

OFFICIAL

**BOROUGH OF CRAFTON
ORDINANCE NO. ____**

AN ORDINANCE OF THE BOROUGH OF CRAFTON, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 167 OF THE CRAFTON BOROUGH CODE OF ORDINANCES, PROPERTY, VACANT, AS AMENDED, TO AMEND THE REGISTRATION REQUIREMENTS FOR VACANT BUILDINGS, REGISTRATION FEES AND INSPECTION REQUIREMENTS AND TO ESTABLISH MAINTENANCE AND SECURITY REQUIREMENTS FOR VACANT BUILDINGS.

WHEREAS, Section 1202(4) of the Borough Code, 8 Pa.C.S. § 1202(4), authorizes the Borough of Crafton (the “Borough”) to regulate nuisances and dangerous structures in the Borough; and

WHEREAS, Chapter 167 of the Borough of Crafton Code of Ordinances, Property, Vacant, as amended, (the “Vacant Property Ordinance”) regulates vacant property within the Borough; and

WHEREAS, the Borough recognizes that vacant properties lead to a decrease in community health and safety; and

WHEREAS, the Borough has sustained significant costs to its property values and tax revenues and a diminished level of investment in the community; and

WHEREAS, the Borough wishes to implement methods to track vacant property owners and to encourage minimum standards of maintenance for vacant properties; and

WHEREAS, the Borough wishes to improve the vitality of blighted properties and neighborhoods; and

WHEREAS, the Council of the Borough desires to amend Chapter 167 of the Crafton Borough Code of Ordinances, Property, Vacant, to (1) establish the scope of the ordinance; (2) establish definitions for commercial business, commercial building, discarded, garbage, good faith effort, ground floor, habitable, notice, occupied, owners, person, property, public nuisance, refuse, rubbish, storefront, storefront window, structures, vacant storefront, window, window display, and window sign; (3) delete the definition of record owner; (4) amend the definition of vacant property; (5) amend the registration requirements for vacant buildings; (6) amend the registration fee requirements; (7) establish requirements for a waiver of the registration fee; (8) amend the inspection requirements for vacant buildings; (9) establish maintenance requirements for vacant buildings; (10) establish security requirements for vacant buildings; (11) establish requirements for vacant storefronts; (12) establish violation and penalty requirements; (13)

establish a severability clause; (14) repeal all prior inconsistent ordinances; and (15) establish the ordinance effective date.

NOW, THEREFORE, the Council of the Borough of Crafton hereby ordains and enacts as follows, incorporating the above recitals by reference:

SECTION 1. Section 167-1 of the Vacant Property Ordinance, which sets forth legislative findings and purpose, is amended as follows by inserting the underlined text and deleting the stricken text:

§167-1. Legislative findings, ~~and~~ purpose and scope.

A. It is the finding of the Borough Council of the Borough of Crafton that vacant buildings and vacant structures in the Borough are unsightly, unsafe and have an overall negative effect on the Borough. The Borough Council also finds that there are a number of vacant buildings and vacant structures within the Borough that have been vacant for years. The purpose of this chapter is to implement a program that identifies vacant properties in the Borough and speeds the rehabilitation of those properties into productive use, requiring the registration of all vacant buildings and structures, including payment of registrations fees, and promoting substantial efforts to rehabilitate such vacant buildings. Registration fees will assist the Borough in protecting the public health, safety and welfare, monitoring the number of vacant buildings in the Borough, assessing the effects of the condition of those buildings on nearby businesses and properties in the neighborhoods in which they are located, particularly in light of fire and safety hazards and unlawful, temporary occupancy by transients, including illicit drug users and traffickers. The provisions of this section are applicable to the owners of such vacant buildings as set forth herein and are in addition to and not in lieu of any and all other applicable provisions of the ordinances of the Borough and all relevant codes and/or regulations adopted therein.

