

451

Vacant Building

**AN ORDINANCE OF THE BOROUGH OF SUSQUEHANNA DEPOT,
COUNTY OF SUSQUEHANNA, COMMONWEALTH OF PENNSYLVANIA,
ORDINANCE NO. 451 PROVIDING FOR THE VACANT BUILDING REGISTRY
AND MAINTENANCE OF ALL BUILDINGS IN THE BOROUGH OF
SUSQUEHANNA DEPOT.**

BE IT ORDERED AND ENACTED by the Council of the Borough of Susquehanna Depot, County of Susquehanna, Commonwealth of Pennsylvania, in regular meeting assembled.

THE BOROUGH OF SUSQUEHANNA DEPOT HEREBY ORDAINS AS
FOLLOWS:

Vacant Building Registry and Maintenance

A. Legislative findings and purpose.

It is the finding of the Common Council that vacant buildings are unsightly, unsafe, and have a negative effect on the community. Unfortunately, many buildings, once vacant, remain that way for years. The purpose of this article is to establish a program for identifying and registering vacant buildings, to set forth the responsibilities of owners of vacant buildings, and to speed the rehabilitation of vacant buildings.

B. Definitions.

Unless otherwise expressly stated, the following terms will, for the purpose of this article, have the meanings indicated in this section:

EMERGENCY SITUATION - Where the condition of a building, structure, or any part thereof is an imminent, immediate, and substantial danger to the health or safety of occupants and/or the general public. Such conditions, include, but are not limited to, fire hazards, falling or dilapidated buildings, structures, or any part thereof, loss of significant water, heat, ventilation, or a lack of sanitary conditions.

ENFORCEMENT OFFICER - Any duly authorized Borough of Susquehanna Depot employee of the Codes Enforcement Office.

OWNER - The person, persons, or entity shown to be the owner or owners on the records of the County of Susquehanna Department of Assessment, those identified as the owner or owners on a vacant building registration form, a mortgagee in possession, a mortgagor in possession, assignee of rents, receiver, executor, trustee, lessee, other person, firm or corporation in control of the premises. Any such person will have joint and several obligations for compliance with the provisions of this article.

UNOCCUPIED - A building or portion thereof which lacks the habitual presence of human beings who have a legal right to be on the premises, including buildings ordered vacated by an enforcement officer. In determining whether a building is unoccupied, the Enforcement Officer may consider these factors, among others: (i) whether lawful residential or business activity has ceased; (ii) the percentage of the overall square footage of the occupied to unoccupied space or the overall number of occupied and unoccupied units; (iii) the building is substantially devoid of contents or the minimal value of fixtures or personal property in the building; (iv) the building lacks utility services; (v) the building is subject to a foreclosure action and/or (vi) the presence or reoccurrence of code violations.

UNSECURED - A building or portion of a building which is open to entry by unauthorized persons.

VACANT BUILDING - A building, a portion of a building, or a structure which is anyone or more of the below:

- (a) Unoccupied and unsecured;
- (b) Unoccupied and an unsafe building as determined by an Enforcement Officer;
- (c) Unoccupied and enforcement officer has issued an order to correct code violations;
- (d) Illegally occupied; or
- (e) Unoccupied for a period of time over 30 days.

C. Vacant building registration.

1. The owner of a vacant building will register with the Code Enforcement Office of the Borough of Susquehanna Depot no later than 30 days after any building becomes a "vacant building," as defined above, or not later than 30 days after being notified by an Enforcement Officer of the requirement to register. An Enforcement Officer may identify vacant buildings through his/her routine inspection process as well as through notification by residents, neighborhood associations and other community groups that a building may be eligible for inclusion on the registry. Notice will be served upon, or sent by mail to, the owner, and any registered property manager, and to the property address. Notice will be deemed received by the owner, property manager, or an occupant, as the case may be, upon personal delivery or three days in Susquehanna County or five days for other locations after service by first class mail.
2. The registration will be submitted on forms provided by the Code Enforcement Office and will include the following information:
 - (a) A brief description of the premises, the names, addresses, and telephone numbers of the owner or owners and/or local property managers. The address must include a street address; a post office box is not acceptable.

