

**TOWNSHIP OF KIDDER
COUNTY OF CARBON, COMMONWEALTH OF PENNSYLVANIA
ORDINANCE NO. 189**

**AN ORDINANCE OF THE TOWNSHIP OF KIDDER, COUNTY OF CARBON AND
COMMONWEALTH OF PENNSYLVANIA RESCINDING ORDINANCE NO. 80 AND
ORDINANCE NO. 97, AMENDING CHAPTER 137 RENTAL PROPERTY,
REGISTRATION OF; REQUIRING PERMITS PRIOR TO OCCUPANCY, TRANSFER OR
CHANGE OF OWNERSHIP OF ANY DWELLING UNIT, LONG-TERM RENTAL
REGISTRATION AND THE REGISTRATION OF EACH HOTEL, MOTEL, PUBLIC
BOARDING HOUSE, COMMERCIAL BUSINESS, OR TIME-SHARING UNITY;
PROVIDING GUIDELINES FOR ISSUANCE OF SAID PERMITS; AND FURTHER
PROVIDING FOR PENALTIES FOR VIOLATION OF THE ORDINANCE.**

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SECTION 1 – TITLE

This Ordinance shall be known as and may be cited as the “Kidder Township Certificate of Occupancy Ordinance”.

SECTION 2 – SCOPE AND LEGAL AUTHORITY

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 and also; under the authority of the Municipal Code and Ordinance Compliance Act, Act of November 3, 2016, P.L. 1047. No. 133, as amended.

- A. 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 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. This Chapter shall apply to all Long-Term Rental Properties.

SECTION 3 – DEFINITIONS

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

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.

Long-Term Rental - Occupancy of a dwelling, generally for periods of more than 180 days, which serves as the legal address for the occupant. It also includes any dwelling or structure where children who attend school reside.

Resale Certificate - A Certificate issued by the Designated Officer(s) of the municipality authorizing the purchaser to occupy the premises under its designated use.

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. (See also Kidder Township Ordinance No. 187).

Substantial Violation – A violation of a building, housing, property maintenance or fire code which violation posed a threat to health, safety or property, but not a violation of such a code deemed by a court to be minimus.

Temporary Access Certificate – A certificate issued as a result of identification of at least one substantial violation. Authorizes the purchaser to access the property for the purpose of correcting substantial violations pursuant to the maintenance and repair provisions. No person may occupy a property during the term of a temporary access certificate, but the owner shall be permitted to store personalty that is related to the proposed use or occupancy of the property or is needed to repair the substantial violations during the time of temporary access certificate.

Temporary Use and Occupancy Certificate - A certificate issued by the municipality as a result of the municipal inspection of a property incident to the resale of the property that reveals a violation but no substantial violation and the purpose of the certificate is to authorize the purchaser to fully utilize or reside in the property while correcting violations pursuant to the maintenance and repair provisions of this act.

Unfit for Human Habitation - Condition which renders a building or structure or any part thereof dangerous or injurious to the health safety or physical welfare of an occupant or the occupants of neighboring dwellings. The condition may include substantial violations of a property that show evidence of a significant increase to the hazards of fire or accident inadequate sanitary facilities vermin infestation or a condition of disrepair dilapidation or

structural defects such as that the cost of rehabilitation and repair would exceed 1/2 of the agreed-upon purchase price of the property.

Use and Occupancy Certificate – A certificate issued by the municipality stipulating that the property meets all ordinances and codes and maybe used or occupied as intended.

Violation – A violation of a properly adopted building, housing, property maintenance or fire code or maintenance, health or safety nuisance ordinance that makes a building, structure or any part thereof unfit for human habitation and is discovered during the course of a municipal inspection of a property through issuance of a municipal report.

SECTION 4 – TRANSFER/CHANGE OF OWNERSHIP (RESALE) CERTIFICATE OF OCCUPANCY

- A. On or after the effective amendment of this chapter any person, firm or corporation that shall cause to be occupied, transferred or the change of ownership of any house, dwelling, residence, apartment or other building within the Township of Kidder must first obtain a permit for occupancy. As utilized in this chapter, all such structures shall be included in the term “premises”.
- B. After inspection, a Resale Certificate shall be issued if found to be in compliance by the Township of Kidder, Chapter 134 International Property Maintenance Code and in accordance to P.L. 1047, No.133 in the following manner:
 - 1. If no violations are revealed a “Certificate of Occupancy” shall be issued.
 - 2. If at least one violation, but no substantial violations are revealed, the Township shall specifically note those items on an inspection report and a reinspection is required. Upon request a “Temporary Use and Occupancy Certificate” may be issued.
 - 3. If at least one violation, the Township shall specifically note those items on an inspection report and a reinspection is required. Upon request a “Temporary Access Certificate” may be issued.

SECTION 5 – LONG TERM RENTAL REGISTRATION CERTIFICATE OF OCCUPANCY

A Certificate of Occupancy Permit shall be required and renewed annually for each dwelling considered to be a Long-Term Rental. Registration shall be required thirty (30) days prior to occupancy or renewal of certificate.

SECTION 6 – COMMERCIAL REGISTRATION CERTIFICATE OF OCCUPANCY

Registration for an annual inspection for each hotel, motel, public boarding house, commercial business, or time-sharing unity shall be required thirty (30) days prior to occupancy or renewal of certificate.

SECTION 7 – APPLICATION AND INSPECTION

Every person, firm or corporation seeking a Certificate of Occupancy for resale, long term rental or commercial shall file an application no later than thirty (30) days prior to occupancy.

Inspection and re-inspection fees as authorized by this chapter shall be established by Resolution by the Kidder Township Board of Supervisors and amended from time to time.

- A. Prior to the issuance of any Certificate of Occupancy or Annual Renewal the designated officer, upon information supplied on a form provided by the Township and established fee paid, shall inspect the premises and nature of the proposed use of the premises.
- B. After inspection, a certificate shall be issued if found to be in compliance by the Township of Kidder, Chapter 134 International Property Maintenance Code as follows:
 - 1. If no violations are revealed the appropriate "Certificate of Occupancy" shall be issued.
 - 2. If at least one violation, or any substantial violations are revealed, the Township shall specifically note those items on an inspection report and a reinspection shall be required.
- C. Reinspection for failing such inspection shall be within thirty (30) days. Reinspection fees may apply.

SECTION 8 – APPLICABILITY

This chapter does not pertain to obtaining a Certificate of Registration for a Short-Term Rental or renewal thereof. See Kidder Township Ordinance No. 187.

SECTION 9 – VIOLATIONS AND PENALTIES

Any person who violates or permits a violation of this chapter shall; upon being found liable therefor in a civil enforcement proceeding commenced by the township before a District Justice, pay a fine of not more than six hundred (\$600), plus all court costs, including reasonable attorney's fees, incurred by the township in the enforcement of this chapter. No judgement shall be imposed until the date of the determination of the violation by the District Justice. If the defendant neither pays nor timely appeals the judgement, the township may enforce the judgement pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further; the appropriate officers or agents of the township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

ENACTED and ORDAINED this _____ day of _____, 2021 by the Board of Supervisors of the Township of Kidder.

**KIDDER TOWNSHIP
BOARD OF SUPERVISORS**

By: _____
Thomas Bradley, Chairman

Attest:

Tammy McMahon, Township Secretary