

ORDINANCE NO. 367 OF 2023

**EAST LAMPETER TOWNSHIP
LANCASTER COUNTY, PENNSYLVANIA**

**AN ORDINANCE DEFINING AND PROHIBITING CHRONIC
NUISANCE HOTELS IN THE TOWNSHIP OF EAST LAMPETER,
LANCASTER COUNTY, PENNSYLVANIA AND PRESCRIBING
PENALTIES FOR THE VIOLATION THEREOF.**

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of East Lampeter Township, Lancaster County, Pennsylvania, as follows:

Section 1. Background and Purpose

Ongoing, repeated nuisance activities such as prostitution and drug-related activities at hotels in the Township threaten the safety and welfare of the Township and its citizens. The Board developed this Ordinance to hold accountable persons responsible for hotels for allowing such nuisance activities to occur and to provide a mechanism for abating such activities. The remedies set forth in this Ordinance are not exclusive and may be used in conjunction with other federal, state and local laws. The Board is authorized by Section 1506 of the Second Class Township Code to make and adopt any ordinance not inconsistent with the Constitution or the laws of the Commonwealth necessary for the maintenance of peace, good government, and the health and welfare of the Township and its citizens. The Board is further authorized by Section 1529 of the Second Class Township Code to prohibit nuisances by ordinance.

Section 2. Definitions.

As used herein, the following terms shall have the meaning indicated:

- a. Abate – To repair, replace, remove, destroy, or otherwise remedy a condition which constitutes a violation of this Ordinance by such means and in such manner

and to such an extent as the applicable Township department director or designee(s) determines is necessary in the interest of the general health, safety and welfare of the community.

- b. Board – The Board of Supervisors of the Township of East Lampeter, Lancaster County, Pennsylvania.
- c. Chronic Nuisance Hotel – A hotel on which a combination of three or more nuisance activities occurs or exists during any sixty-day period.
- d. Control – The ability to regulate, restrain, dominate, counteract or govern property or conduct that occurs on property.
- e. Drug-Related Activity – Any unlawful activity at a property which consists of the manufacture, delivery, sale, storage, possession, or giving away of any controlled substance as defined by state law.
- f. Hotel – A building or group of buildings containing six (6) or more individual rooms as rental units for guests or transients for a limited period of time. The building may include common hallways for all rooms on the same floor, and provision may or may not be made for cooking in any individual room or suite. “Hotel” does not include institutional or educational uses, buildings where human beings are housed under legal constraint, bed and breakfasts or campgrounds. The term “hotel” shall be synonymous with “motel.”
- g. Nuisance Activity
 - (i) Any nuisance as defined by federal or state law or local ordinance occurring at a property in the Township.
 - (ii) Any criminal conduct as defined by federal or state law occurring at a

property in the Township if the same is determined to be and constitutes a nuisance in fact, including, but not limited to, the following activities or behaviors:

1. Stalking;
2. Harassment;
3. Failure to disperse;
4. Disorderly conduct;
5. Assault;
6. Any domestic violence crimes;
7. Reckless endangerment;
8. Prostitution;
9. Patronizing a prostitute;
10. Any human trafficking crimes;
11. Public disturbance noises;
12. Lewd conduct;
13. Any firearms/dangerous weapons violations;
14. Drug-related loitering;
15. Any dangerous animal violations;
16. Any drug-related activity.

- (iii) For purposes of this Ordinance, “nuisance activity” shall not include conduct where the person responsible is the victim of a crime and had no control over the criminal act.
- (iv) Nothing in this Ordinance shall be construed to penalize a resident, tenant

or landlord for a contact made for police or emergency assistance by or on behalf of a victim of abuse as defined in 23 Pa.C.S. § 6102 (relating to definitions), a victim of a crime pursuant to 18 Pa.C.S. (relating to crimes and offenses) or an individual in an emergency pursuant to 35 Pa.C.S. § 8103 (relating to definitions), if the contact was made based upon the reasonable belief of the person making the contact that intervention or emergency assistance was necessary to prevent the perpetration or escalation of the abuse, crime or emergency or if the intervention or emergency assistance was actually needed in response to the abuse, crime or emergency.

- h. Person Responsible for the Hotel or Person Responsible – Unless otherwise defined, any person who has titled ownership of any hotel which is subject to this Ordinance, an occupant in control of any hotel which is subject to this Ordinance, a developer, builder, or business operator or owner who is developing, building or operating a business in the hotel which is subject to this Ordinance and/or any person who has control over the hotel and allows a violation of this Ordinance to continue.
- i. Person – Natural person, joint venture, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, officer or employee of any of them.
- j. Police – The East Lampeter Township Police Department.
- k. Township – The Township of East Lampeter, Lancaster County, Pennsylvania.

