

**UWCHLAN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2025-16

**AN ORDINANCE OF UWCHLAN TOWNSHIP,
PENNSYLVANIA TO AMEND CHAPTER 195, HOTELS,
MOTELS AND INNS – PROPERTY MAINTENANCE
REGULATIONS**

WHEREAS, Section 1601 of the Second Class Township Code provides that the Board of Supervisors may adopt Ordinances in which general or specific powers of the Township may be exercised, and, by the enactment of subsequent Ordinances, the Board of Supervisors may amend, repeal, or revise existing Ordinances (53 P.S. § 66601);

WHEREAS, Section 1506 of the Second Class Township Code, 53 P.S. § 66509, provides that “[t]he board of supervisors may make and adopt any ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth necessary for the proper management, care and control of the township and its finances and the maintenance of peace, good government, health and welfare of the township and its citizens, trade, commerce and manufacturers;”

WHEREAS, Section 1517 of the Second Class Township Code, 53 P.S. § 66517, provides that “[t]he board of supervisors may enact and enforce codes and ordinances to govern and regulate the construction, alteration, repair, occupation, maintenance, sanitation, lighting, ventilation, water supply, toilet facilities, drainage, use and inspection of all buildings and housing constructed, erected, altered, designed or used for any use or occupancy and the sanitation and inspection of land in accordance with Article XVII-A;”

WHEREAS, Section 1527 of the Second Class Township Code, 53 P.S. § 66527, provides that “[t]he board of supervisors may adopt ordinances to secure the safety of persons or property within the township and to define disturbing the peace within the limits of the township;”

WHEREAS, Section 1529 of the Second Class Township Code, 53 P.S. § 66529, provides that “[t]he board of supervisors may by ordinance prohibit nuisances, including, but not limited to, the storage of abandoned or junked automobiles, on private and public property and the carrying on of any offensive manufacture or business;” and,

WHEREAS, Section 1704-A of the Second Class Township Code, 53 P.S. § 66704-A, provides that “. . . the township supervisors may enact a property maintenance ordinance . . . ;”

WHEREAS, the Board of Supervisors finds that it is in the public interest of the residents of the Township to enact the following ordinance; and

WHEREAS, the proposed amendments have been advertised, considered, and reviewed in accordance with the Second-Class Township Code Section 1601 (53 P.S. §66601).

NOW THEREFORE, in consideration of the foregoing, be it **ENACTED** and **ORDAINED** by the Board of Supervisors of Uwchlan Township, Chester County, Pennsylvania, as follows:

I. Chapter 195 of the Township Code of Ordinances is hereby **AMENDED** as follows:

A. AMEND Section 195-1 of the Township Code of Ordinances to **ADD** the following definitions:

QUALIFYING CRIMINAL ACTIVITY – Any of the following offenses occurring on the premises or directly attributable to its operation:

- a. Aggravated assault, robbery, homicide, or other violent felony;
- b. Violations of the Controlled Substance, Drug Device and Cosmetic Act, 35 P.S. § 780-101, *et seq.*;
- c. Prostitution or human trafficking;
- d. Illegal possession or discharge of a firearm;
- e. Any incident resulting in the deployment of tactical or SWAT law-enforcement resources; or
- f. Any other offense determined by the Chief of Police or their designee to pose a substantial threat to public safety.

VERIFIED INCIDENT – Qualifying Criminal Activity documented through a police report, arrest, or other official record establishing that qualifying criminal activity took place at or was directly connected to the premises.

B. AMEND Section 195-1 of the Township Code of Ordinances to **DELETE** the following definitions:

CALLS FOR SERVICE

CALLS-FOR-SERVICE RATIO

C. AMEND Section 195-3.D in its entirety as follows:

D. Except as otherwise provided by § 195-8 of this chapter, and provided that the application is complete, the Township Code Official and/or Fire Marshal shall issue a new license, or grant the renewal of a license.

D. DELETE Section 195-3.H in its entirety.

E. AMEND Section 195-5.E in its entirety as follows:

E. Access for law enforcement persons. All information required to be procured and kept pursuant to § 195-5C of this chapter shall be provided to

any federal, state, or local sworn law enforcement officer having the lawful power to arrest, upon demand of the officer and a representation by said officer that a reasonable suspicion exists that such information is relevant to a then-pending inquiry or investigation. Nothing in this requirement shall be construed as giving any such officer any greater right or license to enter a room or invade privacy than the officer shall otherwise possess as a matter of common law, probable cause, constitutional law, statutory right, or warrant.

