
Chapter 89 — Moving Permits and Tenant Registration

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Article I — Moving Permits

§ 89-101 Registration of Intention to Move.

No person shall move into, move out of, or move from one location within the Borough of Alburty to another location within the Borough of Alburty without first registering his/her intention to so move with the Borough Secretary (or his/her delegate). For purposes of this Article, a person shall be deemed to “move” whenever he/she abandons a personal residence or establishes a new personal residence. This Article shall apply only to natural persons, not entities, associations, or trusts.

§ 89-102 Registration Forms.

All registrations under this Article shall be made on forms provided by the Borough Secretary, and shall specifically include a statement of the name(s) of the person(s) covered by the registration, the date the person(s) covered by the registration are moving into, out of, or from one location to another within the Borough, the residence address of the person(s) prior to the move, and the residence address of the person(s) after the move. Only one registration form need be filed for any family moving as a unit, *provided that* the form is signed by all competent adult members of the family and the parents or guardians of all moving family members who are under age 18 or legally incapacitated. The registration form shall provide that the persons signing the form verify that the information presented in the form is true, correct, and complete, subject to the penalties of 18 PA. CONS. STAT. § 4904, relating to unsworn falsification to authorities.

§ 89-103 Notice, Violations, and Penalties.

(a) **In General.** Any person who moves into, out of, or within the Borough of Alburdis without first registering such move with the Borough as provided in this Article shall do so within five (5) calendar days after—

(1) the person is personally directed to do so by the Borough Executive Secretary or any Borough Police Officer, or

(2) a notice to register under this Article is served upon any adult individual residing at the person's residence or in charge of such residence.

In default thereof, the person shall be subject to a civil penalty of Fifty Dollars (\$50.00).

(b) **Initial Determination of Violation.** Council hereby delegates the initial determination of violations under this Article to the Executive Secretary. The Executive Secretary shall serve notice of the violation(s) upon the person determined to have violated this Article in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (*i.e.* section, subsection, paragraph, etc.), the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(c) **Civil Enforcement Proceeding.** When the penalty imposed for a violation of this Article is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (b), the Executive Secretary shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge. The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Article in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees incurred by the Borough in the proceedings, in addition to the penalty provided.

Article II — Tenant Registration

§ 89-201 Duty to File List of Tenants.

It shall be the duty of every landlord maintaining rental property within the Borough of Alburdis and every owner of multiple-family dwelling units within the Borough to certify to the Borough Secretary a list of lessees and tenants, as well as their addresses, on or before June 30 and December 31 of every calendar year.

§ 89-202 Liability of Landlord.

Every landlord maintaining rental property in the Borough and every owner of multiple-family dwelling units who willfully or negligently fails to submit tenant lists shall be liable for, in addition to other penalties provided in this Article, such sums as would have been billed by the Borough if such tenant list had been provided, less any sums actually received from such tenants.

§ 89-203 Violations and Penalties.

(a) **Civil Penalty.** Any person who violates any provision of this Article shall be subject to a civil penalty of Three Hundred Dollars (\$300.00).

(b) **Initial Determination of Violation.** Council hereby delegates the initial determination of violations under this Article to the Executive Secretary. The Executive Secretary shall serve notice of the violation(s) upon the person determined to have violated this Article in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (*i.e.* section, subsection, paragraph, etc.), the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(c) **Civil Enforcement Proceeding.** When the penalty imposed for a violation of this Article is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (b), the Executive Secretary shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge. The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Article in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees incurred by the Borough in the proceedings, in addition to the penalty provided.

Appendix

¶ 89-A Disposition of Ordinance 179.

<u>Ordinance 179</u>	<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ I	§ 121-1	§ 89-201
§ II	§ 121-2	§ 89-202
§ III	§ 121-3	§ 89-203

¶ 89-B Disposition of 1981 Code, Chapter 121.

<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ 121-1	§ 89-201
§ 121-2	§ 89-202
§ 121-3	§ 89-203

¶ 89-C Disposition of Ordinance 348.

Ordinance 348 was never codified to the 1981 Code.

<u>Ordinance 348</u>	<u>2003 Codified Ordinances</u>
§ 1	§ 89-101
§ 2	§ 89-102
§ 3	§ 89-103

¶ 89-D Source Ordinances.

Ordinance 179	08-11-1976
Ordinance 215	11-11-1981
Ordinance 348	02-26-1997
Ordinance 415	10-29-2003
Ordinance 518	03-12-2014