notification that occupants or guests of the short-term rental have created unreasonable noise or disturbances, reengaged 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.

(8) Any lights used for exterior illumination shall direct light away from adjoining properties. Lighting shall be pointed/shielded downward to minimize upward glare.

(9) Occupancy of recreational vehicles, camper trailers and tents shall not be allowed. Children of the occupants of the short-term rental under the age of 13 are permitted to "camp out" in a tent on the premises.

(10) 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 all existing ordinances of Foster Township relative to fires and open burning. All open fires shall be extinguished by midnight.

(11) The owner of the short-term rental shall post a copy of the license and a copy of the conditions set forth in this Section 11 in a conspicuous place within the short-term rental.

(12) 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 name of the contact person and a 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 unit 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 and emergency vehicle access (if any).

(e) Notice that trash and refuse shall not be left or stored on the exterior of the short-term rental; and, directions for the proper disposal of trash and refuse.

(f) Notification that an occupant may be cited and fined for creating a disturbance or for violating other provisions of this Ordinance; and

(g) Notification that failure to conform to the parking and occupancy requirements for the short-term rental is a violation of this Ordinance subject to a citation and fines.

(13) All short-term rentals shall comply with the following standard: It is unlawful for any person to disturb the peace of any neighborhood, person, or family by loud or unusual noises or by tumultuous and offensive conduct, public indecency, threatening, traducing, quarreling, challenging to fight, or fighting.

(14) A short-term rental shall comply with all applicable building codes and shall have the requisite number of functioning smoke and/or fire detectors, fire extinguishers, carbon monoxide monitors and other safety devices required under the applicable codes.

B. Additional Standards. The Board of Supervisors, at a duly convened public meeting, shall have the authority to impose additional standards applicable to short-term rentals as necessary to achieve the objectives of this Ordinance.

C. License Conditions. The enforcement officer shall have the authority to impose additional conditions on any license or renewal in the event of any prior violation of the conditions of the license or the provisions of this Ordinance.

Section 112. Enforcement Officer(s).

A. Appointment. The Board of Supervisors 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 Board of Supervisors.

B. Duties. The administrative inspection and enforcement responsibilities established by this Ordinance may be delegated to different enforcement officers appointed in accordance with Section 12A.

C. Consultation. The enforcement officer, with the authorization of the Board of Supervisors, may engage the services of competent engineers or other Township consultants to determine the nature and extent of any violation.

Section 113. Inspections and Access.

A. Inspection. All places and premises in Foster Township used as a short-term rental shall be subject to inspection by the enforcement officer or other authorized Township representative to verify application, licensing or operating requirements or if there is reason to believe that any provision of this Ordinance is being violated.

B. Interference. Provided the short-term rental dwelling unit is accessed in accordance with this Section 13, it shall be unlawful for any person to hinder, delay, resist or prevent the enforcement officer from having full access to any place or premises upon which a violation of this Ordinance is believed to exist.

Section 114. 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 requirement 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 license pursuant to this Ordinance; d) failure to include the short-term rental license 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 license issued under this Ordinance. The owner or contact person shall provide to the enforcement officer a copy of all marketing/advertisements relating to the short-term rental at the time of license application and/or renewal.

Section 115. Action or Complaints.

A. Violation in Progress. Upon receipt of a complaint of a violation in progress and if the complainant's name and address is provided, the enforcement officer shall immediately notify the owner and/or the contact person of the complaint and may thereafter investigate the matter. If the enforcement officer believes a crime to be in progress, he/she shall notify the appropriate police department/agency. 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. Violation Preceding Complaint. Upon receipt of a complaint of a violation which occurred prior to the date of the complaint, the enforcement officer shall not be obligated to proceed with any action to determine if a violation of this Ordinance exists. However, the enforcement officer may, at his/her sole discretion, proceed with an investigation into the complaint to determine if there is an existing violation of this Ordinance. 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.

C. Confidentiality. The enforcement officer shall make a reasonable effort to maintain the confidentiality of the name and address of the person registering the complaint unless otherwise required by law to release such information.

