

ORDINANCE NO. 1972

AN ORDINANCE OF THE TOWNSHIP OF ABINGTON AMENDING ORDINANCE 409, ENACTED FEBRUARY 10, 1938, AS THEREAFTER AMENDED, CODIFIED AS CHAPTER 125 OF THE CODE OF THE TOWNSHIP OF ABINGTON, TO REQUIRE THE REGISTRATION OF DEEDS IN THE OFFICE OF THE TOWNSHIP ENGINEER WITHIN TWO BUSINESS DAYS FOLLOWING THE RECORDING OF SUCH DEEDS IN THE OFFICE OF THE RECORDER OF DEEDS FOR MONTGOMERY COUNTY; TO DELETE THE REQUIREMENT THAT DEEDS BE REGISTERED IN THE OFFICE OF THE TOWNSHIP ENGINEER PRIOR TO RECORDING WITH THE OFFICE OF THE RECORDER OF DEEDS; TO SET THE FILING FEE FOR REGISTRATION AT \$10; TO PROVIDE FOR THE MANNER OF PAYING FILING FEE; TO INCREASE THE MAXIMUM FINE FOR VIOLATION FROM \$100 TO \$600; AND REPEALING INCONSISTENT ORDINANCES

WHEREAS, Ordinance 409 of the Township of Abington, adopted February 10, 1938, as thereafter amended, provides that the Office of the Recorder Of Deeds of Montgomery County shall not admit for record any deed to any property in Abington Township unless the same shall first have been registered with the Township Engineer; and

WHEREAS, Act 110 of 2008, signed into law October 8, 2008, and effective December 8, 2008, prohibits a municipality from requiring that registration of a deed be made prior to the recordation of the original deed with the recorder of deeds, but permits a municipality to require that deeds be registered with the municipality within two business days of the date of recording with the recorder of deeds, or, in lieu thereof, to permit the municipality and the recorder of deeds to enter into an agreement for the access of information by the municipality regarding conveyances of real property, and provides for the method of payment of registration fees.

NOW, THEREFORE, the Board of Commissioners of the Township of Abington does hereby ENACT and ORDAIN as follows:

Section 1. That portion of Ordinance 409, as amended by Ordinance 1647, and codified as section 125-4 of the Code of the Township of Abington, shall be and hereby is amended to read as follows:

§ 125-4. Registration Requirements.

(a) All persons acquiring title to real estate in Abington Township, whether by purchase, devise, partition or in any other manner whatsoever, shall present the deed for such real estate to the Township Engineer for filing at his office in the Township building, within two business days of the recording of such deed in the Montgomery County Office for the Recording of Deeds. The deed so presented to the Township Engineer shall be in the form recorded in the Montgomery County Office for the Recording of

Deeds. Deeds may be presented in person, or may be sent to the Township Engineer by registered or certified mail, return receipt requested.

(b) In lieu of the requirements of subsection (a), the Township may elect to enter into an agreement with the recorder of Deeds whereby the recorder of deeds shall compile and electronically transmit to the Township or otherwise provide the Township with access to information regarding conveyances of real property.

Section 2. That portion of Ordinance 409, as amended by Ordinance 1647, and codified as section 125-5 of the Code of the Township of Abington, shall be and hereby is deleted.

Section 3. That portion of Ordinance 409, as amended by Ordinance 1647, and codified as section 125-5.1 of the Code of the Township of Abington, shall be and hereby is amended to read as follows:

§ 125-5.1. Filing fee.

A fee of \$10 shall be paid for each registry of ownership filed. The fee imposed by this section shall be paid as follows: (1) the fee shall accompany any copy of a deed that is registered in accordance with section 125-4(a), or (2) the fee shall be delivered or mailed, first class prepaid, to the Township within seven business days after recordation in the event that the Township enters into an agreement with the Montgomery County Office of the Recorder of Deeds in accordance with section 125-4(b).

Section 4. That portion of Ordinance 409, as amended by Ordinance 1420, and as further amended by Ordinance 1647, and codified as section 125-6 of the Code of the Township of Abington, shall be and hereby is amended to read as follows:

§ 125-6. Violations and penalties.

Any person or persons neglecting or refusing to comply with the provisions of this chapter shall be guilty of a summary offense, and upon conviction thereof before the District Justice, shall be subject to a fine not to exceed \$600, plus the costs of prosecution.

Section 5. Repealer. All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

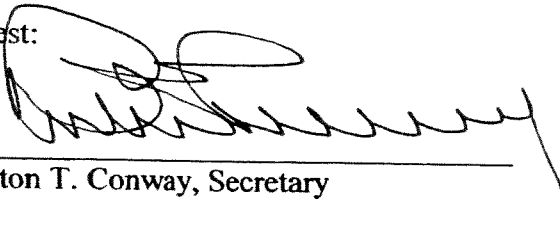
Section 6. Severability. In the event that any section, sentence, clause or word of this ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent

jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose the validity of the remaining portions of this ordinance.

Section 7. Effective Date. This Ordinance shall be effective as of the date of enactment.


ENACTED and ORDAINED this 11th day of December, 2008.

Attest:



Burton T. Conway, Secretary

TOWNSHIP OF ABINGTON

By: 

Carol T. DiJoseph, President
Board of Commissioners