

COLUMBIA BOROUGH COUNCIL – WORK SESSION

May 7, 2019 | 6:00 PM

AGENDA

1. Call to Order and Roll Call
2. Moment of Silence & Pledge to the Flag
3. Personnel
 - a. Discussion of DRAFT Resolution 2019-09: A Resolution of the Borough Council of the Borough of Columbia Regarding Protocols for Elected Officials Conducting Borough Business
4. Legislation
 - a. Discussion of DRAFT Ordinance regarding regulation of Abandoned and/or Hazardous Vehicles
 - b. Discussion of DRAFT Ordinance regarding regulation of Short -Term Rentals
 - c. Update on HARB Activity regarding the Historic District Expansion application to the PA Historic and Museum Commission (PHMC)
5. Announcements
 - a. Announcement of Next Meeting. At 6:00 PM on May 14, 2019 Council will hold an information session to receive information from its Borough Manager and Solicitor.
6. Adjournment

**BOROUGH OF COLUMBIA
LANCASTER COUNTY, PENNSYLVANIA
RESOLUTION NO. 2019-09**

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF COLUMBIA REGARDING PROTOCOLS FOR ELECTED OFFICIALS CONDUCTING BOROUGH BUSINESS

WHEREAS, the primary purpose of Borough Council meetings is to afford elected officials the opportunity to conduct Borough business, and a code of ethical behavior for elected officials for such meetings has been defined in **Resolution 2019-07, A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF COLUMBIA REGARDING PROTOCOLS AND RULES OF DECORUM FOR PUBLIC MEETINGS**, adopted by Borough Council on February 12, 2019; and

WHEREAS, the purpose of the following protocols is to assure an orderly framework within which Elected Officials conduct the business of the Borough of Columbia by setting basic standards for public participation and the distribution of information; and

WHEREAS, the authority for establishment of these rules is derived from the Borough Code, Act 37 of 2014 (8 Pa.C.S.A., Sections 101-3501) and all amendments thereto; the Sunshine Act, codified at 65 Pa.C.S., Sections 701-716 and all amendments thereto; and the Right-to-Know Law, codified at 65.P.S., Sections 67.101-67.3104 and all amendments thereto

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Borough of Columbia as follows:

1. BOROUGH REPRESENTATION

- A. Elected Official Participation in Community Activities.** From time to time, Elected Officials may choose to participate in community activities, committees, events, organizational boards, and task forces. When a Council participates in these types of activities, the Council member is acting as an interested party providing personal observations or expression of thoughts rather than acting on behalf of Borough Council which, by necessity may act only as a body in a properly noticed public meeting.
- B. Elected Official Participation in Community Activities on Behalf of Borough Council.** Acting or participating on behalf of Borough Council, including oral and written correspondence such as speeches and/or letters to residents and other groups or organizations is limited to those instances when Council has designated the Elected Official as its representative for the matter and formally authorized that Elected Official to speak on its behalf.
- C. Speaking to the Media.** Normally, the Council President assumes the responsibility for providing statements representing council's collective position to the press. The Council President may appoint another Elected Official to assume the responsibility in his/her absence. The Mayor may also at his/her discretion provide statements representing his/her position to the press. Any comments made by individual Elected Officials which have not been made by the President, his designee or the Mayor should be understood to be that Elected Official's personal observations or expression of thoughts.

- D. **Acting Responsibly.** Each Elected Official is responsible for their own actions and words. Being in public office necessitates Elected Officials being held to a higher standard. Elected Officials are reminded that when they speak, their words matter, and they are expected to take ownership and be responsible for their words and actions.

