

Chapter 324

SHORT-TERM RENTALS

[HISTORY: Adopted by the Board of Supervisors of the Township of Coolbaugh 8-18-2020 by Ord. No. 141-2020. Amendments noted where applicable.]

§ 324-1. Title.

This chapter shall be known as and may be cited as "Short-Term Rentals."

§ 324-2. Findings and purpose.

The Board of Supervisors of Coolbaugh Township, Monroe County, Pennsylvania, is charged with the duty to protect and provide for the health, safety and general welfare of the citizens of the Township. The Board of Supervisors specifically finds and declares as follows:

- A. Short-term rentals of dwellings have become a significant segment of the local tourism economy.
- B. Short-term rentals provide a community benefit by expanding the number and type of lodging facilities available and assist owners of short-term rentals by providing revenue which may be used for maintenance, upgrades and deferred costs.
- C. While most of these units operate without a problem, there have been numerous complaints to the Township regarding excessive noise, parking, litter, and concerns regarding septic capabilities, security, public safety, and trespass.
- D. The transitory nature of occupants of a short-term rental makes enforcement against the occupants difficult and therefore the unit owner must be the responsible party.
- E. The provisions of this chapter are necessary to prevent the continued burden on Township and community services and negative impacts on residential neighborhoods posed by short-term rentals.
- F. Compliance with the provisions of this chapter will maintain the rural and recreational character of the Township that attracts residents, homeowners and visitors.

§ 324-3. Scope; interpretation; responsibility.

- A. Scope. This chapter shall apply to all short-term rentals as defined in § 324-5, and all provisions of this chapter shall apply in addition to all other applicable requirements of Township ordinances, including but not limited to the Coolbaugh Township Zoning Ordinance. This chapter does not apply to a hotel, motel, bed-and-breakfast, boarding or lodging house or group home, as defined in Chapter 400 (Zoning), when the property owner or representative is present on site at the property on a twenty-four-hour-per-day basis.
- B. Interpretation. This chapter is not intended to, and does not, excuse any landowner from compliance with Chapter 400 (Zoning). Whenever possible, this chapter shall be construed and interpreted as being consistent with Chapter 400 (Zoning) and not

in conflict. In the event of a conflict between this chapter and Chapter 400 (Zoning), the more restrictive provision shall control. This chapter is not intended to and does not excuse any landowner from compliance with the declarations or covenants in a planned community where a short-term rental may be located.

- C. Responsibility. The owner of the property wherein a short-term rental is located shall be responsible for compliance with the provisions of this chapter, and the failure of an owner, agent, managing agency, contact person, or renting occupants to comply with the provisions of this chapter, including the monitoring and control of the number of occupants and visitors, shall be deemed noncompliance by the owner and subject the owner to enforcement proceedings and the penalties contained herein.

§ 324-4. Nuisance declared.

In the interest of protecting and promoting the public health, safety and welfare, and minimizing the burden on Township and community services and the negative impacts on residential neighborhoods posed by short-term rentals, a violation of any of the provisions of this chapter is declared to be a public nuisance.

§ 324-5. Definitions.

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

BEDROOM — A room intended for, or capable of, being used for sleeping and that is at least 70 square feet in area.

CONTACT PERSON — The owner or local property manager or agent of the owner who is available to respond to tenant and neighborhood questions, complaints or concerns or any agent of the owner authorized by the owner to take remedial action and respond to any violation of this chapter. The contact person shall have actual authority to represent the owner for purposes of emergency and nonemergency contact and communication regarding the owner's short-term rental. A contact person must provide a twenty-four-hour emergency contact number, be able and willing to come to and be present at the short-term rental within two hours following notification to address any issue that is not capable of being addressed by telephone, and be able to act as legal agent for the owner. The contact person may be the owner of the short-term rental. The Township must be notified, in writing, within 14 days if there is a change in the identity of the contact person.

DWELLING — See § 400-10 of the Coolbaugh Township Code of Ordinances (Zoning; Definitions).

DWELLING UNIT — See § 400-10 of the Coolbaugh Township Code of Ordinances (Zoning; Definitions).

MULTIFAMILY DWELLING — See § 400-10 of the Coolbaugh Township Code of Ordinances (Zoning; Definitions).

OWNER — The person or entity that holds legal or equitable title to the private property.

