



## PAUPACK TOWNSHIP SUPERVISORS

WAYNE COUNTY  
25 DANIELS ROAD  
LAKEVILLE, PA 18438

### AMENDMENT NUMBER 2024-61.1

#### **Proposed STR Amendments for Approval for The Paupack Township Short Term Rental Ordinance**

The Township acknowledges that various types of violations exist and to treat them equally would be an unfair practice, potentially setting the Township for litigation. The following two (2) STR Ordinance Amendments are specifically designed to differentiate between active and passive violations.

1. **Definitions:** The following definitions shall be added (*to be added to §61-7 Definitions*):

**Violation, Active:** A disturbance created by humans and/or their pets. Examples include loud music, public drunkenness, trespassing, barking dogs, etc.

**Violation, Passive:** Something is out of place or missing. Examples include but are not limited to litter, garbage cans not being stored correctly or the absence of a required posting.

2. **Violations, Complaints, and Remedies:** (*To replace §61-23 Complaints, Violations, and Remedies*):

#### **§61-23 Violations, Complaints, and Remedies.**

Failure to comply with any provision of this ordinance, and/or failure to comply with an order to abate an activity, use and/or condition, shall be a violation of this ordinance and subject to criminal prosecution and the revocation of the STR permit.

#### **A. Violations**

1. **Active Violation:** An active violation is a public nuisance or disturbance created by humans and/or their pets. Examples include but are not limited to loud music, public drunkenness, trespassing, barking dogs, etc. Active Violations shall result in a written Notice of Violation.
2. **Passive Violation:** A passive violation is when something is out of place or missing. Examples include but are not limited to litter, garbage cans not being stored correctly or the absence of a required posting. Passive Violations shall result in a written Warning.

**B. Complaints:** All complaints are investigated, documented and resolved by the Township. Resolutions are between the Township and the STR owner and considered confidential, as some resolutions may involve legal action against the STR owner. The addition of pictures and/or recordings to the written complaint shall help validate the nature of the complaint (Active or Passive) and subsequent notice to the STR owner.



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1. **Violation in Progress:** If the STR occupants are creating a public nuisance or disturbance that is not a criminal activity, the activity should be photographed and/or recorded and a description documenting the activity should be written down. If the complainant believes the occupants of a STR are engaged in criminal activity, or any activity that threatens the health or safety of others, the complainant has the right to call the police, 911, or local security. If, as a result of a police officer, or on-duty security personal investigating an alleged illegal activity at an STR and the STR occupant is cited and convicted of any criminal or summary offense relating to a provision of the STR Ordinance as determined by the Compliance Officer, that shall constitute a violation of this Ordinance and result in a written Notice of Violation.

Note: The Compliance Officer does not respond to violations in progress.

2. **Violation Preceding Complaint:** Only a person or persons, or a representative appointed by an affected person(s), such as an attorney or a community association, can file a complaint. Upon receipt of a complaint of a violation, the Compliance Officer shall review such complaint and make a determination on the validity of the complaint. Complaints must be submitted in writing and include the name and address of the person registering the complaint, the address of the STR the complaint is filed for, and a brief description of events in support of the alleged violation on a form provided by the Township.
  3. **Frivolous Complaints:** Filing of a complaint that is deemed to be frivolous by the Compliance Officer shall result in the complainant being assessed administrative costs of investigating same at a minimum cost of two hundred dollars (\$200.00).
  4. **Confidentiality:**
    - a. The Compliance Officer shall maintain the confidentiality of the name and address of the person registering the complaint unless otherwise required by law to release said information.
    - b. The Compliance Officer shall maintain the confidentiality of any action taken against, or resolution agreed upon with the owner of an STR as a result of a complaint filed with the Township.
- C. Service of Notice:** Whenever the Compliance Officer determines that a violation of this Ordinance exists, the Compliance Officer shall prepare a written notice to be served on the owner and local contact person of the premises on which the violation is located or originates.
1. Written notice may be in the form of a Notice of Violation when an Active Violation has occurred or a Warning if a Passive Violation has occurred.
  2. The written notice shall include the following information:
    - a. The condition(s) that constitute the violation,
    - b. The date and approximate time the violation took place.
    - c. What action is required to abate the violation.



