

BENTON TOWNSHIP
ORDINANCE NUMBER: 2023- 11-1A

- SECTION 1 - SHORT TITLE
- SECTION 2 – FINDINGS AND PURPOSE
- SECTION 3 – AUTHORITY
- SECTION 4 - APPLICABILITY
- SECTION 5 - NUISANCE DECLARED
- SECTION 6 - DEFINITIONS
- SECTION 7 - SHORT-TERM RENTAL PERMIT REQUIREMENTS
- SECTION 8 - LOCAL CONTACT PERSON
- SECTION 9 - APPLICATION FOR SHORT-TERM RENTAL PERMIT
- SECTION 10 - APPLICATION AND RENEWAL FEES
- SECTION 11 - OPERATIONAL STANDARDS AND CONDITIONS
- SECTION 12 - INSPECTIONS AND ACCESS
- SECTION 13 - MARKETING
- SECTION 14 - ACTION ON COMPLAINTS
- SECTION 15 - NOTICE TO VIOLATORS
- SECTION 16 - VIOLATIONS, PENALTIES AND COSTS
- SECTION 17 - APPEALS
- SECTION 18 – SEVERABILITY
- SECTION 19 – REPEALER
- SECTION 20 - EFFECTIVE DATE

SECTION 1 - SHORT TITLE

This Ordinance shall be known and may be cited as THE SHORT-TERM RENTAL ORDINANCE OF BENTON TOWNSHIP.

SECTION 2 – FINDINGS AND PURPOSE

The Board of Supervisors of Benton Township, Lackawanna County, Pennsylvania, have a duty to provide for the health, safety and general welfare of its citizens within the Township, and to protect all property owners and residents from the detrimental effects of unregulated short-term rentals in the Township.

The Board finds and declares its findings and purpose in enacting this Ordinance as follows:

A. Short-term rentals of dwellings and structures within the Township have become a segment of the local tourism economy.

B. Short-term rentals provide a community benefit by expanding the lodging facilities available within the Township, while assisting owners of short-term rental properties by providing

revenue which may be used for maintenance and upkeep of the structures, as well as providing income to said individuals.

C. Occupants of short-term rentals are generally transitory in nature, and enforcement against said occupants is often difficult.

D. An Ordinance to regulate short-term rentals is necessary to assure that all units meet any applicable fire, safety and building codes, including fire suppression devices, and alarms for fire and carbon monoxide, to assure the safety of all occupants.

E. The provisions of this Ordinance are intended to address all of the above concerns and to assure all occupants that the short-term rental units are safe to occupy, that the rental units comply with on-site sewage requirements, and to maintain a rural and recreational character of the Township for all residents, homeowners and visitors to enjoy.

SECTION 3 – AUTHORITY

Pursuant to the general powers as enacted and ordained by the Pennsylvania Second Class Township Code, Act of May 1, 1933 (P.L. 103 No. 69) reenacted and amended July 10, 1947 (P.L. 1481 No. 567) as amended, and the specific authority granted by Section 1506-General Powers, Section 1517-Building and Housing Regulations, Section 1527-Public Safety, and Section 1529-Nuisances, the Board of Supervisors for Benton Township, Lackawanna County, Pennsylvania hereby enacted this Ordinance.

SECTION 4 – APPLICABILITY

This ordinance shall apply to all short-term rentals as defined in Section 6 and all provisions of this ordinance shall apply in addition to all other applicable requirements of Township ordinances.

SECTION 5 - NUISANCE DECLARED

In the interest of protecting and promoting the public health, safety and welfare, and minimizing the burden on the Township and impacts on residential neighborhoods posed by short-term rentals, the violation of any of the provisions of this ordinance is declared to be a public nuisance if said violations also constitute a nuisance under any state law or ordinance of the Township.

SECTION 6 – DEFINITIONS

The words and phrases used in this ordinance shall have the following meanings:

Bedroom: A room containing a minimum of eighty (80) square feet that is used as a sleeping room and for no other primary purpose.

Dwelling Unit: One (1) or more rooms in a residential dwelling structure, including a kitchen, sleeping facilities, bath and toilet, designed as a household unit.