

ALBURTIS CODIFIED ORDINANCES

Chapter 89

Moving Permits and Resident Registration

Chapter 89 — Moving Permits and Resident 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 Alburdis to another location within the Borough of Alburdis without first registering his/her intention to so move with the Borough Manager (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.

[Ords. 415 10-29-2003, 526 01-28-2015]

§ 89-102 Registration Forms.

All registrations under this Article shall be made on forms provided by the Borough Manager, 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.

[Ord. 415 10-29-2003]

§ 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 Manager 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 Borough Manager. The Borough Manager 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 Borough Manager 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.

[Ords. 415 10-29-2003, 518 03-12-2014, 526 01-28-2015]

Article II — Resident Registration

§ 89-201 Duty to File List of Residents.

It shall be the duty of every person or entity owning residential property within the Borough of Alburty to certify to the Borough Manager, on a form provided by the Borough Manager, a list of the names and mailing addresses of all the residents and occupants of each property so owned who are eighteen (18) years of age or older, and the number of persons under the age of eighteen (18) years also residing in or occupying any such property, on or before June 30 of every calendar year. In addition, the owner shall provide a person's physical residence location if it is different from his/her mailing address or if it is needed to identify the precise dwelling unit or abode occupied by the person. The 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).

[Ords. 415 10-29-2003, 538 05-10-2017, 539 07-12-2017]

§ 89-202 Liability of Property Owner.

Every owner of residential property in the Borough who willfully or negligently fails to submit resident lists as required under § 89-201 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 resident list had been provided, less any sums actually received from such resident.

[Ords. 415 10-29-2003, 538 05-10-2017]

§ 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 Borough Manager. The Borough Manager 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 Borough Manager 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.

[Ords. 415 10-29-2003, 518 03-12-2014, 526 01-28-2015]

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
Ordinance 526	01-28-2015
Ordinance 538	05-10-2017
Ordinance 539	07-12-2017