

BOROUGH OF PITCAIRN

ORDINANCE NO. 1049

AN ORDINANCE OF THE BOROUGH OF PITCAIRN, ALLEGHENY COUNTY, PENNSYLVANIA, ESTABLISHING A VACANT, ABANDONED, AND FORECLOSED PROPERTY REGISTRATION AND MAINTENANCE PROGRAM AS A MECHANISM TO PROTECT NEIGHBORHOODS AND MINIMIZE HAZARDS TO PERSONS AND PROPERTY AS A RESULT OF THE VACANCY.

Section 1. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

AGENT

An individual with a place of business in this state in which he or she is authorized to accept inquiries, notices, and service of process on behalf of a vacant, abandoned, or foreclosed real property owner.

COMMERCIAL PROPERTY

A building that is used, or partially used, for commercial business activities, including, but not limited to, stores, offices, schools, churches, gymnasiums, libraries, museums, hospitals, clinics, warehouses, and jails.

COMMERCIAL BUSINESS

Any business that relates to the exchange of goods or services.

CREDITOR

A federal or state-chartered bank, savings bank, savings-and-loan association, credit union, mortgagee, and any entity acting on behalf of the creditor named in the debt obligation, including, but not limited to, servicers.

INDUSTRIAL BUILDING

Property or design for, or used by, companies or persons for manufacturing, warehousing or assemblage of components.

INDUSTRIAL BUSINESS

Any business that relates to the production or manufacture of goods.

OWNER

Any person, co-partnership, association, corporation, fiduciary or other legal entity having a legal or equitable title or any interest in any real property.

RESIDENTIAL PROPERTY

Real property with one to four dwelling units.

VACANT

A residential, commercial, or industrial property with no legal resident or tenant. Evidence of vacancy includes any condition that, on its own or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to, overgrown or dead vegetation; accumulation of flyers, mail, or trash; disconnected utilities; the absence of window coverings or furniture; and statements by neighbors, delivery persons, or government employees.

Section 2. Registration.

- A. Upon knowledge of a residential, commercial, or industrial property being vacant, the owner and/or creditor shall, within 15 days, register the property as a vacant property with the Code Enforcement Office of the Borough of Pitcairn in which the property is located for the purpose of minimizing hazards to persons and property as a result of the vacancy.
- B. Upon filing a complaint of foreclosure or executing a deed in lieu of foreclosure on a residential, commercial, or industrial property located in the Borough of Pitcairn, and when a registration as prescribed in Subsection A has not yet been completed, the creditor shall, within seven days, register the property as a property in foreclosure with the Code Enforcement Office of the Borough of Pitcairn in which the property is located for the purpose of minimizing hazards to persons and property as a result of the potential for vacancy.
- C. Registration shall include the address of the property, the name and contact information of an agent located within Pennsylvania who is authorized to accept service on behalf of the creditor, if applicable, the name and contact information for a property preservation company or property manager, if applicable, along with any additional information deemed necessary by the appropriate municipal department.
- D. The creditor is required to update the registration form with all pertinent information if:
 - (1) The property becomes vacant at any time after a creditor submits a registration as prescribed in Subsection B; or
 - (2) A creditor files a complaint of foreclosure or executes a deed in lieu of foreclosure at any time after a creditor submits a registration as prescribed in Subsection A; or
 - (3) The creditor acquires title to the property at Sheriff/foreclosure sale; or
 - (4) Any previously provided information, i.e., name or contact information of agent or property preservation vendor, changes.
- E. Registration forms and instructions will be provided by the City.
- F. The City may utilize a third party to administer the program, and all relevant information is to be submitted to them.

Section 3. Maintenance; notice of violations.

- A. The owner or creditor is required to conduct regular inspections, at a minimum of once a month, to ensure the property is compliant with all City property maintenance codes.
- B. For all registered properties, if the City determines the property is in violation of any ordinance regulating a nuisance, the City may notify the owner or creditor of the violation by providing notice, pursuant to the terms of the property maintenance codes, of the violation by electronic mail, and/or certified mail, return receipt requested, to the person identified in Subsection A of this section. The City may require the owner to correct the violation, and may require the creditor to correct the violation to the extent consistent with the terms of the mortgage.
- C. A notice of violation shall include a description of the conditions that give rise to the violation with the notice of violation and shall provide a period of not less than seven days from the owner's or creditor's receipt of the notice for the owner or creditor to remedy the violation. The appropriate municipal official may require expedited maintenance actions in certain emergency situations, such as vandalism, unsecured entranceways, criminal activity, etc.
- D. The vacant storefront of a commercial or industrial building located in the Borough of Pitcairn shall be maintained in good condition, kept neat, clean, secure, free of graffiti, and lighted.
- E. In order to improve the appearance of vacant storefronts and improve overall security, any vacant storefront that is located within the Borough of Pitcairn shall, not more than 60 business days after the date on which the ground floor premises first becomes vacant, contain a window display, or other form of decorative screen, in each of the storefront windows. A variety of window displays are acceptable provided they have a professional appearance, achieve a desired coverage of 60% to 100%, and are not offensive to the general public. The Borough of Pitcairn shall approve all window displays. No windows shall be boarded up for a period exceeding seven (7) days.

