

**AMENDMENT TO ZONING ORDINANCE
OF MONTROSE BOROUGH.
SUSQUEHANNA COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2026-01

AN ORDINANCE AMENDING THE MONTROSE BOROUGH ZONING ORDINANCE TO ALLOW FOR AND REGULATE SHORT TERM RENTALS IN THE BOROUGH; DEFINING CERTAIN TERMS; AMENDING THE SCHEDULE OF USES FOR R-1 RESIDENTIAL DISTRICTS TO ALLOW SHORT TERM RENTALS AS SPECIAL EXCEPTIONS; AMENDING THE SCHEDULE OF USES FOR I-1 INDUSTRIAL DISTRICTS, X-1 OFFICE DISTRICTS, AND C-1 COMMERCIAL DISTRICTS AS PRINCIPAL PERMITTED USES; REQUIRING PERMITS TO BE ISSUED FOR THE OPERATION OF SHORT TERM RENTALS; ESTABLISHING PERMIT APPLICATION REQUIREMENTS; ESTABLISHING PERMIT CONDITIONS AND RESTRICTIONS; ESTABLISHING OCCUPANCY LIMITS AND PARKING REQUIREMENTS FOR SHORT TERM RENTALS; REGULATING CERTAIN OUTDOOR USES; REGULATING EXCESSIVE NOISE AND DISTURBANCES; REQUIRING SHORT TERM RENTAL OWNERS TO PROVIDE NOTICES TO RENTERS AND GUESTS; ESTABLISHING STANDARDS FOR OPERATION OF SHORT TERM RENTALS; REQUIRING INSPECTIONS OF SHORT TERM RENTALS; RESTRICTING MARKETING OF SHORT TERMS RENTALS WHICH WOULD VIOLATE THE ZONING ORDINANCE; ESTABLISHMENT OF APPLICATION AND RENEWAL FEES; AMENDING §112-515(F)(1)(D)(C) OF THE ZONING ORDINANCE TO INCLUDE SHORT TERM RENTALS; DEEMING VIOLATIONS OF THE ORDINANCE AS A NUISANCE WHICH IS ABATABLE UNDER LAW; PROVIDING FOR SEVERABILITY OF UNLAWFUL PROVISIONS; REPEALING ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

BACKGROUND

WHEREAS, the Council of Montrose Borough has observed that Short Term Rentals, as defined hereinafter, have increased in number within the Borough and that the Borough lacks significant lodging facilities for visitors to the Borough and the surrounding areas; and

WHEREAS, the Council of Montrose Borough has determined that amending the Montrose Borough Zoning Ordinance is necessary to allow for Short Term Rentals of dwellings within all of the Borough's zoning districts; and

WHEREAS, the Council of Montrose Borough hereby amends the Zoning Ordinance to advance the purpose and community development objections of the Zoning Ordinance as stated in §112.102, to wit: (1) to promote, protect and facilitate (a) the public health, safety, morals and general welfare, (b) coordinated and practical community development, and (c) vehicle parking; (2) to provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including Short Term Rentals; (3) to accommodate reasonable overall community growth, including opportunities for development of a variety of residential dwelling types; (4) to stimulate economic growth within the community; (5) to conserve and promote the public health, safety and general welfare of the present and future inhabitants of the Borough of Montrose; (6) to sustain a high quality of neighborhoods and

to protect individual property values; and (7) to preserve the natural, scenic, historic and aesthetic character of Montrose Borough and controlling and regulating its orderly growth, development and maintenance; and

WHEREAS, Short Term Rentals provide a community benefit by expanding the number and type of lodging facilities available and assist their owners by providing revenue which may be used for maintenance, upgrades and deferred costs; and

WHEREAS, while most Short Term Rentals operate without adverse incidents, the Council of Montrose Borough recognizes that the potential exists for excessive noise, haphazard parking, trespassing onto neighboring properties, and littering; and

WHEREAS, the Council of Montrose Borough also recognizes that renters of Short Term Rentals must be afforded safe and secure accommodations which provide adequate sewage capabilities and sleeping arrangements; and

WHEREAS, the Council of Montrose Borough has determined that the transitory nature of renters of Short Term Rentals may make enforcement against the renters difficult and that Owners of Short Term Rentals must be accountable for the actions of their renters and their guests; and

WHEREAS, the Council of Montrose Borough is authorized to amend the Zoning Ordinance from time to time pursuant to §112.1015 of the Zoning Ordinance and §609 of the Pennsylvania Municipalities Planning Code (53 P.S. §10609);

NOW, THEREFORE, be it enacted and ordained that the Zoning Ordinance of the Borough of Montrose is hereby amended as follows:

SECTION 1

APPLICABILITY

This Ordinance shall apply to all Short Term Rentals, as hereinafter defined, and all provisions of this Ordinance shall apply in addition to all other applicable requirements of the Borough of Montrose's ordinances. This Ordinance does not apply to uses that are defined as Adult Motel, Assisted Living Facility, Bed and Breakfast Inn, Boarding or Lodging House, Camp/Retreat, Group Homes, Group Quarters, Hotel, Motel, Nursing Home, Personal Care Home, Recreational Vehicle, or Resort, as those terms are defined in the Zoning Ordinance.

