

THE BOROUGH OF MAYFIELD
LACKAWANNA COUNTY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 2023- _____

AN ORDINANCE OF THE BOROUGH OF MAYFIELD, LACKAWANNA COUNTY, PENNSYLVANIA, TO REGULATE SHORT TERM RENTALS.

WHEREAS, Short-Term Rentals of Dwellings have become a significant segment of the local tourism economy, and

WHEREAS, the transitory nature of Occupants of Short-Term Rentals makes enforcement against the Occupants difficult; and

WHEREAS, the provisions of this Ordinance are necessary to prevent burdens on Borough and community services and impacts on residential neighborhoods posed by Short-Term Rentals; and

WHEREAS, the provisions of this Ordinance are necessary to provide for a system of inspections and for issuance and renewal of licenses and to establish penalties for violations.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of Mayfield Borough, Lackawanna County, Pennsylvania, and pursuant to the above authority, as follows:

SECTION I. Preamble.

The preamble of this Ordinance is incorporated herein by reference and approved as part hereof.

SECTION II. Short Title.

This Ordinance shall be known as “The Short-Term Rental Ordinance of Mayfield Borough”.

Authority, Jurisdiction and Title

§ 124-13. Title.

This Ordinance shall be known and may be cited as “The Short-Term Rental Ordinance of Mayfield Borough.”

§ 124-14. Authority.

Under the authority of the Pennsylvania Borough Code (including, but not limited to, under Articles XII, XXXII-A and XXXIII of such law including, but not limited to, Section 1202 subsections (1), (3), (4), (5), (8), (14) (15) (20) (61) and (65), Section 3204-A, and Section 3108), the following new ordinance text is hereby adopted as Ordinance 2023- _____ of Mayfield Borough.

§ 124-15. Scope.

The provisions of this Ordinance shall apply to all residential Dwelling Units, conversions of nonresidential structures to residential dwellings, and all existing Premises within the Borough of Mayfield. The Owner of the subject Premises shall be responsible for compliance with the provisions of this Ordinance and the failure of an Owner, Manager, or renting occupants to comply with the provisions of this Ordinance shall be deemed noncompliance by the Owner.

Definitions

§ 124-16. Definitions.

As used in this Ordinance, the following terms shall have the following meanings. If a term is not defined in this Ordinance, but is defined in the Borough's Property Maintenance Code or Uniform Construction Codes, then that definition shall apply to this Ordinance. If a term is not defined in any of those codes, but is defined elsewhere in the Borough Code, then the definition in such Code shall apply to this Ordinance.

CODE ENFORCEMENT OFFICER (CEO) -- The Borough-appointed Code Enforcement Officer(s) having the duty to enforce this Ordinance and any assistants or deputies appointed by the Borough. At the discretion of Borough Council, an independent entity or contractor may be appointed to enforce part or all of this function under this Ordinance.

FAMILY-- One or more individuals related by blood, marriage or adoption (including persons receiving formal foster care) or up to four (4) total unrelated individuals who maintain a common household and live within one Dwelling Unit, except as provided otherwise in the Ordinance. For this purpose, “related” shall mean persons who are related by blood, marriage, adoption, civil union recognized by any state, or formal foster relationship to result in one of the following relationships: spouse, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, parent-in-law or first cousin. “Step” relationships shall also be included, such as step-mother. “Related” shall not include any relationship further than direct first cousins.

Notwithstanding the above definition, a family shall also be deemed to include any number of mentally or physically handicapped persons occupying a dwelling unit as a single, nonprofit housekeeping unit, if such occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a Dwelling Unit in the same manner and to the same extent as any family unit as defined above.

SHORT-TERM RENTAL – Any Residential Dwelling Unit utilized as a single-family residence rented for the purpose of overnight lodging for a period of not less than one (1) day and not more than thirty (30) days, and which meets the definition of “Hotel” for the purpose of imposing an excise tax by the County of Lackawanna.

SHORT-TERM RENTAL LICENSE – Permission granted by the Borough to utilize a Dwelling Unit for Short-Term Rental use.

License Requirements and Standards

§ 124-17. License Required.