D. False Reports. Any person who reports an alleged violation of this Ordinance to an Enforcement Officer 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 cost, including reasonable attorney fees.

Section 116. Notice to Violators.

A. Service of Notice. If it appears to the enforcement officer that a violation of this Ordinance has occurred, the enforcement officer 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,

(3) Certified mail to the owner or the contact person to the address on the license application (service to be complete upon mailing); or,

(4) Email to the owner or the contact person to the email address on the license application, together with first class mail to the owner or the contact person (whoever the email is sent to) to the address on the license 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.

(1) 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.

(2) The Notice of Violation shall include a timeframe for the abatement and/or correction of the violation, with such timeframe established by the enforcement officer based upon the nature of the violation and providing a reasonable period for a 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 within six (6) months of receiving a Notice of Violation as set forth in this Section 16, no additional notice shall be required to be served on that owner prior to initiating an enforcement action in accordance with this Section 16.

Section 117. 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 license 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, enforcement, security firm or police response, and other costs, interest and reasonable attorney fees collected for the violation of this Ordinance, shall be paid over to the Township.

C. Other Remedies. The Township shall also have the right o seek any other appropriate legal or equitable remedies, including injunctive relief, for violations of this Ordinance.

D. License Revocation. If an owner is convicted of three (3) violations which occurred in any rolling twelve (12) calendar month period, then the license shall be revoked by the Township for one (1) year and the short-term rental must be discontinued while the license is revoked. The conviction of a fourth or more violations shall be cause for permanent revocation of the license. Any violation of the PA Sewage Facilities Act and applicable regulations may result in immediate license revocation until the violation is corrected.

E. Reinstatement. The Board of Supervisors may, in its sole discretion, approve the reinstatement of a license, if satisfied that there has been an appropriate change of ownership and/or that the cause of the violations has been corrected and that all other requirements of this Ordinance have been met.

Section 118. Appeals.

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

(1) All appeals shall be win 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 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 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 persona delivery or by United States 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 witnesses and the production of relevant documents and papers, including witnesses and documents requested by 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 Supervisors 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 Supervisors, a stenographic record shall be made and kept at the request of any party agreeing to pay the costs thereof. Any part 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.

ARTICLE II. SEVERABILITY.

It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions 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.

ARTICLE III. REPEALER.

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

ARTICLE IV. EFFECTIVE DATE.

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

DULY ENACTED AND ORDAINED by the Board of Supervisors of Foster Township, Schuylkill County, Pennsylvania, this 2ND day of March, 2022, in lawful session duly assembled.

ATTEST:

Secretary

(SEAL)

FOSTER TOWNSHIP BOARD OF SUPERVISORS, FOSTER TOWNSHIP, SCHUYLKILL COUNTY, PENNSYLVANIA

Chairperson

John Carr

IN RE: AN ORDINANCE OF THE TOWNSHIP OF FOSTER, SCHUYLKILL COUNTY, PENNSYLVANIA, TO PROVIDE FOR THE LICENSING AND REGULATION OF SHORT-TERM RENTALS WITHIN FOSTER TOWNSHIP, SCHUYLKILL COUNTY, PENNSYLVANIA; DEFINING CERTAIN TERMS USED HEREIN; ESTABLISHING APPLICATION AND LICENSE PROCEDURES; ESTABLISHING STANDARDS FOR SHOR-TERM RENTALS; PROVIDING FOR INSPECTIONS; PROVIDING FOR ENFORCEMENT RESPONSIBILITY; ESTABLISHING AND PROVIDING FOR VIOLATIONS AND PENALTIES; DECLARING VIOLATIONS TO BE A PUBLIC NUISANCE; AND, PROVIDING APPEAL PROCEDURES.

CERTIFICATION

I hereby certify that the within Ordinance is a true and correct copy of an Ordinance enacted by the Board of Supervisors of Foster Township, Schuylkill County, Pennsylvania, on the 2nd day of March, 2022.

TOWNSHIP SEAL

Janet Mitchell

JANET MITCHELL, Secretary
Foster Township
1540 Sunbury Road
Pottsville, PA 17901
Telephone No. (570) 544-4137