SECTION 2

DEFINITIONS

The following words, terms and phrases are hereby added to §112-203 of the Zoning Ordinance:

Bedroom – A room in a dwelling unit designed for sleeping, containing a closet, and not measuring less than seventy (70) square feet. Each bedroom shall have an operable window serving as the emergency escape and rescue opening with a minimum clear opening of four (4) square feet with a minimum net clear opening height of twenty-two (22) inches and a minimum clear opening width of twenty (20) inches. Bedrooms shall not be located in basements.

Dwelling, Short Term Rental – A dwelling unit within a residential dwelling structure rented for a period of not less than one (1) day and not more than fifteen (15) days. For purposes of Short Term Rentals, the definition of Dwelling Unit is amended to eliminate the condition that the occupancy is for the exclusive use of one (1) family or for the exclusive use of one (1) functional family.

Local Contact Person – An Owner of a Short Term Rental, or a manager or agent selected by the Owner of a Short Term Rental, who shall reside within fifteen (15) miles of the Short Term Rental and in the case of a manager or agent, shall have the Short Term Rental Owner's authority to respond to inquiries from renters of a Short Term Rental, members of the public and representatives of the Borough, and to take any necessary action and respond to any violation of this Ordinance.

Rent – The consideration received by an Owner of a Short Term Rental in money, credits, property or other consideration valued in money for lodging.

Short Term Rental – See *Dwelling, Short Term Rental*.

The following words, terms and phrases of §112-203 of the Zoning Ordinance are hereby amended:

Residency (or Occupancy), Long Term – Occupancy of a dwelling, for periods of more than one hundred and eighty (180) days, as opposed to employment-related short term living arrangements or temporary visits to bed and breakfast establishments, motels, hotels, short term rentals, campgrounds and recreational vehicles, and which serves as the legal address for the occupant. It also includes any dwelling or structure where children who attend school reside.

SECTION 3

SCHEDULE OF USES

Section 112-403 of the Zoning Ordinance is hereby amended as follows:

- A. Schedule of Uses R-1 Residential District is amended to add Short Term Rentals to the Special Exceptions category.
- B. Schedule of Uses I-1 Industrial District is amended to add Short Term Rentals to the Principal Permitted Uses category.
- C. Schedule of Uses X-1 Office District is amended to add Short Term Rentals to the Principal Permitted Uses category.

- D. Schedule of Uses C-1 Commercial District is amended to add Short Term Rentals to the Principal Permitted Uses category.

SECTION 4

Section 112-752 shall be entitled "**Short Term Rentals.**" and shall be amended as follows:

In addition to all other applicable standards in this Ordinance, the following regulations shall apply to Short Term Rentals which shall be permitted only in the districts as provided by the Schedule of Uses:

- A. Permit required. No person shall operate a Short Term Rental without first obtaining a Short Term Rental Permit pursuant to this Ordinance. Operation of a Short Term Rental without a Permit is a violation of this Ordinance.
- B. Permit application requirements. Short Term Rental Permit applications shall contain all of the following information:
1. The name, address, telephone number, and email address of the Owner of the Short Term Rental.
 2. If the Owner chooses to employ a local manager or agent to operate the Short Term Rental, then the name, address, 24-hour telephone number, and email address of the manager or agent. The manager or agent must be a natural person and cannot be a company or organization. By identifying a local manager or agent, the Owner thereby authorizes the manager or agent to act on behalf of and bind the Owner, to operate the Short Term Rental, and to accept service of notification and process on behalf of the Owner.
 3. The total number of bedrooms and bathrooms in the Short Term Rental. A bathroom containing a toilet and sink shall be considered a half bathroom. A bathroom containing a toilet, sink and either a shower or tub shall be considered one bathroom.
 4. If the building is a multi-unit structure, the total number of Dwelling Units in the structure, the number of Dwelling Units being used as Short Term Rentals, and identification of the location of the Dwelling Units being used as Short Term Rentals.
 5. A diagram or photograph indicating the location and number of off-street parking spaces.
 6. If the Short Term Rental is not serviced by a public sewer, a certification by a Pennsylvania licensed sewage enforcement officer that the septic system is not malfunctioning and has the capacity to address the sewage discharge for the maximum occupancy of the Short Term Rental.

