

**TOWNSHIP OF MIDDLETOWN
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 855

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF MIDDLETOWN, DELAWARE COUNTY, PENNSYLVANIA, BY CREATING A NEW CHAPTER 133, ENTITLED "HOTEL, MOTELS AND INNS", ESTABLISHING CERTAIN STANDARDS, REQUIREMENTS AND REGULATIONS FOR THE OPERATION OF HOTELS, MOTELS AND INNS WITHIN THE TOWNSHIP, PROVIDING FOR THE PERIODIC INSPECTION AND LICENSING OF SUCH FACILITIES, PROVIDING FOR NOTICE AND HEARING PROCEDURES IN THE EVENT OF A DENIAL, SUSPENSION, NONRENEWAL OR REVOCATION OF A LICENSE APPLICATION AND ESTABLISHING PENALTIES AND THE ASSESSMENT OF COSTS IN THE EVENT OF A VIOLATION OF THE TERMS OF THIS CHAPTER.

The Council of the Township of Middletown hereby ENACTS AND ORDAINS the following amendments to the Code of Ordinances of the Township of Middletown, Delaware County, Pennsylvania:

SECTION I.

The Code of Ordinances of the Township of Middletown, Delaware County, Pennsylvania is hereby amended to provide for a new Chapter 133, Hotels, Motels and Inns, to be provided as follows:

§ 133-1. Purpose and Intent.

The purpose of this Chapter is to provide for a standard of use and maintenance of motel, hotels and inns maintained within Middletown Township and to encourage the operational reliability of such facilities by requiring regulations, standards and annual inspections and licensing of the same as necessary to protect and promote the public health, safety and welfare of the residents of the Middletown Township.

§ 133-2. Definitions. As used in this Chapter, the following terms shall have the meanings indicated:

- A. "Accommodation" means the room, unit, or space provided to transient guests for lodging or sleeping, including furnishings and other accessories therein.
- B. "Calls-for-service" means the total number of calls to the Delaware County 911 Center, law enforcement, emergency medical services and/or the fire department resulting in a request for a police, fire or emergency services department representative to be dispatched or directed to the property when those responses:
 - (1) Result in a representative being dispatched or directed to the property.
 - (2) Allege evidence of criminal activity;
 - (3) Result in an arrest, charge or citation; or
 - (4) Find an imminent threat to safety of persons or property.

Calls-for-service shall not include calls to law enforcement made by employees or agents of the hotel property itself, nor for traffic citations in which the hotel, motel, or tourist home is used as the address for the citation. It shall also not include calls for service to law enforcement specific to domestic violence.

- C. "Hotel, Motel or Inn" shall include a building or group of buildings containing 10 or more guest rooms/Accommodations, or a group of such buildings especially designed for the temporary lodging of transient guests, provided that no room shall have cooking facilities of any kind. Such establishment shall furnish to the occupants customary services, such as maid services and the furnishing and laundering of linen. Eating and drinking facilities may be accessory to the Hotel, Motel or Inn.
- D. "License" shall mean the annual license required herein for the operation of a Hotel, Motel or Inn within the Township. A holder of a License under this Chapter shall be referred to herein as a Licensee.
- E. "Notice" shall mean any written notice by, from or on behalf of the Township, notifying the owner, operator or agent of the owner or operator that they are in violation of this Chapter and directing them to cure or fix the violation.
- F. "Nuisance" shall include but not be limited to the following:
 - (1) Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes, including, but not limited to, Chapter 89 of the Township Code;
 - (2) Existing factors constituting a public nuisance under the provisions of the Township Code;
 - (3) A pattern or practice of guest conduct which is in violation of the law or interferes with the health, safety and welfare of the guests and/or persons on or near the premises; or
 - (4) Failure to maintain the grounds and exterior of the premises, including allowing litter, debris, or refuse to exist on the premises outside of proper repositories or to blow onto or be deposited upon adjoining properties.
- G. "Receipt of Notice" means receipt of the Notice required herein shall be the date of mailing said Notice, or, if applicable, posting of the Notice on the property in question, whichever is earlier.
- H. "Township" shall mean the Township of Middletown, Delaware County, Pennsylvania.

§ 133-3. License Required. No person shall operate a Hotel, Motel or Inn within the Township without first obtaining an annual License issued by the Township.