RENT — The consideration received by an owner and/or renter in money, credits, property, or other consideration valued in money for lodging.

SHORT-TERM RENTAL — A dwelling unit that is rented and/or leased, in whole or in part, for a transient use in exchange for rent, compensation or remuneration of any kind. This definition applies to all types of dwelling units rented and/or leased for a transient use under this chapter, unless excluded herein, including (but not limited to) single-family, two-family and multifamily dwelling units, whether or not primarily used as permanent residences or seasonal or vacation homes.

SINGLE-FAMILY DWELLING — See § 400-10 of the Coolbaugh Township Code of Ordinances (Zoning; Definitions).

TRANSIENT USE — Occupancy, use or possession of a dwelling unit by a person or persons for a period of less than 30 consecutive days, other than the owner(s) of the dwelling unit or tenant(s) of the dwelling unit with a lease for 30 consecutive days or more, and/or the family of such owner(s) or tenant(s); and further excluding temporary stays by unrelated individuals that are guests of the owner or tenant of the dwelling unit without the payment of any type of rent, compensation or other remuneration.

TWO-FAMILY DWELLING — See § 400-10 of the Coolbaugh Township Code of Ordinances (Zoning; Definitions).

§ 324-6. Short-term rental license requirements.

The owner of a short-term rental shall be responsible for obtaining the license and license renewals.

- A. License required. A short-term rental license shall be required prior to renting out a dwelling unit as a short-term rental. Operating a short-term rental without a short-term rental license is a violation of this chapter and shall subject the owner to the enforcement proceedings and penalties set forth herein.
- B. Outstanding violations. A dwelling unit located on any premises that violates any Township code or ordinance shall not be eligible for a short-term rental license until such violation is corrected in a manner acceptable to the Township.
- C. License renewal. A short-term rental license shall be renewed annually and at any time when any of the conditions of the rental which are governed by this chapter are changed.
- D. Separate licenses. A separate license is required for each short-term rental; for two-family or multifamily dwellings, a separate license shall be required for each dwelling unit being rented pursuant to the definition of "short-term rental."
- E. Issuance to owner. The license shall be issued only to the owner of the short-term rental.
- F. Forms and procedures. The enforcement officer is authorized to prescribe forms and procedures for the processing of licenses under this chapter.
- G. Two-family/multifamily short-term rentals. No building shall be used as a short-term rental that has two or more dwelling units unless said building has been approved by the Township as a two-family or multifamily dwelling as defined in the Zoning Ordinance.¹ If such approval has been granted by the Township and one or more of the dwelling units, but not necessarily all, are being rented as set forth in

the definition of "short-term rental," then the requirements of this chapter shall apply to such dwelling unit or units being rented.

- H. Inspection authorization. The owner, by making application for a short-term rental license and/or accepting issuance of such a license, grants permission for all inspections authorized by § 324-12.
- I. License not transferable.
 - (1) The license issued to an owner pursuant to this chapter is personal to the owner identified in the application and does not run with the property. If the ownership of the property changes, either directly by sale or deed transfer, or indirectly by death, change in ownership of the entity owning the property, sheriff sale or court order, the new owner must apply for a license under the provisions of this chapter prior to renting the property as a short-term rental, but shall be entitled to get a license provided such new owner complies with the terms of this chapter.
 - (2) If an owner has been convicted of a violation of this chapter (hereinafter the "violating owner"), or if a violating owner's license has been revoked by the Township, then a transfer of the property by the violating owner to one or more family members, or to an entity owned by the violating owner, or such violating owner's family members, then that new owner shall be subject to the violations and penalties imposed upon the violating owner.

§ 324-7. Contact person.

Each owner of a short-term rental shall designate a person, property manager or agent as a contact person who has access and authority to assume management of the short-term rental and take remedial measures. The contact person must be accessible by telephone 24 hours a day and must be able and willing to come to and be present at the short-term rental within two hours following notification to address any issue that is not capable of being addressed by telephone, and be able to act as legal agent for the owner. An owner of a short-term rental may designate himself/herself as the contact person. The contact person shall respond to the enforcement officer within one hour after being notified by the enforcement officer or other Township official of the existence of a violation of this chapter or any disturbance requiring immediate remedy or abatement. If the contact person is not the owner, the contact person shall immediately advise the owner of any notification of a violation.

