

ORDINANCE NO. 7 OF 2006

**An Ordinance of the Township of Newport Concerning The
Registration Of Rental Units Within The Township Of Newport,
Luzerne County, Pennsylvania.**

WHEREAS, the Commissioners of the Township of Newport have the power to adopt resolutions and ordinances pursuant to 53 PS. sec. 56552 of the First Class Code, and;

WHEREAS, the Commissioners of the Township of Newport have adopted a Tax Ordinance which provides for the levying of a per capita tax on individuals residing within the Township;

WHEREAS, said tax ordinance does not contain any mechanism for the Township to ascertain or confirm the identities of all individuals residing within the Township;

WHEREAS, it would be a benefit to the Township of Newport to be able to ascertain and confirm whether all individuals residing in the Township in multi-family or apartment dwellings are accurately identified as taxpayers within the municipality, and;

WHEREAS, the Board of Commissioners of the Township of Newport believes that it is prudent and fair and in the best interests of the Township to identify individuals who may not be paying the per capita tax but who may be subject to its payment rather than raising taxes of individuals and property owners who are already paying taxes to the Township, and;

WHEREAS, the Township is also sensitive to the privacy concerns of its citizenry.

NOW, THEREFORE, BE IT ORDAINED, and it is hereby enacted and ordained by the Board of Commissioners of the Township of Newport as follows:

SECTION ONE DEFINITIONS

- (A.) **ADULT**-An individual who is eighteen (18) years of age or greater.
- (B.) **DWELLING** - Any building or portion thereof, regardless of zoning classification, designed or used exclusively as the residence or sleeping

place of one (1) or more persons. This definition shall include but not be limited to mobile homes and rooming houses. This definition shall not be construed to include hotels, motels, homeless shelters, dormitories, hospitals, rehabilitation or treatment centers, nursing homes or personal care homes.

(C.) **LANDLORD-** A natural or non-natural person or entity which offers for habitation as owner or manager one or more dwellings within the Township of Newport.

(D.) **ROOMING HOUSE-** A building in which rooms for lodging and/or boarding are let for a fee to individuals, not including individuals related by blood or marriage to the owner or owners of the premises.

2. SECTION TWO **REPORTING REQUIREMENTS**

(A.) Every non-natural person or entity which offers for habitation as owner or manager one or more dwellings within the Township of Newport shall, for each such dwelling unit or units, and every natural person who offers for habitation as owner or manager one or more dwelling(s) within the Township of Newport shall, for each such dwelling unit or units (other than the dwelling in which that person resides) on or before February 15, 2007, and on or before the 15th day of February of each subsequent year, provide the following information to the Township Manager or other person authorized by Newport Township:

- (1.) The reporting individual or entity's name and address.
- (2.) The full name and address and unit or apartment number (if any) of those adult individuals occupying dwelling units owned or within the management control of the reporting individual or entity as of the first day of February of the reporting year.

(B.) The reporting of the required information (as set out herein) by the owner shall excuse the providing of the required information by a manager for the same premises. The reporting of the required information (as set out herein) by the manager shall excuse reporting by the owner of the same premises. In the event neither the owner nor the manager complies, the owner shall be held liable for such non-compliance. Where real estate is owned in multiple ownership, observance of the reporting requirements by a co-owner shall be deemed as fulfilling the requirement as to all other co-owners.

(C.) The duty imposed by this section shall require each landlord to report the name and address of all tenants of the age of eighteen (18) years or more of which the landlord has actual knowledge or which the landlord could, with the exercise of reasonable diligence and care, have actual knowledge.

(D.) Individuals required to be reported under Section 2 shall, upon request of

the landlord or landlord's agent, provide the landlord or landlord's agent with the names of all adult individuals residing in the subject dwelling. Should a landlord request and be refused the required information, landlord or landlord's agent shall identify such individual refusing to provide the name of an adult individual residing in the subject dwelling on the required report, and said refusal shall constitute a violation of this Ordinance and subject to the provision of Section three (3) of this Ordinance.

(E.) The Manager of the Township of Newport or other person designated by Newport Township, is hereby authorized to require standard reporting forms and documents to accomplish the foregoing reporting requirements.

(F.) The information resulting from the foregoing reporting requirement is restricted in dissemination to the following:

- (1.) Township Manager or designee of the Township Manager
- (2.) Township Tax Collector
- (3.) Municipal Secretary
- (4.) Township Solicitor

3. SECTION THREE VIOLATIONS

(A.) Any person who shall violate any provision of this Article shall, upon conviction thereof, by a District Justice, be punished by a fine of not less than twenty-five (\$25.00) dollars, nor more than three hundred (\$300.00) dollars and costs of such proceedings or, upon default of payment of such fine and costs, by imprisonment in the county jail for not more than thirty (30) days.

(B.) In any prosecution against a landlord for failure to comply with the reporting requirements of this Ordinance, in the absence of the landlord's actual knowledge or the landlord's ability, with reasonable diligence and care, to have actual knowledge, the refusal of the tenant to provide the name of adult individuals residing within the subject dwelling to the landlord shall, as to the landlord or landlord's manager, be considered an affirmative defense to prosecution under this Ordinance.

(C.) For the purposes of this Section, any violation of the Section relating to reporting requirements of landlords shall be considered as a separate offense for each unreported occupied dwelling unit. Each day of non-reporting by a landlord after the 15th day of February in any reporting year shall be treated as a separate offense and punishable as such.

4. SECTION FOUR ENFORCEMENT

Enforcement of this Ordinance may be instituted by the Township Police Department and/or the Township Manager.

5. SECTION FIVE EFFECTIVE DATE


This Ordinance shall become effective on January 1, 2007.

ADOPTED AND ENACTED THIS 4th DAY OF
December, 2006 AT A REGULAR MEETING OF THE
NEWPORT TOWNSHIP BOARD OF COMMISSIONERS.

Attest:



RICHARD ZIKA
Secretary,
Board of Commissioners

TOWNSHIP OF NEWPORT

PAUL CZAPRACKI
President
Board of Commissioners