F. AMEND Section 195-5.J in its entirety as follows:

J. Length of stay. As the intent of a hotel, motel or inn is to provide temporary lodging for transient guests, under no circumstances shall lodging be provided for more than 28 consecutive days or 28 days within any 35-day period, nor can the guest, lodger or occupant utilize the hotel, motel, or inn as their primary residence. For good cause shown, the Township Manager, upon written request, may extend the length of stay. For the purposes of this section, the changing of rooms, checking out and subsequently checking back in, or registering under a different name, account, or reservation – whether by the same individual, a member of the same party, or any person acting on their behalf – shall not be considered to interrupt or reset the length-of-stay calculation.

G. ADD Section 195-5.K as follows:

K. Compliance with the requirements of § 195-6 and with the requirements of § 195-8 required to obtain and maintain a license.

H. RENUMBER current Sections 195-7, 195-8, 195-9, 195-10, and 195-11 to new Sections 195-8, 195-9, 195-10, 195-11, and 195-12, respectively.

I. RENUMBER current Sections 195-12, 195-13 and 195-14 to new Sections 195-14, 195-15 and 195-16, respectively.

J. ADD new Section 195-7 as follows:

§195-7. Unacceptable Public Safety Impact

A. A hotel, motel or inn shall be deemed to impose an unacceptable demand on public safety resources when, within any rolling twelve-month period:

1. Two or more Verified Incidents of a Qualifying Criminal Activity occurring on the premises; or

2. The Chief of Police determines that a single Verified Incident of a Qualifying Criminal Activity was of such severity that continued operation without remedial action would endanger public safety.

B. Notice and Corrective Action Plan.

1. Upon determination of such an unacceptable demand on public safety resources, the Township shall issue a Notice of Unacceptable Public Safety Impact to the hotel operator, identifying the verified incidents and requiring submission of a Public Safety Mitigation Plan within fifteen (15) days.

2. The Public Safety Mitigation Plan shall describe actions to prevent recurrence, which may include—without limitation—enhanced lighting, surveillance systems, on-site security personnel, guest-identification procedures, staff training, or cooperation protocols with law enforcement.

3. The Township Manager, in consultation with the Police Department, may approve, modify, or reject the Public Safety Mitigation Plan and may impose additional conditions as part of any hotel, motel or inn license or renewal.

K. AMEND the new Section 195-8 (formerly 195-7) in its entirety as follows:

§ 195-8. Grounds for license denial, suspension, revocation or nonrenewal.

A license requested under this section may be denied by the Township Code Enforcement Officer and/or Fire Marshal, and any license issued under the provisions of this chapter may be suspended, revoked or not renewed by the Township Code Enforcement Officer and/or Fire Marshal for cause. Cause shall include, but not be limited to:

- A. Fraud or material misrepresentation in the application for license;
- B. Fraud or material misrepresentation in the operation of the licensed business;
- C. Conditions which pose a danger to the health, safety or welfare of persons or property within the Township;
- D. Violation of federal or state law or local ordinance, including but not limited to this chapter, which creates a risk of danger to the health, safety or welfare of persons or property within the Township;

- E. Except for violations identified in §195-8.C, §195-8.D, §195-8.I and §195-8.J, a violation notice or corrective order that has not been corrected for 7 days or more, including, but not limited to, a notice or order regarding:
- (1) Bed bugs, cockroaches, rats, mice, flies, and any other insects or vermin;
 - (2) Cleanliness and maintenance of hotel rooms and common areas;
 - (3) Heating, cooling, and ventilation;
 - (4) Water supplies, including drinking water and hot and cold availability;
 - (5) Lavatories, baths, and sewage;
 - (6) Electricity;
 - (7) Adequate lighting;
 - (8) Laundry facilities;
 - (9) Refuse removal;
 - (10) Defective locks;
 - (11) Violations of applicable fire, electrical, mechanical and plumbing codes, including, but not limited to, the maintenance or nonfunctional smoke or fire suppression systems;
 - (12) Violation or noncompliance with Pennsylvania Uniform Construction Code,¹ including, but not limited to, property and building maintenance and/or severe structural defects;
 - (13) Violation of applicable fire, electrical, mechanical and plumbing codes;
 - (14) Factors such as noise, assaults, loitering, illegal drug activity or criminal behavior; or
 - (15) Failure to maintain the grounds and exterior of the premises, including allowing litter, debris, or refuse to exist on the premises outside of the proper repositories or to blow onto or be deposited upon adjoining properties;

