

**TOWNSHIP OF LOWER MAKEFIELD
BUCKS COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWNSHIP OF LOWER
MAKEFIELD, BUCKS COUNTY, PENNSYLVANIA,
AMENDING CHAPTER 130 OF THE LOWER MAKEFIELD
TOWNSHIP CODE REGARDING SHORT-TERM
LODGING FACILITIES**

WHEREAS, the Township of Lower Makefield is a municipality organized and existing under the Second Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §§ 65101 *et. seq.* (1995, Nov. 9, P.L. 350, No. 60, § 1); and

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. Section 66601); and

WHEREAS, the proposed amendments are geared toward fulfilling the Township's obligations under Article I, Section 27 of the Pennsylvania Constitution, and of protecting the public health, safety, and welfare of Township citizens; and

WHEREAS, the proposed amendments have been advertised, considered, and reviewed in accordance with Municipalities Planning Code Section 609 (53 P.S. Section 10609).

NOW THEREFORE, the Board of Supervisors of the Township of Lower Makefield, County of Bucks, Commonwealth of Pennsylvania does hereby enact and ordain the following:

I. Chapter 130 ("Lodging Facilities"), Article I ("Short-Term Lodging Facilities") of the Township of Lower Makefield Code of Ordinances is hereby **AMENDED** as follows:

A. AMEND Section 130-1., "Purpose and intent," as follows:

1. **AMEND** Section 130-1.A.(1) to **CAPITALIZE** the terms "Owners" and "Transient Visitors" so that it now reads:

(1) It is the purpose of this article and the policy of the Township of Lower Makefield, in order to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of Owners and Transient Visitors to maintain and improve the quality of life around residences throughout the Township. There is a greater incidence of disturbances and violations of various codes of the Township which

adversely affect the peace and quiet of the neighborhood at residential properties where Owners allow unregulated Transient Visitors.

2. **AMEND** Section 130-1.A.(2) to **CAPITALIZE** the term “Short-Term Lodging,” **STRIKE** the term “transients,” and **REPLACE** it with the term “Transient Visitors” so that it now reads:

(2) If unregulated, Short-Term Lodging facilities can create negative compatibility impacts in residential neighborhoods, including inappropriate commercialization and disruption of the character of single-family neighborhoods, excessive noise, on-street parking that overwhelms use by local residents, increased risk of inappropriate conduct for which enforcement against Transient Visitors may be difficult, and accumulation of rubbish and trash.

3. **AMEND** Section 130-1.A.(3) to **CAPITALIZE** the term “Transient Visitors” so that it now reads:

(3) A parallel purpose of this article is to ensure safe, healthy and nondiscriminatory housing arrangements for Transient Visitors through a regular licensing and inspection program not hitherto in place for rentals of single-family dwellings or portions thereof.

4. **AMEND** Section 130-1.B.(1) to **STRIKE** the word “property” from before the word “owners” and **CAPITALIZE** the terms “Owners” and “Transient Visitors” so that it now reads:

(1) To enhance accountability of Owners and Transient Visitors, minimize the risk of communal disturbances and conflict and violations of various codes of the Township which are capable of repetition but evading review, and otherwise protect and promote the public health, safety and welfare of its citizens;

5. **AMEND** Section 130-1.B.(2) to **CAPITALIZE** the term “Transient Visitors” so that it now reads:

(2) To ensure safe, healthy and nondiscriminatory housing arrangements for Transient Visitors through a regular licensing and inspection program not hitherto in place for rentals of single-family dwellings or portions thereof;

6. **AMEND** Section 130-1.B.(3) to **STRIKE** the “s” from the word “transients,” **ADD** the word “visitors,” and **CAPITALIZE** the term so that it now reads:

(3) To minimize negative compatibility impacts from excessive noise, on-street parking that overwhelms use by local residents, increased risk of inappropriate conduct for which enforcement against Transient Visitors may be difficult, and accumulation of rubbish and trash;

7. **AMEND** Section 130-1.B.(4) to **STRIKE** the period and **REPLACE** it with a semicolon so that it now reads:

(4) To impose corresponding owner licensing arrangements for transient accommodations already in place for other residential regulated rental units;

8. **ADD** a new Section 130-1.B.(5) that reads:

(5) To address residential safety concerns by ensuring the facilities are occupied as a primary residence by at least one (1) resident living in the Dwelling for at least eight (8) months per calendar year, and to address safety concerns for Transient Visitors by ensuring the Owner maintains updated liability insurance to cover the use of the Dwelling as a Short-Term Lodging facility;

9. **AMEND** existing Section 130-1.B.(5) to **RE-NUMBER** it as Section 130-1.B.(6), **REPLACE** the period with a semicolon, and **ADD** the word “and” so that it now reads:

(6) To preserve the tranquil and suburban character of residential neighborhoods and to preserve residential housing that attracts residents, homeowners and visitors to the Township; and

10. **ADD** a new Section 130-1.B.(7) that reads:

(7) To monitor and mitigate impacts created by the occupancy of Short-Term Lodging facilities, to address ordinance violations by issuing nontraffic citations or to take any other actions permitted by ordinance or by law, and to allow the Township to revoke a license should multiple ordinance violations be identified at a Short-Term Lodging facility or if the property becomes a nuisance (either a public nuisance at common law or declared a public nuisance by the Township in accordance with the Property Maintenance Code adopted in Chapter 153, Building Construction Code, Green adopted in Chapter 88, Uniform Construction Code adopted in Chapter 97, any other applicable Ordinance of Lower Makefield Township, or by the Court).

11. **AMEND** Section 130-1.C. to **CAPITALIZE** the term “Short-Term Lodging” so that it now reads:

C. Applicability. This article shall apply to all Short-Term Lodging facilities as defined hereinbelow, and the owner of the Short-Term Lodging facility shall be responsible for compliance with all terms and conditions of this article. Any failure by an individual, entity, agent, managing agent or local contact person to comply with this article, including the monitoring and control of the number of occupants and visitors, shall be deemed as noncompliance by the owner of the Short-Term Lodging facility.

- B. AMEND** Section 130-2., “Definitions,” as follows:

1. **AMEND** the term, “BEDROOM,” to **ADD** the words “(for example, space used for sanitation, including bathrooms, cooking, eating, storage, or utility, or intended as a living room, den, sitting room, or similar may not be considered a bedroom)” after the word “purpose” so that it now reads:

BEDROOM

A room of a residential structure that contains a minimum of 70 square feet in accordance with the International Residential Code which is used as a sleeping room and for no other primary purpose (for example, space used for sanitation, including bathrooms, cooking, eating, storage, or utility, or intended as a living room, den, sitting room, or similar may not be considered a bedroom).

