

**AN ORDINANCE OF THE BOROUGH OF NEW BETHLEHEM
CLARION COUNTY, PENNSYLVANIA**

ORDINANCE NO. 889

**AN ORDINANCE OF THE BOROUGH OF NEW BETHLEHEM CREATING A RENTAL
OCCUPANCY REGISTRATION PROGRAM TO PROVIDE MEANS OF VERIFYING THE
IDENTITY OF BOROUGH RESIDENTS FOR THE PURPOSE OF COLLECTING
BOROUGH TAXES AND CHARGES**

SECTION 1. DEFINITIONS. For the purpose of this Ordinance, the following words, terms and phrases shall have the meanings indicated herein:

- a. BOROUGH - The Borough of New Bethlehem.
- b. OWNER - The person(s) in whose name(s) the property on which the rental unit is located is recorded in the office of the Clarion County Recorder of Deeds and/or as reflected on the records of the Clarion County Assessment Office.
- c. PERSON - An individual, corporation, partnership, trust, estate, association or other legal entity capable of holding title to real estate.
- d. PROPERTY - A parcel of real estate located in the Borough of New Bethlehem to which a Clarion County tax parcel identification number has been assigned by the Clarion County Assessment Office.
- e. RENT OR RENTED - Consideration charged for the right to occupy or use the property of another party, whether the consideration is valued in money, goods, labor or service.
- f. RENTAL UNIT - Any space used for human occupancy located within a building used for residential use and occupancy that is rented for human occupancy under either a written or oral lease, other rental agreement or charitable occupancy agreement, regardless of the terms of the rental or lease, and regardless of whether consideration is actually paid, but excluding units within a motel or hotel rented by the day for transient occupancy.

SECTION 2. PURPOSE. This Ordinance is enacted to provide for the uniform and equitable collection of earned income, per capita and other taxes and charges levied within and by the Borough.

SECTION 3. REPORTING REQUIREMENT. It shall be the duty of the Owner(s) of every Rental Unit located within the Borough to prepare and file an annual report with the Borough, which shall contain the complete name and address of each person eighteen (18) years of age and older who currently resides in each and every Rental Unit owned by the person required to file the report. The

Owner(s) shall also provide the lease commencement and expiration dates for any tenant at the request of the Borough.

SECTION 4. REPORT SUPPLEMENTS. The report shall be supplemented and provided to the Borough by the Owner(s) of any Rental Unit within thirty (30) days of becoming aware of the arrival of tenants or lessees not previously reported or of the departure of lessees or tenants previously reported.

SECTION 5. FILING DEADLINES. The report, which shall be filed in a form and manner designated by the Borough, shall be filed with the Borough not later than sixty (60) days following the effective date of this Article and annually thereafter on or before March 31 of each calendar year.

SECTION 6. VIOLATIONS AND PENALTIES.

- a. Any person owning any property within the Borough which is rented to one or more persons for residential purposes who willfully or negligently fails to submit tenant lists as required by this Ordinance, shall be liable for, in addition to other penalties herein provided, such sums as would have been billed by the Borough, in the form of per capita, earned income or other such taxes, levies or charges, if such tenant list had been provided less any sums actually received from such tenants for the fiscal year for which the list was not provided.
- b. Any person who shall violate any of the provisions of this Ordinance by failing or refusing to timely file the required report within forty-five (45) days of the due date thereof shall, upon being found guilty in a summary proceeding brought by the Borough before a District Justice having jurisdiction, be subject to a fine for each such violation of not less than \$25 nor more than \$300, plus all the costs of prosecution and attorneys' fees, and, upon default in timely payment of any fines, costs of prosecution and attorneys' fees, shall be subject to a period of incarceration not to exceed thirty (30) days. Each day that a violation shall continue following the initial notice by the Borough to such person that such person is in violation of this Ordinance shall constitute a single and separate offense, punishable by a separate fine.

SECTION 7. Should any section or provision of this Ordinance be declared to be invalid by the courts, such decision shall not affect the validity of the Ordinance as a whole, not the validity of any other section or provisions of the Ordinance than the one so declared.

SECTION 8. All other ordinances or parts of ordinances which are contrary to the provision of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 9. This ordinance shall become effective on the 1st day of January, 2009.

ORDAINED and ENACTED as an Ordinance of the Borough of New Bethlehem, Clarion County, Pennsylvania, this 17th day of November, 2008.

NEW BETHLEHEM BOROUGH

By: James Merwin
President, New Bethlehem Borough Council

ATTEST:

s/Richard McGarrity
Secretary

The foregoing Ordinance of the Borough of New Bethlehem is hereby approved by the Mayor of New Bethlehem Borough on the ____ day of _____, 2008.

Mayor of the Borough of New Bethlehem