(b) The names and addresses of all known lien holders and all other parties with an ownership interest in the building. Each address must include a street address; a post office box is not acceptable.

(c) A name, address, and telephone number of a responsible natural person (not a corporation, partnership, or limited liability company) who can be reached at all times during business and non-business hours. The address must include a street address; a post office box is not acceptable.

(d) A vacant building plan as described in Subsection 3 below.

3. The owner will submit a vacant building plan which must meet the approval of the Code Enforcement Office. The Code Enforcement will consult with the Council of the Borough of Susquehanna Depot and/or the Planning and/or Zoning Board, as the case may be. The plan, at a minimum, must contain information from one of the following three proposals for the property:

(a) If the building is to be demolished~ a demolition plan indicating the proposed time frame for demolition;

(b) If the building is to remain vacant, a plan for the securing of the building in accordance with standards provided below, along with the procedure that will be used to maintain the property, and a statement of the reason(s) why the building will be left vacant; or

(c) If the building is to be returned to appropriate occupancy or use, rehabilitation plans for the building. The rehabilitation plans will not exceed 365 days from the date of submission and will include progress benchmarks at least every four (4) months, unless the Code Enforcement Office grants an extension for good cause shown, upon receipt of a written statement from the owner detailing the reasons for the extension. Any repairs, improvements or alterations to the property must comply with any applicable zoning, housing, historic preservation or building codes. The building must be secured during the rehabilitation.

4. The owner will comply with all applicable laws and codes. The owner will notify the Code Enforcement Office of any changes in information supplied as part of the vacant building registration within 30 days of the change. If the plan or timetable for the vacant building is revised in any way, the revisions must be in writing and must meet the approval of the Enforcement Officer.

5. The owner and any subsequent owner will keep the building secured and safe and the building and ground properly maintained.

6. Failure of the owner or any subsequent owner to maintain the building and premises as required herein will be grounds for the Borough (i) to revoke the rehabilitation plans; and (ii) the owner will be subject to fees and penalties as provided herein.

7. Any new owner will register or re-register the vacant building with the Code Enforcement Office within 30 days of any transfer of an ownership interest in a vacant building. The new owner will comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and meet the approval of the Code Enforcement Office.

8. Vacant building registration fees.

- (a) The owner of a vacant building will pay a registration fee of \$50. The \$50 registration fee is due and payable upon registration; to wit: no later than thirty (30) days after any building becomes a "vacant building," as defined above, or no later than thirty (30) days after being notified by an Enforcement Officer of the requirement to register.
- (b) If the building is to remain vacant pursuant to Subsection 3 (b) above, then the owner will also pay an annual vacant building fee of \$500 until the building is properly demolished or rehabilitated. The \$500 annual vacant building fee is due and payable together with the \$50 registration fee and on each anniversary thereafter until the building is demolished or rehabilitated.
- (c) If the building is to be returned to appropriate occupancy or use pursuant to Subsection 4 (c) above, the rehabilitation plan will not exceed 365 days and will include progress benchmarks at least every four (4) months, unless the Enforcement Officer grants an extension for good cause shown upon receipt of a written statement from the owner detailing the reasons for the extension. If the rehabilitation has not been completed or extended by the Enforcement Officer, then the owner will pay an annual vacant building fee of \$500 until the building is properly demolished or rehabilitated. The \$500 annual vacant building fee is payable either on each anniversary of the payment of the \$50 registration fee in (a) above or no later than fifteen (15) days after being notified by an Enforcement Officer that the owner has failed to meet a required benchmark, whichever date is earlier, and on each anniversary thereafter until the building is demolished or rehabilitated.
- (d) If the owner of a vacant building fails to register and pay the fees in a timely manner, then the owner will be subject to the penalty set forth below.
- (e) All delinquent fees will be paid by the owner prior to any transfer of an ownership interest in any vacant building. If the fees are not paid prior to any transfer, the new owner will pay the annual fee plus \$300, no later than 30 days after the transfer of ownership, and subsequent annual fees will be due on the new anniversary date.
- (f) The vacant building registration fees and annual vacant building fees as set forth above are to be delivered, by mail or in person, to the Secretary/Treasurer's Office, Borough Building, 284 Erie Blvd., Susquehanna, P A 18847. A late charge of 1-1/2 % per month or any part thereof, will be assessed on any invoice which is unpaid after thirty (30) days from the date of the demand for payment or an invoice. A \$30.00 processing fee will be charged for each check returned by the bank due to insufficient funds or other reason. A replacement payment must be made in cash, money order, bank or certified check, and must include the \$30.00 fee and any applicable late charges.

