

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF TOBYHANNA, COUNTY OF MONROE, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 114 SHORT-TERM RENTALS (STRs) TO AMEND 114-8(A) SHORT TERM RENTAL STANDARDS FOR MAXIMUM OCCUPANCY; TO ADD 114-8(S) FOR MAXIMUM NUMBER OF SHORT-TERM RENTAL PERMITS ISSUED WITHIN THE TOWNSHIP; TO AMEND 114-15(E) FINES AND FEES FOR VIOLATIONS; AND AMEND 114-15(K) FOR FALSE/NUISANCE REPORTING

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 The Board of Supervisors enacted the Tobyhanna Township Short Term Rental Ordinance on June 28th, 2022.

WHEREAS Short-Term Rentals 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 the Amendment of the Township Short Term Rental Ordinance is necessary to equitably apply the regulation and prevent the continued burden on Township and community services and impacts on residential neighborhoods posed by Short-Term Rentals; and

NOW, THEREFORE, be it **ORDAINED AND ENACTED** by the Board of Supervisors of Tobyhanna Township, Monroe County Pennsylvania, and it is hereby enacted by the authority of the same, that the Short-Term Rental Ordinance of Tobyhanna Township Code of Ordinances, is amended as follows that Chapter 114, “Short-Term Rentals” be and is hereby amended as follows:

Section 8- Short Term Rental Standards

- A. The STR Capacity Limit will be limited to two (2) per bedroom plus two. The Township will verify the number of bedrooms by the Septic Permit or other means and methods utilized by the Township. The STR Capacity Limit must be accurately reflected in all advertising and marketing materials whether printed or online.

Section 8-Short Term Rental Standards

- S. The maximum number of Short-Term Rental Permits within the Township shall be ten (10%) percent of Township residential dwelling units.

Section 15-Violations and Penalties

E. Any person, partnership, corporation, or other entity who or which violates or permits a violation of the provisions of this Chapter shall, upon conviction in a summary proceeding, pay a fine of not less than \$500.00 nor more than the maximum permissible fine under the Pennsylvania Second Class Township Code, per violation, plus all court costs and reasonable attorney’s fees incurred by the Township of Tobyhanna in the enforcement proceedings, and/or be imprisoned to the extent allowed by law for the punishment of summary offenses.

K. False/nuisance reporting shall be prohibited by this chapter. Any person who reports an alleged violation of this chapter to the Township knowing that it did not occur or nuisance/repeated reporting of unfounded claims of violations shall, upon conviction thereof, be sentenced to pay a fine of not more than \$500.00, together with costs, including reasonable attorney fees.

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

ENACTED AND ORDAINED this _____ day of February 2024

ATTEST:

**TOWNSHIP OF TOBYHANNA
BOARD OF SUPERVISORS:**

Bethanne Eisler, Township Secretary

John E. Kerrick, Chairperson

Joseph Colyer, Vice Chairperson

Rachel Schickling, Member

Edward Tutrone, Member

Ted Wolski, Member

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