



Township of Lower Makefield

1100 Edgewood Rd, Yardley, PA 19067

Short-Term Lodging Facilities Application

Property Owner(s): _____

Property Address: _____ Tax Parcel: _____

Specific Bedroom accommodation? YES NO Entire residential unit accommodation? YES NO

Number of Visitors: _____

Number of Sleeping Areas/Bedrooms: _____

Length of stay, from: ___/___/___ To: ___/___/___

Number of Vehicles: _____ Number of off-street parking spaces: _____

Pool/Spa On site: Yes No

If yes, is the pool enclosure equipped with a self-closing & self-latching gate? YES NO

If yes, are all doors that access the pool area equipped with audible alarms (UL2017) YES NO

Smoke alarms are installed in the following location: each sleeping room, outside each separate sleeping area in the immediate vicinity of the bedrooms, and each additional story of the home. _____ (initial)

Carbon Monoxide alarms (required for a dwelling unit that contains a fuel-fired appliance or an attached garage) are installed outside of each separate sleeping area in the immediate vicinity of the bedrooms, and within the bedroom where a fuel-burning appliance is located within a bedroom or its attached bathroom. _____ (initial)

Deadbolts on all egress doors are thumb-latch type only (no interior key) _____ (initial)

Minimum 4" tall block house numbers, visible from street on building _____ (initial)

Trash: approved leakproof containers with close-fitting lids must be supplied. _____ (initial)

Heating facilities are maintained in safe and good working condition. _____ (initial)

Finished basements must be provided with an emergency egress. _____ (initial)

GFCI receptacles: one in each bathroom/powder room and within 6 feet of a water source, all exterior outlets, and unfinished basements. _____ (initial)

This is a general check-list and does not include all possible building/property maintenance code violations.

Signature: _____ Date: ___/___/___

Please print legibly

Exhibit A

ARTICLE I – Short Term Lodging Facilities

§130-1 Purpose and Intent.

A. Purpose.

1. It is the purpose of this Ordinance and the policy of the Township of Lower Makefield, in order to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of Owners and Transient visitors to maintain and improve the quality of life around residences throughout the Township. There is a greater incidence of disturbances and violations of various Codes of the Township which adversely affect the peace and quiet of the neighborhood at residential properties where Owners allow unregulated Transient visitors.
2. If unregulated, Short Term Lodging Facilities can create negative compatibility impacts in residential neighborhoods, including inappropriate commercialization and disruption of the character of single-family neighborhoods, excessive noise, on-street parking that overwhelms use by local residents, increased risk of inappropriate conduct for which enforcement against transients may be difficult, and accumulation of rubbish and trash.
3. A parallel purpose of this Ordinance is to ensure safe, healthy and nondiscriminatory housing arrangements for Transient Visitors through a regular licensing and inspection program not hitherto in place for rentals of single family dwellings or portions thereof.

B. Intent. Furthermore the Board of Supervisors of the Township Lower Makefield intends for this Ordinance:

1. To enhance accountability of property owners and transient visitors, minimize the risk of communal disturbances and conflict and violations of various Codes of the Township which are capable of repetition but evading review, and otherwise protect and promote the public health, safety and welfare of its citizens;
2. To ensure safe, healthy and nondiscriminatory housing arrangements for Transient Visitors through a regular licensing and inspection program not hitherto in place for rentals of single family dwellings or portions thereof;
3. To minimize negative compatibility impacts from excessive noise, on-street parking that overwhelms use by local residents, increased risk of inappropriate conduct for which enforcement against transients may be difficult, and accumulation of rubbish and trash;
4. To impose corresponding owner licensing arrangements for transient accommodations already in place for other residential regulated rental units.

§130-2 Definitions.

Board of Appeal - The Board of Appeal identified in Chapter 97 of the Codified Ordinances of the Township of Lower Makefield and/or occasionally known as the “Board of Appeals”.

Owner – The individual, individual, entity, or entities indicated by the Bucks County Board of Assessment records as having legal title to a property.

