

Chapter 68

OCCUPANCY/REMOVAL PERMITS

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[HISTORY: Adopted by the Board of Supervisors of the Township of Donegal 8-14-1996 by Ord. No. 96-1. Amendments noted where applicable.]

GENERAL REFERENCES

Taxation — See Ch. 114.

§ 68-1. Definitions.

The following words when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates or requires a different meaning:

MOVED or MOVING — The act of effecting a change in the occupancy of any residence or place of business, or the act of occupying a formerly vacant residence or place of business, or the act of rendering a residence or place of business vacant.

PERSON — Any natural person, landlord, mobile home park manager, partnership, association, firm or corporation.

PLACE OF BUSINESS — Any building or portion thereof used or useful for the purpose of housing any business, trade or other commercial activity, or for the purpose of housing any business office, professional office, or other similar activity.

RESIDENCE — Any house, mobile home, apartment, or other dwelling unit designed for the use of one or more persons as a place of abode, excluding hotel rooms, motel units and other similar accommodations for transient persons, i.e., campers and motor homes, unless they are the primary residence of a person living in the Township.

§ 68-2. Permit required.

No person shall move into or vacate any residence or place of business within Donegal Township without first obtaining an occupancy/removal permit from the Township Secretary/Treasurer; nor shall any landlord/mobile home park manager permit a tenant to move into or out of a residence or business owned, operated or controlled by the landlord/mobile home park manager without obtaining from the tenant a copy of the occupancy/removal permit required herein.

§ 68-3. Permit to be provided by Township.

The occupancy/removal permit required hereunder shall be obtained at the Township office from the Township Secretary/Treasurer, and such permit shall be given upon forms provided by the Township.

§ 68-4. Who may obtain permit; fee. ¹

The occupancy/removal permit required under this chapter may be obtained by the owner of the premises, the person desiring to move, or by the person engaged to perform the moving service, and the person giving such notification shall be required to pay a fee as set from time to time by resolution of the Board of Supervisors for the purpose of defraying the costs of administering the requirements of this chapter.

§ 68-5. Permit issuance and record. ²

The Township Secretary/Treasurer shall issue an occupancy/removal permit and a receipt for the fee set forth in § 68-4, and a record thereof shall be kept in the Township office records.

§ 68-6. Review by enforcing officers.

The Police Department/Township Enforcement Officer is hereby charged with the responsibility of reviewing daily the permits issued pursuant to this chapter, and of informing the members of the police force thereof.

§ 68-7. Notification of tax collectors.

The Township Secretary/Treasurer shall have the duty to notify the earned income tax collectors and real estate tax collector at least quarterly of the notifications filed under this chapter so that the tax collector may revise his or her records of taxables in reliance thereon.

§ 68-8. Violations and penalties. ³

A. The police officer or code enforcement officer shall determine in each instance whether a violation has occurred under this chapter. Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

- B. It shall be considered a violation of this chapter when a person fails to obtain the occupancy/removal permit required hereunder or when any person moves the property of any other person into or out of any residence or place of business, or when a landlord/mobile home park manager fails to obtain the occupancy/removal permit required from a tenant when he moves into or out of any residence or business owned, operated and controlled by the landlord/mobile home park manager located in the Township.