

ORDINANCE NO. _____

**West Caln Township
Chester County, Pennsylvania**

AN ORDINANCE OF THE TOWNSHIP OF WEST CALN, ENACTING A NEW CHAPTER 262. PROPERTY REGISTRATION TO PROVIDE FOR ADMINISTRATIVE AND PERMITTING REQUIREMENTS WHEN REGISTERING A SHORT-TERM RENTAL UPON AN OWNER-OCCUPIED PROPERTY.

WHEREAS, the Board of Supervisors of West Caln Township (the “Supervisors”) have determined that based upon the current zoning in place, and in consideration of the safety and welfare of the residents of West Caln Township, short-term rentals (sometimes referred to as tourist homes) shall remain excluded from the definition of Dwelling Unit in the West Caln Township Zoning Ordinance (the “Zoning Ordinance”);

WHEREAS, however; the Supervisors have determined it is appropriate to allow for short-term rentals in owner-occupied properties as a separate residential accessory use distinct from the definition of Dwelling Unit in the Zoning Ordinance; and

WHEREAS, if deemed necessary, the Supervisors may also amend the Zoning Ordinance to specifically provide for short-term rentals as a residential accessory use, similar to a Supplemental Dwelling Unit as currently provided for as a residential accessory use in the Zoning Ordinance, to be allowed by right in all zoning districts provided that the owner of the subject property resides upon the property and subject to other limitations contained within the Zoning Ordinance, and further subject to the regulations adopted herein as part of this new Chapter 262.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of West Caln Township, Chester County, Commonwealth of Pennsylvania, that the Code of the Township of West Caln, as amended, shall be amended as follows:

SECTION I: Adding a new Chapter 262, Property Registration, to read in its entirety as follows:

“Chapter 262 – Property Registration

ARTICLE I – Short-term Rentals

§ 262-1 Intent; objective.

It is the purpose of this chapter to protect and promote the public health, safety and welfare of the residents of West Caln Township; to establish the obligations of owners of dwelling units with an accessory short-term rental use within West Caln Township; to provide information through the registration of the use with West Caln Township; and to improve the maintenance of short-term rentals and preserve the quality of neighborhoods in which they are located.

§ 262-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DWELLING UNIT - As defined in Chapter 350 of the West Caln Township Code.

FAMILY - As defined in Chapter 350 of the West Caln Township Code.

SHORT-TERM RENTAL - An owner-occupied building designed, used and occupied as a single-family residence, having, as an accessory use therein or on the same property as the single-family residence, public lodging rooms and facilities for preregistered transient guests for a period of thirty (30) days or less, which meets the minimum requirements of this chapter and as may be further defined and/or regulated in Chapter 350 of the West Caln Township Code.

EVENT SPACE – A location where a celebration, ceremony, wedding, reception, corporate function, or similar activity for the benefit of someone other than the property owner that takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of attending a special event.

§ 262-3 Registration.

- A. All short-term rentals shall submit an application for a permit with the Township. The permit shall be valid for one-year and must be resubmitted annually to continue to operate the short-term rental. Failure to renew the permit annually will result in immediate termination of the permit. The permit fees shall be as set forth in the Township’s Fee Schedule. The Board of Supervisors may establish by resolution, which may be amended from time to time, reasonable fees for the costs the administration and enforcement of this chapter. The application fee shall be submitted with the rental permit application.
- B. No short-term rental shall be occupied by a tenant(s) without a rental permit.
- C. The owner(s) of the short-term rental is required to reside upon the property and shall register the use with the Township at least thirty (30) days prior to the occupancy of the short-term rental, on forms provided by the Township, which shall include the following information:
 - 1. Address of the short-term rental.
 - 2. Description of the portion of the subject property that constitutes the home and the short-term rental, including accessory structures, off-street parking facilities, driveways, garages, sheds, swimming pools and trash receptacles.
 - 3. The name, address, telephone number and email address of the owner and the owner shall provide a 24-hour cell phone number.