Rent or Rental – An arrangement whereby one or more persons obtain permission to occupy a property or portion thereof, 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 dwelling unit or portion thereof for temporary rental occupancy by transients.

Township – The Township of Lower Makefield.

Transient visitor – An occupant of a dwelling unit or sleeping unit for not more than 30 days, unless occupant is related to the Owner as married spouse, parent or child, grandparent or grandchild, or brother or sister.

§130-3 Restrictions on Transient Rentals; Types of Short Term Lodging Facilities.

Unless qualified as a hotel or bed and breakfast home use conducted in accordance with the Zoning Ordinance, Short Term Lodging is prohibited throughout the Township of Lower Makefield except in the following circumstances:

- A. Specific bedroom accommodation. The owner of an owner-occupied single family dwelling may rent no more than 2 bedrooms to transient visitors for a period of not less than 24 hours and not more than 30 consecutive days. Under this arrangement, the owner must occupy the residence during the stay of the transient visitor.
- B. Entire residential unit accommodation. An owner may rent a residential property he/she/it/they own(s) to transient visitors for a minimum period of 7 consecutive days, not to exceed 30 consecutive or nonconsecutive calendar days per year (each year shall be January 1st through December 31st). Under this type of arrangement, the owner may, but is not required to, remain on the premises during the stay of the transient guests.

§130-4 Annual License Term; Fee and Occupancy Limit.

- A. Before providing any Short Term Lodging, property owners must obtain and keep current a Short Term Lodging License for each property to be designated as a Short Term Lodging Facility. Such License shall only be issued if the requirements of this Ordinance are met.

- B. Upon application in such form as may be required by the Township for a Short Term Lodging License or renewal thereof, each applicant shall pay to the Township an annual License and inspection fee in accordance with the Housing Inspection Fee Schedule Resolution. A license for a Short Term Lodging Facility shall not be transferred or sold and will expire upon the conveyance of the property.
- C. Each License will note how many lodgers are permitted for short term rental and require the applicant to submit proof of, and remain in constant compliance with, all of the following:
 - 1. An accurately-drawn floor plan of the residence showing the number of bedrooms and location of smoke alarms and carbon monoxide detectors. Floor plans must show details for every level of the residence and any attached structures, and the location of windows and all interior and exterior doorways.
 - 2. In the case of Short Term Lodging where the owner-occupant rents a specific bedroom accommodation, the floor plan must clearly designate bedrooms to be used for Short Term Lodging, which must be located within the principal dwelling unit and not in an accessory building.
 - 3. The requirements of Section 5 – Performance Standards of this Ordinance.

§130-5 Performance Standards.

Any Short Term Lodging arrangement allowed under this Ordinance must meet all of the following standards:

- A. The dwelling shall remain as a single household residential living unit with common housekeeping, kitchen and laundry facilities.
- B. The current Township of Lower Makefield Code of Ordinances will determine the maximum occupancy of the Short Term Lodging Facility and, in the case where the owner-occupant rents a specific bedroom accommodation, the number of individuals permitted in the designated bedroom.
- C. Nothing in this housing ordinance shall allow the Licensee to make the Short Term Lodging Facility available for use by a transient visitor or guest for nonresidential purposes, such as, but not limited to, the lease or use of the property as reception space, party space, meeting space or for other similar events open to the transient guests.
- D. Short Term Lodging Facility shall be either of the types set forth in Section 3 of this Ordinance for the entire duration of the annual License unless a new Short Term Lodging License is obtained and a new license fee is paid. A Facility may not change or mix the type of transient accommodation during a licensed period.
- E. The Short Term Lodging Facility shall not adversely affect the residential character of the neighborhood. Short term rental may not generate noise, vibration, glare, odor or other effects that unreasonably interfere with a person's enjoyment of his or her neighborhood.