2. **ADD** a new term, “CODE ENFORCEMENT OFFICER,” that reads as follows:

CODE ENFORCEMENT OFFICER

Any person, and his/her designee(s), authorized to issue permits and licenses, to conduct inspections, to issue violation notices, to enforce compliance, to investigate and/or inspect complaints and possible unsafe conditions, and to otherwise implement and carry out the provisions of this article.

3. **ADD** a new term, “DWELLING,” that reads as follows:

DWELLING

A building containing one or more Dwelling units designed or used exclusively as living quarters. A Dwelling may be, but is not limited to, a single-family detached Dwelling, a single-family attached Dwelling, a multiple-family Dwelling, a two-family Dwelling (or twin or duplex swelling), a multifamily manor house, or a townhouse.

4. **ADD** a new term, “DWELLING UNIT,” that reads as follows:

DWELLING UNIT

Any room or group of rooms located within a Dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, bathing and eating by one family.

5. **ADD** a new term, “FIRE MARSHAL,” that reads as follows:

FIRE MARSHAL

The Fire Marshal of Lower Makefield Township as appointed by the Board of Supervisors for the review of subdivision and land development plans in Lower Makefield Township in regard to their adequacy in respect to fire protection, general advice to the Board of Supervisors in all matters regarding fire protection and liaison between the Township and all fire companies having jurisdiction in Lower Makefield Township.

6. **ADD** a new term, “PERSON IN CHARGE,” that reads as follows:

PERSON IN CHARGE

Short-Term Lodging agent with actual authority to represent and act for the Owner of the Short-Term Lodging facility for purposes of contact, communication, and response regarding the rented or let Dwelling or Dwelling Unit. A Person In Charge must reside, have a staffed office, or otherwise be located within 25 miles of each Short-Term Lodging facility, and be able to respond to and arrive at the Short-Term Lodging facility within one hour’s telephonic, text, or email notice, and to act as the legal agent for the Owner for all matters pertaining to the Short-Term Lodging facility. The Person In Charge must be available 24 hours a day, seven days a week. The Township must be notified, in writing by the Owner, not later than fourteen (14) days in advance if there is to be a change in the identity of the Person In Charge.

7. **ADD** a new term, “PRINCIPAL PLACE OF RESIDENCE,” that reads as follows:

PRINCIPAL PLACE OF RESIDENCE

A residential Dwelling or Dwelling Unit occupied by an Owner or tenant. Occupancy does not require the Owner or tenant(s) to be physically present in the unit at all times or continuously, but it must be the usual place of return.

8. **AMEND** the term, “RENT,” to **CAPITALIZE** the terms “Owner” and “Short-Term Lodging” so that it now reads:

RENT

The consideration received by the Owner, or agent on behalf of the Owner, in money, credits, property or other consideration, including personal services valued as an alternative to money, for Short-Term Lodging.

9. **AMEND** the term, “RENTAL,” to **CAPITALIZE** the terms “Owner” and “Transient Visitor” so that it now reads:

RENTAL

An arrangement whereby one or more persons obtain permission to occupy a property or portion thereof, regardless of whether compensation or other consideration is passed by a Transient Visitor to the Owner or an agent of the Owner.

10. **AMEND** the term, “SHORT-TERM LODGING,” to **ADD** the words “Dwelling or” before the term “Dwelling Unit,” **CAPITALIZE** the term “Dwelling Unit,” **STRIKE** the term “transients” and **REPLACE** it with the term “Transient Visitors,” and **ADD** the numeral “(1)” following the word “one” so that it now reads:

SHORT-TERM LODGING

The occupancy of a Dwelling or Dwelling Unit or portion thereof for temporary rental overnight occupancy by Transient Visitors for a period of not less than one (1) day and not more than 30 days.

11. **ADD** a new term, “SHORT-TERM LODGING LICENSE,” that reads as follows:

SHORT-TERM LODGING LICENSE

The annual license issued to a person or entity engaged in a Short-Term Lodging facility business.

12. **AMEND** the term, “TRANSIENT VISITOR,” to **CAPITALIZE** the terms “Dwelling,” “Dwelling Unit,” and “Owner” so that it now reads:

TRANSIENT VISITOR

An occupant of a Dwelling or Dwelling Unit or sleeping unit for not more than 30 days, unless occupant is related to the Owner as married spouse, parent or child, grandparent or grandchild, or brother or sister.

- C. **AMEND** Section 130-3., “Restrictions on transient rentals; types of short-term lodging facilities,” as follows:

1. **AMEND** the title of the Section to **CAPITALIZE** the term “Short-Term Lodging” so that it now reads:

“Restrictions on transient rentals; types of Short-Term Lodging facilities.”

2. **AMEND** Section 130-3. to **CAPITALIZE** the terms “Dwelling,” “Short-Term Lodging,” “Owner,” and “Transient Visitor” throughout.
3. **AMEND** the first paragraph of Section 130-3. to **STRIKE** the words “hotel or” before the word “bed-and-breakfast,” **STRIKE** the word “home” following the word “bed-and-breakfast,” and **ADD** the words “civic building (e.g., community center), community treatment/rehabilitation facility, hotel/motel, inn, and/or nursing home” following the term “bed-and-breakfast” so that it now reads:

Unless qualified or defined as a bed-and-breakfast, civic building (e.g., community center), community treatment/rehabilitation facility, hotel/motel, inn, and/or nursing home use conducted in accordance with the Zoning Ordinance, Short-Term Lodging is prohibited throughout the Township of Lower Makefield except in the following circumstances:

4. **AMEND** Section 130-3.B. to **STRIKE** the words “or nonconsecutive calendar days per year (each year shall be January 1 through December 31)” following the word “consecutive,” and **ADD** the word “days” to the end of the first sentence so that it now reads:

B. Entire residential unit accommodation. An Owner may rent a residential property which he/she/it/they own(s) to Transient Visitors for a minimum period of seven consecutive days, not to exceed 30 consecutive days. Under this type of arrangement, the Owner may, but is not required to, remain on the premises during the stay of the Transient Visitor.

