

## TOWNSHIP OF WEST COCALICO

Lancaster County, Pennsylvania

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ORDINANCE NO. 141 \_\_\_\_\_

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AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWNSHIP OF WEST COCALICO, CHAPTER 27, ZONING, TO PROVIDE REGULATIONS GOVERNING SHORT-TERM RENTAL UNITS AND TO PROVIDE REGULATIONS FOR MUNICIPAL USES, CREATION OF LOTS, AND FENCING OF DEER ENCLOSURES.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of West Cocalico, Lancaster County, Pennsylvania, as follows:

Section 1. The Code of Ordinances of the Township of West Cocalico, Chapter 27, Zoning, Part 2, Definitions, §27-202, Terms, shall be amended by amending or inserting the following definitions in alphabetical order:

*Short-Term Rental* – The use of a dwelling in a manner which does not meet the definition of residential occupancy, i.e. the occupancy of the dwelling by one family for a period of less than 30 continuous days. The use of a dwelling as an approved bed and breakfast establishment as an accessory use shall not be considered a short term rental.

Section 2. The Code of Ordinances of the Township of West Cocalico, Chapter 27, Zoning, Part 4, ES-Ecologically Sensitive District, §27-403, Special Exceptions, shall be amended to add a new Subsection P which shall provide as follows: “P. Short-term rental subject to the requirements of Section 27-2307.”

Section 3. The Code of Ordinances of the Township of West Cocalico, Chapter 27, Zoning, Part 5, A-1 Agricultural District, §27-503, Special Exceptions, shall be amended to add a new Subsection O which shall provide as follows: “O. Short-term rental subject to the requirements of Section 27-2307.”

Section 4. The Code of Ordinances of the Township of West Cocalico, Chapter 27, Zoning, Part 6, A-2 Agricultural District, §27-603, Special Exceptions, shall be amended to add a new Subsection R which shall provide as follows: “R. Short-term rental subject to the requirements of Section 27-2307.”

Section 5. The Code of Ordinances of the Township of West Cocalico, Chapter 27, Zoning, Part 7, OS-Woodland District, §27-703, Special Exceptions, shall be amended to add a

new Subsection S which shall provide as follows: "S. Short-term rental subject to the requirements of Section 27-2307."

Section 6. The Code of Ordinances of the Township of West Cocalico, Chapter 27, Zoning, Part 18, Off-Street Vehicle Parking and Loading, §27-1803, Minimum Off-Street Parking Requirements, Subsection 2, Nonresidential Uses, shall be amended by adding the following entry to the table:

<u>Type of Use</u>	<u>Required Parking Space Per</u>
Short-Term Rental	One space per bedroom

Section 7. The Code of Ordinances of the Township of West Cocalico, Chapter 27, Zoning, Part 23, Criteria for Special Exceptions and Other Selected Uses, shall be amended by adding a new Section 27-2307, Short Term Rental, which shall provide as follows:

**§27-2307. Short-Term Rental.**

A. No more than one short-term rental unit may be located in a structure, and a short-term rental unit may not be located in a structure which contains more than one dwelling units.

B. The applicant for a special exception shall demonstrate that the proposed short-term rental unit meets the Pennsylvania Uniform Construction Code as adopted by the Township. The applicant shall submit a report by the Building Code Official demonstrating that the short-term rental unit meets the requirements of the Uniform Construction Code prior to the issuance of a zoning permit.

C. The applicant shall prepare and present to the Zoning Hearing Board a notice which shall be prominently and continuously posted at the short-term rental unit which shall contain all of the following information:

1. The name of the local contact person or owner of the short-term rental unit and a telephone number at which that party may be reached on a 24-hour basis.

2. The 911 address of the property.

3. The maximum number of occupants permitted to stay in the short-term rental unit.

4. The maximum number of all vehicles allowed to be parked on the property and the requirement that parking is not permitted in any public road right-of-way.

5. Notification that trash and refuse shall not be left or stored on the exterior of the property except in secure, water-tight metal or plastic cans or

similar containers designed for such storage with a limit of three (3) secured containers.

6. Notification that an occupant may be cited and fined for creating a disturbance or for violating other provisions of applicable Township Ordinances.

7. Notification that the occupants must complete a manifest identifying the occupants and emergency contact information and place such manifest in the outdoor box installed to contain such manifest.

D. The applicant shall designate a local contact person who shall have access and authority to assume management of the short-term rental unit and take remedial measures. An owner who resides within the Township or within 30 miles of the short term rental unit may designate himself/herself as the local contact person. If the special exception is approved, the local contact person shall respond to the Township or to a police officer within one (1) hour after being notified by such official of the existence of a violation of this chapter or any disturbance requiring immediate remedy or abatement. If the local contact person is not the owner, the local contact person shall immediately advise the owner of any notification of a violation. There shall be a local contact person at all times the short term rental unit is operated. The owner may change the local contact person only after written notice to the Zoning Officer, and any new local contact person shall meet all requirements of this subsection.

E. The applicant shall demonstrate that the applicant has installed an outdoor box which will be used to contain a manifest of the occupants of the short-term rental unit and emergency contact information for such occupants.