Section 4. Liability insurance.

- A. Every registering owner or creditor is required to acquire or maintain liability insurance in the amount of not less than \$300,000 for each residential property and \$1,000,000 for each commercial and industrial property. The owner or creditor must provide written notice to the municipality within 30 days of any lapse, cancellation or change in coverage.
- B. Every registering owner or creditor is required to include evidence of insurance coverage, such as a certificate of liability insurance, with the registration statement.

Section 5. Enforcement.

- A. Any owner or creditor that fails to register a vacant property with the City shall be subject to a citation against the owner or creditor in the amount of \$1,000, payable to the City, for each day of delinquency.
- B. If the owner or creditor fails to remedy the violation within the stated period, the City may issue a citation against the owner or creditor in the amount of \$1,000, payable to the City, for each day of delinquency.

Section 6. Administrative fees; registration renewal.

- A. Any entity which is required to register a residential, commercial or industrial property with the City under this chapter shall be required to pay an administrative fee under the Annual Fee Schedule Resolution that reasonably approximates the cost to the City of the establishment, maintenance, operation, and administration of the registry.
- B. The registration shall remain valid for one year from the date of registration. The owner or creditor shall be required to renew the registration annually as long as the property fulfills the criteria described in Section 2- Registration and shall pay the appropriate registration or renewal fee per the fee schedule
- C. This fee is renewable annually until such time that:
 - (1) For properties registered under Section 2A Registration, the property is legally reoccupied or the property is transferred to an unaffiliated third party.
 - (2) For properties registered under Section 2B Registration, the foreclosure action is dismissed or the property is transferred to an unaffiliated third party. If the foreclosure action is dismissed however and the property remains vacant, the annual renewal is still required.
 - (3) The creditor releases their lien, thereby removing their interest.

Section 7. Deregistration.

- A. When any registered property transfers to an unaffiliated third party, or the foreclosure action is dismissed, and the property is occupied, or is legally reoccupied and not subject to a foreclosure action, or the registering creditor releases the lien, a deregistration is to be completed. Registration forms and instructions will be provided by the City or its third party administrator.

Section 8. Exemptions.

- A. The following circumstances may warrant an exemption from registration and/or payment of

a fee:

- (1) If the property is habitable wherein all building systems are in sound working order, which is evidenced by the issuance of a certificate of occupancy, and the building and grounds are maintained in good order, and the building is being actively marketed for sale or rental and actively maintained. Evidence of property being marketed for sale or rent could include, but is not limited to, retaining a licensed real estate agent or broker to list the property for sale or rent, or taking out advertisements in various media forms, such as newspapers and online services, and needs to be provided to the designated municipal official, who may request additional information, for example, any available photos, price, and agent information.
- (2) An owner submits plans to the designated municipal official demonstrating that the property will be completely rehabilitated and restored to productive use and occupancy within 12 months following the initial property registration, along with a certified letter from a licensed contractor or architect stating that the property is capable of being completely rehabilitated and restored to productive use and occupancy within the 12 months following the initial property registration. In the interim, the property is actively maintained. The designated municipal official may request additional information, for example, any available photos, plot plan, layout plan, etc.
- (3) The owner certifies to the designated municipal official that the vacancy is a result of damage from a natural disaster in the past six months and the owner is actively seeking insurance proceeds or federal/state assistance to rehabilitate. The owner is required to update the designated municipal official monthly until the property is rehabilitated.
- (4) The owner certifies the vacancy is a result of a fire in the past 30 days and the owner is actively seeking insurance proceeds to rehabilitate. The owner is required to update the designated municipal official monthly until the property is rehabilitated.
- (5) The owner certifies to the designated municipal official that the vacancy is not an abandonment and is utilized as a vacation home, or conversely the property is vacant while the owner resides at a vacation home, and the subject property is actively maintained.
- (6) The owner is on active duty with any branch of the U.S. Armed Services.

B. In determining whether a request for exemption should be granted, the designated municipal official shall consider the following:

- (1) The applicant's prior record as it pertains to the City's Housing Code, Building Code, or Property Maintenance Code violations.

- (2) The amount of vacant property the applicant currently has within the City, and the length of time that the building for which the exception is sought has been vacant.
- (3) The proximity of the vacant property to a school, which requires additional safety considerations.

C. Forms and instructions will be provided by the City or its third part administrator.

Section 9. Effective date.

ORDAINED AND ENACTED this 11 day of July, 2022.

ATTEST:

BOROUGH OF PITCAIRN



Michael Bolen
Borough Manager



James Rullo, President
Borough Council

APPROVED AS TO FORM:

Margaret P. Stevick
Mayor, Borough of Pitcairn

Michael J. Witherel, Esq.
Borough Solicitor