

# Ordinance No. 2021-187

## **AN ORDINANCE OF THE TOWNSHIP OF KIDDER, COUNTY OF CARBON, COMMONWEALTH OF PENNSYLVANIA, RELATING TO THE USE AND REGULATION OF SHORT-TERM RENTAL UNITS WITHIN THE TOWNSHIP AND ESTABLISHING APPLICATION AND PERMIT STANDARDS AND PROCEDURES, PROVIDING FOR ADMINISTRATION AND ENFORCEMENT INCLUDING PENALTIES AND OTHER MATTERS PERTAINING THERETO.**

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### **Section 1 – Title**

This Ordinance shall be known as and may be cited as the “Kidder Township Short-Term Rental Ordinance”.

### **Section 2 – Scope and Legal Authority**

- A. The provisions of this Chapter shall apply to all residential dwelling units, conversions of non-resident structures to residential dwellings, and all existing premises within the Township of Kidder.
- B. This Chapter shall not apply to a resort, conference center, hotel/motel, bed and breakfast, boarding house or group home as these terms are defined in the Kidder Township Zoning Ordinance Chapter 180-12.
- C. The Township Supervisors, under the authority granted by Section 1506 – General Powers, Section 1517 – Building and housing Regulations, Section 1527 – Public Safety, and Section 1529 – Nuisances, of the Pennsylvania Second Class Township Code, Act of May 3, 2016, 1933 (P.L. 103, No.69), reenacted and amended July 10, 1947 (P.L. 1481,

No. 567), as amended, hereby adopt the following rules and regulations governing Short-Term Rentals within the boundaries of the municipality.

### **Section 3 – Interpretation**

This Chapter is not intended to, and does not, excuse any landowner from compliance with the Kidder Township Zoning Ordinance, as amended from time to time. Whenever possible, this Chapter and the Zoning Ordinance should be construed and interpreted as being consistent, and not in conflict. In the event of conflict, the regulations of this ordinance shall apply. This Chapter is not intended to, and does not supersede the declarations or covenants in a planned community where short-term rental may be located.

### **Section 4 – Definitions**

For the purpose of this chapter, words and terms used herein shall have the following definitions:

**BEDROOM** – A room or space designed to be used for sleeping purposes with two means of egress (one which may be a window acceptable under the building code). Space used for eating, cooking, bathrooms, toilet rooms, closets, halls, storage or utility rooms and similar uses and not considered Bedrooms. Space used or intended for general and informal everyday use such as living room, den, and sitting room or similar is not to be considered a Bedroom.

**DESIGNATED OFFICER(S)** – Any person or persons designated by the Township Board of Supervisors including but not limited to Police, Code Enforcement, Zoning Officer and Building Inspector for purposes of enforcement of this article shall have the responsibility and authority to administer and enforce all provisions of this article.

**DWELLING UNIT**- Any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

**OWNER** – Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the State, County or Township as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**PROPERTY MANAGER** – A person or agent with actual authority to represent the owner for purposes of contact and communication regarding the owner’s Short-Term Rental. A Person in Charge must reside or have an office within approximately one (1) hour of the Short-Term Rental Property and be able to act as legal agent for the owner. Kidder Township must be notified, in writing, within fourteen (14) days if there is a change in the identity of the Person in Charge.

SHORT-TERM RENTAL – Any Dwelling Unit rented for the purpose of overnight lodging for a period of thirty (30) days or less, and which meets the definition of “Hotel” for the purpose of imposing an excise tax by the County of Carbon as defined in the County of Carbon Ordinance No. 2016-04.

SHORT-TERM RENTAL PERMIT – Permission granted by Kidder Township to utilize a Dwelling Unit for Short-Term Rental Use.

### **Section 5 – Permit Required**

No owner of any property in Kidder Township shall operate or allow the operation of a Short-Term Rental in Kidder Township without first obtaining a Short-Term Rental Permit from the Kidder Township Administration Office. Operation of a Short-Term Rental without a Short-Term Rental Permit is in violation of this Chapter.

