

ORDINANCE NO. 71

AN ORDINANCE REQUIRING LANDLORDS TO FILE RENTAL FORMS FOR ALL RENTAL UNITS WITHIN BENNER TOWNSHIP

The Benner Township Board of Supervisors hereby ordains:

SECTION 1. PURPOSE

This Ordinance is enacted to provide for uniform and equitable distribution of tax levies in Benner Township, and to promote and protect the health, safety, morals and general welfare of the residents of the Township.

SECTION 2. AUTHORIZATION

This Ordinance is authorized by the general powers vested in the Township by the *Second Class Township Code*.

SECTION 3. DEFINITIONS

The following terms shall have the meanings indicated for this Ordinance, unless a different meaning clearly appears from the context:

- a. **Business Unit** — A parcel of real estate, with or without improvements utilized by any person or persons for any commercial activity or purpose.
- b. **Dwelling Unit** — One or more living and/or sleeping rooms arranged for the use of one or more individuals living as a family with cooking, living and sanitary facilities.
- c. **Family** — An unlimited number of persons related by blood (within and including the degree of first cousin), marriage or adoption (including foster children) living together in a dwelling unit. Other persons not included in the foregoing definition are called unrelated persons.
- d. **Landlord** — A lessor, or person who acts as agent for the lessor, of any parcel of real estate located in the Township, or a lessor, or person who acts as agent for the lessor, of any improvements on real estate or any building located in Township.
- e. **Landowner** — The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he/she is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.
- f. **Person** — The words "person," "applicant," "landlord," "tenant," or "owner" include an individual, firm, association, organization, partnership, trust, company, public or private corporation for profit or not-for-profit, political subdivision, agency or instrumentality of the Commonwealth, bureau or agency of the United States, or any other similar entity.
- g. **Premises** — Any lot and any structure or building constructed thereon.

- h. **Tenant** — A person who rents, either by himself or with others, a dwelling unit or a business unit owned by a person other than himself, for a period exceeding 30 days.
- i. **Township** — The word shall mean Benner Township.

SECTION 4. REPORTS BY LANDLORDS TO TOWNSHIP

Within 30 days of the enactment of this Ordinance, each landlord shall submit to the Township, a *Rental Form* supplied by the Township, containing the following information:

- a. A list of either dwelling units and/or business units owned by the landlord located within the Township;
- b. Address of each unit;
- c. Brief description of each unit (i.e., number rooms, bedrooms, baths, etc.);
- d. Whether occupied or not; *term of lease*; and
- e. Names of the tenant(s) occupying said units.

SECTION 5. REPORTS BY PERSONS UPON BECOMING LANDLORDS

After enactment of this Ordinance, any person becoming a landlord of any parcel of real estate or upon improvement of real estate or building located in the Township by agreement of sale, by deed, or by any other means, shall, within 30 days, shall file a *Rental Form* with the Township.

SECTION 6. REPORTS OF CHANGES IN USE OR OCCUPANCY OF UNITS

After the enactment of this Ordinance, each and every landlord within the Township shall report any change in use or occupancy of any unit owned by a landlord on a *Rental Change Form*:

The *Rental Change Form* shall include:

- a. the name or names of new tenants for the units;
- b. the date when the change(s) occurred; and
- c. any vacancies.

All reports shall be filed within 10 days upon notice to the landowner regarding such change(s) in occupancy or vacancy.

A landlord of a hotel, inn or boarding house shall not be required to report a person as a "tenant" until that person has resided in the landlord's establishment for a period exceeding 30 days.

SECTION 7. DUTIES OF THE ZONING OFFICER

Under the authority of this Ordinance, the Zoning Officer shall enforce the provisions of this Ordinance as follows:

- a. Shall maintain a file at the Township office of all *Rental Forms* and *Rental Change Forms* filed by landowners within the Township.
- b. Shall maintain a supply of *Rental Forms* and *Rental Change Forms* as required by this Ordinance;
- c. Shall enforce the provisions of this Ordinance.

SECTION 8. CONFIDENTIALITY

The information obtained through the filing of reports shall remain confidential and may be used only for proper Township and police purposes. No listing of tenants will be provided to the general public or individuals absent a warrant or other order of court.

SECTION 9. PENALTIES

Any person violating any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600.00, and in default of payment, to imprisonment for a term not to exceed 30 days.

SECTION 10. REPEALER

All Ordinances or parts of Ordinances inconsistent are hereby repealed.

SECTION 11. SEVERABILITY

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared the intent of the Board of Supervisors of Benner Township is that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 11. ENACTMENT

This Ordinance shall become effective within 5 days from the date of enactment.

ENACTED AND ORDAINED this 2nd day of December, 1997 A.D.

BENNER TOWNSHIP BOARD OF SUPERVISORS

By: _____
Michael R. Kelleher, Chairman

Richard C. Lahr, Vice Chairman

Helen M. Alters, Supervisor

ATTEST:

Sharon Royer, Secretary
(SEAL)