5. **ADD** a new Section 130-3.C. that reads:

C. A Short-Term Lodging facility shall be annually licensed.

6. **ADD** a new Section 130-3.D. that reads:

D. A Short-Term Lodging facility shall not be rented cumulatively for more than 120 days per year (“year” defined as the annual term of the Short-Term Lodging License).

D. AMEND Section 130-4., “License requirements and conditions,” as follows:

1. **AMEND** the title of the Section to **ADD** a comma following the word “requirements,” **STRIKE** the word “and” following the word

“requirements,” and **ADD** the words “and limitations” following the word “conditions” so that it now reads:

License requirements, conditions and limitations.

2. **AMEND** Section 130-4. to **CAPITALIZE** the terms “Dwelling,” “Dwelling Unit,” “Short-Term Lodging,” “Owner,” “Short-Term Lodging License,” and “Person In Charge” throughout.

3. **AMEND** Section 130-4.A. to **ADD** two new subsections so that it now reads:

A. Before any Dwelling Unit is advertised for Short-Term Lodging, the Owner of each property to be designated as a Short-Term Lodging facility shall obtain the required Short-Term Lodging License from the Township. Such license shall only be issued if the requirements of this article are met.

(1) Operation of a Short Term Lodging facility without a properly issued Short-Term Lodging License constitutes a violation of this article.

(2) Approval of a Short-Term Lodging License does not remove, override or abrogate any Owner from any other requirements of Township ordinances, such as the Township Blighted and Vacant Properties Ordinance, Property Maintenance Code, and Zoning Code.

4. **AMEND** Section 130-4.B. to **STRIKE** the words “housing inspection fee schedule,” **REPLACE** it with the words “then current fee schedule adopted by the Board of Supervisors,” and **ADD** a new sentence following the end of the second sentence so that it now reads:

B. Upon application in such form as may be required by the Township for a Short-Term Lodging License or renewal thereof, each applicant shall pay to the Township an annual license and inspection fee in accordance with the then current fee schedule adopted by the Board of Supervisors. A Short-Term Lodging License for a Short-Term Lodging facility shall not be transferred or sold and will expire upon the conveyance of the property. Should any new Owner seek to establish the subject property as a Short-Term Lodging facility, he/she/they must apply for a new license subject to the requirements of this article.

5. **AMEND** Section 130-4.C. to **ADD** the words “short-term lodging” before the word “license” so that it now reads:

C. Each Short-Term Lodging License application shall set forth, in the form approved by the Township, such applicable information necessary

for the review and maintenance of the requested license. Each application shall include, but is not limited to:

6. **AMEND** Section 130-4.C.(1) to **ADD** the word “permanent” before the word “address,” **ADD** the words “24-hour telephone number (if no separate designated Person In Charge),” **ADD** the word “Owner” following the words “email address of the,” **STRIKE** the words “or local contact person,” **ADD** the words “Short-Term Lodging” before the word “facility,” and **ADD** the words “and if the Owner will be located over 25 miles from the Short Term Lodging facility, the Owner must appoint a Person In Charge to fully act on the Owner's behalf” so that it now reads:

(1) Name, permanent address, telephone number, 24-hour telephone number (if no separate designated Person In Charge), and email address of the Owner of the Short-Term Lodging facility and if the Owner will be located over 25 miles from the Short Term Lodging facility, the Owner must appoint a Person In Charge to fully act on the Owner's behalf;

7. **AMEND** Section 130-4.C. to **INSERT** new subsections (2) through (4) that read as follows:

(2) The Owner’s tax identification number, if an entity, or last four digits of Social Security Number, if an individual;

(3) Address and unit number of the location at which the Short-Term Lodging facility is located, including parcel identification number;

(4) Name, address, 24-hour telephone number and email address of the Person In Charge of the Short-Term Lodging facility (if different from the Owner), including:

(a) confirmation that the address or staffed office is located within 25 miles of the Short-Term Lodging facility and/or

(b) notification from the Owner, in writing and not later than fourteen (14) days in advance, if there is to be a change in the identity of the Person In Charge;

8. **AMEND** Section 130-4.C. to **RE-NUMBER** existing subsection (2) as new subsection (5).

9. **AMEND** Section 130-4.C. to **STRIKE** existing subsection (6) in its entirety.

10. **AMEND** Section 130-4.C. to **RE-NUMBER** existing subsection (4) as new subsection (6), **ADD** the words “and Person In Charge (if different from the Owner)” following the word “Owner,” **STRIKE** the words “and local contact person, agent or other related entity,” and **ADD** the words “including the limitation that Short-Term Lodging facilities may not be

rented cumulatively for more than 120 days per year (“year” defined as the annual term of the Short-Term Lodging License)” so that it now reads:

(6) Acknowledgement signed by the Owner that the Owner and Person In Charge (if different from the Owner) have read all regulations as contained in this article pertaining to the operation of the Short-Term Lodging facility, including the limitation that Short-Term Lodging facilities may not be rented cumulatively for more than 120 days per year (“year” defined as the annual term of the Short-Term Lodging License);

11. **AMEND** Section 130-4.C. to **INSERT** new subsections (7) through (9) that read as follows:

(7) A copy of the current recorded deed for the property establishing ownership;

(8) Proof of written notice to the Dwelling or Dwelling Unit's condominium or homeowners' association, if applicable, indicating the intent to make application for and use the subject property for a Short-Term Lodging facility;

(9) Identification of the total number of Dwelling Units in the structure and the number of Dwelling Units being used as Short-Term Lodging facilities, if the building is a multi-unit structure;

12. **AMEND** Section 130-4.C. to **RE-NUMBER** existing subsection (3) as new subsection (10) and **ADD** the words “Identification of the number of bedrooms to be rented (if the Owner is renting individual bedrooms and not the entire Dwelling) and” before the word “acknowledgement” so that it now reads:

(10) Identification of the number of bedrooms to be rented (if the Owner is renting individual bedrooms and not the entire Dwelling) and acknowledgement, signed by the Owner, that all designated bedrooms contain a minimum of 70 square feet;

13. **AMEND** Section 130-4.C. to **INSERT** new subsections (11) through (13) that read as follows:

(11) Identification of the total maximum number of overnight guests;

(12) Submission of a parking plan that clearly identifies at least one (1) paved, off-street parking space per bedroom available for short-term rent on the property, including confirmation that each space is at least twenty (20) feet long by ten (10) feet wide as specified by Section 200-78 of the Township’s Zoning Ordinance and in conformity with Section 178-57.M. of the Township’s Subdivision and Land Development Ordinance (“SALDO”);