- A. Applications for Licenses and/or renewals thereof shall be made to the Township Manager or his/her designee, on forms provided by the Township Manager or his/her designee (the "Application"). The completed License renewal Application form, along with payment of required fees, must be filed by the Licensee with the Township Manager or his/her designee no less than sixty (60) days before the expiration of the current License to obtain a decision on the License renewal Application prior to the expiration of the current License and to avoid License renewal late fees.

- B. The annual fee for the License required by this Chapter shall be calculated using the fee schedule adopted by resolution of Township Council of the Township of Middletown. The Township may enforce payment by any lawful means including, but not limited to, a civil suit, an order to show cause, a lien assessed against the dwelling, the structure, or real property to which the fee(s) pertain, and by denying or suspending a License as provided in this Chapter.
- C. The Township may impose reasonable conditions upon the issuance of any License as necessary to promote and protect the health safety and welfare of Township residents.

§ 133-4. Failure to Maintain a License. In addition to all other remedies provided for in this Chapter or by any other local ordinance, state statute, or federal law, the following shall apply when a Hotel, Motel or Inn is operating in the Township without first obtaining a valid License as required herein:

- A. Order to vacate. Failure to have a current, valid, License subjects the Hotel, Motel or Inn to be ordered vacated as provided in § 133-12 hereof until a valid License is issued.
- B. Failure to vacate. In addition to any other remedy available to the Township under law, including Township ordinances, a Licensee, owner or lessor of the hotel, motel or inn who fails to comply with an order to vacate after having been given notice of an order to vacate under this Chapter is subject to the penalties set forth in § 133-14. Further, each day that the Licensee, owner or lessor fails to comply with the order to vacate after the date indicated on the Notice constitutes a new violation.
- C. In addition to any other remedy available to the Township at law or in equity, a Hotel, Motel or Inn owner or operator who rents an Accommodation to any guest, customer, lessee or renter without first obtaining a License as required under this Chapter shall be subject to penalties as set forth in § 133-14.A. and B. herein.
- D. Abatement of rent. Where there is no current, valid, License, no financial compensation shall be charged, accepted, retained or recoverable by the owner, operator or lessor of the Hotel, Motel or Inn for the period where no current, valid License existed. This abatement shall not be retroactively eliminated regardless of whether there was subsequent compliance.

§ 133-5. Inspections; periodic inspections; investigation of complaints.

- A. License application inspection. Upon the filing of a completed License Application form with the Township Manager, whether initial or renewal, the proposed Accommodations and structure shall be inspected by the Township Building Code Official, Health Official and Fire Chief or other qualified person(s) or designee (each, for purposes of this Chapter, a "Township Code Official") for compliance with the requirements of Township Code and all applicable state and federal laws by consent or upon the issuance of an administrative search warrant.
- B. Property maintenance inspection. If during the course of an inspection provided for under this Chapter, a Township Code Official reasonably concludes that there are violations which, considering the nature and/or severity of the alleged violation, either poses a hazard to the health, safety or welfare of the occupants or that an additional professional inspection is

needed either to properly determine the extent of the violations or the corrective action required to comply with the Building Code of the Township of Middletown, an additional inspection may be conducted by the Township Building Code Official as necessary to ensure compliance with all applicable Township, state and federal codes, regulations and laws. The failure to permit such additional inspections shall be a basis for denial, nonrenewal, suspension or revocation of a License.

- C. Additional inspections. Additional inspections may be scheduled and conducted on one or more of the following bases:
 - (1) Due to recurrent violations, a combined three or more substantiated recurrent or uncorrected violations for a particular structure and/or accommodations and/or unit(s) within a structure, within a twelve-month period from the date of the most recent violation.
 - (2) Whenever reasonable cause exists to believe that there is a violation of the Building Code of the Township of Middletown at any Hotel, Motel or Inn, or other condition(s) which make the structure or premises unsafe, dangerous, hazardous or a nuisance.
 - (3) For the purpose of auditing compliance with conditions on a license.
 - (4) For the purpose of reinspection to ensure the correction of any violations.

- D. Inspection of multiple Accommodation units. For Hotel, Motel or Inns having more than 50 Accommodation units, a minimum of 25% of the Accommodation units contained in the Hotel, Motel or Inn shall be inspected. The Accommodation units to be inspected shall be randomly selected by the Township Code Official. The number of Accommodation units inspected may be increased at the discretion of the Township Code Official should significant code violations be found or should the Township Code Official have reasonable cause to believe other violations exist in the uninspected units.