No Owner of any Premises in Mayfield Borough shall operate a Short-Term Rental in Mayfield Borough without first obtaining a Short-Term Rental License from the Code Enforcement Officer. Operation of a Short-Term Rental without such Short-Term Rental License is a violation of this Ordinance.

§ 124-18. License requirements.

A. Application requirements. Short-Term Rental License applications shall contain all of the following information:

1. The name, address, telephone number and email address of the Owner. If the Owner is not a full-time resident of the Borough of Mayfield or does not live or have a primary physical work address (beyond a post office box)

within a twenty-mile radius of the Borough of Mayfield and within the Commonwealth of Pennsylvania, then the Owner shall designate a Person to serve as Manager who does reside or have a primary physical work headquarters (beyond a post office box) within a twenty-mile radius of the Borough of Mayfield. If the Owner is a corporation, partnership or similar entity, a Manager shall be appointed meeting the above requirements. If the Owner is not required to have, or has not designated, a Manager, then the Owner shall provide a 24-hour telephone number. If the Owner uses a Manager that Manager shall have written authorization to accept service for the owner.

2. The name, address, and 24-hour telephone number of the Manager.
3. Floor plans for the Short-Term Rental, including total habitable floor space and total number of bedrooms.
4. If the building is a multi-dwelling unit structure, the *total* number of dwelling units in the structure and the number of dwelling units being used as Short-Term Rentals. Each Dwelling Unit in a multi-dwelling unit structure is required to have a separate Short-Term Rental License.
5. A site plan showing the location and number of on-site parking spaces. If not on a central sewer system, the location, approximate age and capacity of the sewage disposal system.
6. Copies of current Lackawanna County Hotel Room Excise Tax Certificate and current Pennsylvania Sales and Use Tax License.
7. Signatures of both the Owner and the Manager.
8. Trespass Waiver signed by the Owner allowing access to the Premises for the Code Enforcement Officer and/or the Rental Housing Inspector for the purpose of inspection to verify compliance with this Ordinance.
9. Copy of the current recorded Deed for the Premises establishing ownership.
10. Evidence that there are no delinquent Borough water, sewer and solid waste collection fees for all properties owned, in whole or in part, by the Owner in the Borough.
11. A copy of a contract with a solid waste hauler to remove solid waste from the Short-Term Rental Premises. Short-Term Rental Premises are not included in

the Borough's municipal solid waste collection service; Short-Term Rental Premises must have a private solid waste hauler with weekly pickup. No dumpsters are permitted.

12. Evidence that there are no delinquent Lackawanna County Hotel Room Excise Tax or Pennsylvania sales/use taxes due and owing with respect to Short-Term Rentals or all properties owned, in whole or in part, by the Owner in the Borough.
13. Certificate of Insurance evidencing that at least \$500,000.00 in general liability insurance is in effect with respect to the Short-Term Rental, issued by an insurance company licensed to do business in Pennsylvania, which shall be maintained in full force and effect by the Owner for the entire period the Short-Term License is in effect.

B. A Short-Term Rental License shall be issued only to the Owner of the Short-Term Rental Premises.

1. A separate Short-Term Rental License is required for each Dwelling Unit; for two-family or multi-family dwellings, a separate License shall be required for each Dwelling Unit being used as a Short-Term Rental.
2. A Short-Term Rental License is effective for a period of one (1) year, or until any of the conditions of the Short-Term Rental which are governed by this Ordinance are changed, whichever shall first occur. A Short-Term Rental License must be renewed annually, and also when any of the conditions of the Short-Term Rental which are governed by this Ordinance are changed.
3. The Owner, by making application for a Short-Term Rental License and/or accepting issuance of a Short-Term Rental License, grants permission for any and all inspections authorized by Section 124-21., below.
4. The Borough will prescribe forms and procedures for the processing of License applications under this Ordinance.

§ 124-19. Short-Term Rental standards.

- A. Overnight occupancy of a Short-Term Rental shall be limited to no more than one Family per Dwelling Unit.
- B. The maximum number of day guests allowed at any one (1) time, in addition to the overnight occupants, shall be seventy-five percent (75%) of the maximum overnight occupancy of the Short-Term Rental.