D. Maintenance.

- 1. The owner of a vacant building will take such steps and perform such acts as may be required of him or her from time to time to ensure that the building and its adjoining yard remain safe and secure and do not present a hazard to the adjoining property or the public. Owners will be

responsible for maintaining their buildings and structures so that they do not become an unoccupied hazard. In any building or floor area that is vacant or about to become vacant, there will be at least one access which meets the approval of the Enforcement Officer.

2. The owner protects and maintains the exterior of the building as per the current International Property Maintenance and Existing Building Codes.
3. In addition to the standards prescribed above, vacant commercial and retail buildings shall also comply with the current International Property Maintenance and Existing Building Codes
4. The owner maintains the premises as follows:
 - (a) The owner will not permit garbage and refuse to accumulate.
 - (b) Buildings and structures will be maintained free of insects, vermm and rodent harborage and infestation.
 - (c) Refrigerators and similar equipment with locking mechanisms will not be discarded, without first removing the locking devices or the hinges of the doors.
 - (d) If the building is to be demolished or remain vacant, then, within ten (10) days of registering the building as a vacant building, all fuel gas, water, and utilities must be disconnected at the mains and water pipes drained. If the building is going to be rehabilitated, then the building must be heated to avoid freezing pipes, fuel gas pipe systems must be maintained gastight, safe and operative condition, and water pipes must be maintained to avoid leaks and/or breakage.
 - (e) The domestic water supply system of the building will be connected to an approved source, will not be subject to contamination and will not be connected to unsafe water supplies or the system will be disconnected at the main and completely drained.
 - (f) Storm water drainage systems will be maintained so as to function properly and be kept free from obstructions, leaks and defects. Sewage systems will be similarly maintained or will be sealed so as to prevent accumulation of sewage gases in buildings.
 - (g) Electrical fixtures, devices, wiring and systems will be maintained in safe working condition in a manner which will avoid a potential source of ignition or shock or service will be discontinued at the supply.
 - (h) Elevators, dumbwaiters and escalators will be maintained or taken out of service, in accordance with ADA.
 - (i) The owner will provide for snow removal as per Ordinance #421.
 - (j) The owner will maintain yards and vacant lots trimmed and mowed, with the height of grass and weeds being no more than 10 inches, and clean and free of physical hazards, rodent harborage and infestation.