- F. The owner shall be responsible for the safety and welfare of all transient visitors and guests, preserving the peace and quiet of the community within which the Short Term Lodging Facility is found from noises or disruptions caused by any transient visitor or guest, and to maintain the property 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 144 concerning Peace and Good Order of the Codified Ordinances of the Township, and promptly report those persons violating the same to the responsible Township officers and departments for enforcement purposes.
- G. There shall be an annual inspection, conducted by the Township in accordance with the fee schedule resolution. 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.
- H. The owner of the Short Term Lodging Facility must apply for and keep current with a Township of Lower Makefield Business Privilege Tax License.
- I. There shall be no physical changes to the premises so that it no longer looks like a single family dwelling, such as constructing a separate entrance for the use of the transient visitor or guest.
- J. The owner of the Short Term Lodging Facility shall submit a Certification of Trash Hauler to the Township on an annual basis. The owner of the Short Term Lodging Facility is responsible for trash and recycling removal. Lodgers must be notified of trash and recycling collection days.
- K. With respect to making the property available for use, the owners of the Short Term Lodging Facility shall comply with all anti-discrimination provisions under state and federal law.
- L. The owner of the Short Term Lodging Facility must maintain a ledger which details the length of stay of each transient visitor and present same to a Township of Lower Makefield Code Enforcement officer when requested.

§130-6 Grounds for Suspension, Revocation, or Non-Renewal of License.

- A. General. In addition to or as an alternative from seeking fines under Section 9 of this Ordinance, the Code Official may take administrative disciplinary action against an owner that may result in a formal warning, non-renewal, suspension or revocation of the Short Term Lodging Facility License, for violating any provision of this Ordinance that imposes a duty upon the owner and/or for failing to regulate the breach of duties by Occupants as provided for herein.
- B. Disciplinary Actions; Other Actions. The following constitute the Disciplinary Actions and Other Actions available to the Code Official under this Article.

1. Formal Warning – Formal written notification of at least one violation of this Ordinance. Upon satisfactory compliance with this Ordinance and any conditions imposed by the Code Official and/or the Township of Lower Makefield, the formal warning shall be removed when the Owner applies for License renewal at a time set by the Code Official or by Township of Lower Makefield.
2. Suspension – The immediate loss of the privilege to rent the Short Term Lodging Facility for a period of time set by the Code Official not to exceed one year from the date of suspension of the License. The Owner, after the expiration of the suspension period, may apply for License renewal without the need to show cause why the Owner's privilege to apply for a License should be reinstated, provided the Owner has paid a new license fee. 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 any unlicensed period.
3. Revocation – The immediate loss of the privilege to rent the Short Term Lodging Facility for any period of time longer than one year or for a second or subsequent suspension of the license for the same Facility, as may be determined by the Code Official. 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 suspension period and any unlicensed period.
4. Reinstatement – A Short Term Lodging license shall be reinstated from suspension or revocation if the owner or operator of a Short Term Lodging facility corrects all reason(s) for the suspension or revocation of the Short Term Lodging License and has paid a new license fee and all court penalties, if any, obtained pursuant to Section 9 of this Ordinance.
5. Non-Renewal – The denial of an application for License renewal after expiration of any License term due to the failure of the Owner to comply with the requirements of this Ordinance or failure to correct the conditions for which his or her license was previously suspended or revoked. Unless otherwise prohibited by the suspension or revocation of a Short Term Lodging license, the Township will permit the Owner to maintain Transient Visitors in the Premises until the end of the license term but will not accept applications for renewal of the License until a time set by the Code Official or by Township of Lower Makefield such time not to exceed one year from the renewal date.
6. Other remedies – Nothing in this Ordinance shall limit the right, power or jurisdiction of the Township to proceed against the Owner or any transient visitor or guest under any other law, regulation or ordinance.

C. Criteria for Applying Sanctions. The Code Official, when applying sanctions, shall consider the following:

1. The effect of the violation on the health, safety and welfare of the Occupants of the Short Term Lodging Facility and other residents of the Premises.
2. The effect of the violation on the neighborhood.
3. Whether the Owner has prior violations of this Ordinance and other ordinances of the Township or has received notices of violations as provided for in this Ordinance.
4. Whether the Owner has been subject to sanctions under this Ordinance.
5. The action taken by the Owner to remedy the violation and to prevent future violations, including any written plan submitted by the Owner.
6. Notwithstanding any past or pending administrative action taken to suspend, revoke, or not renew a license for Short Term Lodging Facility license, upon conviction of a second or subsequent offense under Section 9 of this Ordinance within any 5-year period, the Owner of the Facility, and his/her successors, heirs and assigns, shall be disqualified from using the property as a Short Term Lodging Facility for a period of two (2) years.