- C. Off-street parking areas for Short-Term Rental uses must meet the Zoning Ordinance requirements for single-family dwellings (3 spaces/dwelling unit, stacked parking is permitted). Day visitors may park on-street in accordance with the applicable on-street parking requirements for that street. Overnight guests must park in an approved off-street parking area, not on the street. Any expansion of parking areas for a Short-Term Rental requires prior Borough approval. Parking areas shall be maintained in a mud-free condition with paving, stone or similar material and shall count as part of the maximum lot coverage limits.
- D. Short-Term Rental Premises are not included in the Borough's municipal solid waste collection service; Short-Term Rental Premises must have a private solid waste hauler with weekly pickup. A copy of a contract with a solid waste hauler to remove solid waste from the Short-Term Rental Premises is required as part of the registration information included in Section 124-18.A.11. above. No dumpsters are permitted.
- E. Neither Short-Term Rental Occupants nor guests shall engage in disorderly conduct or disturb the peace and quiet of any nearby neighborhood or person by loud, unusual or excessive noise, by tumultuous or offensive conduct, public indecency, threatening, traducing, quarreling, challenging to fight, or fighting, or creating a dangerous or physically offensive condition.
- F. The Owner shall use best efforts to assure that the Occupants or guests of the Short-Term Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or otherwise violate provisions of any of Mayfield Borough Ordinances or any state law pertaining to noise or disorderly conduct including, but not limited to, notifying the Occupants of the rules regarding Short-Term Rentals and responding when notified that occupants are violating laws, ordinances or regulations regarding their occupancy.
- G. The Owner shall, upon notification that Occupants or guests of the Short-Term Rental have created unreasonable noise or disturbances, engaged in disorderly conduct or otherwise violated provisions of any of the Mayfield Borough Ordinances or state law pertaining to noise or disorderly conduct, promptly use best efforts to prevent a recurrence of such conduct by those Occupants or guests.
- H. Overnight occupancy of recreational vehicles, camper trailers and tents at the property where the Short-Term Rental is located shall not be allowed. Outdoor overnight sleeping of occupants or guests of the Short-Term Rental is prohibited.
- I. All Short-Term Rentals shall have a clearly visible and legible notice posted within the dwelling unit on or adjacent to the front door containing the following information:

1. The name of the Owner or the Manager of the unit, and a telephone number at which that party can be reached on a 24-hour basis.
2. The 911 address of the Premises.
3. The maximum number of Occupants permitted to stay in the Dwelling Unit and the maximum number of day guests permitted at any one (1) time.
4. The maximum number of all vehicles allowed to be parked on the Premises and the requirement that all overnight guest parking must be on the Premises and not in or along any private, community or public street right-of-way.
5. Notification that an Occupant or guest may be cited and fined for creating a disturbance or for violating other provisions of any of the Mayfield Borough Ordinances, including parking and occupancy limits.
6. Notification that Short-Term Rental Occupants and guests are required to make the dwelling unit available for inspection by the Code Enforcement Officer and/or Rental Housing Inspector upon request.

§ 124-20. Fees, term and renewal.

- A. Short-Term Rental License fees, payable to the Borough upon the filing of a Short-Term Rental License application, shall be in such amount as may be established by resolution duly adopted by the Borough Council.
- B. Any Short-Term Rental License is valid for a period not to exceed one (1) year from the date of issuance and must be renewed annually. Short-Term Rental License renewal fees, payable to the Borough upon the filing of a Short-Term Rental License renewal application, shall be in such amount as may be established by resolution duly adopted by the Borough Council.
 1. Short-Term Rental License renewal shall require inspections outlined in Section 124-22, below.
 2. Short-Term Rental License renewal applications shall contain information regarding any changes from the immediately preceding application with respect to matters governed by this Ordinance.

Enforcement Officer and Inspections

§ 124-21. Enforcement officer.

- A. The Mayfield Borough Code Enforcement Officer and/or the Mayfield Borough Zoning Officer shall conduct inspections, make reports and administer this Ordinance, and to issue notices of violation.

- B. The Code Enforcement Officer and/or the Zoning Officer, with the authorization of the Borough Council, may engage the services of competent engineers or other consultants to determine the nature and extent of any violation.