- E. Notification and presence of owner at inspection. Subject to § 133-5.E., the Licensee, Applicant, owner(s), or the owner's legal agent if any, shall be notified of any initial or renewal inspections for the purposes of licensing. The failure of the Licensee, proposed Licensee owner(s) or owner's legal agent to appear for the inspection after notification does not preclude the inspection if access to the structure or unit can otherwise be lawfully obtained.

- F. Entry for inspection. Except as otherwise provided by law, authorized inspections inside an Accommodation unit will be made during reasonable hours with the consent of an owner, operator, legal agent, or occupant. Entry without the consent of an owner, operator, legal agent, or occupant, will be made only after obtaining an administrative or criminal search warrant for the Hotel, Motel or Inn, a court order allowing entry of the premises for inspection, or otherwise as provided by law.

- G. Inspection reports. If there are any violations noted on an inspection, within ten (10) business days after an inspection has been conducted, the owner(s), operator and/or the owner's legal agent shall be given written notice of the results. The notice of the inspection results shall be given personally or by first-class mail at the address of the Licensee provided to the Township. It shall be the responsibility of the Licensee to notify the Township, in writing, of any change in address of the Licensee or preferred address for notices issued under this Chapter.

§ 133-6. Application review; Grounds for denial; Term.

- A. Provided the Application is complete, the Township Manager or his/her designee shall issue a new License, or grant the renewal of a License, except as provided in § 133-6.B. and C. hereof, which require the Township Manager or his/her designee to deny any Application for a new License, or renewal of a License, and except as provided in § 133-6.D. and E. hereof, under which the Township Manager or his/her designee may deny any Application for a new License, or renewal of a License.
- B. The Township Manager or his/her designee shall deny any Application for a new License or renewal of a License if the applicant makes a material misrepresentation of fact on the Application.
- C. The Township Manager or his/her designee shall deny any Application for a new License, or renewal of a License, if the applicant is delinquent to the Township for any taxes, or indebted to the Township for any other reason unless the delinquency or indebtedness is the subject of pending litigation.
- D. The Township Manager or his/her designee may deny any Application for a new License, or renewal of a License after consultation with a Township Code Official, if any of the following are shown to have occurred at the property:
 - (1) The Hotel, Motel or Inn, or the property maintaining such facility, has outstanding notices, citations or orders from the Township that have not been corrected or abatement for six (6) months or more, including but not limited to, notices, citations or orders regarding:
 - a. Bed bugs, cockroaches, rats, mice, flies, and any other insects or vermin;
 - b. Mold;
 - c. Heating, cooling, and ventilation;
 - d. Water supplies, including drinking water and hot and cold availability;
 - e. Lavatories, baths, and sewage;
 - f. Electricity;
 - g. Adequate lighting;
 - h. Pools and spas;
 - i. Housekeeping practices and policies;
 - j. Refuse storage and/or removal;
 - k. Defective locks;
 - l. Nonfunctional smoke or fire suppression systems or related alarms; and
 - m. Structural defects rendering the property upon which the Hotel, Motel or Inn unsafe, uninhabitable or otherwise dangerous to the health, safety and general welfare of the public.
 - (2) The Hotel, Motel or Inn fails to meet accessibility requirements required by the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.*, as amended, or other applicable law;
 - (3) The owner, Licensee, operator, manager or authorized agent has obstructed or interfered with the correction or abatement of the alleged violations, or is party to a pending enforcement action(s) related to the facility or property;

- (4) The owner, Licensee, operator, manager or authorized agent has hindered or prevented any inspection of the facility or property authorized by this Chapter;
 - (5) The owner, Licensee, operator, manager or authorized agent of the facility or property has previously violated this Chapter by operating without a License required hereunder; or
 - (6) More than (ten) 10 calls for service over any three (3) consecutive month period within the last twelve (12) months from the Application and/or License renewal.
- E. Upon the written recommendation of a Township Code Official, the Township Manager or his/her designee may prohibit the renting of Accommodations until all violations, notices, citations and orders related to the subject Accommodations have been remedied or the conditions subject thereof have been abated.
- F. Any attempt to rent Accommodation(s) in violation of § 133-6.F, or any failure to remedy all violations, notices, citations or orders for such Accommodation(s) within three (3) months, shall be deemed a violation of this Chapter and subject the Licensee, owner or operator of the Hotel, Motel and Inn to the penalty provisions set forth in § 133-14 hereof.
- G. The Township Manager or his/her designee may deny any Application for a new License, or renewal of a License, upon a conclusion by a Township Code Official that the issuance or renewal of such License would be detrimental to the health, safety or welfare of the general public and the Township Code Official submits a written objection detailing the reason(s) therefore to the Township Manager.