- k) Elevators, dumbwaiters and escalators will be maintained or taken out of service, in accordance with ANSI A17.1.
 - (l) The owner will provide for snow removal as required by § 256-13.I(4).
 - (m) The owner will maintain yards and vacant lots trimmed and mowed, with the height of grass and weeds being no more than 10 inches, and clean and free of physical hazards, rodent harborage and infestation as required by § 256-13.H.
6. Whenever the owner of a vacant building fails to comply with a notice from an Enforcement Officer to take steps and perform acts as are required of him or her to ensure that a building and its adjoining yards remain safe and secure and do not present a hazard to adjoining property in violation of subsection 2 above, the Borough may, pursuant to §265-4, *Enforcement*, enter onto the building and the property and take steps and perform acts to render the building and its adjoining yards safe, secure and free from hazards to adjoining property and the public. These acts will include but not be limited to removal of dangerous conditions, properly replacing or boarding up windows and doors, shutting off utilities, capping plumbing to prevent leakage of water or sewer gas, or removing flammable or otherwise hazardous material and debris. A bill for the expenses incurred above will be presented to the owners of the building consistent with the provisions outlined in §265-4 and § 265-13.J(2) of this chapter.

E. Exemptions.

A building which has suffered fire damage or damage caused by extreme weather conditions will be exempt from the registration requirement for a period of 90 days after the date of the fire or extreme weather event if the property owner submits a request for exemption in writing to the Code Enforcement Office. This request will include the following information supplied by the owner:

1. A description of the premises.
2. The reason for an exemption.
3. The names and addresses of the owner or owners. A post office box is not acceptable.
4. A statement of intent to repair and reoccupy the building in an expedient manner, or the intent to demolish the building.

F. Inspections.

By registering a vacant building, an owner consents to an Enforcement Officer inspecting the premises for the purpose of enforcing and assuring compliance with the provisions of this article. Upon the request of the Enforcement Officer, an owner will provide access to all interior portions of a vacant building in order to permit a complete inspection. Nothing contained herein, however, will diminish the owner's right to insist upon the procurement of a search warrant from a court of competent jurisdiction by the Enforcement Officer or his or her designee in order to enable such inspection, and the Enforcement Officer will be required to obtain a search warrant whenever an owner refuses to permit a warrantless inspection of the premises after having been advised of his or her constitutional right to refuse entry without same. In the case of an emergency this section will not apply.

G. Annual reports.

Once a year, the Code Enforcement Office will send to the Mayor and to the Council a list of all buildings in the Borough declared vacant under the provisions of this article, as well as a list of all previously declared vacant buildings which are no longer subject to the provisions of this article. This information may be published on the City's website.

H. Penalties for offenses.

Any person violating any provision of this Vacant Building Registry, including failure to register, any provision of Chapter 133 or of the Uniform Fire Prevention and Building Code, or providing false information to the Enforcement Officer will be subject to the following fines:

1. Such person will be subject to a fine of \$1,000 or imprisonment not exceeding six months, or both such fine and imprisonment.
2. The term "person," as used in this section, will include the owner, occupant, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of the building or part thereof.
3. Each day of violation will be deemed to constitute a separate offense.
4. Fines levied will constitute civil forfeitures to the Borough of Susquehanna.

11/26/13

* ordinance # 451 - This was found in ordinance Book without the last 2 page and with copy of min. from 11/22/08 and 1/2 of ordinance 452.

No signature - M. Bugard 11/26/13

BOROUGH OF SUSQUEHANNA DEPOT*Council Meeting***Minutes of February 27, 2008**

The regular meeting of the Council of Susquehanna Depot was called to order at 7:00 p.m. by President Mike Matis followed by the Pledge of Allegiance.

Councilmen present: Bill Iveson, Bill Kuiper, Mike Matis, Bill Perry, and Dave Scales.

Mayor Denise Reddon and Secretary Ann Stewart were present.

Guests present: Helen Foster, Barb Whitehead, Dennis Martel and Bill Perry, Sr.

MOTION: by Bill Perry, second by Bill Kuiper, to approve the agenda. All were in favor; motion carried.

MOTION: by Bill Perry, second by Bill Kuiper to approve the minutes of the meeting of 1/22/08. All were in favor; motion carried.

MOTION: by Bill Kuiper, second by Bill Perry to approve the minutes of the Special meeting held on 2/13/08. All were in favor; motion carried.

