

**ORDINANCE NO. 572**

**AN ORDINANCE OF TOWNSHIP OF TOBYHANNA, MONROE COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 569, THE TOBYHANNA TOWNSHIP SHORT-TERM RENTAL ORDINANCE, AMENDING SECTION 2 ITEM H, REMOVING EXEMPTION FOR CAMPS, COTTAGES, AND CABINS, SECTION 7 ITEM A(9) REMOVING A WILL SERVE LETTER FROM THE OWNER OF A CENTRAL SEWER SYSTEM, AND SECTION 7 A(4) GENERALIZING ACCEPTABLE FLOOR PLAN.**

**Preamble**

**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 to make and adopt ordinances necessary for the proper management, care and control of Tobyhanna 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 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** § 1527 of the Second -Class Township Code, found at 53 P. S. § 66527, entitled "Public Safety", inter alia, authorizes the Board of Supervisors 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 "Nuisances", inter alia, authorizes the Board of Supervisors to, by ordinance, prohibit nuisances.

**WHEREAS** Tobyhanna Township adopted Ordinance No. 569 on June 28, 2022, to address concerns related to Short-Term Rentals through appropriate regulation, and

**WHEREAS** the provisions of Ordinance No. 569 are necessary to prevent the continued burden on the Township and community services and impacts on residential neighborhoods posed by Short -Term Rentals; and

**WHEREAS** the provisions of Ordinance No. 569 are necessary to provide for a system of permitting and for issuance and renewal of licenses and to establish penalties for violations, and

**WHEREAS** it has become necessary to amend Ordinance No. 569 to better meet the needs of the Township in these endeavors.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Board of Supervisors of Tobyhanna Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted pursuant to the above authority, as follows:

## **ARTICLE I.**

Ordinance No.569, Section 2 - Scope of the Tobyhanna Township Short-Term Rental Ordinance is hereby amended to read as follows:

### Section 2 - Scope

- A. The provisions of this Chapter shall apply to all residential dwelling units, conversions of non-residential structures to residential dwellings, and all existing premises within the Township of Tobyhanna.
- B. The owner of the subject property shall be responsible for compliance with the provisions of this Chapter and the failure of an owner, operator, agency, managing agency, local contact person, or occupants to comply with the provisions of this Chapter shall be deemed as noncompliance.
- C. A short-term rental (STR) permit shall be issued only in the name of the owner of the short-term rental.
- D. A separate STR permit shall be required for each short-term rental unit.
- E. A subsequent STR Permit shall not issue to a short-term rental owner until the passage of ninety (90) days following any prior permit having been issued to that same owner.
- F. Tobyhanna Township, in order to promote the health, safety and welfare of the Township, reserves the right to limit the amount of short-term rental properties in the Township to a percentage of residences within all residential districts.
- G. This Chapter shall not apply to a resort, camp, hotel/ motel/ inn, bed and breakfast, or boarding-or rooming house, as defined within the Zoning Ordinance.
- H. The Township Supervisors, under the authority granted by Section 1506 - General Powers, Section 1517 - Building and Housing Regulations, Section 1527 - Public Safety, and Section 1529 - Nuisances, of the Pennsylvania Second Class Township Code, Act of May 3, 2016, 1933 ( P. L. 103, No. 69), reenacted and amended July 10, 1947 ( P. L. 1481, No. 567), as amended, hereby adopt the following rules and regulations governing Short -Term Rentals within the boundaries of the municipality.

## **ARTICLE II.**

Ordinance No. 569, Section 7 - Permit Requirements of the Tobyhanna Township Short-Term Rental Ordinance is hereby amended to read as follows:

### Section 7 - Permit Requirements

- A. Short -Term Rental Permit applications shall contain the following information:

- (1) The address of the subject property intended for rental.
- (2) The name, address, telephone number and email address of the owner.
- (3) The name, address and 24- hour telephone number of all Person(s) in Charge.
- (4) Floor plan identifying rooms on all floors, specific location of bedrooms, and location of any pools labeled as either in-ground or above-ground.
- (5) The total number of permitted bedrooms.
- (6) If the building is a multi-unit structure, the total number of dwelling units in the structure and the number of dwelling units being used as Short -Term Rentals.
- (7) A diagram or aerial photograph showing the location and number of on-site parking spaces that comply with the definitions contained within this STR Ordinance.
- (8) If not on a central sewer system, a septic system evaluation certifying the existing system is functioning as intended and proof the tank was pumped within the past three (3) years for approval by the Township.
- (9) Copy of current Monroe County Hotel Room Excise Tax Certificate or proof of same with tax identification numbers deleted.
- (10) Copy of current Pennsylvania Sales and Use Tax Permit Certificate or proof of same with tax identification numbers deleted.
- (11) To the extent permitted by the STR Platform, all STR owners are required to post the STR Permit Number in a designated field provided by the STR Platform and if no designated field for the Permit Number exists, then the Permit Number must appear within the property description.
- (12) Copy of written notice to the homeowners' association (HOA), indicating the intent to make an application for and use the subject residential property for a Short-Term Rental, when applicable.
- (13) Signatures of the owner, STR Operator and Person(s) in Charge if designated.
- (14) Each owner shall maintain at least \$500,000.00 in general liability insurance on the short-term rental for the full duration of their license term and provide proof of same to the Township.
- (15) All short- term rental owners are strongly encouraged to maintain a noise monitoring device as this technology creates verifiable records to collaborate nuisance complaints and improve enforcement abilities.

