

**EXETER TOWNSHIP  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWNSHIP OF EXETER, BERKS COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP OF EXETER ZONING ORDINANCE, AS AMENDED, WHICH IS CODIFIED IN CHAPTER 390 OF THE EXETER TOWNSHIP CODE, BY ESTABLISHING CHAPTER 390-63.1 TO REGULATE THE USE OF SHORT-TERM LODGING FACILITIES.**

**PURSUANT TO THE AUTHORITY CONTAINED IN THE PENNSYLVANIA SECOND CLASS TOWNSHIP CODE, AS AMENDED, 53 P.S. § 65101, ET SEQ., THE BOARD OF SUPERVISORS OF EXETER TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, DOES HEREBY ENACT AND ORDAIN AS FOLLOWS:**

**SECTION 1.** Chapter 390, Article VI of the Exeter Township Zoning Code, “General Regulations,” is hereby amended by inserting Chapter 390-63.1, titled “Short Term Lodging Facilities”:

**§ 390-63.1(A). Intent and Purpose.**

This Chapter is established to protect and promote the public health, safety, and welfare of the Township’s residents, and to establish the rights and obligations of Owners (defined below) and Transient Visitors (defined below) to maintain and improve the quality of life of the Township’s inhabitants and visitors. Unregulated use of properties by Transient Visitors can adversely affect the peace and quiet of neighboring permanent residents. The Exeter Township Board of Supervisors establishes this Chapter to ensure safe, healthy, and nondiscriminatory housing arrangements for Transient Visitors through a regular licensing and inspection program.

**§ 390-63.1(B). Definitions.**

**Owner** – The individual, individuals, entity, or entities holding legal title to a particular property, as indicated by the Berks County Board of Assessment records.

**Bedroom** – A room or space designed to be used for sleeping purposes with two means of egress (one of which may be a window acceptable under the building code) and in close proximity to a bathroom. Space used for eating, cooking, bathrooms, toilet rooms, closets, halls, storage or utility rooms and similar uses are not considered bedrooms. Space used or intended for general and informal everyday use such as a living room, den, sitting room or similar is not to be considered a bedroom.

**Day Guest** – A visitor, only during the day, to the Short Term Lodging Facility property, but not constituting an occupant.

**Occupant** – A person staying at the Short Term Lodging Facility overnight. A person located on the Short Term Lodging Facility premises shall be deemed an Occupant unless established otherwise by the owner, person in charge or tenant.

**Rent or Rental** – An arrangement whereby one or more persons obtains permission to occupy a property or portion thereof for a specific period of time, regardless of whether compensation or other consideration is passed by a Transient Visitor to the Owner or an agent of the Owner.

**Short Term Lodging** – The occupancy of a property or portion thereof for temporary Rental by Transient Visitors.

**Short Term Lodging Facility** – A property or portion thereof licensed pursuant to this Chapter for the purpose of Short Term Lodging. “Short Term Lodging Facility” does not include a Hotel or Bed-and-Breakfast as such terms are used and defined in the Exeter Township Zoning Code.

**Short Term Lodging License** – A license issued by the Zoning Officer, or the Zoning Officer’s designee, pursuant to this Chapter, which permits an Owner to use a particular property or portion thereof as a Short Term Lodging Facility.

**Transient Visitor** – An individual who Rents a Short Term Lodging Facility.

**Zoning Hearing Board** – The board created and organized in Exeter Township’s Codified Zoning Ordinance § 390-94 and further identified and defined in Exeter Township’s Codified Zoning Ordinances § 390-95 through § 390-99.

**Zoning Officer** – The individual appointed by the Exeter Township Board of Supervisors with the duties and powers identified in Exeter Township’s Codified Zoning Ordinance § 390-82.