§ 133-7. License refusal; suspension; revocation or nonrenewal.

- A. A License requested under this Chapter may be denied by the Township Manager or his/her designee, and any License issued under the provisions of this Chapter may be suspended, revoked or not renewed by the Township Manager or his/her designee for cause. Cause shall include, but not be limited to:
- (1) Fraud or material misrepresentation in the Application for License;
 - (2) Fraud or material misrepresentation in the operation of the Licensed Hotel, Motel or Inn;
 - (3) Any material violation of this section or of the regulations authorized herein;
 - (4) Any violation of the Township Code, or state or federal law, which creates a risk to the health, safety or welfare of the transients or to the community or where such violation brings into question whether the Applicant/Licensee is of suitable character to operate the Hotel, Motel or Inn.
 - (5) Operating the Hotel, Motel or Inn in an unlawful manner or in such a manner as to constitute a maintenance of a nuisance as defined in this Chapter. For purposes of this Chapter, a nuisance shall include, but not be limited to:
 - a. Existing violations of the Building Code of the Township of Middletown;

- b. A pattern or practice of guest conduct which is in violation of the law and/or interferes with the health, safety and welfare of properties within the immediate neighborhood or area of the subject Hotel, Motel or Inn;
 - c. More than ten (10) calls for service over any three (3) consecutive month period within the last twelve (12) months from the Application and/or License renewal Application date;
 - d. Failure to maintain the grounds and exterior of the Licensed premises, including permitting litter, debris or refuse to exist on the proposed and/or Licensed premises outside of proper repositories or to blow onto or be deposited upon adjoining properties;
 - e. Existing factors constituting a public nuisance under the Township Code;
- (6) Failure by the Applicant/Licensee to permit the inspection of the Licensed premises by the Township's agents or employees in connection with the enforcement of this Chapter, provided the intended inspection was in conformance with this Chapter;
- (7) Failure of the Applicant/Licensee to pay any applicable Township taxes, fines or other fees, including, but not limited to real property taxes, by the established due date of each year arising from the Licensee's use and occupancy of the property. A 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.

B. Revocation or Suspension of License. License suspension/revocation shall be in accordance with the following:

- (1) A License may be temporarily suspended without hearing by the Township Manager or his/her designee upon the determination by a Township Code Official that the Hotel, Motel or Inn, or any portion thereof, is unsafe, uninhabitable or otherwise poses an imminent danger to the health, safety and general welfare of the public. The License shall be reinstated following abatement of the subject condition.
- (2) 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, owner, operator and/or authorized agent may only continue to operate and furnish Accommodations to current guests, unless an emergency order requires immediate evacuation of the property.
- (3) If a License is revoked, the owner of the Hotel, Motel, or Inn is prohibited from furnishing Accommodations or rented space to new guests and must cease operations within thirty (30) days of a final decision, during which time they must:
 - a. Notify all guests of the cessation of the operation of the Hotel, Motel or Inn;
 - b. Provide a reasonable amount of time for guests to vacate their Accommodations, which shall be no less than one (1) week;
 - c. Comply with all applicable Township, state and federal laws and health codes until all guests have vacated the Hotel, Motel or Inn;

- d. Allow the Township or any collaborating organizations or charities to contact current guests directly, in order to provide information regarding potential alternative accommodation options; and
- e. Any Licensee whose License is revoked hereunder must apply for a new License as provided in this Chapter in order to operate the Hotel, Motel or Inn.

§ 133-8. Procedure for suspension, nonrenewal, revocation; hearing.

