

ORDINANCE NO. 1380

AN ORDINANCE OF THE BOROUGH OF EAST STROUDSBURG, MONROE COUNTY, PENNSYLVANIA, TO REVISE CHAPTER 157-ZONING, to wit: Amending Section 157-30, "Definitions"; Amending §157-39; Attachment 1, "Table of Use Regulations; and adding §157-100.11, Short-Term Rentals

AND NOW, the Borough Council of East Stroudsburg Borough hereby enacts and ordains, and it is hereby ENACTED and ORDAINED as follows:

SECTION 1. Section 157-30 of The Code of Ordinances of East Stroudsburg is hereby amended to include the following Definitions:

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 Monroe as defined in the County of Monroe Ordinance No. 2004-03, as amended.

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

SECTION 2. Section 157-39; Attachment 1 "Table of Land Uses", of the Code of Ordinances of East Stroudsburg Borough, is hereby amended to add Short-Term Rentals as a Permitted Use in the following Zoning Districts:

	C-1	C-1A	C-1B	C-2	OM-1	S-1	I-U
Short Term Rentals	P	P	P	P	P	P	P

SECTION 3. The Code of Ordinances of East Stroudsburg Borough (the "Code") is hereby amended to add to §157-100.11, a new subsection, as follows:

§157-100.11 Short-Term Rentals

- (a) A Zoning Permit shall be required for all Short-Term Rental land uses within the Borough.
- (b) Short-Term Rental land uses shall be permitted as set forth in Section 157-39; Attachment 1 "Table of Land Uses".
- (c) The Owner shall possess a current valid Short-Term Rental License issued by the Borough in accordance with *The Short-Term Rental Ordinance of East Stroudsburg Borough*, contained in Chapter 124 of the Code.
- (d) Adequate off-street parking shall be provided in accordance with §157-64.C. for Single-Family Dwellings.

- (e) In addition to the other information required by this Chapter, the applicant shall provide the following as part of the application for a Zoning Permit for a Short Term Rental land use:

- [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 East Stroudsburg 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 East Stroudsburg 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 East Stroudsburg. 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 Monroe 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 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 Monroe 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.

[14] Fees for a Zoning Permit for a Short-Term Rental land use shall be in such amount as may be established by resolution duly adopted by the Borough Council.

SECTION 4. The provisions of this Ordinance shall be severable. If any of the provisions hereof shall be invalid or unenforceable, the remaining provisions of the Ordinance shall remain in full force and effect.

SECTION 5. All ordinances or parts of ordinances conflicting with or inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 6. This Ordinance shall be effective five (5) days after enactment.

ORDAINED AND ENACTED into an ordinance at the regular meeting of the East Stroudsburg Borough Council, Monroe County, this 19th day of October, 2021.

BOROUGH OF EAST STROUDSBURG

By: William T. Reese
William T. Reese, Council President

ATTEST:
Brian S. Bond
Brian S. Bond, Secretary

APPROVED BY:
Armand M. Martinelli
Armand M. Martinelli, Mayor

Date: 10/19/2021