**§ 390-63.1(C). Restrictions on Rentals by Transient Visitors; Types of Short Term Lodging Facilities.**

1. **Limitation of Time.** No property may be used as a Short Term Lodging Facility for more than ninety (90) days per calendar year, a “calendar year” being January 1<sup>st</sup> through December 31<sup>st</sup>.
2. **Applicable Zoning Districts.** Short Term Lodging shall only be permitted in the following Zoning Districts, as defined in Chapter 390 of the Township of Exeter Code of Ordinances: Rural Conservation (RC) (§ 390.11), Agricultural Preservation (AP) (§ 390-12), and Rural (R) District (§ 390-13).
3. **Types of Accommodations:**
  - a. Specific Bedroom Accommodation. The Owner may Rent up to 2 bedrooms of a property to Transient Visitors for a period of not less than 36 hours and not more than 30 consecutive days. Under this arrangement, the Owner must occupy the property during the Rental period.
  - b. Entire Unit Accommodation. An Owner may Rent the entirety of a property to Transient Visitors for a period of not less than 36 hours and not more

than 7 consecutive days. Under this type of arrangement, the Owner may, but is not required to, remain on the property during the Rental period.

4. **Parking:**

- a. Outdoor parking for Occupants and Day Guests shall be limited to available parking areas on the Short Term Lodging Facility. In no event shall parking for short-term rental tenants include spaces in any public street right-of-way or on any lawns or vegetated areas. A maximum of one car per bedroom is permitted for any Short Term Lodging Facility.
- b. Overnight occupancy of recreational vehicles, camper trailers and tents at the property where the Short Term Lodging Facility is located shall not be allowed. Outdoor overnight sleeping of Occupants or Day Guests of the short-term rental is prohibited.

**§ 390-63.1(D). Annual License Term; Fee and Occupancy Limit; Inspection.**

- 1. **Short Term Lodging License Required.** Before providing any Short Term Lodging, an Owner must obtain and keep current a Short Term Lodging License for any property available for Rent.
- 2. **Licensing Procedure.**
  - a. Upon application in such form as will be developed by the Township for a Short Term Lodging License or renewal thereof, the Owner shall pay to the Township an annual license and inspection fee as established by the Township and identified on the Fee Schedule. A Short Term Lodging License shall not be transferred or sold, must be renewed annually, and expires automatically upon any conveyance of the licensed property.
  - b. Each Short Term Lodging License will identify the property address, state how many Transient Visitors are permitted for Short Term Lodging, identify the type of accommodation requested (either Specific Bedroom Accommodation or Entire Unit Accommodation), and require the Owner to submit proof of the following:
    - i. An accurately-drawn floor plan showing details for all floors of the property and any attached structures, and include the number and location of all bedrooms, bathrooms, windows, interior and exterior doorways, smoke alarms, and carbon monoxide detectors;
    - ii. In the case of Short Term Lodging where the Owner Rents a Specific Bedroom Accommodation, the floor plan must clearly designate bedrooms to be used for Short Term Lodging; and
    - iii. Satisfaction of the Performance Standards contained in this Chapter.

3. **Annual Inspection.** The Zoning Officer, or the Zoning Officer's designee, shall conduct an annual inspection to confirm compliance with the obligations of this Chapter. The Owner of the Short Term Lodging Facility is responsible for scheduling the inspection and paying the fee. Failure to do so will result in revocation of the Short Term Lodging License.

**§ 390-63.1(E). Performance Standards.**

A Short Term Lodging Facility shall meet all of the following standards:

1. The property shall remain as a single household living unit with common housekeeping, kitchen and laundry facilities.
2. Occupancy of a Short Term Lodging Facility shall be limited to no more than:
  - a. Two persons per bedroom, plus four additional persons; or
  - b. A maximum of 14 occupants, whichever is less.
3. The maximum number of Day Guests allowed at any one time, in addition to the Occupants, shall be 75% for the maximum permitted occupancy of the short-term rental.
4. The property conforms with the off-street parking requirements as outlined in Chapter 390-37(Q) of the Township of Exeter Code of Ordinances based on the applicable Zoning District.
5. The Owner must maintain an up-to-date ledger detailing the length of stay and the number of Transient Visitors using the Short Term Lodging Facility, and present the ledger to the Zoning Officer, or the Zoning Officer's designee, upon request.
6. The current Exeter Township Code of Ordinances shall determine the maximum occupancy of the Short Term Lodging Facility and, in the case where the Owner Rents as a Specific Bedroom Accommodation, the number of individuals permitted in each designated bedroom.
7. Nothing in this Chapter shall allow the Owner to make the Short Term Lodging Facility available for use by a Transient Visitor for nonresidential purposes, such as, but not limited to, the lease or use of the property as reception space, party space, and/or meeting space.
8. The Short Term Lodging Facility shall be designated as one of the two types of accommodations set forth in § 390-63.1(C)(2) for the entire duration of the annual Short Term Lodging License unless a new Short Term Lodging License is obtained and a new fee paid. A Short Term Lodging Facility may not change or mix the type of accommodation during a licensed period.