- A. Except pursuant to § 133-6.B(1) of this Chapter, before any action is taken concerning nonrenewal, revocation or suspension of a License, the Township shall hold a hearing before Township Council, with written notice thereof to be provided at least ten (10) days prior said hearing (“Notice”).
- B. The Notice issued under this Subsection shall be served by certified mail, return receipt requested, addressed to the Licensee at the address provided to the Township in the Application, as may be revised in accordance with the provisions of this Chapter or by posting a copy of the Notice on the Hotel, Motel or Inn in question, at the option of the Township. The Notice shall contain the following:
 - (1) Date, time and place of the hearing;
 - (2) Notice of the proposed action;
 - (3) Reasons for the proposed action;
 - (4) A statement that the Licensee may be represented by legal counsel, and present evidence and testimony;
 - (5) A statement requiring the Licensee to notify the office of the Township Manager of his/her designee at least three (3) days prior to the hearing date if the Licensee intends to contest the proposed action.
- C. Within thirty (30) days of the completion of the hearing, Middletown Township Council shall submit to the Licensee a written determination of the decision or proposed action. Where the Licensee’s appeal is denied, the determination shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor.

§ 133-9. License denial; hearing.

- A. In the event an Applicant whose initial request for a License is denied by the Township, the Township Manager or his/her designee shall issue a written Notice of the denial to the Applicant summarizing the reasons therefore. The Applicant shall have a right to appeal the Township’s denial by requesting a hearing before the Middletown Township Council, provided that a written request for a hearing is filed with the Township Manager or his/her designee within ten (10) days following the issuance of such denial. Failure to request a hearing within this time frame shall result in a final decision of the Township.
- B. Within thirty (30) days of the completion of the hearing, Middletown Township Council shall submit to the Applicant a written determination of the decision or proposed action. Where

the Applicant's appeal is denied, the determination shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor.

§ 133-10. Appeals. Any Applicant or Licensee who is aggrieved by the decision or determination of the Middletown Township Council may, upon payment by the appellant of any reasonable costs incurred by the Township in certification of records related to the proceedings, appeal to the Delaware County Court of Common Pleas within (30) days of the date of the issuance of the determination or decision thereof .

§ 133-11. License expiration

- A. Expiration date. A license shall expire twelve (12) months from the effective date of the License, with the following exceptions:
 - (1) Inspection violations. A License will expire no more than six (6) months from the effective date of the License if, at the last inspection, the Hotel, Motel or Inn was cited for violations of the Building Code of the Township of Middletown; and
 - (2) Applicable conditions. The License shall expire in accordance with any conditions placed on the License under this Chapter.
- B. Effect of license expiration. Upon expiration of a license:
 - (1) Vacate. The structure is subject to being ordered vacated in accordance with this Chapter until a valid License is issued; and
 - (2) Meet conditions before new Application. If the License expired for failure to comply with conditions placed on it, Application for a new or renewal License may be made only after the conditions have been met.

§ 133-12. Order to vacate; authority to issue. Where a current, valid License is not in effect for a Hotel, Motel or Inn for any reason under this Chapter, the Township Manager or his/her designee may issue an order to vacate to the owner and/or owner's legal agent. The order to vacate may be held in abeyance for up to forty-five (45) days if there are no conditions on the property posing a hazard to life, limb, property or safety of the occupants or the general public and the owner makes Application in compliance with this Chapter.

§ 133-13. Rules and regulations. The following rules, regulations and conditions shall be observed by each Licensee:

- A. Exits. All interior hallways shall have at least two exits, provided that one such exit may be an emergency-type exit or fire escape. All exits shall be clearly marked.
- B. Condition of premises; inspections. All premises shall be kept in a clean condition and in good repair. All bed sheets, pillowslips, towels and washcloths shall be replaced by clean items before any new guest occupies an Accommodation unit previously occupied by another. Township Code Officials, the designee(s) or other qualified individual, may inspect any hotel, motel or inn at any time, provided that no inspector may enter any Accommodation unit

rented to a guest or guests without the expressed consent or invitation of at least one of the guests occupying the Accommodation unit.