(13) If not served by a public sewer system, a septic system evaluation certifying the existing system is functioning as intended and proof the tank was pumped within the past three years for approval by the Township;

14. **AMEND** Section 130-4.C. to **RE-NUMBER** existing subsection (5) as new subsection (14), **STRIKE** the words “and acknowledgement that a copy of the designated approved license for short-term lodging shall be posted and maintained in a conspicuous area of the property,” **ADD** the words “and acknowledgement that the following documents or information will be clearly posted and maintained in a conspicuous area of the property,” and **ADD** new subsections (a) through (g) so that it now reads:

(14) Acknowledgement signed by the Owner that 911 emergency address information consisting of block lettering no less than three inches in height is placed upon the building as to be easily visible from the street, and acknowledgement that the following documents or information will be clearly posted and maintained in a conspicuous area of the property:

- (a) a copy of the Short-Term Lodging License,
- (b) the name of the Owner and/or the Person In Charge, together with the telephone number(s) at which they can be reached on a twenty-four-hour basis,
- (c) The E-911 address of the subject property where the Dwelling or Dwelling Unit being used as a Short-Term Lodging facility is located,
- (d) The maximum number of overnight occupants, and guests, permitted to stay in the Dwelling or Dwelling Unit at any one time,
- (e) The maximum number of all vehicles allowed to be on the property and the requirement that all vehicles must be parked in the available parking areas on the property,
- (f) Trash and refuse pick-up information and notification that trash and refuse shall not be left or stored on the exterior of the property except in appropriate containers until pick-up, and
- (g) Notification that an overnight occupant, or guest may be cited and fined any violation of this article, and are required to make the Dwelling or Dwelling Unit available for inspection by the Code Enforcement Officer, or his/her designee, upon request;

15. **AMEND** Section 130-4.C. to **INSERT** new subsections (15) and (16) that read as follows:

(15) Proof of general liability insurance in the amount of \$500,000 in minimum coverage and an insurance declaration that indicates coverage specifically for rental, for the full duration of the license term, or written acknowledgment of same from insurance provider, with written

notification provided to the Township within fourteen (14) days of any changes to the insurance policy(-ies) for the property under license;
(16) Any other information that the designated Township enforcement officer deems reasonably necessary to administer and enforce this article.

16. **AMEND** Section 130-4.D. to **ADD** the words “whichever shall first occur” following the words “article change,” and **ADD** the following sentence “Failure to renew this Short-Term Lodging License annually do so will result in the immediate termination of the license” so that it now reads:

D. Any license for a Short-Term Lodging facility shall be renewed annually, and at any time when any of the conditions of the Short-Term Lodging which is/are governed by this article change, whichever shall first occur. Failure to renew this Short-Term Lodging License annually do so will result in the immediate termination of the license.

17. **INSERT** a new Section 130-4.E. that reads as follows:

E. Use of the licensed property as a Short-Term Lodging facility is limited to no more than 120 days per year (“year” is defined as the annual term of the Short-Term Lodging License). In the event that more than one (1) Dwelling Unit is available for short-term lodging on a single property, the 120 day limit shall apply to the entire property regardless of the number of Dwelling Units that exist for which permits have been issued; meaning that, each day that any Dwelling Unit on the subject property is rented shall count as one day toward the 120 day aggregate limit, for the whole of the subject property.

18. **AMEND** existing Section 130-4.E. to **RE-NUMBER** it as Section 130-F. and **ADD** the words “and cannot be used for any other location other than the one for which it was issued” after the word “entity” so that it now reads:

F. Issuance of Short-Term Lodging License to Owner. Only the Owner of the Short-Term Lodging facility shall be issued the required license for the Short-Term Lodging. The license shall not be transferred, sold or assigned to any other individual or entity and cannot be used for any other location other than the one for which it was issued.

19. **INSERT** new Sections 130-4.G. and 130-4.H. that read as follows:

G. A separate Short-Term Lodging License is required for each Dwelling Unit; for two-family or multifamily Dwellings, a separate Short-Term Lodging License shall be required for each Dwelling Unit being rented or let as Short-Term Lodging.

H. For single-family Dwellings with a lawful single apartment unit, the Owner making the property their principal place of residence must live in the single family Dwelling and offer the single apartment unit as the Short-Term Lodging facility. The Owner may live in the single apartment unit and offer the single family Dwelling as the Short-Term Lodging facility. If the single family Dwelling is occupied by an Owner making it his or her principal place of residency, then the single apartment unit may be utilized as a Short-Term Lodging facility without an Owner making the apartment unit their principal place of residency.

20. **AMEND** existing Section 130-4.G. to **RE-NUMBER** it as Section 130-I., **STRIKE** the words “for short-term rental” following the word “permitted,” and **ADD** the words “at the Short-Term Lodging facility” following the word “permitted” so that it now reads:

I. Each license will note how many lodgers are permitted at the Short-Term Lodging facility and require the applicant to submit proof of, and remain in constant compliance with, all of the following:

21. **AMEND** now-Section 130-4.I.(1) to **ADD** the words “detectors or” in between the words “smoke” and “alarms,” **STRIKE** the word “and” before the words “carbon monoxide,” and **ADD** the words “and fire extinguishers” following the word “detectors” so that it now reads:

(1) An accurately drawn floor plan of the residence showing the number of bedrooms and location of smoke detectors or alarms, carbon monoxide detectors, and fire extinguishers. Floor plans must show details for every level of the residence and any attached structures and the location of windows and all interior and exterior doorways.

22. **AMEND** now-Section 130-4.I. to **INSERT** new subsection (3) that reads as follows:

(3) Confirmation of the availability of at least one paved off-street parking space per bedroom available for rent at the Short-Term Lodging facility. Per Section 200-78 of the Township’s Zoning Ordinance, the minimum dimensions of an acceptable off-street parking space are twenty (20) feet long by ten (10) feet wide. All paved off-street parking spaces must conform with Section 178-57.M. of the Township’s SALDO. Overnight occupant and guest parking shall not obstruct spaces in any public street, curbing, sidewalk, pathway, easement of other right-of-way or be located on any lawns or vegetated areas.

23. **AMEND** now-Section 130.4.I. to **RE-NUMBER** existing subsection (3) as subsection (4).

