

Rentals

EXETER BOROUGH ORDINANCE
NO. 4 of 2006

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA ESTABLISHING AND ASSESSING REGISTRATION REQUIREMENTS FOR THOSE INDIVIDUALS WHO OWN RENTAL PROPERTIES WITHIN THE BOROUGH OF EXETER.

WHEREAS, AN ORDINANCE ESTABLISHING AND ASSESSING A REGISTRATION REQUIREMENT ON THOSE INDIVIDUALS WHO OWN RENTAL PROPERTIES WITHIN THE BOROUGH OF EXETER, MORE SPECIFICALLY, REQUIRING LANDLORDS TO REGISTER THEIR TENANTS WITH THE PROPERLY AUTHORIZED AGENTS OF EXETER BOROUGH LOCATED AT 1101 WYOMING AVENUE, EXETER, LUZERNE COUNTY, PENNSYLVANIA 18643, THE DOCUMENTATION OF WHICH WILL BE USED BY EXETER BOROUGH OFFICIALS IN DETERMINING THOSE WHO RESIDE WITHIN THE EXETER BOROUGH JURISDICTION.

WHEREAS, THE BOROUGH OF EXETER, HEREINAFTER "BOROUGH" IS DESIROUS OF ESTABLISHING A REGISTRATION REQUIREMENT SO THAT ALL INDIVIDUALS, WHETHER RESIDING WITHIN THE BOROUGH OF EXETER OR OUTSIDE OF THE BOROUGH OF EXETER, THAT OWN PROPERTY WITHIN THE BOROUGH OF EXETER AND RENT SAID PROPERTY TO TENANTS ARE REQUIRED TO NOTIFY THE AUTHORIZED AGENT OF EXETER BOROUGH OF WHICH TENANTS RESIDE AT EACH LOCATION OWNED.

NOW, THEREFORE, BE AND IT IS HEREBY ENACTED AND ORDAINED BY THE COUNCIL OF THE BOROUGH OF EXETER, LUZERNE COUNTY, PENNSYLVANIA, AS FOLLOWS:

SECTION 1.

THE EXETER BOROUGH COUNCIL WILL AUTHORIZE AN AGENT OF EXETER BOROUGH TO ACCEPT AND ENFORCE REGISTRATION REQUIREMENTS ON THOSE WHO OWN RENTAL PROPERTIES WITHIN THE BOROUGH OF EXETER.

SECTION 2.

IT IS UNDERSTOOD THAT THIS REGISTRATION REQUIREMENT IS IN FULL FORCE AND EFFECT AND IS REQUIRED UPON ALL LANDLORDS THAT OWN RENTAL PROPERTIES IN THE BOROUGH OF EXETER. WHERE THE OWNERS OF THE RENTAL PROPERTIES RESIDE IS OF NO CONSEQUENCE TO THE ENFORCEMENT OF THIS ORDINANCE. THE MERE FACT THAT THE OWNERS OF THESE PROPERTIES, OWN PROPERTIES WITHIN THE BOROUGH OF EXETER, REQUIRES COMPLIANCE WITH THIS ORDINANCE.

SECTION 3.

DEFINITIONS:

ADULT - AN INDIVIDUAL OF THE AGE OF 18 YEARS OR MORE.

DWELLING - ANY BUILDING OR PORTION THEREOF DESIGNED OR USED EXCLUSIVELY AS THE RESIDENCE OR SLEEPING PLACE OF ONE (1) OR MORE PERSONS. THIS DEFINITION SHALL BE CONSTRUED TO INCLUDE MOBILE HOMES AND ROOMING HOUSE. THIS DEFINITION SHALL NOT BE CONSTRUED TO INCLUDE HOTELS, MOTELS, HOMELESS SHELTERS, DORMITORIES, HOSPITALS, REHABILITATION OR TREATMENT CENTERS, NURSING HOMES OR PERSONAL CARE HOMES.