7. Copies of current Susquehanna County Hotel Room Rental Tax Certificate and current Pennsylvania Sales and Use Tax Permit.
8. Signatures of the Owner and the manager / agent, if applicable.
9. Copy of the current Deed for the property establishing ownership and all applicable leases, agreements, or other binding legal documents which evidence that the applicant has the legal right to maintain and operate a Short Term Rental.
10. Each Owner shall maintain a policy of insurance with coverage limits of at least one million dollars (\$1,000,000) insuring the Short Term Rental and for all injury to persons, including death, and property damage. The Owner shall maintain the insurance coverage for the term of the Permit and provide proof of insurance to the Zoning Officer. In the event the insurance coverage is modified in any respect, the Owner shall provide the Zoning Officer with proof of the modified policy. Cancellation of insurance will render the Permit null and void.
11. Proof that all real estate tax invoices have been paid in full.

C. Permit issuance. Permits shall be issued with the following conditions:

1. Only to the Owner of the Short Term Rental.
2. A Permit is required for each Short Term Rental.
3. For a term of one (1) year.
4. Only if full payment of the applicable fees have been paid by the Owner at the time of the application's submission to the Borough of Montrose.
5. After inspection of the Short Term Rental by the Zoning Officer to ensure compliance with this Ordinance and all other applicable provisions of the Zoning Ordinance and the Montrose Borough Code.
6. Authorizing the Zoning Officer and the Codes Officer, or their agents, to inspect the Short Term Rental while the Permit is in full force and effect.

D. Permit restrictions. Permits shall not be:

1. Transferrable, assignable or allow subletting.
2. Automatically renewed.

E. Occupancy limits.

1. Overnight occupancy of a Short Term Rental shall be limited to no more than two (2) people per bedroom.
2. The maximum number of day guests allowed to occupy a Short Term Rental at any one time, in addition to the overnight occupants, shall be one-hundred percent (100%) of the maximum overnight occupancy of the Short Term Rental.
3. In the event the Short Term Rental is serviced by a onlot sewage system, the number of bedrooms shall be no greater than allowed by the applicable sewage permit. In the event a permit cannot be produced or if the sewage system predates the adoption of the Pennsylvania Sewage Facilities Act, then the Owner shall provide a certificate by a licensed Pennsylvania Sewage Enforcement Officer which establishes the maximum number of bedrooms that can be serviced by the onlot sewage system.

F. Parking.

1. The required number of parking spaces may include spaces in a garage which can accommodate vehicles. Parking spaces shall not be on lawns or vegetaged areas.
2. Each vehicle parking space shall be a rectangle with a minimum width of nine (9) feet and a minumum length of eighteen (18) feet and adequate aisle width shall be provided to facilitate access and use of the space.
3. Recreational vehicles and camper trailers are not allowed on the property containing the Short Term Rental(s).

G. Prohibition of certain outdoor uses.

1. Outdoor overnight sleeping, including in tents, is prohibited.
2. Uncontained fires are prohibited. Owner shall regulate renter's use of fire pits (a pit dug into the ground surrounded by bricks or concrete blocks or a freestanding metal vessel), charcoal grills and propane/gas grills. Owner shall ensure all renters and their guests shall abide by all outdoor burning ordinances and burning bans. All fires must be extinguished by midnight.
3. Fireworks and floating lanterns are prohibited on the property containing the Short Term Rental.

H. Excessive noise and disturbances prohibited.

1. Short Term Rental renters and/or guests shall not engage in disorderly conduct nor disturb the peace and quiet of the neighborhood or nearby persons by loud, unusual, or excessive noise, by tumultuous or offensive conduct, public indecency, intoxication, threatening, traducing, quarreling,

challenging to a fight, or fighting, or creating a dangerous or physically offensive condition.

2. Prior to renting the Short Term Rental, Owner or Owner's manager / agent shall inform the renters and guests of the prohibitions in subsection H(1). Owner or Owner's manager / agent, as the case may be, shall promptly notify the renters and guests of the violation of any laws of which the Owner or Owner's manager / agent is made aware and shall terminate the rental of the Short Term Rental immediately upon renter's / guest's failure to cease the said violations.
 3. Violation of the provisions of subsection H(1) by the renter(s) and guest(s) or violation of the provisions of subsection H(2) by the Owner or Owner's manager / agent shall constitute a nuisance under this Ordinance.
- I. Notice to renters and guests. Within each Short Term Rentals there shall be posted a clearly visible and legible notice containing the following information:
1. The name of the Owner or the Owner's manager / agent and a 24-hour telephone number at which the Owner or Owner's manager / agent can be reached.
 2. The Permit number.
 3. The provisions of this Ordinance related to the use and occupancy, including the maximum number of overnight renters permitted to stay in the Short Term Rental, the maximum number of day guests permitted at any one time and the number and location of on-site parking spaces.
 4. The day trash is picked-up and the prohibition that trash and refuse shall not be left or stored on the exterior of the property except as allowed by the Montrose Borough Code.
 5. The E-911 address of the Short Term Rental.
 6. Advising the renters that they are required to make the Short Term Rental available for inspection by the Zoning Officer.
 7. Notification that a renter or guest may be cited and fined for creating a disturbance or for violating other provisions of this Ordinance, including the parking and occupancy requirements.
- J. Standards. All Permits issued pursuant to this Ordinance are subject to the following standards:
1. The Owner shall by written agreement, limit overnight occupancy of the Short Term Rental to the specific number of renters designated in the Permit, with the number of overnight renters not to exceed two (2) persons per bedroom.

