

ORDINANCE NO 88 124

AN ORDINANCE OF THE TOWNSHIP OF HARBORCREEK, ERIE COUNTY, PENNSYLVANIA, REQUIRING LANDLORDS TO FILE REPORTS LISTING ALL RENTAL OR RENTABLE UNITS, TENANTS OR OCCUPIERS THEREOF, AND ANY SUBSEQUENT CHANGE THEREIN AND PRESCRIBING PENALTIES FOR VIOLATION.

SECTION 1: PURPOSE - This ordinance is enacted to provide for the uniform and equal distributions of the tax levies of the township on our residents, and to promote health, safety, and general welfare of this community.

SECTION 2: DEFINITIONS AND INTERPRETATION. As used in this ordinance, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

BUSINESS UNIT - A parcel of real estate, with or without improvements located thereon on and utilized by any person/persons for any commercial activity or purpose.

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

OWNER/OWNERS - Person or persons listed by Title or Deed on parcel located in the Township of Harborcreek.

LANDLORD - A lessor, or person who acts as agent for the lessor, of any parcel of real estate located in the Township of Harborcreek.

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

TENANT - A person who has the use, either by himself or with others, of a dwelling unit or business unit owned by a person other than himself, for a period exceeding thirty (30) days.

SECTION 3: It is hereby enacted and ordained by the Board of Supervisors, Harborcreek, Township, Erie County, Pennsylvania, that each and every owner (or owners) of any and all apartment buildings, mobile home parks, business unit, or of any and all other rental or leased properties situated within the Township of Harborcreek is required on or before October 1, 1988, to submit to the Revenue Resource Office of Harborcreek Township, a report form supplied by the Township which includes the following information:

1. List of the dwelling units and business units owned and located within the Township of Harborcreek, whether occupied or not occupied.
2. Address of each dwelling unit or business unit.
3. Brief description of each dwelling or business unit.
4. Name and mailing address of tenant or tenants occupying said rental units or parcels.

SECTION 4: REPORTS BY PERSONS UPON BECOMING LANDLORDS - After the effective date of this ordinance, any person who becomes a landlord of any parcel or real

estate or any improvements on real estate or building located in the Township of Harborcreek by agreement of sale, by deed, inheritance, or by any other means, shall within thirty (30) days thereafter report to the Revenue Resource Office the information and data set forth in Section 3 above, and on forms provided by the Revenue Resource Office of the Harborcreek Township Board of Supervisors.

SECTION 5: REPORTS OF CHANGES IN USE OR OCCUPANCY - After the effective date of this ordinance, each and every landlord of property within the Township of Harborcreek shall report to the Revenue Resource Office of Harborcreek Township, on a report form to be supplied by the same, any change in the use or occupancy of any dwelling unit or business unit owned by such landlord. The reported change shall include the name or names of new tenants of such dwelling unit or business unit, the date when such change was effected and the forwarding address of the old tenant or tenants. A landlord, shall not be required to report a person as a “tenant” until that person has resided in such landlord’s establishment for a period exceeding thirty (30) day. In the event that a dwelling unit or business unit become vacant, this change shall also be reported to the Revenue Resource Office of Harborcreek Township. All reports required by this section shall be made within forty five (45) days after the landlord has acknowledged that such a unit has had a change in occupancy or has become vacant.

SECTION 6: DUTIES OF THE HARBORCREEK TOWNSHIP REVENUE RESOURCE OFFICE - This office under the authority of this ordinance shall:

1. Maintain of file at the Harborcreek Township Municipal Building, the names and addresses of landlords owning dwelling units and business units (by separate listing) in Harborcreek Township, said list to include the names and addresses of the current tenants of said dwelling units and business units.
2. Maintain a supply of forms for landlords to use in making reports, and issue a supply of forms to the Zoning Administrator of Harborcreek Township for attachment to building permits issued on new construction.
3. Mail each known landlord a STATUS OF ACCUPANCY REPORT by September 1st of each year.
4. Notify the Harborcreek Township Supervisors in charge of Administration, and Emergency management Director by dated monthly report of the changes received during the preceding month. The report shall include any dwelling unit or business unit that is vacant, un-occupied and not in use, the name and address of the new owner if that parcel/unit has changed ownership, and newly constructed dwelling unit or business unit with the name and address thereof.

SECTION 7: CERTIFICATION - If no new or additional person or persons, natural or cooperate, have occupied all or a portion of the real estate owned by, or in the control of, the lessor since the filing of the most recent occupancy report, then annually on or before the 1st of October each year the lessor shall file a certification to that effect with the Harborcreek Revenue Resource Office on forms available at said office.

SECTION 8: PENALTIES AND VIOLATIONS - Any person convicted before a Magistrate of Justice of the Peace for violation of Section 3, 4, 5 or 7 of the Ordinance shall be liable to a fine or penalty not less than \$30.00 nor more than \$500.00 for each and every offense and the costs of prosecution thereof. For the purpose of this section, the failure to submit required report for each apartment building, mobile home park, or other rental or lease property, shall be a separate offense. If the Township determines that a violation exists per Section 3, 4, 5, or 7 the violator shall be issued a written notification of such violation by certified mail, whereby said violator shall be given five (5) days to correct said violation or summary proceeding shall be initiated by the Township of Harborcreek Code Enforcement Officer before the local magistrate.

SECTION 9: SERVABILITY – If any section, clause, or sentence of this ordinance is found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair the remaining sections, clauses, or sentences of this ordinance.

ENACTED AND ORDAINED THIS 10th DAY OF AUGUST 1988.

HARBORCREEK TWONSHIP BOARD OF
SUPERVISORS

/s/ Donna L. Mindek, Chairperson

/s/ James W. Sonney

/s/ Marvin L. Akerley

ATTEST:

Duly advertised in the Erie Morning News and
Erie Times News on Friday, July 29, 1988