D. If, during the term of the rental permit the names and above-listed contact information changes, the owner(s) shall submit a supplemental permit application within five (5) days of the changes to the Township to include the new contact information for the rental permit.

§262-4 Conduct and activities.

A. Every owner of a short-term rental shall be responsible for regulating the proper use and occupancy of the short-term rental in accordance with this chapter and for regulating the proper conduct and activities of their tenants and guests. Subsections B through C below shall be incorporated as a supplemental rental agreement for short-term rentals in the Township and shall include language that violations of subsection B through C will result in immediate eviction from the short-term rental.

B. Improper conduct and activities shall be, but not limited to, the following conduct and activities within the short-term rental or on the premises thereof:

1. Violation of obligations imposed by this chapter and all applicable codes and ordinances of the Township.
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 tenant(s) and/or guests include spaces in any public street right-of-way or on any lawns or vegetated areas. In no case shall any vehicles park on any lawn or vegetated area on the property.
3. Short-term rental tenants and guests shall not engage in disorderly conduct or disturb the peace and quiet of any nearby neighborhood or person by loud, unusual or excessive noise (including fireworks), by tumultuous or offensive conduct, public indecency, threatening, quarreling, challenging to fight, or fighting, or creating a dangerous or physically offensive condition.
4. The owner shall use best efforts to assure that the tenant(s) and/or guests of the short-term rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or otherwise violate provisions of the Township Code or any state law pertaining to noise or disorderly conduct including, but not limited to, notifying the tenant(s) and/or guests of the rules regarding short-term rentals and remedy the issue when notified that tenant(s) and/or guests are violating laws, ordinances or regulations regarding their occupancy.
5. Except for trash pick-up day, trash and refuse shall not be left or stored on the exterior of the property.
6. There shall be no outdoor activity allowed on the short-term rental property between the hours of 11:00 p.m. and 7:00 a.m.

C. The short-term rental shall not be used as an event space.

§262-5 Enforcement.

- A. This chapter is not intended, nor shall its effect be, to limit any other enforcement remedies which may be available to the Township against an owner, tenant(s) and/or guest thereof found in this Code or applicable law.
- B. The Township Manager is authorized to designate the officials of the Township to enforce this ordinance.

§262-6 Violations and penalties.

- A. 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 chapter shall be declared to be a public nuisance, in addition to being a separate violation of the specific regulations of this chapter. The owner(s) of the short-term rental shall be held responsible for the actions of short-term rental tenants and guests that violate the provisions of this chapter.
- B. This chapter shall be enforced by an action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. 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 more than \$1,000 per violation, plus all court costs and reasonable counsel fees incurred by the Township in the enforcement proceedings, and/or be imprisoned to the extent permitted by law for the punishment of summary offenses. Each day or portion thereof that a violation exists or continues shall constitute a separate violation. Further, the appropriate officers or agents of the Township are hereby authorized to institute appropriate actions or proceedings at law or in equity to enforce compliance with this chapter. All fines, penalties costs, and reasonable counsel fees collection for a violation of this chapter shall be paid to the Township for its general use.
- C. In addition to, but not in limitation of, the enforcement provisions above, the Township may either revoke, or deny an application to renew, a short-term rental permit for two (2) uncured or repeated violations of this chapter (as determined by the Township) in any rolling twelve (12) calendar month period. The revocation or denial to renew a short-term rental permit shall continue for one (1) year from the date of the 2nd violation.”

SECTION 2. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 3. Repealer. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 4. General Code. General Code is hereby authorized to make whatever numbering and formatting changes are needed in order to properly codify this ordinance and properly incorporate this ordinance into the Township's online Code.

SECTION 5. Effective Date. This Ordinance shall be effective as provided by law.

ENACTED AND ORDAINED this 24th day of April, 2024.

ATTEST:

**BOARD OF SUPERVISORS OF
WEST CALN TOWNSHIP**

Kim Milane-Sauro, Township Secretary
& Township Manager

BY: _____
Nathan Sanet, Chairman

Joseph Hutton, Vice Chairman

Allen R. Martin, Member