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- d. A timeframe for the abatement (to be established by the Compliance Officer based upon the nature of the violation and providing the owner a reasonable period to take the required action. In certain cases, immediate correction may be required).
3. The written notice shall be served within five (5) days of the determination of the violation by one (1) or more of the following methods:
    - a. Personal delivery.
    - b. Certified mail with Return Receipt Requested to the address provided in the application; service shall be deemed effected when the Return Receipt is received by the Township.
    - c. Regular mail to the address provided in the application; service shall be deemed effected when the parcel is not returned as undeliverable within ten (10) days after being placed in the mail.
    - d. Email to the owner and local contact person.
- D. **Fine:** The Township shall have the right to file a suit with the District Magistrate. Any person who has violated or permitted the violation of any provisions of this ordinance shall upon judgment thereof by any Magisterial District Judge be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) per day of violation, together with the costs of suit including reasonable attorney fees. Each day of violation shall constitute a separate offense, for which a summary conviction may be sought. All judgments, administrative, enforcement, security firm or police response, and other costs, interest and reasonable attorney fees collected for the violation of this ordinance, shall be paid over to the Township. In addition, the Township may also proceed before the Magisterial District Judge and recover a civil penalty against the defendant for an amount ranging from \$300 to \$1000 per violation, per day of said violation.
- E. **Other Remedies:**
1. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
  2. The Township shall also have the right to seek injunctive relief for violations of this ordinance.
  3. The Magisterial District Judge may find the defendant guilty and subject to criminal prosecution as well as any monetary judgments.
- F. **Short-Term Permit Revocation:**
1. Each Notice of Violation shall count as one (1) violation of this ordinance; three (3) written Warnings addressing the same type of infraction shall count as one (1) violation of this ordinance.



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2. If the owner of a STR is found to be in violation of this ordinance three (3) or more times within a thirty-six (36) month period, the STR permit shall be permanently revoked. Confirmation of each violation shall be validated by:
  - a. An admission of a violation by the STR owner (the STR owner shall sign the written violation confirming the violation took place), or
  - b. A favorable outcome to the Township by a Magistral District Court.
    - i. In the event the owner of an STR refuses to sign the written violation confirming a violation took place, the owner of the STR shall be subject to court costs and/or fines as outlined in §61-23.D if the Township receives a favorable outcome.
3. After a STR permit is revoked, the dwelling shall be limited to an approved occupancy by the owner(s) immediate family and relatives (this is provided that the termination was not a result of a malfunctioning septic system, which would require the approval of the Sewage Enforcement Officer prior to any occupancy). Capacity will be limited to that in the revoked permit until such time that the owner formally rescinds the property as a STR.
4. Legal transfer of title of the STR, except between spouses, and/or lineal, or collateral family members, whether said family member(s) are the direct owner of the STR or are members of an LLC or other entity that owns the STR, shall result in the right to apply for a new STR permit and conditional use application, if required by the new owner with no previous violations attributed to the new owner.
5. Sewage Revocation: In the event the sewage disposal system malfunctions, the Township shall have the right to immediately, but temporarily suspend the STR permit until the sewage disposal system is certified by the SEO as functional.

TWP. (570) 226-3115  
OFFICE (570) 226-1359  
FAX (570) 226-4257



BUILDING & ZONING (570) 226-0632  
SEWAGE (570) 226-0442

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### Enactment

Ordained and enacted on this \_\_\_\_\_ day of \_\_\_\_\_, 2024 by a vote of  
\_\_\_\_\_ ( ) yes and \_\_\_\_\_ ( ) no, this Amendment modifies the

Paupack Township Short Term Rental Ordinance 2023-61. This Amendment shall take effect on

the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Bruce Chandler, Chairman

\_\_\_\_\_  
Maureen Camasta, Secretary

\_\_\_\_\_  
James Martin, Vice Chairman

\_\_\_\_\_  
Robert Boogertman, Supervisor