2. GUIDELINES FOR ETHICAL CONDUCT

- A. Annual ethics forms shall be submitted to the Borough Office in a timely manner.
- B. Elected officials shall not disclose confidential information to which they have access by virtue of their public office or position. Unless otherwise noted, all e-mails and working draft documents shared between staff and Borough Council are pre-decisional in nature, considered privileged and confidential and, as such, are not intended for public dissemination or discussion. Matters circulated by legal counsel are subject to the attorney-client privilege which members should not waive without action from Council. Personnel records should also be held in the strictest confidence.
- C. Personal gifts, favors, loans, services, payments and other inducements, made either directly to the elected official or to a family member of the official where there is reason to believe such gifts, favors, or inducements are offered to influence official actions in favor of the donor should be refused. Any in-kind and/or cash gift, favor, tip, service, etc. with a value over \$20.00 shall be disclosed to the Borough Manager and/or Borough Council who may require that such item be refused or returned. Nominal token gifts including holiday food baskets, calendars, and meals may be accepted.
- D. In any situation where the Borough is a party, elected officials shall not divulge any information or advice not generally available to the public.

3. ADMINISTRATIVE SUPPORT

- A. **Letters Addressed to Mayor and/or Council:** All letters addressed to the Mayor and/or Council requiring a response from staff are copied to all Councilmembers, the Borough Manager, and the Mayor along with a copy of any response provided.
- B. **Letters Addressed to Individual Councilmembers:** All letters addressed to Councilmembers requiring a response from staff are copied to all Councilmembers, the Borough Manager, and the Mayor along with a copy of the response. Letters addressed to individual Councilmembers that do not require a response from staff but which provide information on Council matters are copied to the full Council and the Mayor.
- C. **Council Correspondence:** All Councilmember correspondence written with Borough resources (letterhead, logos, staff support, postage, etc.) will reflect the position of the full Council, not individual Councilmember positions. All Councilmember correspondence using Borough resources will be copied to the full Council, the Borough Manager, and the Mayor.

4. ELECTED OFFICIAL REIMBURSEMENT FOR TRAVEL EXPENSES

Elected Officials may be reimbursed for expenses incurred while traveling to, from, and during attendance at Borough-related events and conferences pre-approved by Council. Reimbursement shall include mileage, meals, tuition and lodging. Expenses for lodging may be

paid in advance by the Borough. All other reasonable expenses are reimbursed after submission of an itemized account of expenses.

5. MAYOR

- A. Mayor to Act as Ceremonial Representative:** The Mayor is delegated the responsibility to act as Council's ceremonial representative at public events and functions. In the Mayor's absence, the Council President assumes the responsibility. The Mayor may appoint another Council member or the Borough Manager to assume the responsibility in his/her absence.

- B. Oversight of the Police Department:** The Mayor directs the Chief of Police on day-to-day activities of the Police Department. The Mayor's powers with respect to the Police Department are pursuant to and limited by the authority granted to the Mayor under the Borough Code, as amended. Issues regarding Department ranks, including the duties of each rank; appointing, suspending, reducing in rank, or discharging officers; establishing the size of the Department; and controlling budget and finance are reserved to Borough Council. Council's powers with respect to the Police Department are pursuant to and limited by the authority granted to Council under the Borough Code, as amended.

6. NON-OBSERVANCE OF RULES

These rules, wholly or in part, may be amended or repealed by majority vote in any regularly scheduled meeting of Borough Council. Rules adopted to expedite and facilitate the transition of the business of Council in an orderly fashion shall be deemed to be procedural only, and the failure to strictly observe any such rules shall not affect the jurisdiction of or invalidate any action taken by Council.

ACKNOWLEDGEMENT

The Borough acknowledges the Pennsylvania State Association of Boroughs (PSAB) and the Borough of Elizabethtown for assistance provided in the preparation of this document.

DULY ADOPTED this XX day of XXXXX, 2019, by the Borough of Columbia in lawful session duly assembled.

ATTEST:

Columbia Borough Council

Rebecca S. Denlinger
Borough Manager and Secretary/Treasurer

Kelly Murphy
Borough Council President

Agenda Item 3.a.

**BOROUGH OF COLUMBIA
LANCASTER COUNTY, PENNSYLVANIA
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- D. In any situation where the Borough is a party, elected officials shall not divulge any information or advice not generally available to the public. Elected officials shall not convey to any person any information or advice not generally available to the public in any transaction, negotiation, or litigation to which the Borough is a party.

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4. ~~MAYOR AND COUNCIL~~ **ELECTED OFFICIAL REIMBURSEMENT FOR TRAVEL EXPENSES**

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DULY ADOPTED this XX day of XXXXX, 2019, by the Borough of Columbia in lawful session duly assembled.

