

CUMMINGS TOWNSHIP

Lycoming County, Pennsylvania

Ordinance No. 10.08.24.01

AN ORDINANCE AMENDING CUMMINGS TOWNSHIP ZONING ORDINANCE TO REGULATE SHORT TERM RENTAL UNITS WITHIN CUMMINGS TOWNSHIP

BE IT ORDAINED AND RESOLVED, following proper public notice and public hearing by the Board of Supervisors of Cummings Township, Lycoming County, Pennsylvania as follows:

Section 1. **Authority**

This Ordinance is authorized by the Municipality Planning Code, 53 Pa. C.S.A. §10101 et seq.

Section 2. Zoning Ordinance Sections 2.2 (“Definition of Terms”) is amended by adding the following:

“SHORT TERM RENTAL — Any Dwelling Unit owned or managed by a person or other entity which is rented out or leased for a period of less than thirty (30) consecutive days, during which time the owner or manager may or may not be present on a full-time basis. It does not include Bed and Breakfast Inn as defined in this section.

PERSON IN CHARGE — A person or agent with actual authority to represent the owner for purposes of contact and communication regarding the owner's Short Term Rental. A Person in Charge must reside or have an office within approximately twenty-five (25) miles of the Short Term Rental Property and be able to act as legal agent for the owner. The Township must be notified, in writing within fourteen (14) days, if there is a change in the identity of the Person in Charge.

SHORT TERM RENTAL PERMIT — Permission granted by the Township to utilize a Dwelling Unit for Short Term Rental Use.”

Section 3. Zoning Ordinance Section 4.5 (“Schedule of Uses”) is amended to add “Short Term Rental” as a Conditional Use (“C”) in the OSC, R and V districts.

Section 4. Added to the Zoning Ordinance is new Section 6.20 as follows:

“6.20 Short Term Rentals

6.20.1 Scope.

6.20.1.1 The provisions of this Section shall apply to all residential dwelling units, conversions of non-residential structures to residential dwellings, and all existing premises within the Township. The owner of the subject property shall be responsible for compliance with the provisions of this Section and the failure of an owner, agency, managing agency, local contact person, or renting occupants to comply with the provisions of this Section shall be deemed non-compliance by the owner.

6.20.1.2 This Section shall also not apply to a resort, camp, hotel/motel/inn, bed and breakfast, boarding house, or group home, as defined within the Zoning Ordinance.

6.20.1.3 Intent. The provisions of this Section recognize the history of Cummings Township as a recreational area and destination. It tries to strike balance between the concerns of short term rental and vacation users with those of full time residents. The Township relies on the goodwill of all parties to not infringe on or impair the enjoyment of property of neighbors, and assumes that each property owner is concerned with preserving their property and protecting its value.

6.20.2 **Permit Required**

No owner of any property in the Township shall operate a Short Term Rental in the Township without first obtaining a Short Term Rental Permit from the Zoning Officer. Operation of a Short Term Rental without such Short Term Rental Permit is a violation of this Section. Permits may be transferable to any new owner of the property within ninety (90) days of its issuance. Permits must be renewed annually with all application information, signature, and permit fee received by the Township prior to the anniversary date.

6.20.3 **Permit Requirements**

6.20.3.1 Short Term Rental permit applications shall contain all the following information: The name, address, telephone number and email address of the owner. If the owner does not have a managing agency, agent, or local contact person then the owner shall provide a 24 hours telephone number. If the owner uses a managing agency, agent, or local contact person then that managing agency, agent or local contact person shall have written authorization to accept service for the owner. If the owner resides at a location over approximately twenty-five (25) miles from the Short Term Rental Property, an agent or local contact person must be selected to act as a Person in Charge for the property.

- a. The name, address and 24 hour telephone number of the managing agency, agent, or local contact person.
- b. Identify the maximum occupancy for the property, which shall be approved and/or can be revised in the sole discretion of the Zoning Officer and/or the Sewage Enforcement Officer. A primary factor will be the design capacity of the septic system.
- c. Signature of the owners.

6.20.3.2 A Short Term Rental Permit shall be issued only to the owner of the Short Term Rental property.

1. A Short Term Rental Permit is effective for the duration of the ownership of the property by the applicant, so long as renewals are accomplished in a timely fashion, unless revoked by the Zoning Officer or the Township as a result of a violation of this Ordinance at the sole discretion of the Township. If the property is transferred to a new owner the Permit may be transferable to any new owner of the property as long as it is within ninety (90) days of the permit being issued otherwise, the new owner shall be required to submit a new permit application for approval.

6.20.3.3 Permit applicants shall be required to pay a Permit/Application fee and annual renewal fee in the amount to be fixed from time to time by the Board of Supervisors by Resolution.

6.20.3.4 Permittees are required to maintain a clearly visible and legal notice to be posted within the Short Term Rental unit near the front door containing the following information:

a) The name of the owner or agent and a telephone number where that party can be reached on a 24-hour basis.

b) The Emergency (911) address of the property.

c) The maximum number of occupants permitted to stay in the rental unit and the maximum number of day guests permitted at any one time.

d) The maximum number of vehicles allowed to be on the property and that all vehicles must be parked in the available parking areas on the property.

e) The day/date of trash pickup.

f) Notification that an occupant or guest may be cited and fined for creating disturbances or violation other provisions of this Ordinance, including parking and/or occupancy limits.

g) Notification that the Short Term Rental occupants and guests are required to make rental unit available for inspections by the Enforcement Officer.

