

Cooke Township Ordinance 2004-3 Cooke Township Residency Reporting Ordinance

Section 1 Title and Purpose

A. Title

This Ordinance shall be titled and may be cited as the “Cooke Township Residency Reporting Ordinance.”

B. Purpose

WHEREAS, the Township of Cooke, by and through its Board, has the power under the Second Class Township code (P.L. 103 of 1933 and as amended) to take all actions necessary to secure the safety, health and general welfare of persons and property within the Township, AND

WHEREAS the Board of Supervisors finds that it may be necessary, in order to protect the safety and welfare of persons and property, to know the name and address of all persons living in Cooke Township, AND

WHEREAS the Board of Supervisors desires to insure the fair and impartial collection of the Earned Income and Per Capita Tax imposed by the Township, AND

WHEREAS, the fair and impartial imposition of taxes requires that the Township have available to it a list of all residents in the Township,

The Cooke Township Board of Supervisors enacts this Ordinance requiring reports to Cooke Township containing the names and addresses of all persons living in the Township, including all tenants occupying premises rented to them by a landlord.

Section 2 Definitions

The following words when used in this Ordinance shall have the meaning described below, except where the context clearly indicates or requires a different meaning:

A. Person. Any natural person, partnership, association, firm or corporation.

B. Landlord. Any person who leases or rents a residence within the boundaries of Cooke Township to a tenant.

C. Residence. Any house, room, mobile home, manufactured home, trailer, apartment, or other dwelling unit or place of dwelling intended for the use of one or more persons as a place of abode.

D. Full-Time Resident. Any person who occupies a residence located within the boundaries of Cooke Township, unless as a temporary and transient accommodation. For the purposes of this Ordinance, a full-time resident of Cooke Township shall be so considered in accord with the usual and customary definitions set forth by the Commonwealth Department of Revenue defining residency for tax purposes. Typical indicators of full-time residence used by the Department of Revenue include, but are not limited

to, the address used for voting, receipt of mail, driver's license, and registration for personal property such as bank accounts, stocks, bonds, and automobile ownership.

Section 3
Reporting Requirement by Landlords

1. Within (30) days of the effective date of this Ordinance, each landlord shall submit to the Township Secretary a complete list specifying the names and addresses of all tenants who occupy a residence leased, rented or by permission otherwise occupied by a tenant. The Cooke Township Board of Supervisors may, by resolution, provide a standard form to assist landlords in submitting this information.
2. Within (30) days of when a tenant begins or ends occupation of a residence as defined by a lease or rental agreement or by permission otherwise granted, each landlord shall submit to the Township Secretary a list specifying the names and addresses of all tenants who occupy the residence.
3. For the purpose of this Ordinance, the fact that an owner of real estate rents or leases any property for minimal or no rent to another person shall not exclude said owner from filing a list as described above.
4. From time to time, in order to verify and update information on record, the Cooke Township Board of Supervisors may, by resolution, require that each landlord submit to the Township Secretary a new complete list specifying the names and addresses of all tenants who occupy a residence leased, rented or by permission otherwise occupied by a tenant.

Section 4
Reporting Requirement of Full-Time Residents by Property Owners

1. Within (30) days of the effective date of this Ordinance, each property owner shall submit to the Township Secretary a list specifying the names and addresses of all persons who occupy as full-time residents any property located in Cooke Township. The Cooke Township Board of Supervisors may, by resolution, provide a standard form to assist property owners in submitting this information.
2. Within (30) days of when a person begins or ends full-time occupation of a residence, each property owner shall submit to the Township Secretary an updated list specifying the names and addresses of all persons who occupy the residence.
3. From time to time, in order to verify and update information on record, the Cooke Township Board of Supervisors may, by resolution, require that each property owner submit to the Township Secretary a new complete list specifying the names and addresses of all persons who occupy as full-time residents any property located in Cooke Township.

Section 5
Enforcement

The Cooke Township Supervisors, Township Codes Enforcement Officer, or other designated person shall be responsible for enforcing the provisions of this Ordinance.

Section 6
Severability

The provisions of this Ordinance are severable, and if any provision of this Ordinance or the application thereof is held invalid, the invalidity shall not affect other provisions or applications of this Ordinance.

Section 7
Penalties

Any person who shall violate or permit the violation of this Ordinance shall, upon being found liable therefor in a civil proceeding commenced by this Township, pay a civil penalty of not less than Fifty (\$50) Dollars and not more than One Thousand (\$1000) Dollars plus all court costs, including reasonable attorney fees, incurred by this Township.

Section 8
Inconsistent Ordinances Repealed

All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

ENACTED and ORDAINED, this 7TH day of DECEMBER 2004.

SAM SANGIALOSI, CHAIRMAN

CARL W. JONES III, VICE-CHAIRMAN

DIANE M. BATT, SUPERVISOR

ATTEST:

JANET FRANTZ, SECRETARY