### **Section 6 – Permit Procedure**

- A. Short-Term Rental Permit applications shall be submitted to the Kidder Township Administration office and shall contain the following:
1. Contact Information
    - a.) The name, address, telephone number and email address of the owner. If the owner does not have a managing agency, agent or local contact person then the owner shall provide a twenty-four (24) hour telephone number. If the owner uses a local management agency, agent or local contact person shall have written authorization to accept service for the owner. If the owner resides at a location over one (1) hour away from the Short-Term Rental Property a local management agency, agent or local contact person MUST be selected to act as Person in Charge for the property.
    - b.) The name, address, email address and twenty-four (24) hour telephone of the local management agency, agent or contact person.
    - c.) Signatures of both the owner and the local management agency, agent or contact person.
  2. Floor Plans
    - a.) Identification of rooms on all floors and specific location and dimensions of bedrooms.
    - b.) Total number of bedrooms.
    - c.) If the building is a multi-unit structure, the total number of dwelling units in the structure and the number of dwelling units being used as Short-Term Rentals.
  3. Site Plan
    - a.) Property lines, driveways and all structures.
    - b.) Location and number of on-site parking spaces.

- c.) Location and identification of all components of the sewage disposal system, if not served by a central or community sewer system.

4. Other Certificates/Information:

- a.) Consent for inspection of the property by the Township appointed inspector to verify compliance with the conditions of the Short-Term Rental application.
- b.) Copy of the current recorded deed for the property establishing ownership.
- c.) Proof of written notice to the owner's association, indicating the intent to make application for and use the subject residential property for a Short-Term Rental, if applicable.

B. Short-Term Rentals shall be subject to site inspections by the Designated Officer to verify application information and the following requirements by making arrangements with the property owner or designated property manager:

1. Short-Term Rentals shall have a clearly visible and legible notice posted within the dwelling unit on or adjacent to the inside of the front door containing the following information:
  - a.) The name of the owner of the unit or the managing agency, agent, property manager or local contact authorized in writing to accept service for the owner of the unit and a telephone number at which that party can be reached on a 24-hour basis.
  - b.) The Emergency 9-1-1 address of the property.
  - c.) The maximum number of occupants permitted to stay in the dwelling unit at any one time.
  - d.) The maximum number of all vehicles allowed to be on the property and must be parked in the approved parking areas on the property and not in or along any private, community or public street right-of-way.
  - e.) The trash pick-up day and notification that trash and refuse shall not be left stored on the exterior of the property.
  - f.) Notification that an occupant may be cited and fined for creating a disturbance or for violating other provisions of the Kidder Township Code.
2. A Short-Term Rental Permit can only be issued to an owner of a Short-Term Rental property. A separate Short-Term Rental Permit is required for each dwelling unit.

## **Section 7 - Short-Term Rental Standards**

- A. The Short-Term Rental Property Owner shall maintain and operate the Short-Term Rental in accordance with all state and local laws, regulations and ordinances including but not limited to, the Kidder Township Code of Ordinances as amended.
- B. Occupancy of a Short-Term Rental shall be limited to no more than two (2) persons per bedroom plus four (4) additional persons.
- C. Outdoor parking for occupants shall be limited to available parking areas on the Short-Term Rental property. In no event shall parking for Short-Term Rental occupants include spaces in any public street right-of-way. See Code of Kidder Township Chapter 180-24; §F (2).
- D. The owner shall, upon notification that occupants of the Short-Term Rental have created unreasonable noise or disturbances, engaged in disorderly conduct or otherwise violated provisions of the Kidder Township ordinances or state law pertaining to noise or disorderly conduct, promptly use best efforts to prevent a recurrence of such conduct by those occupants.
- E. Overnight occupancy of recreational vehicles, camper trailers and tents at the property where the Short-Term Rental is located are prohibited. Outdoor overnight sleeping of occupants of the Short-Term Rental is prohibited. See Code of Kidder Township Chapter 180-17.
- F. Exterior lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property. See Code of Kidder Township Chapter 180-67.
- G. Fireworks and floating lanterns are prohibited as per the 2017 PA State Act 43.
- H. If Short-Term Rental Property owner allows for pets, occupants are to abide by the Pennsylvania "Dog Law" under 3P.S. §459-305.
- I. Compliance with the requirements of this section shall be considered conditions of a Short-Term Rental Permit, the violation of which may result in a revocation of that permit by the Enforcement Officer. See also Section 12-B of this Chapter.

### **Section 8 Fees, Term and Renewal**

- A. Short-Term Rental fees, payable to Kidder Township upon the filing of a Short-Term Rental Permit application, shall be in such amount as may be established by resolution duly adopted by the Board of Supervisors.
- B. Any Short-Term Rental Permit is valid for a period not exceed one (1) year from the date of issuance and must be renewed annually. Short-Term Rental Permit renewal fees, payable to Kidder Township upon the filing of a Short-Term Rental Permit renewal application, shall be in such amount as may be established by resolution duly adopted by the Board of Supervisors.
- C. Short-Term Rental Permit renewal applications shall contain information regarding any changes from the immediately preceding application with respect to matters governed by this Ordinance.
- D. Short-Term Rental Permit renewal shall require inspection(s) as outlined in this Chapter Section 10.