§ 324-8. Application for short-term rental license.

- A. Application required; information. An application for a short-term rental license shall be filed with the designated Township official and a license issued prior to the use of the property as a short-term rental, except for an existing short-term rental use, which shall apply for a license within 90 days of the effective date of this chapter. License applications for properties presently used as short-term rentals shall be filed within 90 days of the effective date of this chapter. In the event an existing short-term rental has been booked in advance of the enactment of this

1. Editor's Note: See Ch. 400, Zoning.

chapter, the owner/applicant may request an extended grace period for compliance with this chapter, subject to providing the Township with acceptable proof of the advanced bookings at the time of the application. All applications shall contain the following information:

- (1) The name, address, telephone number and email address of the owner of the short-term rental for which the license is being applied. If the owner does not have a managing agency, agent or contact person, then the owner shall provide a twenty-four-hour telephone number.
- (2) The name, address, and twenty-four-hour telephone number of the managing agency, agent and/or contact person for the owner of the short-term rental.
- (3) A photograph of the short-term rental taken from the access road side.
- (4) The marketing entity identification number for the short-term rental.
- (5) A floor plan of the short-term rental drawn to scale.
- (6) Acknowledgment that all designated bedrooms contain a minimum of 70 square feet.
- (7) The number of bedrooms (each containing the required minimum of 70 square feet) and the maximum number of overnight occupants.
- (8) If the building is a two-family or multifamily dwelling structure, the number of dwelling units and the number of dwelling units being used as a short-term rental.
- (9) A diagram or photograph of the premises showing and indicating the number and location of designated on-site parking spaces and the maximum number of vehicles allowed for overnight occupants.
- (10) The location, type, approximate age and capacity of the sewage disposal system. The owner of the property shall supply the Township with an evaluation from a pumper/hauler certifying the sewage disposal system is properly functioning as intended and proof that the tank was pumped by a pumper/hauler within at least three years' prior to the date of the application for a short-term rental license or a renewal thereof.
- (11) Acknowledgment that the owner, agent, and/or contact person have read all regulations pertaining to the operation of the short-term rental.
- (12) Acknowledgment that the owner, agent, or contact person will post and maintain the short-term rental with the notice required in § 324-10A(13).
- (13) Acknowledgment that the owner, agent, or contact person will post and maintain at the short-term rental the 911 emergency address sign in accordance with applicable requirements.
- (14) A copy of a current Monroe County Hotel Room Excise Tax Certificate and current Pennsylvania Sales Tax License.
- (15) Declaration page of a paid-up, current insurance policy in effect with respect

to the short-term rental property evidencing at least \$500,000 in liability insurance covering short-term rentals for the full duration of the license term.

(16) Other information the Township and/or enforcement officer deems reasonably necessary to administer this chapter.

B. Inspection; fee. If the information supplied by the property owner on the application for a short-term rental license is not consistent with Township records, an inspection may be required prior to or after the issuance of the short-term rental license. An inspection fee established by resolution of the Board of Supervisors shall be charged for any inspection deemed necessary by the Township.

§ 324-9. Application and renewal fees.

A. Application fee. An application for a short-term rental license shall be accompanied by an initial fee established by resolution of the Board of Supervisors.

B. Renewal fee. An annual renewal fee shall be established by resolution of the Board of Supervisors that license holders shall pay when renewing their license issued pursuant to this chapter. Failure to pay the renewal fee by February 15 of each calendar year will result in the assessment of a fee twice the amount of the normal renewal fee. If the fee is not paid by May 1, the license shall be null and void and application for a new license, not a renewal, shall be required thereafter prior to renting the subject short-term rental.

C. Nonrefundable. Application fees and renewal fees are nonrefundable.

§ 324-10. Operational standards and conditions.

A. Standards. All short-term rental licenses issued pursuant to this chapter 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 occupants designated in the license, with the number of overnight occupants not to exceed two persons per bedroom plus four additional persons per residence. Infants (under two years of age) shall not count towards the limit of overnight occupants.

(2) The maximum number of day guests allowed at any one time shall be 75% of the maximum overnight occupancy of the short-term rental.