LANDLORD - A NATURAL OR NON-NATURAL PERSON OR ENTITY WHICH OFFERS FOR HABITATION AS OWNER OR MANAGES ONE OR MORE DWELLINGS WITHIN THE BOROUGH OF EXETER.

ROOMING HOUSE - A BUILDING IN WHICH ROOMS FOR LODGING AND/OR BOARDING ARE LET FOR A FEE TO THREE OR MORE INDIVIDUALS NOT INCLUDING INDIVIDUALS RELATED BY BLOOD OR MARRIAGE TO THE OWNER OR OWNERS OF THE PREMISES.

SECTION 4.

LANDLORDS ARE REQUIRED TO REGISTER THEIR TENANTS WITH THE AUTHORIZED AGENT OF THE BOROUGH OF EXETER WITHIN THIRTY (30) DAYS OF THE DATE THE LANDLORD ACCEPTS THE TENANT. THE DATE IS TO BE DETERMINED BY THE DATE ON THE LEASE AGREEMENT BETWEEN SAID TENANT AND SAID LANDLORD. IF THE LANDLORD DOES NOT REGISTER THE TENANT WITH THE AUTHORIZED AGENT OF THE BOROUGH OF EXETER WITHIN THIRTY (30) DAYS OF THE DATE THE TENANT WAS ACCEPTED ON THE LANDLORD'S RENTAL PROPERTY THEN SAID LANDLORD IS SUBJECT TO THE PENALTY SECTION OF THIS ORDINANCE.

SECTION 5.

THE LANDLORD IS REQUIRED TO REGISTER THE TENANT WITH THE AUTHORIZED AGENT OF THE BOROUGH OF EXETER AND IS REQUIRED TO PROVIDE THE FOLLOWING INFORMATION TO SAID AUTHORIZED AGENT: NAME OF TENANT AS IT APPEARS ON THE RENTAL OR LEASE AGREEMENT, PHOTOCOPY OF TENANT'S DRIVER LICENSE, TENANT'S SOCIAL SECURITY NUMBER, AND TENANT'S ADDRESS INCLUDING TENANT'S UNIT NUMBER IF NECESSARY AT THE RENTAL COMPLEX.

SECTION 6.

THIS ORDINANCE ESTABLISHES THE REGISTRATION REQUIREMENTS ON LANDLORD AND NOT ON TENANTS. IF MORE THAN ONE INDIVIDUAL OWNS THE RENTAL PROPERTY THEN THIS ORDINANCE IS ENFORCEABLE AGAINST ALL OWNERS OF SAID RENTAL PROPERTIES.

SECTION 7.

THE REGISTRATION REQUIREMENTS ENACTED BY THE BOROUGH OF EXETER IN THIS ORDINANCE ARE ENFORCEABLE AGAINST LANDLORDS AND REQUIRE LANDLORDS TO REGISTER THEIR TENANTS WITH THE AUTHORIZED AGENT OF EXETER BOROUGH ON OR BY MARCH 31ST OF EACH CALENDAR YEAR HEREAFTER.

SECTION 8.

ALL THOSE OWNING RENTAL PROPERTIES WITHIN THE BOROUGH OF EXETER WHO RENT THOSE PROPERTIES TO INDIVIDUALS ARE REQUIRED TO CONTACT THE AUTHORIZED AGENT OF THE BOROUGH OF EXETER WITHIN THIRTY (30) DAYS OF THE PASSAGE OF THIS ORDINANCE TO REGISTER THOSE INDIVIDUALS WHO CURRENTLY RESIDE IN THEIR RENTAL PROPERTIES AND ARE TO PROVIDE THE AUTHORIZED AGENT OF THE BOROUGH OF EXETER WITH: NAME OF TENANT AS IT APPEARS ON THE RENTAL OR LEASE AGREEMENT, PHOTOCOPY OF TENANT'S DRIVER LICENSE, TENANT'S SOCIAL SECURITY NUMBER, AND TENANT'S ADDRESS INCLUDING TENANT'S UNIT NUMBER IF NECESSARY AT THE RENTAL COMPLEX.