24. **AMEND** now-Section 130.4.I. to **RE-NUMBER** existing subsection (4) as subsection (5) and **ADD** the sentence “The Owner shall also supply a copy of the guest registration log, as explained and defined in Subsection M,” so that it now reads:

(5) At time of registration and at time of any subsequent renewal or application for change of license, the Owner shall provide a copy of the marketing or advertisement of the Short-Term Lodging facility and a listing of all vendors and marketing entities which will host and/or publish the marketing and advertisement for the Short-Term Lodging facility. The Owner shall also supply a copy of the guest registration log, as explained and defined in Subsection M.

25. **INSERT** new Section 130-4.J. that reads as follows:

J. The Short-Term Lodging License shall be conspicuously displayed at all times at the property for which it is issued.

26. **AMEND** existing Section 130-4.F. to **RE-NUMBER** it as Section 130-4.K., **ADD** the words “The Code Enforcement Officer, or his/her designee, and/or Fire Marshal, or his/her designee shall have the responsibility and authority to administer and enforce all provisions of this article” following the words “Inspection and authorization,” and **ADD** the words “Short-Term Lodging” before each instance of the word “facility” so that it now reads:

K. Inspection and authorization. The Code Enforcement Officer, or his/her designee, and/or Fire Marshal, or his/her designee shall have the responsibility and authority to administer and enforce all provisions of this article. Any application for a license for a Short-Term Lodging facility implicitly grants authority and permission for all inspections by the Township as otherwise authorized in applicable codes, regulations and ordinances of the Township. Inspections of all Short-Term Lodging facilities shall occur no less than two times each and every year for any license applications and/or license renewal.

27. **INSERT** new Sections 130-4.L., 130-4.M, and 130-4.N. that read as follows:

L. The Owner and/or Person In Charge of a property with a Short-Term Lodging License must maintain a guest reservation log of all Short-Term Lodging rentals at the property occurring for, at a minimum, the previous twelve-month period. This guest reservation log must include the number of days rented or let for Short-Term Lodging activity, the number of individuals occupying the property for each rental, and the number of cars

parked at the property by the Short-Term Lodging tenants for each rental. The guest reservation log must be made available to Township representatives at request. The guest reservation log for the previous twelve (12)-month period must be submitted to the Township as part of the annual Short-Term Lodging License renewal. In addition to the guest reservation log, Owners must download rental advertisement or marketing information from all short-term rental platforms where the Owner lists the licensed property and provide to Township representatives upon request. The rental advertisement or marketing information from the short-term rental platforms must also be submitted to Township as part of the annual license renewal.

M. The issuance of a Short-Term Lodging License shall indicate that the Dwelling or Dwelling Unit was determined to be in compliance with applicable codes and ordinances at the time of the Code Enforcement Officer's, or his/her designee's, inspection and/or Fire Marshal's, or his/her designee's, inspection. The issuance of a Short-Term Lodging License is not a warranty that the premises is lawful, safe, habitable, or in compliance with this article.

N. The Owner shall not enter into a rental agreement with a person who is less than 18 years of age.

E. AMEND Section 130-5., "Operation and performance standards and conditions," as follows:

1. **AMEND** Section 130-5. to **CAPITALIZE** the terms "Dwelling," "Dwelling Unit," "Short-Term Lodging," "Owner," "Short-Term Lodging License," "Transient Visitor," and "Person In Charge" throughout.

2. **AMEND** Section 130-5.B. to **ADD** the words "Short-Term Lodging" before the word "facility" so that it now reads:

B. By written agreement or other acceptable acknowledgment, the Owner shall limit overnight occupancy of the Short-Term Lodging facility to the specific number of occupants designated in the license, with the number of overnight occupants not to exceed two persons per bedroom plus four additional people per residence.

3. **AMEND** Section 130-5.C. to **ADD** the word "facility" after the words "Short-Term Lodging" so that it now reads:

C. In no instance shall the existing number of approved bedrooms be increased for any Short-Term Lodging facility without the express advanced written approval of the Township.

4. **INSERT** new Section 130-5.D. that reads as follows:

D. The number of bedrooms permitted for a Short-Term Lodging facility shall not exceed the number of bedrooms approved for the Dwelling or Dwelling Unit on the sewage permit issued for the subject property. Where there is no sewage permit on record, the Short-Term Lodging facility shall be limited to three (3) bedrooms unless proof satisfactory to the Code Enforcement Officer, or his/her designee, is provided to the Township that the septic system is adequate to handle additional flows. Any short-term rental advertising more than five (5) bedrooms shall provide proof that the septic system is adequate to handle such flows by having the system approved by the Code Enforcement Officer, or his/her designee, or by providing a septic permit previously issued by a Code Enforcement Officer, or his/her designee confirming the system's adequacy. If a sewage system or septic system malfunction occurs, the short-term rental shall be discontinued and the permit for the Short-Term Lodging facility will be suspended until the malfunction is corrected in accordance with Township and Pennsylvania Department of Environmental Protection requirements.

5. **AMEND** existing Section 130-5.D. to **RE-NUMBER** it as Section 130-5.F.

6. **INSERT** new Section 130-5.G. that reads as follows:

G. Overnight use and occupancy of recreational vehicles, camper trailers, temporary shelters, tents, or similar, or any outdoor overnight sleeping, at the subject property where the Short-Term Lodging facility is located, are prohibited.

7. **AMEND** existing Section 130-5.G. to **RE-NUMBER** it as Section 130-5.H., **ADD** the sentence "A Short-Term Lodging facility shall not have any outside appearance indicating a change of use from the surrounding residential uses" after the end of the first sentence, **ADD** the word "a" before "short-term," **STRIKE** the word "rental," **ADD** the words "lodging facility," **ADD** the words "loud, unusual, or excessive" before the word "noise" and the words "(including fireworks)" after the word "noise," and **ADD** the words "short-term lodging" before the word "facility" in the final sentence so that it now reads:

H. The Short-Term Lodging facility shall not adversely affect the residential character of the neighborhood. A Short-Term Lodging facility shall not have any outside appearance indicating a change of use from the surrounding residential uses. A Short-Term Lodging facility may not generate loud, unusual, or excessive noise (including fireworks), vibration, glare, odor or other effects that unreasonably interfere with a

person's enjoyment of his or her neighborhood. Any lights used for exterior illumination of the Short-Term Lodging facility and property shall direct light away for adjoining properties, and all lighting shall be pointed/shielded downward to minimize upward glare.