### **Section 9 – Enforcement Officer(s)**

The Designated Officer(s) appointed for purposes of enforcement of this article shall have the responsibility and authority to administer and enforce all provisions of this article.

### **Section 10 – Inspection(s) Required**

- A. All Short-Term Rentals shall be subject to inspection(s) by the Designated Officer(s) to verify all information provided in connection with this article by making arrangements with the property owner or designated property manager.
- B. The issuance of a Short-Term Rental Permit is not a warranty that the premises is lawful, safe, habitable, or in compliance with this Chapter.
- C. If there is a reason to believe that any provision of this Chapter are being violated, the designated officer must make arrangements with the owner or his agent, to secure access onto the premises for purpose of inspection of any and all premises' properties, buildings and or structures located within the Township for ascertaining the existence of violations.

### **Section 11 – Notice of violation**

If it appears to a designated Officer that a violation of this Chapter exists or has occurred, the designated officer shall send a written Violation to the owner and his agent by personal delivery or by both United States first class and certified mail.

## **Section 12 – Violations and Penalties**

- A. This Chapter shall be enforced by action brought before a Magisterial District Judge in the same manner provided for the enforcement summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, partnership, corporation or other entity who or which violates or permits a violation of the provisions of this Chapter shall, upon conviction in a summary proceeding, pay fine of not less than three hundred (\$300) nor more than one thousand dollars (\$1,000) per violation, plus all court costs and reasonable attorney's fees incurred by Kidder Township in the enforcement proceedings, and/or be imprisoned to the extent allowed by law for the punishment of summary offenses. Each day or portion thereof that a violation exists or continues shall constitute a separate violation. Further, the appropriate officers or agents of Kidder Township are hereby authorized to seek equitable relief, including injunction to enforce compliance with this Chapter. All fines, penalties, costs, and reasonable attorney fees collected for the violation of this chapter, shall be paid to Kidder Township for its general use.
- B. In addition to, but not in limitation of, the provisions of Section 12-A of this chapter, the designated officer may either revoke, or deny any application to renew, a Short-Term Rental Permit for repeated violations.

## **Section 13 – Owners Severally Responsible**

If the premises are owned by more than one owner, each owner shall severally be subject to prosecution for a violation of this Chapter.

## **Section 14 – Appeals to Denied Application or Renewal**

- A. Appeals of a determination of the Designated Officer under this Chapter to deny any application for, or to renew, a Short-Term Rental Permit, or to revoke a Short-Term Rental Permit, shall be filed with the Kidder Township Board of Supervisors within thirty (30) days of the date of the denial of application or revocation of permit. Appeal shall be processed as follows:
1. All appeals shall be in writing and signed by the Appellant and shall be accompanied by a fee, the amount of which shall be established by resolution of the Township Supervisors, which may include notice and advertising costs, and necessary administrative expenses in relation to the hearing.
  2. Each appeal shall fully set forth the determination appealed from, a detailed reason or basis for the appeal, and relief sought. Every appeal shall refer to the specific 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", and in accordance with the following requirements.

1. Written notice shall be given to the Appellant, Designated Officer(s), and involved parties not less than fifteen (15) days prior to the hearing.
2. The hearing shall be held within sixty (60) days from the date the appeal is filed, unless the Appellant has agreed in writing to an extension of time.
3. The hearings shall be conducted by the Board of Supervisors. The decision or, where no decision is called for, the findings shall be in writing by Board of Supervisors within forty-five (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 address provided by them either by personal delivery, or by both United States First Class and certified mail.
4. 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.
5. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
6. 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.
7. The Board of Supervisors shall not communicate, directly or indirectly, with any party or any party's representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; shall not take any 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 the opportunity to be present.



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**Section 15 – Severability**

In any section, provision, or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The Township reserves the right to amend this Ordinance or any portion thereof from time to time as it shall be deemed advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

**Section 16 - Repealer**

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

**Section 17 - Effective Date**

This Ordinance shall become effective upon adoption.

**Adoption**

ORDAINED AND ENACTED this 15<sup>TH</sup> day of July, 2021 by the Board of Supervisors of Kidder Township.

KIDDER TOWNSHIP  
BOARD OF SUPERVISORS

By:



Attest:



Secretary