(3) The number of bedrooms permitted for a short-term rental shall not exceed the number of bedrooms approved for the dwelling unit on the sewage permit issued for such property. Where there is no sewage permit on record, the short-term rental shall be limited to three bedrooms unless proof is provided to the Township Sewage Enforcement Officer that the sewage disposal system is adequate to handle additional flows. Any short-term rental advertising more than five bedrooms shall provide proof that the sewage disposal system is adequate to handle such flows by having the system approved by the Sewage Enforcement Officer, or by providing a sewage disposal system permit previously issued by a Sewage Enforcement Officer. If a sewage disposal system malfunction occurs, the use of the dwelling unit as a short-term rental

shall be discontinued until the malfunction is corrected in accordance with Township and Pennsylvania Department of Environmental Protection requirements.

- (4) In no instance shall the existing number of bedrooms be increased without proper Township (and DEP if required) approval being obtained.
- (5) A short-term rental shall also have at least one other habitable room containing a minimum of 120 square feet.
- (6) The owner shall, by written agreement, limit the number of all vehicles of overnight occupants and day guests to the number designated in the short-term rental license, with the number of all vehicles not to exceed the number of designated on-site parking spaces.
 - (a) All parking for overnight guests and day guests shall be designated in the license and shall be located on the owner's property and not in any private, community or public right-of-way.
 - (b) A minimum of one parking space per bedroom shall be provided. The required number of parking spaces may include spaces in a garage which can accommodate vehicles.
 - (c) All parking spaces shall be improved to a mud-free condition with paving, stone or similar material approved by the Township and shall count as part of the maximum lot coverage established by the Township Zoning Ordinance.²
 - (d) Each vehicle parking space shall be a rectangle with a minimum width of nine feet and a minimum length of 18 feet, and adequate aisle width shall be provided to facilitate access and use of the spaces.
 - (e) If the short-term rental is accessed directly by a Township or state road, all parking spaces shall be accessed from the driveway serving the short-term rental and not directly from the Township or state road.
- (7) The owner shall use best efforts to ensure that the occupants or guests of the short-term rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this chapter or any Township ordinance or state law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding short-term rentals and responding when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner, local agent, or contact person act as an enforcement officer or place himself or herself in harm's way.
- (8) The owner shall, upon notification that occupants or guests of the short-term rental have created unreasonable noise or disturbances, engaged in disorderly conduct or violated provisions of this chapter or Township ordinance or state law pertaining to noise or disorderly conduct, promptly use best efforts to prevent a recurrence of such conduct by those occupants or guests and/or

2. Editor's Note: See Ch. 400, Zoning.

future occupants or guests.

- (9) Any lights used for exterior illumination shall direct light away from adjoining properties. Lighting shall be pointed/shielded downward to minimize upward glare.
- (10) Occupancy of recreational vehicles, camper trailers and tents shall not be allowed. Children under the age of 13 are permitted to "camp out" in a tent on the premises.
- (11) The use of open fires, fire pits, charcoal-burning grills or other devices (as applicable) shall be the responsibility of the owner or contact person and shall comply with Chapter 149 (Open Burning) of the Coolbaugh Township Code of Ordinances. All open fires shall be extinguished by midnight.
- (12) The owner of the short-term rental shall post a copy of the license and a copy of the conditions set forth in this § 324-10 in a conspicuous place within the short-term rental.
- (13) Each short-term rental shall have a clearly visible and legible notice posted within the unit on or adjacent to the front door containing the following information. The occupants of a short-term rental shall make the notice required by this subsection available for inspection by the enforcement officer upon request.
 - (a) The name of the managing agency, agent, property manager, contact person, or owner of the unit, and a telephone number at which that party may be reached on a twenty-four-hour basis.
 - (b) The maximum number of occupants permitted to stay in the short-term rental dwelling unit and the maximum number of day guests permitted at any one time.
 - (c) The maximum number of all vehicles allowed to be parked on the property and the requirement that all renter/guest parking must be on the property and not in any private, community or public right-of-way.
 - (d) The number and location of on-site parking spaces and the parking rules for seasonal snow removal and emergency vehicle access (if any).
 - (e) The trash pickup day and notification that trash and refuse shall not be left or stored on the exterior of the property except from 6:00 p.m. of the day prior to trash pickup to 6:00 p.m. on the day designated for trash pickup unless a bear-proof container exists for use by the occupants.
 - (f) Notification that an occupant may be cited and fined for creating a disturbance or for violating other provisions of this chapter.
 - (g) Notification that failure to conform to the parking and occupancy requirements of the structure is a violation of this chapter subject to a citation and fines.
- (14) All short-term rentals shall comply with the following standard: It is unlawful

for any person to maliciously and willfully disturb the peace of any neighborhood, person, or family by loud or unusual noises or by tumultuous and offensive conduct, public indecency, threatening, traducing, quarreling, challenging to fight, or fighting.