ATTEST:

Columbia Borough Council

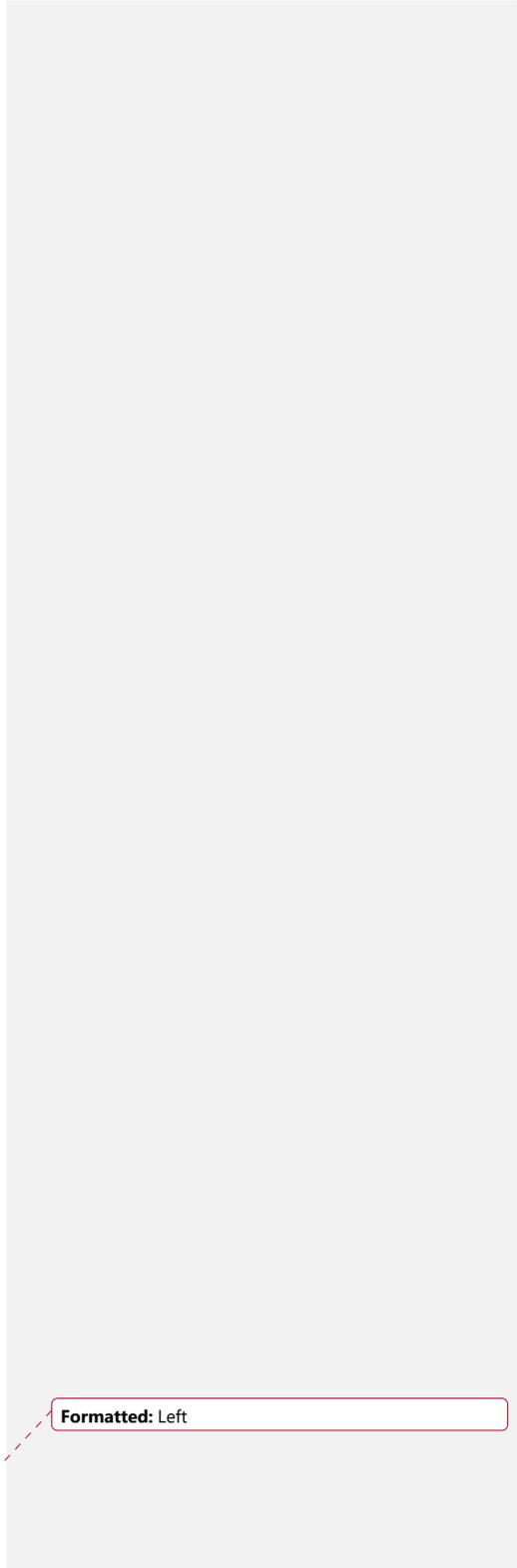
Rebecca S. Denlinger

Kelly Murphy

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Borough Manager and Secretary/Treasurer

Borough Council President



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BOROUGH OF COLUMBIA, LANCASTER COUNTY, PENNSYLVANIA

ORDINANCE NO. ____ - 2019

INTRODUCED BY COUNCIL – _____, 2019

ADOPTED BY COUNCIL – _____, 2019

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF COLUMBIA, LANCASTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 207 BY ADDING AN ARTICLE XVIII – HAZARDOUS VEHICLE PARKING TO PROHIBIT THE PARKING OF HAZARDOUS VEHICLES ON PRIVATE PROPERTY, DEFINING HAZARDOUS VEHICLES, PROHIBITING THE PARKING OR STORAGE OF HAZARDOUS VEHICLES, PROVIDING FOR SHELTERED STORAGE OF VEHICLES, PROVIDING FOR NOTICE OF REMOVAL OF HAZARDOUS VEHICLES, PROVIDING PENALTIES FOR VIOLATION; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT IN ACCORDANCE WITH PENNSYLVANIA LAW.