8. **AMEND** existing Section 130-5.H. to **RE-NUMBER** it as Section 130-5.I., **ADD** the words “and/or Person In Charge” following the word “owner,” **ADD** the words “or actions that would deem the property a nuisance (either a public nuisance at common law or declared a public nuisance by the Township in accordance with the Property Maintenance Code adopted in Chapter 153, Building Construction Code, Green adopted in Chapter 88, Uniform Construction Code adopted in Chapter 97, any other applicable Ordinance of Lower Makefield Township, or by the Court)” following the word “Township” at the end of the first sentence, **STRIKE** the word “and” between the words **ADD** the words “Township” and “promptly,” **ADD** the words “the Owner and/or person-in-charge Person In Charge must” before the word “promptly,” and **ADD** the words “and must also use best efforts to prevent a recurrence of such conduct by those, and future, occupants or guests” after the word “purposes” so that it now reads:

I. The Owner and/or Person In Charge shall be responsible for the safety and welfare of all Transient Visitors and guests, preserving the peace and quiet of the community within which the Short-Term Lodging facility is found from noises or disruptions caused by any Transient Visitor or guest, and to maintain the property in accordance with all laws, regulations and ordinances, including, but not limited to, any conduct which would qualify as a prohibited act within the meaning of Chapter 144 concerning peace and good order of the Codified Ordinances of the Township or actions that would deem the property a nuisance (either a public nuisance at common law or declared a public nuisance by the Township in accordance with the Property Maintenance Code adopted in Chapter 153, Building Construction Code, Green adopted in Chapter 88, Uniform Construction Code adopted in Chapter 97, any other applicable Ordinance of Lower Makefield Township, or by the Court). The Owner and/or Person In Charge must promptly report those persons violating the same to the responsible Township officers and departments for enforcement purposes and must also use best efforts to prevent a recurrence of such conduct by those, and future, occupants or guests.

9. **STRIKE** existing Section 130-5.J.
10. **AMEND** existing Section 130-5.K. to **RE-NUMBER** it as Section 130-5.J.

11. **AMEND** existing Section 130-5.L. to **RE-NUMBER** it as Section 130-5.K. and **ADD** the sentence “Trash and refuse shall not be left or stored on the exterior of the property” after the end of the first sentence so that it now reads:

K. The Owner of the Short-Term Lodging facility shall submit a certification of trash hauler to the Township on an annual basis. Trash and refuse shall not be left or stored on the exterior of the property. The Owner of the Short-Term Lodging facility is responsible for trash and recycling removal. Lodgers must be notified of trash and recycling collection days.

12. **AMEND** existing Section 130-5.F. to **RE-NUMBER** it as Section 130-5.L.

13. **AMEND** existing Section 130-5.I. to **RE-NUMBER** it as Section 130-5.M., **ADD** the word “may” between the words “there” and “be,” and **ADD** the numeral “(2)” after the word “two” so that it now reads:

M. There may be inspections, no less than two (2) times each and every year, conducted by the Township in accordance with the fee schedule resolution. The Owner of the Short-Term Lodging facility is responsible for scheduling the inspections and paying all applicable fees. Failure to do so will result in revocation of the Short-Term Lodging License.

14. **STRIKE** existing Section 130-5.N.

15. **AMEND** existing Section 130-5.O. to **RE-NUMBER** it as Section 130-5.N., and **ADD** the words “or his/her designee, and/or the Fire Marshal, or his/her designee” after the term “Enforcement Officer” so that it now reads:

N. The property used as a Short-Term Lodging facility shall be available for access and inspection by the Township Enforcement Officer, or his/her designee, and/or the Fire Marshal, or his/her designee, to verify application, license and operational requirements, or if the Township has reason to believe that any provision of this article is being violated.

16. **AMEND** existing Section 130-5.P. to **RE-NUMBER** it as Section 130-5.O. and **ADD** the sentences “Compliance with the requirements of this Section 130-5 shall be considered mandatory conditions of a Short-Term Lodging License. Violation of these requirements may result in disciplinary action, up to and including revocation of the license and/or enforcement action. In the event that more than one Short-Term Lodging facility is located on a single property and any one short term rental is in violation of any of the requirements of this section, all licenses associated

with the property may be revoked” before the existing first sentence so that it now reads:

O. Compliance with the requirements of this Section 130-5 shall be considered mandatory conditions of a Short-Term Lodging License. Violation of these requirements may result in disciplinary action, up to and including revocation of the license and/or enforcement action. In the event that more than one Short-Term Lodging facility is located on a single property and any one short term rental is in violation of any of the requirements of this section, all licenses associated with the property may be revoked. The Township enforcement officer shall have the authority to impose additional conditions pursuant to any license or renewal in the event of any prior violation of the conditions of the license or provisions of this article.

17. **AMEND** existing Section 130-5.M. to **RE-NUMBER** it as Section 130-5.P.

F. AMEND Section 130-6., “Marketing,” as follows:

1. **AMEND** Section 130-6. to **CAPITALIZE** the terms “Short-Term Lodging” and “Owner” throughout.

2. **AMEND** Section 130-6.A. to **STRIKE** the sentence “The owner or local contact person shall provide to the enforcement officer a copy of all advertisements related to the short-term lodging facility” so that it now reads:

A. The marketing of any Short-Term Lodging facility which exceeds the number of otherwise maximum occupancy requirements under any approved license or as permitted by this article, or which promotes any activity which is prohibited by this article, shall be a violation of this article.

3. **INSERT** a new Section 130-6.B. that reads as follows:

B. Any marketing or advertisement of the Short-Term Lodging facility, including but not limited to print, digital, or web-based materials must include the license number. Failure to include the license number will result in disciplinary action, up to and including revocation of the license and/or enforcement action.

4. **INSERT** a new Section 130-6.C. that reads as follows:

C. There shall be no exterior advertising, including exterior signage, mounted, posted, erected or maintained at the site of the Short-Term Lodging facility.

G. AMEND Section 130-7., “Grounds for suspension, revocation, or nonrenewal of license,” as follows:

1. **AMEND** Section 130-7. to **CAPITALIZE** the terms “Short-Term Lodging,” “Owner,” “Short-Term Lodging License,” “Transient Visitor,” and “Person In Charge” throughout.
2. **AMEND** Section 130-7.A. to **STRIKE** the term Code Official and **REPLACE** it with the term “Code Enforcement Officer and/or Fire Marshal” so that it now reads:

A. General. In addition to or as an alternative from seeking fines under § 130-10 of this article, the Code Enforcement Officer and/or Fire Marshal may take administrative disciplinary action against an Owner that may result in a formal warning, nonrenewal, suspension or revocation of the Short-Term Lodging License, for violating any provision of this article that imposes a duty upon the Owner and/or for failing to regulate the breach of duties by occupants as provided for herein. If the Code Enforcement Officer and/or Fire Marshal issues three notices of violation to the Owner for any breach of this article within a five-year period, the license previously issued for any Short-Term Lodging shall be automatically revoked and shall not be renewed.