2. Each Short Term Rental shall be equipped with smoke detectors (a) on each floor, (b) in common hallways outside of each bedroom, and (c) at the top of each stairway.
3. Each Short Term Rental shall be equipped with carbon monoxide detectors (a) on each floor, and (b) if a garage exists, in the garage.
4. Each Short Term Rental shall have at least one (1) fire extinguisher, which shall be located in the kitchen, which shall be readily accessible.
5. Each Short Term Rental must be in full compliance with the Borough of Montrose's Property Maintenance Code, including all provisions addressing the use and maintenance of swimming pools, hot tubs, and spas.
6. GFI protected outlets must be installed for any outlet within six (6) feet of a water source.
7. All dryers must be equipped with either an aluminum or metal exhaust.
8. Lights used for exterior illumination shall direct light away from adjoining properties and shall be operated by a sensor. Lighting shall be pointed / shielded downward to minimize upward glare. Lights shall not remain on throughout the evening hours.

K. Inspections.

1. Each Short Term Rental must be inspected by the Zoning Officer prior to the issuance of a Permit and upon the annual renewal of the Permit for the purpose of verifying compliance with this Ordinance and the Zoning Ordinance.
2. Owner's signed application shall constitute the Owner's consent to the inspection of the Short Term Rental upon the submission of an application and upon the annual renewal of the Permit.
3. The inspection of the Short Term Rental or the issuance of a Permit are not a warranty that the Short Term Rental is lawful, safe, or habitable.

- L. Marketing. An Owner or the Owner's manager / agent shall not market the Short Term Rental in a manner that would violate this Ordinance or the Zoning Ordinance, including, but not limited to, an occupancy that exceeds the maximum occupancy for renters and their guests.

SECTION 5

APPLICATION AND RENEWAL FEES

- A. Application Fee. An application for a Short Term Rental Permit shall be accompanied by an initial fee established by Resolution of the Council of Montrose Borough.
- B. Renewal Fee. An annual renewal fee shall be established by Resolution of the Council of Montrose Borough which Permit holders shall pay when renewing their permit issued pursuant to this Ordinance. Failure to pay the renewal fee on or by the anniversary date of the Permit shall result in the assessment of a fee twice the amount of the normal renewal fee. If the fee is not paid within sixty (60) days of the Permit's anniversary day, then the permit shall be null and void and application for a new Permit, not a renewal, shall be required. During the time the new application is pending, the Owner shall not allow the Short Term Rental to be rented.
- C. Payment of Fees. All fees due and owing pursuant to this Ordinance are the responsibility of the Owner.

SECTION 6

AMENDMENT TO §112-515(F)(1)(D)(C)

Section 112-515(F)(1)(D)(C) is amended to include Short Term Rentals.

SECTION 7

NUISANCE

In the interest of promoting the public health, safety and welfare of the Borough's residents, business owners and visitors, and of minimizing the burden on the Borough and community services and impacts on residential neighborhoods posed by Short Term Rentals, a violation of any of the provisions of this section is declared to be a public nuisance, abatable by any and all means afforded by law, including the revocation of a Permit. Repairs, maintenance, and construction required to abate nuisances must be completed in a workmanlike manner and be in accord with all federal, state and local laws and ordinances.

SECTION 8

SEVERABILITY

Should any section, subsection, clause, provision or other portion of this Ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance; the Council of Montrose Borough having adopted this Ordinance as if such invalid portions had not been included therein.

SECTION 9

REPEALER

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 10


EFFECTIVE DATE


This Ordinance shall become effective five (5) days after the adoption thereof.

ENACTED AND ORDAINED this 19th day of January, 2026.


Attest:

COUNCIL OF MONTROSE BOROUGH


Alyssa Sprout, Secretary
Montrose Borough

By: 
Randall Schuster, Council President
Montrose Borough

Read and approved by me this 19 day of January, 2026.

By: 
Thomas Lamont, Mayor
Montrose Borough