BACKGROUND:

WHEREAS, abandoned vehicles in a deteriorated condition present a danger to the public, even if parked on private property;

WHEREAS, abandoned vehicles provide a harbor and breeding area for rodents or other animals;

WHEREAS, abandoned vehicles create and attract a nuisance for children; and

WHEREAS, abandoned vehicles on private property constitute a public nuisance and are not addressed in the Vehicle Code.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Columbia, Lancaster County, Pennsylvania, as follows:

SECTION 1. The Code of the Borough of Columbia, Chapter 207 be and hereby is rewritten to add an Article XVIII – Hazardous Vehicle Parking as follows:

“Article XVIII – Hazardous Vehicle Parking

§207-107 – Definitions: Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Article to have the following meanings:

Hazardous Vehicle. A vehicle which (1) contains one or more broken windows or one or more missing doors or a missing trunk or hood which allows entry into the vehicle by children; (2) is structurally unstable or supported by blocks, jacks or other devices creating a danger of slipping and moving; (3) is parked on private property in such manner as to constitute an “abandoned vehicle” under the Vehicle Code; or (4) is partially dismantled, unusable or wrecked and which cannot safely or legally be operated on the streets or highways of the Borough. Currently, licensed, registered and inspected vehicles shall not be included within this definition regardless of condition.

Unsheltered Storage. Any storage except inside a building or in an area completely surrounded by a solid fence of a height not less than the height of the motor vehicle or trailer being sheltered.

Vehicle Code. The Pennsylvania Vehicle Code.

§207-108 – Prohibition on Parking. No person who owns a hazardous vehicle shall park, place or deposit the hazardous vehicle in unsheltered storage upon any private property within the Borough of Columbia. No person owning or occupying any property within the Borough of Columbia shall permit a hazardous vehicle to remain in unsheltered storage on any property.

§207-109 – Prohibited Storage. It shall be unlawful for any person owning or having custody of any hazardous vehicle to store or permit such vehicle to remain in unsheltered storage on any private property within the Borough.

It shall be further unlawful for any person, after notification to remove a hazardous vehicle, to move the same to unsheltered storage on any other private property within the Borough of Columbia.

§207-110 – Permitted Sheltered Storage. The prohibitions of this Article shall not apply to a limit of one hazardous vehicle if it is stored within an enclosed building or an area completely surrounded by a solid fence of a height of not less than the height of the hazardous vehicle, and this Article shall not apply to the premises of a business enterprise otherwise operated in a lawful place and manner when necessary to the operation of such business enterprise, nor shall it apply to the seasonal use vehicles such as snowmobiles, motorcycles, motor scooters and non-motorized campers. The prohibitions of this Article shall likewise not be applied to salvors holding the current Certificate of Authorization from the Commonwealth of Pennsylvania.

§207-111 – Citations, Tickets and Notice of Removal. This Ordinance may be enforced by any Borough of Columbia Code Compliance Manager or his/her designee.

Upon the finding of violation, the official may issue violation tickets to the owner and/or occupant of the property where the vehicle is placed in accordance with Article II of Chapter 1 of the Borough Code. The penalties for non-payment; abatement and charges, and appeals shall be as provided in Article I, Section 20. If the Borough is required to abate an abandoned hazardous vehicle, the abatement cost shall be as provided in that subsection, as amended from time to time.

After three (3) violation tickets have been issued, or if in the opinion of the Compliance Manager the situation requires, written notice shall be sent by certified or registered mail to the owner of record or persons having custody of such hazardous vehicle, and also to the owner of the property, if different, to remove the hazardous motor vehicle within thirty (30) days. The notice shall state or contain:

- A. A description and location of the hazardous motor vehicle.
- B. A statement that the hazardous motor vehicle must be removed within thirty (30) days.
- C. A statement that removal from the location to another location in the Borough of Columbia is not permitted, unless that location provides sheltered storage as defined herein.
- D. A statement that after removal was made, that notification of the removal should be given to the building inspector or code enforcement officer.
- E. A statement of the penalties provided for non-compliance.

§207-112 – Emergency Powers. Nothing in this article shall prevent the Borough or duly authorized officials from removing from private property, without notice, any attended or unattended motor vehicle, the presence of which constitutes a hazard or threat to the life, health, safety, welfare and morals of the residents of the Borough which is imminently dangerous and, in the opinion of the Borough or authorized officials, constitutes a nuisance which gives rise to the existence of emergency conditions.