3. **AMEND** Section 130-7.B. to **STRIKE** the term Code Official and **REPLACE** it with the term “Code Enforcement Officer and/or Fire Marshal” so that it now reads:

B. Disciplinary actions; other actions. The following constitute the disciplinary actions and other actions available to the Code Enforcement Officer and/or Fire Marshal under this article.

4. **AMEND** Section 130-7.B.(1) to **STRIKE** the term Code Official and **REPLACE** it with the term “Code Enforcement Officer and/or Fire Marshal,” and **STRIKE** the words “at a time set by the Code Official or by Township of Lower Makefield” following the word “renewal” so that it now reads:

(1) Formal warning: formal written notification of at least one violation of this article. Upon satisfactory compliance with this article and any conditions imposed by the Code Enforcement Officer and/or Fire Marshal, the formal warning shall be removed when the Owner applies for license renewal, unless the license was revoked due to the issuance of

three notices of violation to the Owner within a five (5) -year period, at which time the license shall not be renewed or reissued.

5. **AMEND** Section 130-7.B.(2) to **STRIKE** the term Code Official and **REPLACE** it with the term “Code Enforcement Officer and/or Fire Marshal” so that it now reads:

(2) Suspension: the immediate loss of the privilege to rent the Short-Term Lodging facility for a period of time set by the Code Enforcement Officer and/or Fire Marshal not to exceed one year from the date of suspension of the license. The Owner, after the expiration of the suspension period, may apply for license renewal without the need to show cause why the Owner's privilege to apply for a license should be reinstated, provided the Owner has paid a new license fee. Upon suspension, the Owner shall take immediate steps to evict, and disallow any further use by, all Transient Visitors at the Short-Term Lodging facility through the end of the suspension period and any unlicensed period.

6. **AMEND** Section 130-7.B.(3) to **STRIKE** the term Code Official and **REPLACE** it with the term “Code Enforcement Officer and/or Fire Marshal” so that it now reads:

(3) Revocation: the immediate loss of the privilege to rent the Short-Term Lodging facility for any period of time longer than one year or for a second or subsequent suspension of the license for the same facility, as may be determined by the Code Enforcement Officer and/or Fire Marshal, including the immediate revocation of the license as a result of the issuance of three notices of violation to the Owner within a five-year period. Upon revocation, the Owner shall take immediate steps to evict, and disallow any further use by, all Transient Visitors at the Short-Term Lodging facility through the end of the suspension period and any unlicensed period.

7. **AMEND** Section 130-7.B.(4) to **STRIKE** the word “operator” and **REPLACE** it with the term “Person In Charge” so that it now reads:

(4) Reinstatement: A Short-Term Lodging License shall be reinstated from suspension or revocation if the Owner or Person In Charge of a Short-Term Lodging facility corrects all reason(s) for the suspension or revocation of the Short-Term Lodging License and has paid a new license fee and all court penalties, if any, obtained pursuant to § 130-10 of this article.

8. **AMEND** Section 130-7.B.(5) to **STRIKE** the term Code Official and **REPLACE** it with the term “Code Enforcement Officer and/or Fire Marshal” so that it now reads:

(5) Nonrenewal: The denial of an application for license renewal after expiration of any license term due to the failure of the Owner to comply with the requirements of this article or failure to correct the conditions for which his or her license was previously suspended or revoked. Unless otherwise prohibited by the suspension or revocation of a Short-Term Lodging License, the Township will permit the Owner to maintain Transient Visitors in the premises until the end of the license term but will not accept applications for renewal of the license until a time set by the Code Enforcement Officer and/or Fire Marshal such time not to exceed one (1) year from the renewal date.

9. **AMEND** Section 130-7.C. to **STRIKE** the term Code Official and **REPLACE** it with the term “Code Enforcement Officer and/or Fire Marshal” so that it now reads:

C. Criteria for applying sanctions. The Code Enforcement Officer and/or Fire Marshal, when applying sanctions, shall consider the following:

10. **AMEND** Section 130-7.C.(1) to **ADD** the words “including whether the property has become a nuisance (either a public nuisance at common law or declared a public nuisance by the Township in accordance with the Property Maintenance Code adopted in Chapter 153, Building Construction Code, Green adopted in Chapter 88, Uniform Construction Code adopted in Chapter 97, any other applicable Ordinance of Lower Makefield Township, or by the Court)” following the word “premises” so that it now reads:

(1) The effect of the violation on the health, safety and welfare of the occupants of the Short-Term Lodging facility and other residents of the premises, including whether the property has becomes a nuisance (either a public nuisance at common law or declared a public nuisance by the Township in accordance with the Property Maintenance Code adopted in Chapter 153, Building Construction Code, Green adopted in Chapter 88, Uniform Construction Code adopted in Chapter 97, any other applicable Ordinance of Lower Makefield Township, or by the Court).

11. **AMEND** Section 130-7.C.(6) to **STRIKE** the words “license for” following the words “renew a” and **STRIKE** the word “facility” between the words “lodging” and “license” so that it now reads:

(6) Notwithstanding any past or pending administrative action taken to suspend, revoke, or not renew a Short-Term Lodging License, upon conviction of a second or subsequent offense under § 130-10 of this article within any five-year period, the Owner of the facility, and his/her

successors, heirs and assigns, shall be disqualified from using the property as a Short-Term Lodging facility for a period of two years.

12. **AMEND** Section 130-7.D. to **STRIKE** the term Code Official and **REPLACE** it with the term “Code Enforcement Officer and/or Fire Marshal” so that it now reads:

D. Reasonable conditions. In addition to enforcing sanctions as set forth above, the Code Enforcement Officer and/or Fire Marshal may impose upon the existing or subsequent licenses reasonable conditions related to fulfilling the purposes of this article.

