

ORDINANCE NO. 2023 – 3

AN ORDINANCE OF THE TOWN COUNCIL OF THE MUNICIPALITY OF KINGSTON, LUZERNE COUNTY, PENNSYLVANIA, A HOME RULE MUNICIPALITY, CREATING CHAPTER 141 OF THE MUNICIPAL CODE RELATING TO SHORT-TERM RENTALS WITHIN THE MUNICIPALITY OF KINGSTON

WHEREAS, the Municipality of Kingston has heretofore enacted various Ordinances relating to the enhancement of residential habitation within the Municipality of Kingston; and,

WHEREAS, the usage of properties for Short-Term Rental has become more prevalent within the Municipality of Kingston; and,

WHEREAS, the Town Council of the Municipality of Kingston considers the regulation of Short-Term Rentals as being necessary and prudent to enhance residential ownership within the Municipality of Kingston.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Municipality of Kingston that the following be enacted as Chapter 141 of the Ordinances of the Municipality of Kingston:

CHAPTER 141

§101. Title. This Ordinance shall be known and may be cited as the “Short-Term Rental Ordinance.”

§102. Purpose. The purpose of this Ordinance is to require the owner or owners of a residential dwelling unit that is used as a “Short-Term Rental”, as defined herein, to apply for and secure a permit authorizing such use in the manner provided for by this Ordinance in order to protect and promote the public health, safety and welfare.

§103. Definitions. The following words, when used in this Ordinance shall have the meanings ascribed to them in this section, except where the context clearly indicates otherwise:

“Adult” means a person who is eighteen (18) years of age or older.

“Council” means the Town Council of the Municipality of Kingston.

“Certified Code Official” means the person holding commercial or residential inspection certifications with the Pennsylvania Department of Labor and Industry, or a property maintenance certification through International Code Council, who performs the inspection of the Short-Term Rental to ensure compliance with the 2015, or most recent

edition of International Property Maintenance Code (IPMC) that may be adopted by the Municipality of Kingston.

“Code Official” means the person appointed by the Administrator of the Municipality of Kingston to administer and enforce this Ordinance.

“Conspicuously Posted” means in a manner that a reasonable person would not believe they were trespassing while viewing the posted permit at the Short-Term Rental.

"Owner" means the person or entity holding legal and/or equitable title to the Short-Term Rental.

“Person” means any natural person, individual, partnership, firm, association, corporation, or other entity.

"Short-Term Rental" means the rental of any residential structure or any portion of any residential structure for occupancy for at least two (2) consecutive nights, but no more than thirty (30) consecutive calendar days in duration located in a zoning district in which a Short-Term Rental is permitted.

“Structure” means any man-made object having an ascertainable stationary location at any given time on land or water.

§104. Permit Required. No Owner of a Short-Term Rental shall rent, offer to rent, or advertise for rent the Short-Term Rental to another person without a valid Short-Term Rental permit approved and issued in the manner provided for by this Ordinance.

§105. Permit Application; Fee. The application for a Short-Term Rental permit shall be made by the Owner to the Code Official accompanied by a fee established by resolution of Council. The permit fee shall not be prorated when applied for during a calendar year and shall be valid only for the calendar year in which it is issued. The application shall contain the following information:

A. The name, address and telephone number of the Owner of the Short-Term Rental for which the permit is to be issued.

B. The name, address and telephone number of the Agent, when required, of the Owner of the Short-Term Rental.

C. Evidence that the Short-Term Rental has been inspected in the calendar year in which the permit is being issued for compliance with the 2015, or most recent edition of the International Property Maintenance Code adopted by Kingston by a person who holds current commercial and residential inspection certifications with the Pennsylvania Department of Labor and Industry. All applications for a Short-Term Rental permit shall include a dated inspection report in the year the application is made, which includes the

name, city and certification number of the certified code official performing the inspection.

D. Proof of general liability insurance with a minimum amount of three hundred thousand dollars (\$300,000.00) combined single limit and an executed agreement to indemnify, defend, and save the Municipality of Kingston harmless from any and all claims and liabilities of any kind whatsoever resulting from or arising out of the permitting of the Short-Term Rental.

E. Such other information as the Code Official may deem appropriate to show compliance with all applicable Kingston Municipal Ordinances of the Municipality of Kingston.

§106. Inspection. Prior to the issuance of a Permit under this Ordinance, the owner of the Short-Term Rental shall permit the Certified Code Official appointed by the Municipality of Kingston to inspect the Short-Term Rental unit to ensure that the rental unit is in compliance with the 2015, or most recent edition of the International Property Maintenance Code adopted by Kingston.

§107. Permit Renewal. A Short-Term Rental permit shall be valid for the calendar year in which it is issued. The Owner shall renew a Short-Term Rental permit by re-applying annually on or before December 31st.

§108. Conditions of Permit. All permits and renewals issued pursuant to this Ordinance are subject to the following standard conditions:

A. The Owner of the Short-Term Rental passing the inspection set forth under Section 106 above and complying with the 2015, or most recent edition of the International Property Maintenance Code adopted by Kingston, which is herein adopted for purposes of this Ordinance.

B. The Owner shall provide proof that a Short-Term Rental is not prohibited by any applicable property owners or homeowner association or any declaration of conditions, covenants and restrictions. If not permitted, the Municipality of Kingston will notify the Property Owners or Homeowner Association of the issuance of the permit as the Code Official cannot enforce a private covenant and this Ordinance is separate from any private covenant.

C. A dated inspection report under Section 106 that the Short-Term Rental has been inspected in the calendar year in which the permit is being issued for compliance with the 2015, or most recent edition of the International Property Maintenance Code.