§207-113 – Penalties for Violation.

- A. Any person violating any of the provisions of this Ordinance shall, upon conviction, be guilty of a summary offense and shall be sentenced to pay a fine of not more than \$1,000, together with cost of prosecution, and in default of payment of such fine and costs, to undergo imprisonment for not more than thirty (30) days.
- B. In addition to or in lieu of enforcement under any other provision of this Article, the Borough may enforce any provision of this Article by an action in equity in the Court of Common Pleas of Lancaster County.
- C. In any action brought pursuant to this Section 207-113, the Borough is entitled to receive, at the order of the Court, an assessment of Court costs and reasonable attorney's fees incurred by the Borough in bringing forth any such action. Each day that the property is not in compliance shall constitute a separate violation.
- D. The remedies set forth above shall not be construed to the limit or deny the right of the Borough of Columbia to any other equitable or legal rights or remedies as may be otherwise available at law."

SECTION 2. All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

SECTION 3. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the Borough of Columbia that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 4. This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this _____ day of _____, 2019, by the Borough Council of the Borough of Columbia, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF COLUMBIA,
LANCASTER COUNTY, PENNSYLVANIA

By: _____
Kelly Murphy,
President of Borough Council

ATTEST:

Rebecca s. Denlinger,
Borough Manager/Secretary

Examined and approved this _____ day of _____, 2019.

Leo S. Lutz, Mayor

BOROUGH OF COLUMBIA, LANCASTER COUNTY, PENNSYLVANIA

ORDINANCE NO. ____ - 2019

INTRODUCED BY COUNCIL – _____, 2019

ADOPTED BY COUNCIL – _____, 2019

AN ORDINANCE OF THE BOROUGH OF COLUMBIA, LANCASTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 220 OF THE CODE OF THE BOROUGH OF COLUMBIA — ZONING, TO AUTHORIZE, UNDER SPECIFIED CONDITIONS, SHORT-TERM RENTAL DWELLING USES AND DEFINING THE USE; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT IN ACCORDANCE WITH PENNSYLVANIA LAW.

BACKGROUND

WHEREAS, the Borough of Columbia, Lancaster County, Pennsylvania, recognizes that in solely residential zoning districts the expectation of relative stability and permanence in the composition of the neighborhood is inherent in the use of single-family dwellings; and

WHEREAS, the Borough of Columbia recognizes that a new housing type of single-family dwellings has emerged as a commercial use; and

WHEREAS, the Borough of Columbia wishes to provide a balance between the new commercial use and nearby single-family residential uses; and

WHEREAS, the Borough of Columbia recognizes the need to regulate the commercial use of single-family dwellings to protect against those adverse community impacts; and

WHEREAS, the Borough of Columbia recognizes the need to regulate such short-term residential uses of single-family homes for the protection, health, and safety of its residents; and

WHEREAS, the Borough of Columbia wishes to allow neighborhoods to maintain their character and allow homeowners in neighborhoods to maintain their quality of life.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Columbia, Lancaster County, Pennsylvania, as follows:

SECTION 1. Chapter 220 of the Code of the Borough of Columbia — Zoning, Section 220-19, Definitions, be and hereby is amended to include the following definitions:

“Deficiency-Free” — Free from health and safety issues as listed on the Columbia Borough Change of Occupant Checklist.

“Detached” — A dwelling structure having open-yard areas on all sides.

“Mixed Use” — A building containing a residential use and a non-residential use.

“Overnight Guest” — A person not originally part of the Single Entity scheduled to occupy the short-term rental.

“Person in Charge” — The person who leased the property or represents the entity that leased the property for the short-term rental. The person in charge shall be noted as such by the property owner when notifying the Borough of Columbia of the new occupancy and shall be the person to be contacted in the event of an issue of the property. The person in charge must personally occupy the short-term rental during the period of rental.

“Short-Term Rental” (“STR”) — Any dwelling unit meeting the definition of “hotel,” as defined in Lancaster County Ordinance No. 45, enacted September 15, 1999, and offered for rent for a period of less than thirty-one (31) days.

“Single Entity” — A person or a group occupying the short-term residence.”