6.20.4 **Short Term Rental Standards**

620.4.1 Overnight occupancy shall be approved and designated on the permit up to a maximum of ten (10) person, If owner is seeking an overnight occupancy of greater than ten (10) then a septic inspection must be done by the Township's Sewage Enforcement Officer to determine the capacity that the property's system can handle safely.

6.20.4.2 Outdoor parking for overnight and day guests shall be limited to available parking areas on the Short Term Rental property. In no event shall parking for Short Term Rental guests include spaces on any public or private street right of way.

- 6.20.4.3 Overnight occupancy of recreational vehicles or camper trailers at the property where the Short Term Rental is located shall not be allowed.
- 6.20.4.4 A Short Term Renter shall comply with all Cummings Township nuisance and hazard protection standards.
- 6.20.4.5 Complaints from neighborhood property owners about activities on the Short Term Rental Property should be addressed by the owner or Person in Charge.
- 6.20.4.6 Nuisance activities include but are not limited to noise, especially outside the hours of 8 a.m. to 10 p.m., parking and activities that pose danger to individuals or property, such as fireworks.
- 6.20.4.7 Complaints reported to the police will be monitored by the Township and considered in actions related to revocation or removal of the short term rental permit.
- 6.20.4.8 Compliance with the requirements of this section shall be considered conditional of a Short Term Rental permit, the violation of which may result in a Township's revocation of that permit by the Zoning Officer. Any revocation or suspension will first undergo the following process:
- a) Any concerns of the Township or its Zoning Officer will first be directed to and hopefully discussed with the owner and/or Person in Charge, in an effort to resolve the concerns cooperatively.
 - b) If the concern is considered to be a violation of the Ordinance requirements, the violation will be specified by the Township or its officer.
 - c) If the Township or its officer believes the stated violation can be cured without loss of a Short Term Rental Permit, the Township or its officer can direct a time period during which the violation can be cured, and also will direct that during that time the Permit it or is not suspended.
 - d) Should the Township or its officer elect to revoke rather than suspend the Permit, with due consideration of the severity, willfulness and frequency of the violation, the Permit may be revoked, but in such case the time frame and criteria for potential reapplication/reinstatement will be specified.
 - e) More than two complaints about the operation of a specific Short Term Rental Permit within one year's time shall be presumed to be cause for revocation.

6.20.5 **Enforcement Officer**

The administrator of this article shall be the Zoning Officer or other Cummings Township authorized representative as appointed by the Township, which shall include any appointed Assistant Zoning Officers. The Zoning Office shall have the responsibility and authority to administer and enforce all provisions of this section.

6.20.6 **Inspections Process**

6.20.6.1 All Short Term Rental Permits shall be subject to inspections by the Zoning Officer or other Cummings Township authorized representative upon complaint or other cause, and will be scheduled with the Owner or Person in Charge.

6.20.6.2 The issuance of a Short Term Rental permit is not a warranty that the premises is lawful, safe, habitable, or in compliance with this Section.

6.20.6.3 For complaints or concern for correction or active nuisance the first step is an inspection process and dialogue between Township officials and the Owner or Person in Charge.

6.20.7 **Marketing**

The marketing of a Short Term Rental in which the advertised occupancy exceeds the maximum occupancy requirements permitted by this Section, or which promotes any "other activity" which is prohibited by this Section, shall be a violation of this Section."

6.20.8 **Best Practices.** The following are recommended best practices as derived from existing, successful short term owners.

6.20.8.1 Daytime occupancy is set by the Owner or Person in Charge. It is recommended that a portable toilet be brought on site for large daytime gatherings to avoid damage to the property septic system.

6.20.8.2 Activities are allowed at the direction of the Owner/Person in Charge, and this includes but is not limited to parties, reunions, weddings, etc. It is recommended that septic capacity/bringing portable toilets onsite, parking, and noise should be considered in this.

Section 5. **Repealer**

WHEREAS, all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed insofar as they may be inconsistent herewith.

Section 6. **Exemption**

Property owners operating a Short Term Rental prior to the adoption of this Ordinance Section are grandfathered and therefore exempt from compliance with it.

Section 7. **Effective Date**

WHEREAS, this Ordinance shall become effective thirty (30) days after enactment or as otherwise established by operation of law.


ENACTED and ORDAINED on this 8th day of October, 2024.

ATTEST:

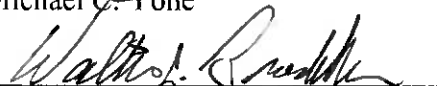
CUMMINGS TOWNSHIP BOARD OF
SUPERVISORS



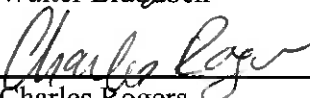
Darlene Macklem, Secretary



Michael C. Yoh



Walter Braddock



Charles Rogers