

**TOWNSHIP OF UPPER PROVIDENCE**  
**COUNTY OF DELAWARE**  
**COMMONWEALTH OF PENNSYLVANIA**  
**ORDINANCE No. 554**

**AN ORDINANCE OF THE TOWNSHIP OF UPPER PROVIDENCE, COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA AMENDING CHAPTER 1462, OF THE CODE OF THE TOWNSHIP OF UPPER PROVIDENCE TO ESTABLISH REGISTRATION AND INSPECTION REQUIREMENTS FOR SINGLE FAMILY DWELLINGS IN WHICH ALL OR A PORTION OF THE DWELLING IS OFFERED FOR RENTAL OCCUPANCY TO PERSONS WHO ARE NOT THE OWNER**

**WHEREAS**, the Township of Upper Providence is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania; and

**WHEREAS**, the Legislature of the Commonwealth and the Home Rule Charter vests the Township of Upper Providence with the power and authority to make and adopt all such ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth, as is expedient or necessary for the proper management, care and control of, inter alia, the Township's finances, the maintenance of peace, good government, safety and welfare of the Township, its trade, commerce and manufactures; and

**WHEREAS**, Section 1462 of the Upper Providence Code requires landlords to register apartments and subjects apartments to annual inspections; and

**WHEREAS**, Upper Providence Township desires to also regulate single family dwellings which are rental units in the same manner as apartments.

**NOW THEREFORE, BE IT ORDAINED**, by the Township of Upper Providence Council that:

**SECTION 1:** Chapter 1462, Section 1462.01, of the Code of the Township of Upper

Providence is hereby **amended** to read as follows:

Definitions.

As used in this chapter:

(a) APARTMENT BUILDING — Means any building which contains or is modified or altered to contain more than one dwelling unit and such units are rented to another and used as a home, residence, or sleeping place by one or more persons.

(b) CODE ENFORCEMENT OFFICER — Means the duly appointed Code Enforcement Officer of Upper Providence Township having the duty to enforce this chapter and other codes of Upper Providence and any assistants or deputies thereof.

(c) DWELLING UNIT — Means a residential living area for one household that is used for living and sleeping.

(d) FIRE MARSHAL — Is the duly appointed Fire Marshal of Upper Providence Township.

(e) SINGLE FAMILY DWELLING RENTAL UNIT – Any Single Family Dwelling that is, or that part of a Single Family Dwelling that is, rented to another and used as a home, residence, or sleeping place by one or more persons.

**SECTION 2:** Chapter 1462, Section 1462.02, of the Code of the Township of Upper

Providence is hereby **amended** to read as follows:

1462.02 License required.

No person shall operate an apartment building or single-family dwelling rental unit without first obtaining a license. Application shall be made to the Code Enforcement Officer on forms provided by Upper Providence Township.

**SECTION 3:** Chapter 1462, Section 1462.04, of the Code of the Township of Upper

Providence is hereby **amended** to read as follows:

1462.04 Issuance of license; expiration; renewal.

(a) Inspection of building. Upon filing an application, the applicant shall then make arrangements with the Code Enforcement Officer to conduct an inspection of the apartment building or single-family dwelling rental unit including the exterior areas and the interior areas of all units therein. If the Code Enforcement Officer

determines that the apartment building or single-family dwelling rental unit complies with all applicable Federal and State laws and all Township codes and ordinances, the Code Enforcement Officer shall issue the required license.

(b) Expiration of license. Such license shall expire on the one-year anniversary of the date of its issuance.

(c) Renewal of license. The holder of such license shall apply to the Code Enforcement Officer for a renewal license at least 30 days prior to the expiration date of the license and arrange to have an annual inspection prior to the expiration date of the license.

**SECTION 4:** Chapter 1462, Section 1462.05, Subsection b, of the Code of the Township of Upper Providence is hereby **amended** to read as follows:

1462.05 Inspection to ensure compliance.

All apartment buildings and single-family dwelling rental units shall be kept in a clean and good condition. The Code Enforcement Officer and/or the Fire Marshal may inspect any apartment building at any time to ensure compliance with all Federal and State laws and all codes and ordinances of the Township.

**SECTION 5:** Chapter 1462, Section 1462.06, of the Code of the Township of Upper Providence is hereby **amended** to read as follows:

1462.06 Compliance with Zoning Code.

In no event shall the Code Enforcement Officer accept for registration any apartment building or single-family dwelling rental unit which is in violation of the applicable Zoning Code unless valid evidence is shown that the building is a non-conforming structure or non-conforming use.

**SECTION 6. Repealer.**

All ordinances, resolutions and parts of ordinances and resolutions inconsistent herewith, are hereby repealed.

**SECTION 7. Severability.**

The provisions of this ordinance are severable, and if any section, sentence, clause, part, or provision hereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, or parts of this Ordinance. It is hereby declared to be the intent of the

Township Council that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional sections, sentence, clause, part, or provision had not been included therein.

**SECTION 8. Adoption.**

This ordinance shall become effective five (5) business days after passage.

ENACTED AND ORDAINED this 12th day of March, 2024.

TOWNSHIP OF UPPER PROVIDENCE:

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Christen Rexing,  
Council Chairperson

Attest: \_\_\_\_\_  
Mareile Watson,  
Township Secretary