SECTION 9.

THIS ORDINANCE IS ENFORCEABLE AND APPLIES TO ANY INDIVIDUAL OWNING RENTAL PROPERTY IN THE BOROUGH OF EXETER, ANY MUNICIPAL CORPORATION OWNING AND RENTING PROPERTY IN THE BOROUGH OF EXETER, ANY PRIVATE ENTITY OWNING AND RENTING PROPERTY IN THE BOROUGH OF EXETER, AND ANY PUBLIC ENTITY OWNING AND RENTING PROPERTY IN THE BOROUGH OF EXETER FOR ANY USE OTHER THAN COMMERCIAL.

SECTION 10.

LEGISLATIVE HISTORY

THE BOROUGH OF EXETER ENACTS THIS ORDINANCE OUT OF THE CONCERN FOR THE SAFETY OF ITS RESIDENTS AND OUT OF A NECESSITY FOR PROPERLY ENFORCING THOSE LAWS WHICH REQUIRE THE PROPER MAINTENANCE OF PROPERTY WITHIN THE BOROUGH OF EXETER AND THE PROPER ENFORCEMENT OF THE GARBAGE/REFUSE ORDINANCE OF EXETER BOROUGH. ADDITIONALLY, EXETER BOROUGH COUNCIL ACKNOWLEDGES THAT THE ENFORCEMENT OF THE EARNED INCOME WAGE TAX IS MORE EASILY

ENFORCEABLE WITH THE REGISTRATION OF THOSE INDIVIDUALS WHO RESIDE WITHIN THE BOROUGH OF EXETER.

SECTION 11.

THE DOCUMENTATION REQUIRED FOR THE ENFORCEMENT OF THIS ORDINANCE BY THE AUTHORIZED AGENT FOR EXETER BOROUGH COUNCIL WILL BE USED IN ENFORCING OTHER ORDINANCES ENACTED BY THE EXETER BOROUGH COUNCIL. MORE SPECIFICALLY, EXETER BOROUGH WILL USE THE RESULTS OF THE REGISTRATION FROM THIS ORDINANCE TO ENFORCE ITS GARBAGE/REFUSE STICKER ORDINANCE, TO ENFORCE ITS EARNED INCOME WAGE TAX ORDINANCE, AND TO ENFORCE ITS PROPERTY MAINTENANCE ORDINANCES.

SECTION 12.

PENALTIES

FAILURE OF ANY INDIVIDUAL TO COMPLY WITH THE REGISTRATION OF THEIR TENANTS WITH EXETER BOROUGH OFFICIALS OR THE AUTHORIZED AGENT OF EXETER BOROUGH WILL RESULT IN THAT INDIVIDUAL BEING HELD IN VIOLATION OF THE EXETER BOROUGH ORDINANCE. THESE INDIVIDUALS WILL BE SUBJECT TO ALL NECESSARY COLLECTION METHODS INCLUDING BUT NOT LIMITED TO REPORTS TO COLLECTION AGENCIES AND REPORTS ON CREDIT REPORTING. ADDITIONALLY, THE INDIVIDUALS WILL BE SUBJECT TO PAY A FINE OF THREE HUNDRED (\$300.00) DOLLARS PER DAY FOR FAILURE TO COMPLY WITH THE ENFORCEMENT OF THESE REGISTRATION REQUIREMENTS.

SECTION 13.

ALL REGISTRATION REQUIREMENT INFORMATION SHALL BE GIVEN TO THE AUTHORIZED AGENT OF EXETER BOROUGH COUNCIL. THE INFORMATION GIVEN TO ANY OTHER INDIVIDUAL IS NOT ACCEPTABLE AND IS NOT IN COMPLIANCE WITH THE ENFORCEMENT OF THIS ORDINANCE.