9. The number of bedrooms permitted for a Short Term Lodging Facility 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 Lodging Facility shall be limited to three bedrooms unless proof is provided to the Sewage Enforcement Officer that the septic system is adequate to handle additional flows. Any Short Term Lodging Facility advertising more than four bedrooms shall provide proof that the septic system is adequate to handle such flows by having the system approved by the Sewage Enforcement Officer, or by providing a septic permit previously issued by a Sewage Enforcement Officer. If a sewage system malfunction occurs, Short Term Lodging Facility of the dwelling unit shall be discontinued until the malfunction is corrected in accordance with Township and Pennsylvania Department of Environmental Protection requirements.
10. The Short Term Lodging Facility shall not adversely affect the character of the neighborhood. Short Term Lodging shall not generate any additional noise, odor, or other effects that unreasonably interfere with other residents' quiet enjoyment of their properties.
11. The Owner shall be responsible for the safety and welfare of all Transient Visitors, for preserving the peace and quiet of the surrounding community, and for maintaining the Short Term Lodging Facility in accordance with all laws, regulations, and ordinances, including, but not limited to, any conduct which would qualify as a prohibited act within the meaning of Chapter 257 concerning Noise, Chapter 261 concerning Nuisances, and Chapter 278 concerning Peace and Good Order.
12. The Owner of the Short Term Lodging Facility must apply for and keep current a Township of Exeter Business Privilege Tax License.
13. The Owner shall sign a certification agreeing to comply with all anti-discrimination laws and regulations under all applicable local, state, and federal laws and regulations.
14. All Short Term Lodging Facility shall have a clearly visible and legible notice posted within the dwelling unit on or adjacent to the front door containing the following information:
  - a. The name of the owner of the unit or the person in charge and a telephone number at which that party can be reached on a twenty four-hour basis.
  - b. The 911 address of the property.
  - c. The maximum number of Occupants permitted to stay in the dwelling unit and the maximum number of Day Guests permitted at any one time.
  - d. The maximum number of all vehicles allowed to be on the property and the requirement that all guest parking must be parked in the available parking

areas on the property and not in or along any private, community or public street right-of-way or on any lawn or vegetated area on the property.

- e. The trash pickup day and notification that trash and refuse shall not be left or stored on the exterior of the property.
- f. Notification that an Occupant or Day Guest may be cited and fined for creating a disturbance or for violating other provisions of the Exeter Township Code, including parking and occupancy limits.
- g. Notification that short-term rental Occupants and Day Guests are required to make the dwelling unit available for inspection by the Zoning Officer upon request.

15. All Short Term Lodging Facilities shall be equipped with the following:

- a. Smoke detectors 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 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 conspicuously located;
- i. Stairs (indoor and outdoor) in good condition;
- j. Swimming pools, hot tubs and spas must meet the barrier requirements as indicated in the 2009 International Residential Code
- k. Any other occupancy requirements which may be added by ordinance revision by the Board of Supervisors.

**§ 390-63.1(F). Disciplinary Actions; Grounds for Suspension, Revocation, or Non-Renewal of License.**

- 1. **General.** The Zoning Officer, or the Zoning Officer's designee, is empowered to take administrative disciplinary action against an Owner as set forth in this Chapter upon finding a violation of any provision of this Chapter. Nothing in this Chapter shall limit the right, power or jurisdiction of the Township to proceed against the Owner or any Transient Visitor under any other law or regulation.