1. Editor's Note: See 35 P.S. § 7210.101 et seq.

- F. Failure by the applicant or licensee to permit the inspection of the licensed premises by the Township's agents or employees in connection with the enforcement of this section, provided the intended inspection was in conformance with this chapter;
 - G. Failure of the applicant or licensee to pay business privilege taxes, other Township obligations and real property taxes by the established due date of each year arising from the applicant or licensee's use and occupancy of the property. An applicant or licensee who does not own the real property is not responsible for the payment of the real property taxes unless a lease or contract requires such payment;
 - H. The applicant or licensee has obstructed or interfered with correction of violations;
 - I. Failure to submit a Public Safety Mitigation Plan in accordance with Section 195-7.B.2 or to implement a Public Safety Mitigation Plan approved under Section 195-7.B.3, within the prescribed time; or
 - J. The occurrence of an additional Verified Incident within 12 months following approval of a Public Safety Mitigation Plan under Section 195-7.B.3.
- L. AMEND** new Section 195-9 (formerly Section 195-8) in its entirety as follows:
- § 195-9. Procedure for suspension, revocation, denial, nonrenewal, and hearing.
- A. Before any action is taken concerning the denial, nonrenewal, revocation or suspension of a license, the Township shall serve the applicant or licensee with notice of a hearing before the Uwchlan Township Board of Supervisors by first-class mail, or email, sent at least 10 days prior to the scheduled hearing.
 - B. The notice of the hearing before the Uwchlan Township Board of Supervisors as specified above shall contain the following:
 - (1) Date and time;
 - (2) Notice of the proposed action;
 - (3) Reasons for the proposed action;
 - (4) A statement that the applicant or licensee may be represented by legal counsel, and present evidence and testimony;

(5) A statement requiring the applicant or licensee to notify the office of the Township Building Department at least three days prior to the hearing date if the licensee intends to contest a license revocation or suspension or otherwise participate in the hearing.

C. Upon completion of the hearing, the Board of Supervisors shall submit to the applicant or licensee a written statement of findings and determination.

D. If a license is suspended, the hotel, motel or inn is prohibited from furnishing accommodations or other space to new guests, including, but not limited to, conference rooms, ballrooms, pools and spas, and parking lots. The licensee may only continue to operate and furnish accommodations to current guests, unless otherwise ordered by the court or under other applicable law, including but not limited to the Uniform Construction Code.

E. If a license is revoked, denied or not renewed, the applicant or licensee is prohibited from furnishing accommodations or rented space to new guests and must cease operations within 7 days of a final decision, during which time it must:

- (1) Notify all guests of the establishment's cessation of operation;
- (2) Provide a reasonable amount of time for guests to vacate their accommodations, which shall be no less than 3 days but not more than 7 days of a final decision;
- (3) Comply with all health and safety codes and provisions of this chapter until all guests have vacated the property;
- (4) Allow the Township or any collaborating organizations or charities to contact current guests directly, in order to provide information regarding potential alternative accommodation options.

M. ADD new Section 195-13 as follows:

§ 195-13. Cumulative Remedies.

The remedies provided herein are cumulative of all other enforcement powers available to the Township under law or ordinance.

II. Partial Repealer

All other provisions of the Ordinances of Uwchlan Township, as amended, shall remain in full force and effect. All other Ordinances or provisions of the Ordinance inconsistent herewith or in conflict with any of the terms hereof are, to the extent of said inconsistencies or conflicts, hereby specifically repealed.

III. Severability

The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid, or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence or part of a provision had not been included herein.

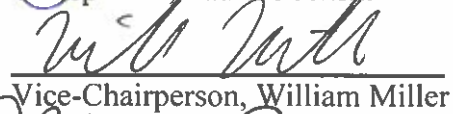
IV. Effective Date

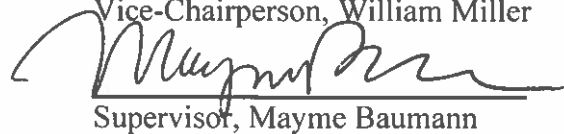
All provisions of this Ordinance shall be in full force and effect five (5) days after the approval and adoption.

ORDAINED AND ENACTED this 8th day of December, 2025.

BOARD OF SUPERVISORS
UWCHLAN TOWNSHIP


Chairperson, Laura Obenski


Vice-Chairperson, William Miller


Supervisor, Mayme Baumann

Attest:


Township Secretary, Katie Churchill