MOTION: by Bill Perry, second by Dave Scales to approve the Bill List of 2/27/08. Roll call: Bill Iveson, aye; Bill Kuiper, aye; Mike Matis, aye; Bill Perry, aye; Dave Scales, aye. Motion carried.

MOTION: by Bill Kuiper, second by Bill Iveson to adopt Amendment to Ordinance #428 which amends the Rental Inspection fee schedule and also pertains to disruptive tenants. Roll call: Bill Iveson, aye; Bill Kuiper, aye; Mike Matis, aye; Bill Perry, aye; Dave Scales, aye. Motion carried.

MOTION: by Bill Perry, second by Bill Kuiper to adopt Ordinance #451, known as the Vacant Home Ordinance. Roll call: Bill Iveson, aye; Bill Kuiper, aye; Mike Matis, aye; Bill Perry, aye; Dave Scales, aye. Motion carried.

MOTION: by Dave Scales, second by Bill Kuiper to advertise the proposed Noise Ordinance to be adopted at the March 25th council meeting. Roll call: Bill Iveson, aye; Bill Kuiper, aye; Mike Matis, aye; Bill Perry, aye; Dave Scales, aye. Motion carried.

MOTION: by Dave Scales, second by Bill Iveson to transfer \$900.00 from the Parks & Recreation allocation line item in the budget into the Parks & Recreation salary line item. Roll call: Bill Iveson, aye; Bill Kuiper, aye; Mike Matis, aye; Bill Perry, nay; Dave Scales, aye. Motion carried.

BOROUGH OF SUSQUEHANNA DEPOT*Council Meeting***Minutes of January 22, 2008**

The regular meeting of the Council of Susquehanna Depot was called to order at 7:00 p.m. by President Mike Matis followed by the Pledge of Allegiance.

Councilmen present: Bill Kuiper, Mike Matis, Bill Perry, Dave Scales, and Allen Wolf.

Mayor Denise Reddon and Secretary Ann Stewart were present.

Guests present: Helen Foster, Barb Whitehead, John Bronchella, and Al Cuevas.

MOTION: by Dave Scales, second by Allen Wolf to approve the agenda with a change to move the Vacant two year council seat nomination from Old Business to the beginning of the agenda in order to allow the seat to be filled and the new council member to participate in the full meeting. All were in favor; motion carried.

MOTION: by Dave Scales, second by Allen Wolf to appoint Bill Iveson, Jr. to the vacant two year council seat. Roll call: Bill Kuiper, aye; Mike Matis, aye; Bill Perry, aye; Dave Scales, aye; Allen Wolf, aye. Motion carried.

MOTION: by Bill Perry, second by Bill Kuiper to approve the minutes of 1/07/08 as read. All were in favor; motion carried.

MOTION: by Bill Perry, second by Bill Kuiper to approve the Bill List of 1/22/08. Roll call: Bill Iveson, aye; Bill Kuiper, aye; Mike Matis, aye; Bill Perry, aye; Dave Scales, aye; Allen Wolf, aye. Motion carried.

MOTION: by Dave Scales, second by Bill Kuiper to advertise for Amendment to Ordinance 428 which amends the fee schedule and also pertains to disruptive tenants to be adopted at the February 26th council meeting. Roll call: Bill Iveson, aye; Bill Kuiper, aye; Mike Matis, aye; Bill Perry, aye; Dave Scales, aye; Allen Wolf, aye. Motion carried.

MOTION: by Dave Scales, second by Allen Wolf to advertise for the Vacant Home Ordinance to be adopted at the February 26th council meeting. Roll call: Bill Iveson, aye; Bill Kuiper, aye; Mike Matis, aye; Bill Perry, aye; Dave Scales, aye; Allen Wolf, aye. Motion carried.

MOTION: by Bill Perry, second by Bill Kuiper to pass Resolution 12208 designating new signatures on all borough's bank accounts. Roll call: Bill Iveson, aye; Bill Kuiper,