SECTION 2. Chapter 220 of the Code of the Borough of Columbia — Zoning, Section 220-25, Table of Permitted Uses by District, Primarily Non-Residential Districts, be and hereby is amended to add the following use under the heading Residential Uses:

	INSR	DC & NC	MDRB	LB	CR	HC	RC	LI & GI
Short-Term Rental	N	N	P	N	N	N	N	N

SECTION 3. Chapter 220 of the Code of the Borough of Columbia — Zoning, Section 220-30, Additional Requirements for Specific Principal Uses, Subpart A, be and hereby is amended by adding Subpart 45, Short-Term Rental Dwellings, as follows:

“(45) Short-term rental dwellings must be in a detached dwelling, a detached mixed used building, or a detached accessory building. A minimum of two off-street parking spaces must be provided. The spaces may be located in a garage immediately available to the property for vehicular storage. This short-term rental dwelling shall be occupied as a unit by a single entity. There shall be no individual room rentals to separate entities.

The property shall be registered annually and be compliant with the Borough of Columbia's Rental Residential Registration and Inspection Requirements as contained in the Existing Structures and Property Maintenance Code.

The property shall be compliant with all Federal, State, County and Local laws, ordinances, and regulations.

No persons other than members of the entity renting the short-term rental shall be allowed on the premises during the period of occupancy.

Recreational vehicles, campers, and tents are prohibited.

There shall be no overnight guests other than members of the entity renting the facility.

The property shall be cleaned and made deficiency free following each occupancy.

Following each occupancy, the property shall be inspected by the property owner or its agent before the property is re-occupied and must be deficiency free before being re-occupied.

Before each new occupancy, the property owner or his agent shall email or fax the Borough of Columbia with a list of the estimated number of tenants contracted to occupy the dwelling as well as the name, telephone number, and other contact information of the person in charge of the entity renting the unit.

A Knox Box shall be installed in an approved manner and shall contain all keys to the property.

The property shall be supplied with a basic first aid kit, a tool kit, the contact information for the owner or manager, trash and recycling collection information, and a list of local emergency contacts."

SECTION 4. Chapter 220 of the Code of the Borough of Columbia — Zoning, Section 220-31, Additional Requirements for Accessory Uses shall be and hereby is amended by adding Subpart 13, Short-Term Rental Dwelling, as follows:

"13.A. Short-term rental dwellings must be in a detached dwelling, a detached mixed used building, or a detached accessory building. A minimum of two off-street parking spaces must be provided. The spaces may be located in a garage immediately available to the property for vehicular storage. This short-term rental dwelling shall be occupied as

a unit by a single entity. There shall be no individual room rentals to separate entities.

13.B. The property shall be registered annually and be compliant with the Borough of Columbia's Rental Residential Registration and Inspection Requirements as contained in the Existing Structures and Property Maintenance Code.

13.C. The property shall be compliant with all Federal, State, County and Local laws, ordinances, and regulations.

13.D. No persons other than members of the entity renting the short-term rental shall be allowed on the premises during the period of occupancy.

13.E. Recreational vehicles, campers, and tents are prohibited.

13.F. There shall be no overnight guests other than members of the entity renting the facility.

13.G. The property shall be cleaned and made deficiency free following each occupancy.

13.H. Following each occupancy, the property shall be inspected by the property owner or its agent before the property is re-occupied and must be deficiency free before being re-occupied.

13.I. Before each new occupancy, the property owner or his agent shall email or fax the Borough of Columbia with a list of the estimated number of tenants contracted to occupy the dwelling as well as the name, telephone number, and other contact information of the person in charge of the entity renting the unit.

13.J. A Knox Box shall be installed in an approved manner and shall contain all keys to the property.

13.K. The property shall be supplied with a basic first aid kit, a tool kit, the contact information for the owner or manager, trash and recycling collection information, and a list of local emergency contacts."

SECTION 5. All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

SECTION 6. Any renting of a property as a short term rental, without the property being registered, shall constitute a separate violation of this Ordinance.

SECTION 7. Failure to renew a short term rental registration shall give rise to a presumption that the short term rental use of the property has been abandoned.