D. The Owner shall provide proof of general liability insurance in the amount of three hundred thousand dollars (\$300,000.00) combined single limit and an executed agreement to indemnify, defend, and save the Municipality of Kingston harmless from

any and all claims and liabilities of any kind whatsoever resulting from or arising out of the Short-Term Rental.

E. The Owner shall provide to the Code Official a 24-hour emergency contact phone number for a person who will be available to respond to complaints.

F. The Short-Term Rental shall have a minimum of two (2) off-street parking spaces for the dwelling plus three (3) spaces for each bedroom licensed for Short-Term Rental. Furthermore, the maximum number of vehicles allowed at the Short-Term Rental shall be limited to the available number of off-street parking spaces provided on the same property as the Short-Term Rental.

G. Short-Term Rentals shall be used only for overnight lodging accommodations.

H. All advertising for the Short-Term Rental shall include the Municipality of Kingston issued permit number.

I. The primary overnight and daytime occupant of the Short-Term Rental must be an adult individual. This primary adult occupant must provide a telephone number to the Owner and shall be accessible to the Owner by telephone at all times.

J. Prior to renting, the Owner shall obtain the name, address and driver's license number or a copy of the passport of the primary adult occupant of the Short-Term Rental. The Owner shall require that same adult to sign a formal acknowledgment that he or she is legally responsible for compliance by all occupants and guests of the Short-Term Rental with the provisions of this Ordinance. This information shall be readily available upon request of the Code Official.

K. The Owner shall ensure that the occupants of the Short-Term Rental do not violate any Municipal Ordinances of the Municipality of Kingston or regulations, or State or Federal Law. Owners are expected to take all measures necessary to ensure that the occupants of the Short-Term Rental do not violate any Ordinances of the Municipality of Kingston, regulation, or State or Federal Law, including notifying law enforcement, and the Code Official.

L. The Code Official shall have the authority at any time to impose additional uniform or standard conditions, applicable to all Short-Term Rentals, as necessary to achieve the objectives of this Ordinance.

§109. Posting of Permit; Limitation on Permit.

A. Posting of Permit. Short-Term Rental permits shall be conspicuously posted on the property being rented during the appeal period set forth under Section 112 (C) below.

- B. **Limitation on Permit.** Short-Term Rental permits are not transferable from one Owner to another Owner. Upon the sale or transfer of a Short-Term Rental, a new Owner is required to secure a new Short-Term Rental permit.

§110. Denial of Permit. No application for an initial or renewal permit shall be denied if it is in compliance with this Ordinance. If a Short-Term Rental permit is denied, the Code Official shall send the Owner written notice of the denial along with the reasons for denial. The Owner has the right to appeal the denial of a permit under Section 112 below.

§111. Revocation of Permit. Any Short-Term Rental permit issued may be subsequently revoked by the Code Official when the Code Official finds that the information contained in the application is false, or a violation of this Ordinance has occurred on three (3) or more occasions after the issuance of the permit. A permit may only be revoked by the Code Official after written notice to the Owner describing the violation of this Ordinance or the condition of the permit citing the applicable sections of this Ordinance. The Owner has the right to appeal the revocation of a permit under Section 112 below.

§112. Notice/Service; Corrective Measures; Appeal Rights.

A. **Notice/Service.** The Code Official shall have authority to give notice, by personal service, posting of the Short-Term Rental, or by regular United States mail, postage prepaid, to any Owner violating this Ordinance, or when denying or revoking a permit.

B. **Corrective Measures.** For a violation, the notice shall direct compliance with this Ordinance within ten (10) calendar days following service of the notice. Any notice issued for a violation of this Ordinance shall be sufficient to constitute notice of any subsequent violation provided that the violation is for the same section of this Ordinance and the violation occurs within the same calendar year.

C. **Appeal.** Any person directly affected by a determination of the Code Official shall have the right to appeal to the Council of the Municipality of Kingston provided that a written application for appeal is filed within ten (10) calendar days after the day the notice was served or the permit issued. For the purpose of this appeal, the individual serving as the Quality of Life Appeals Officer or his/her designee shall serve as the Hearing Officer for the Town Council of the Municipality of Kingston.

D. **Stays of enforcement.** Appeals of notices or permits issued by the Code Official shall stay the action or enforcement of the notice until the appeal is heard by the representative of the Municipality of Kingston.

§113. Enforcement. The Code Official of the Municipality of Kingston is charged with enforcement of the provisions of this Ordinance.

§114. Penalties. Any person or Owner who violates or permits the violation of this Ordinance shall be guilty of a summary offense, and, upon conviction, shall be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) plus the costs of

prosecution, and, in default of payment of fine and costs, to imprisonment for a term of not more than thirty (30) days; OR a civil penalty of not more than six hundred dollars (\$600.00) together with court costs and reasonable attorney fees. A violation of this Ordinance shall arise for each day of the violation; and each applicable section of the ordinance.

§115. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate and distance and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

§116. Repealer. All ordinances or parts thereof which are inconsistent with this Ordinance are hereby repealed to the extent of their inconsistencies.

§117. Effective Date. This Ordinance shall become effective as provided by Sections 212 and 213 of the Charter of the Municipality of Kingston.

INTRODUCED at a meeting of the Town Council of the Municipality of Kingston held the ___ day of _____, 2023.

ADOPTED at a meeting of the Town Council of the Municipality of Kingston held the _____ day of _____, 2023.

FOR THE TOWN COUNCIL OF THE
MUNICIPALITY OF KINGSTON

By: _____
Robert Jacobs, President

ATTEST:

Paul Keating, Administrator, Acting Interim Secretary

Date: _____

APPROVED:

Jeffrey R. Coslett, Mayor

Date: _____