

Ordinance No. 137 of 1987

AN ORDINANCE OF THE TOWNSHIP OF PYMATUNING, MERCER COUNTY, PENNSYLVANIA, REPEALING IN THE ENTIRETY ORDINANCE NO. 136 OF 1987, KNOWN AS "THE TENANT OCCUPANCY REPORT" ORDINANCE, AND ENACTING THE FOLLOWING ORDINANCE ENTITLED "THE TENANT OCCUPANCY REPORTING" ORDINANCE REQUIRING ALL LANDLORDS WITHIN THE TOWNSHIP OF PYMATUNING, TO REGISTER, WITHIN THIRTY (30) DAYS OF ANY LEASE, CERTAIN INFORMATION WITH REGARD TO TENANTS ON FORMS TO BE PROVIDED BY THE TOWNSHIP SECRETARY; TO SUPPLEMENT THAT INFORMATION WITHIN THIRTY (30) DAYS OF ANY CHANGE IN STATUS BY ANY TENANTS; PRESCRIBING CONTENTS OF THE OCCUPANCY REPORT AND PROVIDING PENALTIES FOR VIOLATION.

WHEREAS, the Board of Supervisors of the Township of Pymatuning, Mercer County, Pennsylvania, has determined that the provision of municipal services for the benefit of all citizens of the Township requires knowledge of the identity of persons residing and/or occupying residential or commercial premises within the Township; and

WHEREAS, historically the Township has encountered difficulty in identifying persons residing within the Township; and

WHEREAS, the Board of Supervisors desires to insure the fair uniform and impartial collection of the Earned Income Tax and Per Capita Tax imposed by the Township; and

WHEREAS, the Board of Supervisors deem it in the best interest of municipal government and directly related to the improvement of the general welfare of the Township to secure knowledge of persons residing within the Township so that they will have better opportunities to benefit from municipal services while also providing better opportunities for identification of taxables; and

WHEREAS, the Board of Supervisors is acting under the authority of the "Local Tax Enabling Act," Act No. 511 approved December 31, 1965, P.L. 1257, as amended.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF PYMATUNING, MERCER COUNTY, PENNSYLVANIA, and it is hereby enacted and ordained by and with the authority of the same as follows:

SECTION 1. TITLE: This Ordinance shall be known and may be cited as the "Pymatuning Township Tenant Occupancy Reporting Ordinance."

SECTION 2. Definitions: For the purpose of interpreting the provisions of this Ordinance, the following words shall have the meaning or meanings hereby ascribed to them:

A. LANDLORD: Shall mean any person who either alone, jointly, or severally with others shall have title to any premises, or shall have charge, care or control of the premises as agent for the person holding legal title, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of any person holding legal title, or, any person selling under an article of agreement unless said article of agreement has been properly recorded in the Office of the Recorder of Deeds of Mercer County, Pennsylvania.

B. PERSON: Shall mean an individual, partnership, firm, corporation, association or combination thereof, including those acting in a fiduciary or representative capacity, whether appointed by a court or otherwise. Whenever used in any clause prescribing or imposing a penalty, the term "Person" as applied to the partnerships or associations shall include the partners or members thereof, and if applied to corporations, the officers thereof.

C. PREMISES: Shall mean a building or any portion thereof suitable or adaptable for human occupancy for residential, commercial or other purposes.

D. LEASE: Shall mean any permissive occupancy by a Person or Persons other than members of the Landlord's immediate family, of any Premises, regardless of whether or not any charges, fees or other considerations are made or levied therefor.

E. TENANT: Shall mean any Person who shall inhabit, occupy or possess any Premises owned or controlled by a Landlord under a Lease as hereinbefore defined.

F. OCCUPANCY REPORT: Shall mean a writing, on forms supplied by the Township Secretary, containing at least the following information, legibly inscribed thereon:

1. The name, current post office address and telephone number of the Landlord(s) and the location, and current post office address of each Premises under the ownership control or possession of the Landlord within the Township and stating which residential or commercial units are occupied or unoccupied.
2. The name(s), employment status (i.e. employed within the Township, or outside of Township or unemployed), complete

and current post office address of each Tenant over the age of seventeen (17) years occupying any such premises for residential, commercial or other purposes, date of occupancy and date the occupancy terminated.

SECTION 3. OCCUPANCY REPORT:

1. All Landlords shall, on or before December 1, 1987, file an Occupancy Report in the Office of the Township Secretary concerning any existing Lease within Pymatuning Township, on forms provided by the Township.
2. After the effective date of this Ordinance, all Landlords shall, within thirty (30) days of the Lease of any Premises within Pymatuning Township, file an Occupancy Report in the Office of the Township Secretary, on forms provided by the Township Secretary.

SECTION 4. SUPPLEMENTAL INFORMATION: All Landlords shall, within thirty (30) days of any and every change of occupancy of each Premises, file a supplemental Occupancy Report in the office of the Township Secretary, on forms to be supplied by the Township, or indicating the date upon which any Tenant previously identified in an Occupancy Report terminated their occupancy, along with the forwarding, or other last known address of that Tenant if provided by the Tenant. Such supplementary reports, apart from the initial report, shall be limited to the changes which have occurred.

SECTION 5. PENALTY: The Township Secretary, or the Township Secretary's designee, may and is hereby authorized to institute summary proceedings in accordance with the applicable Rules of Court for violation of this Ordinance. This action shall be brought in the name of the Township of Pymatuning, and any Landlord convicted of violating any of the provisions of this Ordinance, that is, failing, neglecting or refusing to file any required Occupancy Report within the time limits prescribed by this Ordinance, or refusing to notify the Township Secretary of any change in occupancy within the time limits prescribed by this Ordinance, or who shall knowingly make any incomplete, false or fraudulent report, shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300.00 and costs of prosecution, or shall undergo imprisonment for not more than thirty (30) days, or both, provided, however, the Landlord shall not be subject to any penalties provided for under this Ordinance for incorrect or misinformation furnished to the Landlord by any Tenant(s). A separate offense shall be deemed committed each day on which, or during which a violation of this Ordinance occurs, or continues.

SECTION 6. SEVERABILITY: The provisions of this Ordinance shall be severable, and, if any of the provisions hereof shall be held to be unconstitutional, void, or otherwise unenforceable, such shall not affect the validity of any of the remaining provisions of said Ordinance.

SECTION 7. NUMBER AND GENDER DEFINED: As used in this Ordinance, whenever the context so indicates, the masculine, feminine or neuter gender, and the singular or plural number, shall each be deemed to include the other.

SECTION 8. REPEALER: Pymatuning Township Ordinance No. 136 of 1987, is hereby specifically repealed in its entirety as well as all other ordinances or parts of ordinances conflicting with any of the provisions of this Ordinance, insofar as the same affects this Ordinance.

SECTION 9. EFFECTIVE DATE: This Ordinance shall become effective five (5) days after the adoption hereof.

ORDAINED AND ENACTED into law by the Board of Supervisors of the Township of Pymatuning, Mercer County, Pennsylvania, on this 10TH day of SEPTEMBER, 1987.

ATTEST:

PYMATUNING TOWNSHIP BOARD OF SUPERVISORS

Freida Eakman
Freida Eakman, Township Secretary

By William C. Blake
[Signature]
[Signature]
Supervisors