SECTION 8. Three violations of this Ordinance within a two-year period shall be sufficient cause to revoke the short-term rental of the property for the unexpired term of the permit.

SECTION 9. A schedule of fees may be established from time to time by Borough Council.

SECTION 10. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the Borough of Columbia that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 11. This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this _____ day of _____, 2019, by the Borough Council of the Borough of Columbia, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF COLUMBIA,
LANCASTER COUNTY, PENNSYLVANIA

By: _____
Kelly Murphy,
President of Borough Council

ATTEST:

Rebecca Denlinger,
Borough Manager/Secretary

Examined and approved this _____ day of _____, 2019.

Leo S. Lutz, Mayor

BOROUGH OF COLUMBIA, LANCASTER COUNTY, PENNSYLVANIA

ORDINANCE NO. ____ - 2019

INTRODUCED BY COUNCIL – _____, 2019

ADOPTED BY COUNCIL – _____, 2019

AN ORDINANCE OF THE BOROUGH OF COLUMBIA, LANCASTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 220 OF THE CODE OF THE BOROUGH OF COLUMBIA — ZONING, TO AUTHORIZE, UNDER SPECIFIED CONDITIONS, SHORT-TERM RENTAL DWELLING USES AND DEFINING THE USE; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT IN ACCORDANCE WITH PENNSYLVANIA LAW.

BACKGROUND

WHEREAS, the Borough of Columbia, Lancaster County, Pennsylvania, recognizes that in solely residential zoning districts the expectation of relative stability and permanence in the composition of the neighborhood is inherent in the use of single-family dwellings; and

WHEREAS, the Borough of Columbia recognizes that a new housing type of single-family dwellings has emerged as a commercial use; and

WHEREAS, the Borough of Columbia wishes to provide a balance between the new commercial use and nearby single-family residential uses; and

WHEREAS, the Borough of Columbia recognizes the need to regulate the commercial use of single-family dwellings to protect against those adverse community impacts; and

WHEREAS, the Borough of Columbia recognizes the need to regulate such short-term residential uses of single-family homes for the protection, health, and safety of its residents; and

WHEREAS, the Borough of Columbia wishes to allow neighborhoods to maintain their character and allow homeowners in neighborhoods to maintain their quality of life.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Columbia, Lancaster County, Pennsylvania, as follows:

SECTION 1. Chapter 220 of the Code of the Borough of Columbia — Zoning, Section 220-19, Definitions, be and hereby is amended to include the following definitions:

“Deficiency-Free” — Free from health and safety issues as listed on the Columbia Borough Change of Occupant Checklist.

“Detached” — A dwelling structure having open-yard areas on all sides.

“Mixed Use” — A building containing a residential use and a non-residential use.

“Overnight Guest” — A person not originally part of the Single Entity scheduled to occupy the short-term rental.

“Person in Charge” — The person who leased the property or represents the entity that leased the property for the short-term rental. The person in charge shall be noted as such by the property owner when notifying the Borough of Columbia of the new occupancy and shall be the person to be contacted in the event of an issue of the property. The person in charge must personally occupy the short-term rental during the period of rental.

“Short-Term Rental” (“STR”) — Any dwelling unit meeting the definition of “hotel,” as defined in Lancaster County Ordinance No. 45, enacted September 15, 1999, and offered for rent for a period of less than thirty-one (31) days.

“Single Entity” — A person or a group occupying the short-term residence.”

SECTION 2. Chapter 220 of the Code of the Borough of Columbia — Zoning, Section 220-25, Table of Permitted Uses by District, Primarily Non-Residential Districts, be and hereby is amended to add the following use under the heading Residential Uses:

	INSR	DC & NC	MDRB	LB	CR	HC	RC	LI & GI
Short-Term Rental	N	N	P	N	N	N	N	N

SECTION 3. Chapter 220 of the Code of the Borough of Columbia — Zoning, Section 220-30, Additional Requirements for Specific Principal Uses, Subpart A, be and hereby is amended by adding Subpart 45, Short-Term Rental Dwellings, as follows:

“(45) Short-term rental dwellings must be in a detached dwelling, a detached mixed used building, or a detached accessory building. A minimum of two off-street parking spaces must be provided. The spaces may be located in a garage immediately available to the property for vehicular storage. This short-term rental dwelling shall be occupied as a unit by a single entity. There shall be no individual room rentals to separate entities.