- b. Any person responsible for any hotel who permits it to be a chronic nuisance hotel shall be in violation of this Ordinance and subject to its remedies.

Section 4. Enforcement; Commencement of Action; Injunction to Close Chronic Nuisance Hotel.

- a. The Township Board of Supervisors delegates the initial determination of a violation of this Ordinance and enforcement of violations to the Township Chief of Police or his/her designee.
- b. When the Chief of Police, or his/her designee, receives documentation confirming the occurrence of three or more nuisance activities enumerated in Section 2 of this Ordinance within a sixty-day period at any hotel, the Chief of Police or his/her designee may issue a written warning to the person responsible for such hotel that the hotel is in danger of becoming a chronic nuisance hotel. The written warning shall be served upon the personal responsible either personally or by certified or first class mail.
- c. The written warning shall contain:
 - (i) The street address or legal description sufficient for identification of the hotel;
 - (ii) A concise description of the nuisance activities that exist, or that have occurred at the hotel;
 - (iii) A demand that the person responsible for such hotel respond to the Chief of Police or his/her designee within 10 days of service of the notice to

discuss the nuisance activities and create a plan to abate the chronic nuisance;

- (iv) Offer the person responsible an opportunity to abate the nuisance activities giving rise to the violations; and
- (v) A statement describing that if legal action is sought, the hotel could be subject to closure, criminal fines not to exceed one thousand dollars (\$1,000) per violation, and/or imprisonment.

d. If the person responsible fails to respond to the warning within the time prescribed, the Chief of Police or his/her designee(s) shall issue a notice declaring the hotel to be a chronic nuisance hotel, post such notice at the hotel, and issue the person responsible a citation, punishable by a maximum penalty of \$1,000. If the person responsible fails to respond to the issued citation and/or continues to violate the provisions of this Ordinance, the matter shall be referred to the Township Solicitor for further action.

e. If the person responsible responds as required by the notice and agrees to abate the nuisance activity, the Chief of Police or his/her designee(s) and the person responsible may work out an agreed-upon course of action which would abate the nuisance activity. If an agreed course of action does not result in abatement of the nuisance activity or if no agreement concerning abatement is reached, the matter shall be forwarded to the Township Solicitor for further proceedings in accordance with Section 5 below.

f. Enforcement of violations of this Ordinance may be by action brought before a district justice in the same manner provided for the enforcement of summary

offenses under the Pennsylvania Rules of Criminal Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa.R.Crim.P. No. 83(c) (relating to trial in summary cases). Punishment for a summary offense may be a criminal fine not to exceed one thousand dollars (\$1,000) per violation and imprisonment to the extent allowed by law for the punishment of summary offenses. A separate offense may arise for each day or portion thereof in which a violation is found to exist. All fines and penalties collected for violation of this Ordinance shall be paid to the Township Treasurer.

- g. The Township may also initiate proceedings in equity in the Court of Common Pleas of Lancaster County at any time to enforce violations of this Ordinance. The Township may seek equitable remedies, including but not limited to an injunction to close the chronic nuisance hotel for a period of one year.
- h. The failure to prosecute an individual, or the fact that no one has been convicted of a crime, is not a defense to a violation of this Ordinance.

Section 5. Reservation of Rights.

Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any existing act or ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 6. Repealer.

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflict.

Section 7. Severability.

If any section, part of any section, or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance. The Board declares that it would have passed the Ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

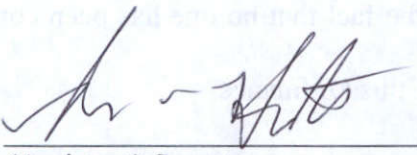
Section 8. Effective Date.

This Ordinance shall take effect and be in force five days after its enactment.

DULY ORDAINED AND ENACTED this 18th day of September , 2023,
by the Board of Supervisors of East Lampeter Township, Lancaster County, Pennsylvania, in
lawful session duly assembled.

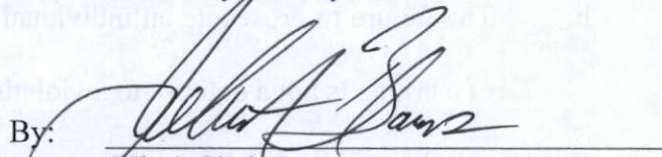
EAST LAMPETER TOWNSHIP
Lancaster County, Pennsylvania

Attest:



(Assistant) Secretary

By:



(Vice) Chairman

[SEAL]

I, Ralph M. Hutchison, Secretary of the Board of Supervisors of East Lampeter Township, Lancaster County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of an ordinance duly adopted at a legally constituted meeting of the Board of Supervisors of East Lampeter Township held on September 18, 2023, at which meeting a quorum was present and voted in favor thereof.

A handwritten signature in black ink, appearing to read 'R. M. Hutchison', written over a horizontal line.

Ralph M. Hutchison, Secretary