

ORDINANCE NO. 5 – 2010

AN ORDINANCE OF STROUD TOWNSHIP, MONROE COUNTY, PENNSYLVANIA, ESTABLISHING REQUIREMENTS FOR EVERY OWNER OF REAL ESTATE LOCATED WITHIN THE TOWNSHIP TO REGISTER THE NAMES AND HOME ADDRESSES OF RESIDENTIAL TENANTS OCCUPYING ANY PART OF LEASED PREMISES, DEFINING WHO IS RESPONSIBLE TO REPORT WHEN THE OWNER IS A CORPORATION OR A PARTNERSHIP, AND FURTHER PROVIDING FOR PENALTIES FOR VIOLATION.

WHEREAS, Section 1506 of the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, as amended by the Act of November 9, 1995, P.L. 350, No. 60, found at 53 P.S. 66506, entitled "General powers", authorizes the Board of Supervisors to make and adopt ordinances necessary for the proper management, care and control of the township, and the maintenance of the health and welfare of the township and its citizens; and

WHEREAS, Section 1517 of the said Second Class Township Code, found at 53 P.S. 66517, entitled "Building and Housing Regulations", authorizes the Board of Supervisors to enact and enforce ordinances to govern and regulate, *inter alia*, the occupation and use of all buildings and housing within the township; and

WHEREAS, it is the desire of the Board of Supervisors to provide for the uniform and equitable distribution of the tax levies in the Township of Stroud, to establish a basis for the uniform enforcement of various Township ordinances, and to promote the health, safety, morals and general welfare of the inhabitants of the Township as hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Stroud Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same:

SECTION 1: Purpose. The purpose of the within ordinance is to establish registration of tenants and other non-owner occupants of residential use properties in order to have accurate records of the numbers and identities of Township residents for purposes of taxation, zoning, waste disposal and recycling, code compliance, and other efforts in furtherance of the public health, safety and welfare within Stroud Township.

SECTION 2: Definitions. As used herein, the following terms shall have the meanings indicated:

DWELLING UNIT - One or more rooms used for living and sleeping purposes arranged for occupancy by one family or by one or more persons.

LANDLORD – An owner, lessor, or person who acts as agent for an owner or lessor, of any dwelling unit located in the Township of Stroud.

PERSON - Any individual, partnership, association, firm or corporation.

TENANT or OCCUPANT – An person who has the use, either by themselves or with others, of a dwelling unit by verbal or written rental or lease agreement with a landlord, for a rental or lease term exceeding 30 days.

SECTION 3: Registration required.

On or before May 31, 2010, each and every landlord of any dwelling unit in Stroud Township shall complete a tenant registration report, on a form available from the Township, and shall submit the report to the Secretary of Stroud Township.

After May 31, 2010, any person who becomes a landlord of any dwelling unit in Stroud Township by agreement of sale, by deed, or by any other means, shall complete a tenant registration report, on a form available from the Township, and shall submit the report to the Secretary of Stroud Township within 30 days thereafter.

Each and every landlord of any dwelling unit in Stroud Township shall annually complete a tenant registration report by May 31 of each new year, on a form available from the Township, and shall submit the report to the Secretary of Stroud Township.

No landlord shall knowingly file false, misleading or incomplete information on a tenant registration report.

The tenant registration report shall include, but not be limited to, the following information:

- (a) A list of the dwelling units owned by the landlord, located within the Township of Stroud, whether occupied or not occupied;
- (b) The address of each dwelling unit;
- (c) A brief description of each dwelling;
- (d) A statement whether or not said dwelling unit is inhabited or utilized by tenants; and
- (e) The name or names of the tenant or tenants utilizing the aforementioned dwelling unit, if any.

SECTION 4: Reports of changes in tenants or occupancy.

Each and every landlord of any dwelling unit within Stroud Township shall report to the Secretary of Stroud Township, on a tenant registration report form available from the Township, any change in tenants using or occupying any dwelling unit owned or operated by such landlord. A landlord of a hotel, motel or other lodging facility shall not be required to report a person as a tenant until that person has resided in such landlord's facility for a period exceeding 30 days. In the event that a dwelling unit was used, rented or leased by a tenant and then becomes vacant and remains vacant for 30 days, this change shall also be reported to the Township. All reports required by this section shall be made within 30 days after any change in tenants using or occupying any dwelling unit including vacancy after 30 days.

SECTION 5: Prohibition of Occupancy. No dwelling unit shall be used or occupied by any person other than the landlord thereof unless the tenant has been registered as required by this Ordinance.

SECTION 6: Corporations or Partnerships. When the owner of real estate subject to the provisions of this Ordinance is a corporation, then the President of the Corporation shall be the person required to make the reports mandated herein. When the owner of real estate subject to the provisions of this Ordinance is a partnership or other entity, all of the partners or all of the members thereof shall be the persons required to make the reports mandated herein.

SECTION 7: Enforcement. A Township Code Enforcement Officer, a Township officer as may be designated by the Board of Supervisors, and/or a law enforcement officer are authorized to enforce this Ordinance.

SECTION 8: Violations and Penalties.

Any person who shall violate any provision of this Ordinance or who knowingly files a false report required under this Ordinance shall, upon conviction thereof in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, be sentenced to pay a fine of not more than \$1,000.00 and, in default of payment, to imprisonment for a term not to exceed thirty (30) days. Each Section of this Ordinance which shall be found to have been violated shall be deemed to constitute a separate offense.

SECTION 9: Severability. The provisions of this Ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any 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 that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence, part or provision had not been included herein.

SECTION 10: Effective Date. This Ordinance shall become effective five (5) days after its enactment.

ORDAINED AND ENACTED by the Board of Supervisors of the Township of Stroud this 16th day of February, 2010.

TOWNSHIP OF STROUD

EDWARD C. CRAMER, Chairman

(TOWNSHIP SEAL)



DARYL A. EPPLEY, Vice Chairman
and Secretary



JAMES L. DECKER, Roadmaster