(16) All short-term rentals shall be equipped with the following:

- a) Smoke detector in each bedroom;
- b) Smoke detectors outside each bedroom in common hallways;
- c) Smoke detectors on each floor;
- d) GFI outlets for outlets located within six (6) feet of water source;
- e) Aluminum or metal exhaust from dryer;
- f) Carbon monoxide detector if open flame (oil or gas) furnace, gas or wood fireplace, or wood- burning stove;
- g) Carbon monoxide detector if garage is attached;
- h) Fire Extinguisher in kitchen;
- i) Stairs (indoor and outdoor) in good condition;
- j) All windows shall be in good working order; and
- k) Fireplaces within the premises shall be cleaned every two years.

- B. A Short-Term Rental Permit shall be issued only to the owner of the Short-Term Rental property.
- C. A separate Short-Term Rental Permit is required for each Dwelling Unit. With respect to Two-Family or Multi-Family Dwellings, a separate Permit shall be required for each Dwelling Unit being rented as a Short-Term Rental.
- D. Short-Term Rental Permits are subject to renewal at the expiration of the annual term, provided all conditions of the initial application and all subsequent renewal application requirements, as set forth in this STR Ordinance are met, or until any of the conditions of the Short-Term Rental Permit which are governed by this Chapter are changed, whichever shall first occur. Short - Term Rental permits may be applied for up to sixty (60) days before the start of the annual term expiration of a Short -Term Rental Permit.
- E. The STR owner must communicate with the Township prior to any renovation being completed. This notification shall not be construed as approval through zoning, building, or any other department or agency.
- F. The Township will prescribe forms and procedures for the processing of Permit Applications under this Ordinance.

G. Verification that the subject property has obtained a license from Monroe County and the Pennsylvania Department of Revenue to collect and remit sales taxes and confirmation from the taxing authority that all taxes remissions are current and up to date.

**ARTICLE III.**

**Repealer.** All ordinances or parts of ordinances that are inconsistent herewith are hereby repealed.

**ARTICLE IV.**

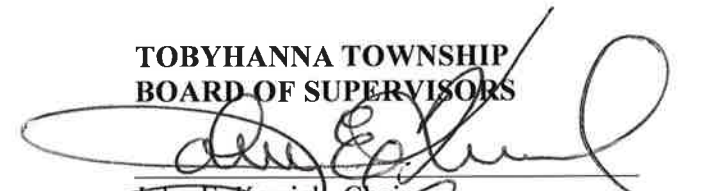
**Severability.** If any section, paragraph, sub-section, clause, or provision of this Ordinance shall be declared inconsistent, invalid, or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

**ARTICLE V.**

**Effective Date.** This Ordinance shall become effective five (5) calendar days after final enactment.

**ENACTED AND ORDAINED** this 3<sup>rd</sup> day of October, A.D., 2022.

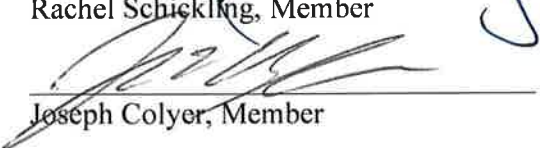
**TOBYHANNA TOWNSHIP  
BOARD OF SUPERVISORS**

  
John E. Kerrick, Chair

  
David Carbone, Vice Chair

  
Brendon J.E. Carroll, Treasurer

  
Rachel Schickling, Member

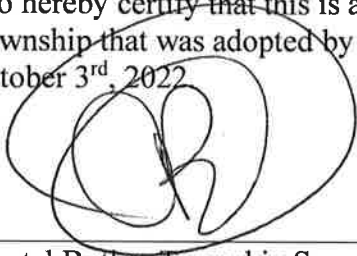
  
Joseph Colyer, Member

Attest:

  
Crystal Butler, Secretary

ATTEST:

I do hereby certify that this is a true and correct copy of Ordinance No. 572 of Tobyhanna Township that was adopted by the Tobyhanna Township Board of Supervisors on October 3<sup>rd</sup>, 2022

A handwritten signature in black ink, consisting of a large, stylized 'C' and 'B' intertwined, enclosed within a large, irregular oval shape.

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Crystal Butler, Township Secretary