2. **Disciplinary Actions.** The following constitute the disciplinary actions available to the Zoning Officer, or the Zoning Officer's designee, in his or her discretion, under this Chapter:
- a. Formal Warning – Formal written notification may be issued in the event of at least one violation of this Chapter. Upon satisfactory remediation of such violation(s) and any conditions imposed by the Zoning Officer, or the Zoning Officer's designee, the formal warning shall be removed when the Owner applies for a renewal of the Short Term Lodging License.
  - b. Suspension – A Short Term Lodging License may be suspended in the event of at least one violation of this Chapter. Suspension results in the immediate loss of the privilege to Rent the Short Term Lodging Facility for the period of time set by the Zoning Officer, or the Zoning Officer's designee, not to exceed one year from the date of suspension. The Owner, after the expiration of the suspension period, may apply for a Short Term Lodging License renewal. A determination of whether to renew the Short Term Lodging License shall depend on the satisfactory remediation of the violation(s) that resulted in the suspension, as well as compliance of all other requirements set forth in this Chapter. Upon suspension, the Owner shall take immediate steps to evict, and disallow any further use by, all Transient Visitors at the Short Term Lodging Facility through the end of the suspension period and until such time as the Short Term Lodging License has been reinstated.
  - c. Revocation – A Short Term Lodging License may be revoked in the event of at least one violation of this Chapter. Revocation results in the immediate loss of the privilege to Rent the Short Term Lodging Facility for any period of time in excess of one year or for a second or subsequent suspension of the Short Term Lodging License for the same property, as may be determined by the Zoning Officer, or the Zoning Officer's designee. Upon revocation, the Owner shall take immediate steps to evict, and disallow any further use by, all Transient Visitors at the Short Term Lodging Facility through the end of the revocation period and until such time as the Short Term Lodging License has been reinstated.
  - d. Reinstatement – A Short Term Lodging License may be reinstated from suspension or revocation if the Owner of a Short Term Lodging Facility satisfactorily remediates all violation(s) that led to the suspension or revocation of the Short Term Lodging License, pays for a new license fee, and demonstrates compliance with all other requirements set forth in this Chapter.
  - e. Non-Renewal – The Zoning Officer, or the Zoning Officer's designee, may deny an application for Short Term Lodging License renewal and/or reinstatement due to the failure of the Owner to comply with the requirements of this Chapter or for a failure to satisfactorily remediate any

previously noted violation(s) leading to the suspension and/or revocation of the Short Term Lodging License.

3. **Criteria for Taking Disciplinary Action.** The Zoning Officer, or the Zoning Officer's designee, when taking disciplinary action against an Owner, shall consider the following factors:
  - a. the effect of the violation(s) on the health, safety and welfare of the Transient Visitors and/or any other residents of the property;
  - b. the effect of the violation(s) on nearby property owners;
  - c. the history of any prior violation(s) of this Chapter and any other provision of the Exeter Township Code of Ordinances; and
  - d. the actions taken by the Owner to satisfactorily remediate any past or current violation(s) and to prevent future violation(s).
4. **Reasonable Conditions.** In addition to the disciplinary actions set forth above, the Zoning Officer, or the Zoning Officer's designee, may impose any reasonable conditions related to fulfilling the purposes of this Chapter and remediating any violations of this Chapter.
5. **Search Warrant.** Upon a showing of probable cause that a violation of this Chapter, or any other violation of the Exeter Township Code of Ordinances, has occurred, the Zoning Officer, or the Zoning Officer's designee, may apply to the Magisterial District Judge having jurisdiction in the Township for a search warrant to enter and inspect the Short Term Lodging Facility.

**§ 390-63.1(G). Procedure for Notification.**

1. **Form of Notification.** Following a determination by the Zoning Officer, or the Zoning Officer's designee, that grounds for a formal warning, non-renewal, suspension or revocation of a Short Term Lodging License exist, written notification shall be made, addressed to the Owner, containing the following information:
  - a. the address and Owner of the involved Short Term Lodging Facility;
  - b. a description of the violation(s) found to exist therein;
  - c. if applicable, a statement that the Short Term Lodging License has been suspended or revoked, along with the effective date of such suspension or revocation, and the length of the suspension and/or revocation; and
  - d. in the event of a suspension or revocation, a statement that the Owner is prohibited from allowing the use of the Short Term Lodging Facility by Transient Visitors during the suspension or revocation period.



**SECTION 2. REPEALER:** All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are specifically repealed.

**SECTION 3. SEVERANCE CLAUSE:** Should any section, paragraph, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of said Ordinance shall not be affected thereby, and shall remain in full force and effect.

**SECTION 4.** In all other respects, the provisions of the Code of the Township of Exeter, as amended, shall remain in full force and effect.

***ENACTED AND ORDAINED*** into an Ordinance this \_\_\_\_ day of \_\_\_\_\_, 2020.

**EXETER TOWNSHIP  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
David G. Speece, Jr., Chairperson

Attest:

\_\_\_\_\_  
Secretary