

OFFICIAL
BOROUGH OF AVALON
ORDINANCE NO. 1165

AN ORDINANCE OF THE BOROUGH OF AVALON, ALLEGHENY COUNTY, PENNSYLVANIA, KNOWN AS THE RESIDENTIAL-LANDLORD OCCUPANCY REPORT ORDINANCE PROVIDING AND REQUIRING PROPERTY OWNERS AND LANDLORDS TO FILE OCCUPANCY REPORTS WITH THE BOROUGH MANAGER: SETTING TIMES FOR FILING; PRESCRIBING CONTENTS OF THE REPORTS AND SETTING PENALTIES FOR VIOLATION.

WHEREAS, the Borough Council of Avalon has determined that the provisions's effecting municipal services for the benefit of all citizens of the Borough requires knowledge of the identity of persons residing and/or occupying residential or commercial residencies within the Borough; and

WHEREAS, historically the Borough has encountered great difficulty in identifying residents and residential occupants within the Borough; and

WHEREAS, Council deems it in the best interests of municipal government and directly related to the improvement of the general welfare of the community to secure knowledge of these persons so that they will have better opportunities to benefit from municipal services while also providing better opportunities for identification of taxables; and

WHEREAS, the Council 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 resolved, and it is hereby ordained by the Borough Council of Avalon as follows:

Section 1. TITLE. This Ordinance shall be known and may be cited as the "Residential-Landlord Occupancy Report 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. Resident shall mean any record title holder of a single family dwelling and its occupants.

B. Landlord shall mean any person who for monetary or other consideration grants, permits or otherwise allows another person to use or occupy or exercise control over premises or any part thereof as a lessee, sublessee, licensee, invitee, or concessionaire, whether or not he is the owner of the premises, and further shall also include any agent or other person authorized to collect rents on behalf of another person.

C. Person shall mean an individual, partnership, 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 partnerships or associations shall include the partners or members thereof, and if applied to corporations, the officers thereof.

D. Premises shall mean a building or portion thereof suitable or adaptable for human occupancy for residential, commercial or other purposes.

E. Occupancy Report shall mean a writing, including forms supplied by the Borough Manager, containing at least the following information legibly inscribed thereon:

(1) The names and current complete mailing addresses of any and all persons occupying residential premises.

(2) The names and current complete mailing addresses of any and all persons using, occupying or exercising control over premises owned by, subject to or in control of the landlord.

(3) The date upon which each person commenced such use, occupancy or exercise of control over the premises of the landlord.

(4) The date upon which any person previously identified in an Occupancy Report terminated the use, occupancy or exercise of control over the premises of the landlord and the forwarding or other last known address of that person.

(5) The name, current address and telephone number of the landlord.

Section 3. RESIDENTIAL-LANDLORD OCCUPANCY REPORTS. Each resident and landlord shall file an Occupancy Report in the office of the Borough Manager on or before January 31, 1986. Beginning in the year 1987, every resident and landlord shall annually file an Occupancy Report in the office of the Borough Manager on or before May 31. Every resident and landlord shall file an Occupancy Report in the office of the Borough Secretary within thirty (30) days after

each and every change of occupancy of each premises by any resident owner, lessee, sublessee, invitee or concessionaire. Such supplementary reports, apart from the annual report, may be limited to the change made.

Section 4. SEVERABILITY. If a final decision of a court of competent jurisdiction holds any provision of this Ordinance applied to any circumstances to be illegal or unconstitutional, the other provisions of this Ordinance or the application of such provisions to other circumstances shall remain in full force and effect. It is hereby declared as the legislative intent, that the provisions of this Ordinance shall be severable and that this Ordinance would have been adopted if any such illegal or unconstitutional provisions had not been included.

Section 5. VIOLATIONS AND PENALTIES. Any resident or landlord who fails to file any required occupancy report or who makes any false or fraudulent report or who fraudulently omits required portions of a report shall, by such conduct, violate the provisions of this Ordinance.

Any person convicted of a violation of this Ordinance shall be subject to a fine of not less than \$50 and not more than \$300 and, in default of payment of such fine, shall be subject to imprisonment in the Allegheny County Jail for a period not exceeding 30 days. In the case of partnerships or associations, the fine and penalty may be imposed upon any of the partners or members thereof, and in the case of corporations, upon any of the officers thereof, in lieu

of the corporation itself. Each month or portion thereof subsequent to the required filing date that a landlord fails to file a return shall constitute a separate violation.

ORDAINED AND ENACTED this 14th day of November, 1985.

ATTEST:

BOROUGH OF AVALON

Ethel C. Carlin
Secretary

By Richard J. McElroy
President of Council

(SEAL)

EXAMINED and APPROVED this 14th
day of November, 1985.

Joseph E. Egan
Mayor