§ 124-22. Inspections required.

- A. All Short-Term Rentals shall be subject to an annual inspection by the Code Enforcement Officer and/or the Rental Housing Inspector to verify application information, License, License renewal and/or operating requirements. All Short-Term Rentals shall be inspected to and meet the full requirements of the Borough's adopted Property Maintenance Code, which is the 2006 International Property Maintenance Code.

- B. The issuance of a Short-Term Rental License or inspection is not a warranty that the Premises is lawful, safe, habitable, or in compliance with this Ordinance. Rather, the license indicates that the Premises are either set to be inspected on a routine basis or, if inspected, the Premises met this Section of the Ordinance requirements on the day and at the time of the inspection.

- C. If there is reason to believe that any provision of this Ordinance is being violated, the Borough Council may or may cause, through an authorized representative of the Borough, entry onto Premises for the purpose of inspection of any and all Premises, properties, buildings and/or structures located within the Borough for ascertaining the existence of violations. In those matters where the nature of an alleged violation is such that an inspection of the interior of a building or structure is necessitated, prior arrangements must be made with the owner or his agent to secure access thereof.

- D. Within the limitations of federal and state law, the Code Enforcement Officer may apply to a Magisterial District Judge or any legal authority having jurisdiction for an administrative search warrant to enter and inspect a Short-Term Rental Unit and the Premises. Such warrant is only required where access to a Short-Term Rental Unit or common areas is denied to the Code Enforcement Officer after a request to a person with a possessory interest in the regulated rental unit.

§ 124-23. Marketing.

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

Violations, Penalties and Costs

§ 124-24. Notice of violation.

If it appears to an Enforcement Officer that a violation of this Ordinance exists or has occurred, the Enforcement Officer shall send a written Notice of Violation to the Owner and/or Manager (if one is so designated) by personal delivery or by both United States first class and certified mail. The Enforcement Notice shall identify the Premises which is the subject of the violation, enumerate the conditions which constitute the violation, cite the specific sections of this Ordinance which are violated, indicate the action required to correct the violation, and provide a time frame (established by the Enforcement Officer based upon the nature of the violation) to correct the violation

§ 124-25. Nuisance.

In the interest of promoting the public health, safety and welfare, and minimizing the burden on Borough and community services and impacts on community neighborhoods posed by Short-Term Rentals, a violation of any of the provisions of this Ordinance is declared to be a public nuisance.

§ 124-26. Violations and penalties.

- A. This Ordinance shall be enforced by 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 Ordinance shall, upon conviction in a summary proceeding, pay a fine of not less than \$100 nor more than \$1,000 per violation, plus all court costs and reasonable attorney's fees incurred by Mayfield Borough in the enforcement proceedings, and/or be imprisoned to the extent allowed 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 Mayfield Borough are hereby authorized to seek equitable relief, including an injunction, to enforce compliance with this Ordinance. All fines, penalties, costs and reasonable attorneys' fees collected for the violation of this Ordinance shall be paid to Mayfield Borough for its general use.

- B. In addition to, but not in limitation of, the provisions of Section, the Code Enforcement Officer may either revoke, or deny an application to renew, a Short-Term Rental License for three (3) violations of this Ordinance in any rolling twelve (12) calendar month period.

The revocation or denial to renew a Short-Term Rental License shall continue for six (6) months for the first set of three (3) violations, and continue for one (1) year for any subsequent sets of violations.

§ 124-27. Owners severally responsible.

If the premises are owned by more than one Owner, each Owner shall jointly and severally be responsible for violations of this Ordinance.

Miscellaneous Provisions

§ 124-29. Severability.

If any section, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The Borough reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

§ 124-30. Repealer.

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

§ 124-31. Effective date.

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

ORDAINED AND ENACTED into an ordinance at the regular meeting of the Mayfield Borough Council, Lackawanna County, this ___ day of _____ 2023.

BOROUGH OF MAYFIELD

By: _____
Diana Campbell, Council President

ATTEST:

APPROVED BY:

Phyllis A. Jaskowiec, Secretary

Alexander J. Chelik, Mayor

Date: _____