

ORDINANCE NO. 207

AN ORDINANCE OF THE BOROUGH OF SMITHTON, WESTMORELAND COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 180, AS SET FORTH IN THE SMITHTON BOROUGH CONSOLIDATED ORDINANCES REGARDING OWNERS OF REAL PROPERTY IN THE BOROUGH OF SMITHTON SHALL PROMPTLY NOTIFY THE BOROUGH SECRETARY IN WRITING, OF CHANGES IN POSSESSION AND/OR OWNERSHIP OF REAL PROPERTY IN THE BOROUGH TO FACILITATE PROPERTY BILLING FOR AND PROVIDING OF MUNICIPAL SERVICES

WHEREAS, the Council of the Borough of Smithton, acting in the public interest, is desirous of providing for the orderly and efficient administration of municipal services in the Borough, including, but not limited to police, fire, garbage, sewage and taxing; and

WHEREAS, insofar as possible, the Council of the Borough of Smithton is desirous of collecting the appropriate fees and charges for said services, if any, from the users of said services; and

WHEREAS, the Council of the Borough of Smithton is desirous of contacting new residences moving into the Borough to provide them with information concerning Borough officials, ordinance and availability of Borough services.

NOW, THEREFORE BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Smithton, Westmoreland County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

SECTION 1. All owners of real property located in the Borough of Smithton, including owners who rent or lease dwellings of any type, including apartments, duplexes, single rooms, and single family homes, shall notify the Borough Secretary of the Borough of Smithton, at the Borough Office located in the said Borough of all changes in possession or ownership of the premises within fifteen (15) days after the change or changes are made

Section 1A: The owners of the real property shall notify the Borough Secretary in writing of the said change of possession or ownership by providing the following information: Name of former owner(s), tenant(s), or renter(s); Location and mailing address of premises including apartment number, if any; Name of new owner(s), tenant(s), or renter(s); Date of new owner(s), tenants(s), or renter(s) to assume possession; Whether or not tenant(s) or renter(s) are responsible for any payment of garbage, sewage or other municipal services under terms of rental agreement; Name of person furnishing information

Section 1B: The said information to be provided in accordance with this Ordinance shall be a form letter provided by and addressed to the Borough Secretary to be mailed or delivered to the Borough Office along with a payment for administration fee of \$10.00.

Section 1C: For purposes of this Ordinance, a change in possession of rental premises occurs when a prior tenant or renter terminates his or her lease or rental agreement and a new tenant or renter enters into a lease or written agreement with the owner, designated agent or manager. A change in ownership of real property occurs on the date of execution of a deed or articles of agreement used in lieu of a deed.

Section 2: giving of the required notice of change of possession as provided herein shall not relieve the property owner from liability for payment for provision of municipal services as provided by various ordinances of the Borough nor shall it affect the power of the Borough to file liens according to the law.

Section 3: Nothing contained in this Ordinance shall affect the validity of other Ordinances of the Borough of Smithton relating to provisions of municipal services and payment therefore.

Section 4: Any person, firm, partnership, or corporation who or which shall violate or fail to comply with any of the provisions of this Ordinance shall be guilty of a summary offense, and upon conviction thereof before the appropriate District Justice, shall be sentenced to pay a fine of not less than TWO HUNDRED AND 00/100 (\$200.00) DOLLARS and not more than FIVE HUNDRED AND 00/100 (\$500.00) DOLLARS for each offense, plus costs of prosecution. In default of payment of the fine and costs as assessed, such person, the members of such firm or partnership, or the officers of such corporation, shall be liable to imprisonment in the appropriate jail or detention center for a period not to exceed thirty (30) days.

Section 5: If any sentence, clause or section or party 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 or sections or parts of this Ordinance. It is hereby declared as the intent of the Council of the Borough of Smithton that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section, or part hereof not been included herein.

Section 6: All Ordinances or parts of Ordinances, inconsistent herewith are hereby repealed.

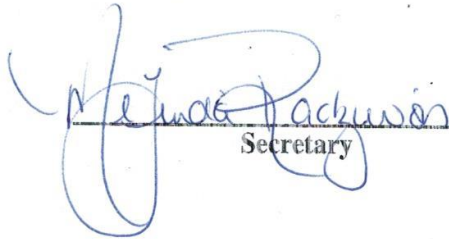
Section 7: This ordinance shall take effect immediately.

ORDAINED AND ENACTED THIS 11 DAY OF April, 2011

BOROUGH OF SMITHTON

By DaQua B. E.
President of Council

ATTEST:


Secretary

EXAMINED AND APPROVED BY ME THIS 11 DAY OF April, 2011


Mayor