- (15) A short-term rental shall comply with all applicable building codes and shall have the requisite number of functioning smoke and/or fire detectors, fire extinguishers, carbon monoxide monitors and other safety devices required under the applicable codes.
- B. Additional standards. The Board of Supervisors, at a duly convened public meeting, shall have the authority to impose additional standards applicable to short-term rentals as necessary to achieve the objectives of this chapter.
- C. License conditions. The enforcement officer shall have the authority to impose additional conditions on any license or renewal in the event of any prior violation of the conditions of the license or the provisions of this chapter.

§ 324-11. Enforcement officer(s).

- A. Appointment. The Board of Supervisors shall appoint one or more enforcement officers, who may be the Township Zoning Officer, Code Enforcement Officer or other authorized Township representative, or an individual, firm or agency contracted to conduct inspections, make reports and administer and enforce other parts of this chapter as determined by the Board of Supervisors.
- B. Duties. The administrative, inspection and enforcement responsibilities established by this chapter may be delegated to different enforcement officers appointed in accordance with § 324-11A.
- C. Consultation. The enforcement officer, with the authorization of the Board of Supervisors, may engage the services of competent engineers or other Township consultants to determine the nature and extent of any violation.

§ 324-12. Inspections and access.

- A. Inspection. All places and premises in Coolbaugh Township used as a short-term rental shall be subject to inspection by the enforcement officer or other authorized Township representative to verify application, licensing or operating requirements or if there is reason to believe that any provision of this chapter is being violated.
- B. Interference. Provided the short-term rental dwelling unit is accessed in accordance with this § 324- 12, it shall be unlawful for any person to hinder, delay, resist or prevent the enforcement officer from having full access to any place or premises upon which a violation of this chapter is believed to exist.

§ 324-13. Marketing.

The marketing of a short-term rental which exceeds the maximum occupancy requirements permitted by this chapter or which promotes any other activity that is prohibited by this chapter shall be used as evidence of a violation of this chapter during enforcement proceedings. The owner or contact person shall provide to the enforcement

officer a copy of all advertisements relating to the short-term rental at the time of license application and/or renewal.

§ 324-14. Action on complaints.

- A. Violation in progress. Upon receipt of a verbal complaint of a violation in progress and if the complainant's name and address are provided, the enforcement officer shall immediately notify the owner and/or the contact person of the complaint and may thereafter investigate the matter. If the enforcement officer believes a crime to be in progress, he/she shall notify the appropriate police department. The Township may proceed with a notice of violation if the Township enforcement officer, police officer and/or other authorized Township representative determines a violation of this chapter has occurred.
- B. Violation preceding complaint. Upon receipt of a complaint of a violation which occurred prior to the date of the complaint, the enforcement officer shall not be obligated to proceed with any action to determine if a violation of this chapter exists. However, the enforcement officer may, at his/her sole discretion, proceed with an investigation into the complaint to determine if there is an existing violation of this chapter.
- C. Confidentiality. The enforcement officer shall make a reasonable effort to maintain the confidentiality of the name and address of the person registering the complaint unless otherwise required by law to release such information.

§ 324-15. Notice to violators.

- A. Service of notice. Whenever the enforcement officer determines that a violation of this chapter exists, the enforcement officer shall prepare a written notice of violation to be served on the owner and contact person (if applicable) of the premises on which the violation exists or originates. The written notice of violation shall be served on the owner and contact person by one or more of the following methods:
 - (1) Personal delivery; or
 - (2) Fixing a copy to the door of the building on the premises of the violation; or
 - (3) Certified mail to the owner and contact person to the addresses on the license; or
 - (4) Other means of legal service deemed appropriate by the Township and recognized by law.
- B. Content of notice.
 - (1) The notice shall enumerate the conditions which constitute the violation and what action is required to abate and/or otherwise correct the violation.
 - (2) The notice shall include a time frame for the abatement and/or correction of the violation, with such time frame established by the enforcement officer based upon the nature of the violation and providing a reasonable period for the violator to take the required action. In certain cases, immediate correction

may be required.

