

BOROUGH OF PITCAIRN

ORDINANCE 781 of 2011

AN ORDINANCE OF BOROUGH OF PITCAIRN, ALLEGHENY COUNTY, PENNSYLVANIA ESTABLISHING A PROCESS FOR ENFORCING DISTRAINTS TO ENABLE THE BOROUGH TO COLLECT REAL ESTATE TAXES; ESTABLISHING A CIVIL PENALTY FOR TENANTS IN POSSESSION WHO REFUSE TO COMPLY WITH A DISTRAINT NOTICE

WHEREAS, Pitcairn Borough has experienced difficulties in collecting real estate taxes from rental properties; and

WHEREAS, pursuant to the authority of the Act of May 25, 1945, P. L. 1050, § 19; 72 P.S. §5511.19, a municipality is authorized to collect rent from a tenant in possession of real property where the land owner has failed to pay real estate taxes; and

WHEREAS, enforcement is authorized by the Tax Collector; and

WHEREAS, it is necessary to ordain civil penalties for those tenants who refuse to comply with a notice of distraint; and

WHEREAS, Borough Council has determined that this Ordinance is in the best interests and welfare of the residents of the Borough; and

WHEREAS, this Ordinance is authorized by the Borough Code and the Pennsylvania statute cited above.

NOW, BE IT ORDAINED AND ENACTED by the Council for the Borough of Pitcairn, and it is hereby **ORDAINED AND ENACTED** by authority of the same as follows:

SECTION 1. The Borough Tax Collector or the Delinquent Tax Collector, as the case may be, is hereby authorized to utilize and enforce the provisions of the Act of May 25, 1945, P. L. 1050, § 19; 72 P.S. §5511.19. If any tenant fails to pay any rent to the Tax Collector

following service of a notice of distraint, the Tax Collector or other Borough officials are authorized to issue a citation and/or institute civil litigation against such tenant for the tenant's failure to comply with the distraint. Such civil litigation and/or citation is authorized by the Tax Collector and may be prosecuted in the name of the Borough and initiated by any Borough official.

SECTION 2. Any tenant who fails to comply with a distraint notice shall be subject to a civil penalty for such refusal in the amount of \$500.00 for each month such tenant fails to pay commencing on the first day of the month following service of the distraint notice. Such tenant shall also be liable for court costs and reasonable costs and fees incurred by the Borough or Tax Collector in pursuing a remedy against a non-complying tenant. Any net proceeds received by the Tax Collector or Borough shall be applied to the outstanding tax bill of the landowner.

SECTION 3. Council for the Borough of Pitcairn intends to enact this ordinance as a constitutional legislation of the Borough of Pitcairn. If any word, clause, section, sentence, paragraph or other part of this ordinance is, for any reason, found to be unconstitutional, illegal or invalid by any Court of competent jurisdiction in the Commonwealth of Pennsylvania or the Judicial System of the United States of America, such unconstitutionality, legality or invalidity shall not affect, nor impair any of the remaining provisions, words, sentences, clauses, paragraph, sections or parts of this ordinance. It is hereby declared as the intent of the Council of the Borough of Pitcairn that this ordinance would have been adopted had such unconstitutional, illegal, or invalid word, clause, section, sentence, paragraph or part thereof, not been included herein.

SECTION 4. Any Ordinance or portions of Ordinances in which are inconsistent herewith are hereby repealed to the extent of the inconsistency.

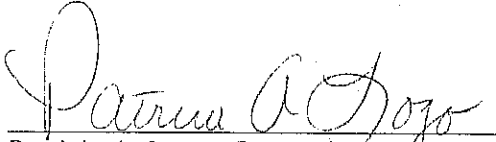
SECTION 5. This Ordinance shall take effect immediately.

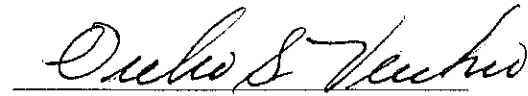
This Ordinance shall take effect immediately.

This Ordinance shall be effective five (5) days from the date of its adoption and advertisement.

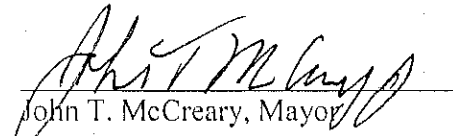
ATTEST:

BOROUGH OF PITCAIRN:



Patricia A. Logo, Borough Manager


Orelia Vecchio, President,
Pitcairn Borough Council

EXAMINED AND APPROVED by me this 23 day of October, 2011.


John T. McCreary, Mayor

APPROVED AS TO FORM:


Craig H. Alexander, Esquire
Solicitor