The property shall be registered annually and be compliant with the Borough of Columbia's Rental Residential Registration and Inspection Requirements as contained in the Existing Structures and Property Maintenance Code.

The property shall be compliant with all Federal, State, County and Local laws, ordinances, and regulations.

No persons other than members of the entity renting the short-term rental shall be allowed on the premises during the period of occupancy.

Recreational vehicles, campers, and tents are prohibited.

There shall be no overnight guests other than members of the entity renting the facility.

The property shall be cleaned and made deficiency free following each occupancy.

Following each occupancy, the property shall be inspected by the property owner or its agent before the property is re-occupied and must be deficiency free before being re-occupied.

Before each new occupancy, the property owner or his agent shall email or fax the Borough of Columbia with a list of the estimated number of tenants contracted to occupy the dwelling as well as the name, telephone number, and other contact information of the person in charge of the entity renting the unit.

A Knox Box shall be installed in an approved manner and shall contain all keys to the property.

The property shall be supplied with a basic first aid kit, a tool kit, the contact information for the owner or manager, trash and recycling collection information, and a list of local emergency contacts."

SECTION 4. Chapter 220 of the Code of the Borough of Columbia — Zoning, Section 220-31, Additional Requirements for Accessory Uses shall be and hereby is amended by adding Subpart 13, Short-Term Rental Dwelling, as follows:

"13.A. Short-term rental dwellings must be in a detached dwelling, a detached mixed used building, or a detached accessory building. A minimum of two off-street parking spaces must be provided. The spaces may be located in a garage immediately available to the property for vehicular storage. This short-term rental dwelling shall be occupied as

a unit by a single entity. There shall be no individual room rentals to separate entities.

13.B. The property shall be registered annually and be compliant with the Borough of Columbia's Rental Residential Registration and Inspection Requirements as contained in the Existing Structures and Property Maintenance Code.

13.C. The property shall be compliant with all Federal, State, County and Local laws, ordinances, and regulations.

13.D. No persons other than members of the entity renting the short-term rental shall be allowed on the premises during the period of occupancy.

13.E. Recreational vehicles, campers, and tents are prohibited.

13.F. There shall be no overnight guests other than members of the entity renting the facility.

13.G. The property shall be cleaned and made deficiency free following each occupancy.

13.H. Following each occupancy, the property shall be inspected by the property owner or its agent before the property is re-occupied and must be deficiency free before being re-occupied.

13.I. Before each new occupancy, the property owner or his agent shall email or fax the Borough of Columbia with a list of the estimated number of tenants contracted to occupy the dwelling as well as the name, telephone number, and other contact information of the person in charge of the entity renting the unit.

13.J. A Knox Box shall be installed in an approved manner and shall contain all keys to the property.

13.K. The property shall be supplied with a basic first aid kit, a tool kit, the contact information for the owner or manager, trash and recycling collection information, and a list of local emergency contacts."

SECTION 5. All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

SECTION 6. Any renting of a property as a short term rental, without the property being registered, shall constitute a separate violation of this Ordinance.

SECTION 7. Failure to renew a short term rental registration shall give rise to a presumption that the short term rental use of the property has been abandoned.

SECTION 8. Three violations of this Ordinance within a two-year period shall be sufficient cause to revoke the short-term rental of the property for the unexpired term of the permit.

SECTION 9. A schedule of fees may be established from time to time by Borough Council.

SECTION 10. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the Borough of Columbia that the remainder of the Ordinance shall be and shall remain in full force and effect.

~~SECTION 6.~~SECTION 11. This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this _____ day of _____, 2019, by the Borough Council of the Borough of Columbia, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF COLUMBIA,
LANCASTER COUNTY, PENNSYLVANIA

By: _____
Kelly Murphy,
President of Borough Council

ATTEST:

Rebecca Denlinger,
Borough Manager/Secretary

Examined and approved this _____ day of _____, 2019.

Leo S. Lutz, Mayor