- C. Repeat violators. If an owner commits the same or a similar violation within six months of receiving a notice of violation as set forth in this § 324-15, no additional notice shall be required to be served on that owner prior to initiating an enforcement action in accordance with this § 324-15.

§ 324-16. Violations and penalties; costs.

- A. Compliance. Failure to comply with any provision of this chapter and/or failure to comply with an order to abate and/or correct a violation of this chapter shall be a violation of this chapter and subject the owner to criminal prosecution and the revocation of any short-term rental license previously issued.
- B. Fine. Any person who has violated or permitted the violation of any provision of this chapter shall, upon judgment thereof by a Magisterial District Judge, be sentenced to pay a fine of not more than \$1,000 per day of violation, together with the costs of suit, including reasonable attorney fees. Each day of a 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 chapter shall be paid over to the Township.
- C. Other remedies. The Township shall also have the right to seek injunctive relief for violations of this chapter.
- D. License revocation. If an owner is convicted of three violations in any rolling twelve-calendar-month period, then the license shall be revoked by the Township for one year and the short-term rental must be discontinued while the license is revoked. The conviction of a fourth or more violations shall be cause for permanent revocation of the license. Any violation of the PA Sewage Facilities Act³ and applicable regulations may result in immediate license revocation until the violation is corrected.
- E. Reinstatement. The Board of Supervisors may, in its sole discretion, approve the reinstatement of a license if satisfied that there has been an appropriate change of ownership and/or that the cause of the violations has been corrected and that all other requirements of this chapter have been met.

§ 324-17. Appeals.

- A. Filing of appeal. Appeals of an action under this chapter to deny any application for, or to renew, a short-term rental license, or to revoke a short-term rental license, shall be filed with the Board of Supervisors within 30 days of the date of the denial of application or revocation of license. Appeal shall be processed as follows:
- (1) All appeals shall be in writing and signed by the appellant on forms prescribed by the Township, and shall be accompanied by a fee, the amount of which shall be established by the Township Board of Supervisors, which may include notice and advertising costs and necessary administrative overhead in relation

3. Editor's Note: See 35 P.S. § 750.1 et seq.

to the hearing.

- (2) Each appeal shall fully set forth the determination appealed from, a detailed reason or basis for the appeal, and the relief sought. Every appeal shall refer to the specific provision of circumstances of the case.
- B. Hearings. The Board of Supervisors shall conduct hearings and make decisions pursuant to the Act of December 2, 1968 (P.L. 1133, No. 353), known as the "Local Agency Law,"⁴ and in accordance with the following requirements:
- (1) Written notice shall be given to the appellant and to any person who has made timely request for same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board of Supervisors, but not less than 15 days' prior to the hearing.
 - (2) The hearing shall be held within 60 days from the date the appeal is filed, unless the appellant has agreed, in writing, to an extension of time.
 - (3) The hearing shall be conducted by the Board of Supervisors. The decision or, where no decision is called for, the findings, shall be in writing by the Board of Supervisors within 45 days after the conclusion of the hearing, unless the appellant has agreed, in writing, to an extension of time, and shall be communicated to the appellant and any other parties who have entered their written appearance and requested a copy of the decisions at the addresses provided by them either by personal delivery or by United States first-class mail, postage prepaid.
 - (4) The Chairman or Acting Chairman of the Board of Supervisors presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by parties.
 - (5) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
 - (6) Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
 - (7) The Board of Supervisors may, but is not required to, make a stenographic record of the proceedings. In the event a stenographic record of the proceedings is not provided by the Board of Supervisors, a stenographic record shall be made and kept at the request of any party agreeing to pay the costs thereof. Any party or other person desiring a copy of the stenographic record shall order the copy directly from the stenographer who prepared the same and shall pay the cost imposed by the stenographer for the copy directly to the stenographer.
 - (8) The Board of Supervisors shall not communicate, directly or indirectly, with any party or any party's representatives in connection with any issue involved

4. Editor's Note: See 2 Pa.C.S.A. § 551 et seq.

except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or any party's representative unless all parties are given opportunity to be present.