D. Reasonable Conditions. In addition to enforcing sanctions as set forth above, the Code Official may impose upon the existing or subsequent licenses reasonable conditions related to fulfilling the purposes of this Ordinance.

E. Search Warrant. Upon a showing of probable cause that a violation of this Ordinance or any other ordinance of the Township of Lower Makefield has occurred, the Code Official may apply to the Magisterial District Judge having jurisdiction in the Township of Lower Makefield for a search warrant to enter and inspect the premises.

§130-7 Procedure for Non-Renewal, Suspension, or Revocation of License, and Appeal.

A. Form of Notification. Following a determination by the Code Official that grounds for non-renewal, suspension or revocation of a Short Term Lodging license exist, the Code Official shall notify the Owner of the action to be taken by the Code Official and the reason therefor. Such notification shall be in writing, addressed to the Owner in question, and shall contain the following information:

1. The address and identification of the particular Short Term Lodging Facility affected.
2. A description of the violation which has been found to exist.
3. A statement that the License for said Short Term Lodging Facility shall be either suspended or revoked, or will not be renewed for the next License period. In the case of a suspension or revocation, the notice shall state the date upon which such suspension or revocation will commence, and in the case of a suspension shall also state the duration of said suspension and may extend into a period of license renewal. A revocation shall last through the end of the current license period and may be combined with a period of disqualification for renewal.

4. A statement that, due to the non-renewal, suspension or revocation (as the case may be), the Owner is prohibited from allowing use of the Facility by Transients.
- B. Delivery of Notification. The Code Official shall post the notice at a conspicuous place at the Short Term Lodging Facility and transmit a copy to the Owner by personal delivery and/or some method documenting delivery thereof through United States Postal Service or a private carrier to the Owner or an adult person in responsible possession of the residence or business of Owner. In the event such personal delivery or documented delivery cannot be accomplished after a reasonable attempt to do so, then the notice may be sent to the Owner at the address stated on the most current License application for the Short Term Lodging Facility in question, by regular first class mail, postage prepaid. If such notice is not returned by the postal authorities within five days of its deposit in the U.S. mail, then it shall be deemed to have been delivered to and received by the addressee on the fifth day following its deposit in the U.S. mail, and all time periods set forth under Section 1 above, shall thereupon be calculated from said fifth day.
- C. Appeals. Any Owner affected by a decision of the Code Official or a notice or order issued by the Code Official shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 10 days after the day the decision, notice or order was served. An application for appeal may be made when it is claimed that: the true intent of the Codes or rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, and/or whether the period of license suspension, revocation and/or nonrenewal was appropriate.

§130-8 Severability.

The provisions of this Ordinance are severable. If any section, clause, sentence part or provision thereof shall be held illegal, invalid, or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Township Supervisors that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence or part of a provision had not been included herein.

§130-9 Enforcement and Penalties.

- A. Summary Offense. Any person, firm, or corporation who shall violate a provision of this Ordinance or shall fail to comply with any of the requirements hereof, or the Building Code of the Township, or shall be in violation of an approved plan or directive of the Code Enforcement Officer shall, upon conviction thereof before a Magisterial District Judge of the Township of Lower Makefield, Pennsylvania, be liable to pay the following penalties:
1. First Violation – A fine not to exceed \$1,000.00;
 2. Second and each subsequent violation – A fine not to exceed \$1,000.00 and/or not more than ninety (90) days imprisonment, or both.

B. Enforcement in Equity. The Township is authorized to enforce this Ordinance through an action in equity brought in the Court of Common Pleas of Bucks County, Pennsylvania, or its successor Court.