- C. Register. The management of each Hotel, Motel or Inn shall keep a register of guests.
- D. Hotel, Motel or Inn registration; security register. Every Licensee, owner or operator of any Hotel, Motel or Inn shall keep a register wherein all guests or lodgers shall inscribe their names upon procuring lodging, a room or Accommodations.
 - (1) Said Licensee, owner or operator (or agent thereof) shall verify the credit card signature of each guest or lodger making payment by way of credit card with the signature inscribed upon the register. If the signature as inscribed on the register does not appear to reasonably match the signature on the credit card, further identification shall be requested of the type requested of persons paying in cash;
 - (2) Said Licensee, owner or operator (or agent thereof) shall require identification of any guest or lodger paying in cash at the time of registration. Identification shall be in a valid and current format showing the person's name and date of birth, and may be, but is not limited to, a driver's license, state-issued picture identification card or such other form as will reasonably assure that the registrant is, in fact, the person under whose name such lodging, room or accommodation is being procured. The Licensee, owner or operator (or agent thereof) shall maintain a photocopy of such identification and transpose the identifying information in the registration ledger.
 - (3) For any guest or lodger taking occupancy through a prearranged reservation in the name of a corporation, business, association or any other entity, the Licensee, owner, or operator (or agent thereof) shall request such identification of the specific guest or lodger at the time of registration as will reasonably assure such person to be the person for whom the lodging, room or accommodations have been procured.
 - (4) Before furnishing any lodging or accommodations to any person in any Hotel, Motel or Inn, the Licensee, owner or operator (or agent thereof) shall require the person to whom such lodgings are furnished, or room is rented or Accommodations furnished, to inscribe his or her name in such register, kept for that purpose, and shall set opposite said name the time that said name was so inscribed and the room occupied by such lodger or guest.
- E. Management person to be on duty. Every Licensee, owner or operator (or agent thereof) of any Hotel, Motel or Inn shall, at all times during which the premises accommodate guests or lodgers, maintain on duty a responsible management person. Such management representative shall be an individual capable of assisting and cooperating with the police or other law enforcement officials in maintaining the public health, safety and welfare.
- F. Access for law enforcement persons. All information required to be procured and kept pursuant to this Subsection 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.

- G. Telephone required. Every Licensee, owner or operator of any Hotel, Motel or Inn shall keep and maintain in each and every Accommodation unit a telephone equipped for outgoing calls, and which telephone will allow any person therein to place a direct call to 911 or appropriate emergency service personnel. The existence of a minor dialing requirement, such as dialing "9" to obtain an outside line, shall not be deemed a violation of this section. However, under no circumstances shall prepayment, prior authorization or any other procedure of any nature which in any way impedes effective, immediate and direct placement of such emergency phone call be permitted.
- H. Misrepresentation. No person shall procure or provide lodging in any Hotel, Motel or Inn, or any services therefrom, through misrepresentation or production of false identification or identification which misrepresents the identity of the person procuring or sharing in such lodging or service.
- I. Number of guests or lodgers. No Licensee, owner or operator (or agent thereof) of any Hotel, Motel or Inn shall rent or provide a room for any number of persons greater than the sleeping accommodations provided within the particular rental unit.
- J. Number of persons congregating in a room. No Licensee, owner operator (or agent thereof) or guest (or invitee of a guest) of any Hotel, Motel or Inn shall allow to congregate within any room or single Accommodation unit a number of persons which is greater than three (3) times the number of persons for whom sleeping accommodations are provided within the single room or rental unit.
- K. 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 30 (thirty) consecutive days without demonstration to the Township Code Official a reasonable reason therefore, nor can the guest or lodger utilize the Hotel, Motel or Inn as their primary residence.

§ 133-14. Violations and penalties. In the event that any person, partnership, corporation or other legal entity violates the provisions of this Chapter, the Township may take any or all of the following actions as it may deem necessary to enforce the provisions of this Chapter:

- A. Commence a summary enforcement proceeding before the Magisterial District Justice against the Licensee, property owner(s) and/or operator of the Hotel, Motel and Inn, and upon conviction thereof, be punishable by a fine of up to \$1,000 for each violation thereof. Violators shall also be responsible for court costs and reasonable attorneys' fees of the Township, as permitted by law. Each and every day in which a person shall be in violation of this Chapter shall constitute a separate offense.
- B. In addition to all other remedies and penalties provided by this Chapter and other provisions of the Township Code, the Township Solicitor may bring suit in a court of competent jurisdiction to seek an injunction or other appropriate relief to halt any violation of this Chapter. Such action may include seeking a temporary restraining order or temporary injunction and other appropriate temporary relief. Nothing in this Chapter shall be deemed

to restrict a suit for damages on behalf of the Township or on behalf of any other person or entity.

SECTION II.

If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held invalid or unconstitutional by any courts of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not render this Ordinance invalid.

SECTION III.

This Ordinance shall become effective thirty-one (31) days after its enactment.

ENACTED AND ORDAINED this 27th day of November, 2023.

ATTEST:



John McMullan,
Township Manager

TOWNSHIP OF MIDDLETOWN COUNCIL

By: 

Mark Kirchgasser,
Chairman of Council