13. **AMEND** Section 130-7.E. to **ADD** the sentences “The Code Enforcement Officer, or his/her designee, and/or the Fire Marshal, or his/her designee, may view the exterior portions of the property during normal business hours for the purpose of inspection of any and all premises, properties, buildings and/or structures located within the Township for ascertaining the existence of violations. In those matters where the nature of an alleged violation is such that an inspection of the interior of a building or structure is necessitated, prior arrangements shall be made with the Owner or the Person In Charge to secure access thereof. Should access be denied, and” before the word “upon” and **STRIKE** the term Code Official and **REPLACE** it with the term “Code Enforcement Officer and/or Fire Marshal” so that it now reads:

E. Search warrant. The Code Enforcement Officer, or his/her designee, and/or the Fire Marshal, or his/her designee, may view the exterior portions of the property during normal business hours for the purpose of inspection of any and all premises, properties, buildings and/or structures located within the Township for ascertaining the existence of violations. In those matters where the nature of an alleged violation is such that an inspection of the interior of a building or structure is necessitated, prior arrangements shall be made with the Owner or the Person In Charge to secure access thereof. Should access be denied, and upon a showing of probable cause that a violation of this article or any other ordinance of the Township of Lower Makefield has occurred, the Code Enforcement Officer and/or Fire Marshal may apply to the Magisterial District Judge having jurisdiction in the Township of Lower Makefield for a search warrant to enter and inspect the premises.

- H. AMEND** Section 130-8., “Procedure for nonrenewal, suspension, or revocation of license, and appeal,” as follows:

1. **AMEND** Section 130-8. to **CAPITALIZE** the terms “Short-Term Lodging,” “Owner,” and “Short-Term Lodging License” throughout.

2. **AMEND** Section 130-8.A. to **STRIKE** the term Code Official and **REPLACE** it with the term “Code Enforcement Officer and/or Fire Marshal” so that it now reads:

A. Form of notification. Following a determination by the Code Enforcement Officer and/or Fire Marshal that grounds for nonrenewal, suspension, or revocation of a Short-Term Lodging License exist, the Code Enforcement Officer and/or Fire Marshal shall notify the Owner of the action to be taken by the Code Enforcement Officer and/or Fire Marshal and the reason therefor. Such notification shall be in writing, addressed to the Owner in question, and shall contain the following information:

3. **AMEND** Section 130-8.A.(4) to **STRIKE** the term “transients” and **REPLACE** it with the term “Transient Visitors” so that it now reads:

(4) A statement that, due to the nonrenewal, suspension or revocation (as the case may be), the Owner is prohibited from allowing use of the facility by Transient Visitors.

4. **AMEND** Section 130-8.B. to **STRIKE** the term Code Official and **REPLACE** it with the term “Code Enforcement Officer and/or Fire Marshal,” and **CAPITALIZE** the word “chapter” so that it now reads:

B. Delivery of notification. The Code Enforcement Officer and/or Fire Marshal shall post the notice at a conspicuous place at the Short-Term Lodging facility and transmit a copy to the Owner by personal delivery and/or some method documenting delivery thereof through United States Postal Service or a private carrier to the Owner or an adult person in responsible possession of the residence or business of Owner. In the event such personal delivery or documented delivery cannot be accomplished after a reasonable attempt to do so, then the notice may be sent to the Owner at the address stated on the most current license application for the Short-Term Lodging facility in question, by regular first-class mail, postage prepaid. If such notice is not returned by the postal authorities within five days of its deposit in the U.S. mail, then it shall be deemed to have been delivered to and received by the addressee on the fifth day following its deposit in the U.S. mail, and all time periods set forth under this Chapter above, shall thereupon be calculated from said fifth day.

5. **AMEND** Section 130-8.C. to **STRIKE** the term Code Official and **REPLACE** it with the term “Code Enforcement Officer and/or Fire Marshal” so that it now reads:

C. Appeals. Any Owner affected by a decision of the Code Enforcement Officer and/or Fire Marshal or a notice or order issued by the Code

Enforcement Officer and/or Fire Marshal shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within 10 days after the day the decision, notice or order was served. An application for appeal may be made when it is claimed that the true intent of the codes or rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, and/or whether the period of license suspension, revocation and/or nonrenewal was appropriate.

I. AMEND Section 130-10., “Enforcement; violations and penalties,” as follows:

1. **AMEND** Section 130-10.A. to **ADD** the words “and/or Fire Marshal” after the term “Code Enforcement Officer,” **ADD** the words “be subject to an enforcement action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. If the premises are owned by more than one Owner, each Owner shall severally be subject to prosecution for a violation of this article” before the word “upon,” and **CAPITALIZE** the word “upon” to start a new sentence so that it now reads:

A. Summary offense. Any person, firm, or corporation who shall violate a provision of this article or shall fail to comply with any of the requirements hereof, or the Building Code of the Township, or shall be in violation of an approved plan or directive of the Code Enforcement Officer and/or Fire Marshal shall be subject to an enforcement action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. If the premises are owned by more than one Owner, each Owner shall severally be subject to prosecution for a violation of this article. Each day or portion thereof that a violation exists or continues shall constitute a separate violation. Upon conviction thereof before a Magisterial District Judge of the Township of Lower Makefield, Pennsylvania, be liable to pay the following penalties:

2. **AMEND** Section 130-10.A.(1) to **ADD** the words “plus all court costs and reasonable attorney's fees incurred by the Township in the enforcement proceedings” following the dollar amount “\$1,000” so that it now reads:

(1) First violation: a fine not to exceed \$1,000 plus all court costs and reasonable attorney's fees incurred by the Township in the enforcement proceedings.

3. **AMEND** Section 130-10.A.(2) to **STRIKE** the words “a fine not to exceed \$1,000 and/or not more than 90 days imprisonment, or both” and

REPLACE them with the words “shall be considered a summary offense in the third degree under Title 16, Section 1601 c.1 (2)” so that it now reads:

(2) Second and each subsequent violation: shall be considered a summary offense in the third degree under Title 16, Section 1601 c.1 (2).

4. **AMEND** Section 130-10.C. to **CAPITALIZE** the term “Owner.”

II. Partial Repealer

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

[Remainder of this page intentionally left blank]

ENACTED AND ORDAINED BY THE TOWNSHIP OF LOWER MAKEFIELD
THIS _____ DAY OF _____, 2024.

BOARD OF SUPERVISORS
TOWNSHIP OF LOWER MAKEFIELD

BY: _____
JOHN B. LEWIS, Chair

ATTESTED TO:

DAVID W. KRATZER JR., Township Manager