F. If the special exception is granted, the applicant shall provide the Zoning Officer with confirmation that the applicant has taken all action required to register with the Lancaster County Treasurer to enable the applicant to pay the hotel and/or room taxes imposed by Lancaster County. The Zoning Officer shall not issue a certificate of occupancy for the short-term rental unit until the applicant presents such confirmation of registration.

G. The maximum occupancy of the short-term rental unit shall be based on the number of bedrooms. A short term rental unit may have no more than six bedrooms. Each bedroom shall be occupied by no more than two persons, excluding children under the age of five. The applicant shall provide the Zoning Hearing Board with a plan of the structure proposed to contain the short term rental unit identifying the rooms on each floor of the structure to enable the Zoning Hearing Board to determine the number of bedrooms and the maximum occupancy of the short term rental unit.

H. A short term rental unit may be rented only to a person 21 years of age or older.

I. The owner shall use his/her best efforts to assure that the occupants of the short-term rental unit do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of Township Ordinances or any state law

pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding short-term rental units and responding when notified that occupants are violating laws regarding their occupancy.

J. The owner shall, upon notification that occupants of the short-term rental unit have created unreasonable noise or disturbances, engaged in disorderly conduct or violated provisions of Township Ordinances or state law pertaining to noise, or disorderly conduct, promptly use their best effort to prevent a recurrence of such conduct by those occupants or guests.

K. The owner of the short term rental unit shall submit an application each year for a permit to authorize continued operation of the short term rental unit, accompanied by any fee which the Board of Supervisors may establish by resolution. The application shall require that the owner provide sufficient inform for the Zoning Officer to confirm the name and contact information for the local contact person, confirm that the short term rental unit meets all requirements of this Section 27-2307, and confirm that the short term rental unit meets all other applicable Township Ordinances. The Zoning Officer may inspect the short term rental unit to confirm compliance with this Section 27-2307 and other applicable Township Ordinances. If the Zoning Officer confirms that the short term rental unit meets such requirements, the Zoning Officer may issue a permit to authorize continued operation of the short term rental unit for a one year period. Operation of a short term rental without the required annual permit is a violation of this Chapter.

Section 8. The Code of Ordinances of the Township of West Cocalico, Chapter 27, Zoning, Part 21, General Regulations, Section 27-2107, Access to Structures, shall be retitled "Lots and Structures to Have Access" and shall be amended to provide as follows:

**§27-2107. Lots and Structures to Have Access.**

Each lot to be created and each principal structure erected or moved shall be on a lot which directly abuts a public street, a street proposed to be dedicated to the Township by the subdivision plan which created or creates such lot, or a private street which meets all of the requirements of Chapter 22, Subdivision, Land Development and Storm Water Management.

Section 9. The Code of Ordinances of the Township of West Cocalico, Chapter 27, Zoning, Part 21, General Regulations, shall be amended by adding new Section 2112, Municipal Uses, and new Section 27-2113, Deer (Cervid) Farming Regulations, which shall provide as follows:

**§27-2112. Municipal Uses.**

Notwithstanding any other provision of this Chapter, as of the effective date of this Section municipal uses shall be permitted as of right within all zoning districts. Municipal uses shall be exempted from minimum lot areas, minimum lot width, minimum lot depth, yard, impervious surface area, off-street parking and all other requirements of this Chapter.

**§27-2113. Deer (Cervid) Farming Regulations.**

A. Purpose. Chronic wasting disease presents a significant risk to both wild and raised deer and cervidae livestock (deer, elk, moose, reindeer, caribou, and the hybrids of such animals). Chronic wasting disease has been discovered within the Township. The Board of Supervisors desires to address this issue.

B. All properties on which deer or any other cervid is maintained shall maintain such animals in an enclosure surrounded by two (2) perimeter fences which shall be at least four (4) feet and not more than eight (8) feet apart. Such fences shall be constructed of such material, strength and design to contain the animals within the enclosure, to prevent transmission of disease by contact between the captive animals and wild cervids; and to prevent wild cervids from entering the enclosure. Each fence shall have a minimum height of eight (8) feet. Such fencing shall be installed within ninety (90) days after the effective date of this Section.

C. The landowner shall follow all applicable nutrient management regulations and shall have a conservation plan. The conservation plan shall be prepared by a certified individual and shall be submitted to the Township.

D. The landowner shall maintain the enclosure for the deer or other cervid in a non-erodable condition.

E. The landowner shall keep all captive animals free from parasites, sickness or disease. If sick, the animals shall be given professional medical attention or be humanely destroyed and, where required, tested for chronic wasting disease.

Section 10. All other sections, parts and provisions of the Code of Ordinances of the Township of West Cocalico shall remain in full force and effect as previously enacted and amended.

Section 11. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 12. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of West Cocalico as provided by law.

DULY ORDAINED AND ENACTED this 21 day of May,  
2018, by the Board of Supervisors of the Township of West Cocalico, Lancaster County,  
Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF WEST COCALICO  
Lancaster County, Pennsylvania

Attest: *Jeffrey L. Sauder*  
(Assistant) Secretary

By: *Amos J. Shaver*  
(Vice) Chairman  
Board of Supervisors

[TOWNSHIP SEAL]