B. This Chapter shall be applicable to every vacant building or structure located within the geographical confines of the Crafton Borough, Allegheny County, Pennsylvania, that has been vacant for more than 30 consecutive days and to each owner, interest holder, or local agent of any such vacant building or structure, without regard to whether such owner, interest holder, or local agent is a public, private, governmental, commercial, industrial, residential, institutional, non-profit, or for profit-person.

SECTION 2. Section 167-2 of the Vacant Property Ordinance, which sets forth definitions, is amended as follows by inserting the underlined text and deleting the stricken text:

§167-2. Definitions.

Unless otherwise stated, the following terms shall, for the purpose of this chapter, have the following meanings:

COMMERCIAL BUSINESS

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

COMMERCIAL BUILDING

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.

DISCARDED

Cast aside as useless or undesirable.

GARBAGE

The animal or vegetable waste resulting from the handling, preparation, cooking and the consumption of food.

GOOD FAITH EFFORT

Includes contracts with realtors, newspaper ads, window signs, or other methods provided that the effort is likely to generate interest in the property and the owner is willing to rent, sell or lease.

GROUND FLOOR

Any occupied floor of a building with direct access to grade, that is located less than one story above, or less than one story below grade, provided that no portion of a floor that constitutes a cellar constitutes a "ground floor."

HABITABLE

Livable; with reference to this Chapter, a structure with a hard roof and sides that is equipped with heat, electricity, water service, sewage service and functional plumbing, and is capable of being lived in without undue risk to human health and safety.

NOTICE

Written notice of a violation, pursuant to First Class Mail, to the last known address of the owner of the property in question.

OCCUPIED

Any building or structure where one or more persons conducts a lawful business or resides in all or any part of the building as the licensed business occupant, or as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, non-transient basis, or any combination of the same.

OWNER

Any person (i) having a legal or equitable interest in a property; (ii) having a legal interest in a property recorded in the official records of the state, county or municipality as holding title to the property; or (iii) otherwise having control of the property including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON

An individual, corporation, partnership, financial institution, bank, credit union, savings and loan company, investment firm, government agency, government authority, municipal corporation or any other group acting as a unit.

PROPERTY

Any portion of unimproved or improved real estate located within the Borough which includes the buildings or structures located on it regardless of condition.

PUBLIC NUISANCE

- A. Any building, structure, or property, which, because of physical condition, use or occupancy is considered to be an attractive nuisance to minors or uninvited persons.
- B. Any building or structure which has been designated by the Borough as a public nuisance because it is dilapidated, unsanitary, unsafe, insect or vermin-infested or lacking in the facilities and equipment required by the ordinances of the Borough.
- C. Any structure which is a fire hazard, a structural hazard, or is otherwise dangerous to the safety of any persons or any property.
- D. Any building or structure, which lacks, or has rendered inoperable, fire protection systems as required by the applicable codes and ordinances.
- E. Any structure, from which water, plumbing, heating, sewage or other facilities have been disconnected, destroyed, removed or rendered ineffective, so that the property creates a hazard to neighboring properties.
- F. Any building or structure which for reason of neglect or lack of maintenance has become a place for the accumulation of refuse, providing a haven for insects, rodents, and other vermin.
- G. Any building or structure which as a result of its dilapidated, unsanitary, unsafe, insect or infested condition creates damage or a risk of damage to a neighboring property.

RECORD OWNER

~~The person listed as the owner of the property on the deed with the Allegheny County Department of Real Estate or the owner listed on a closing sheet where the closing has occurred within the previous six months and the new deed is intended to be filed but has not yet been filed with the Allegheny County Department of Real Estate.~~

REFUSE

Materials that are abandoned, discarded, or destined for recycling. The term includes rubbish, garbage, scrap metal, tires, appliances, vehicles, general trash, construction/demo debris, etc.

RUBBISH

Combustible and noncombustible waste materials, except garbage. The term shall include the residue from the burning of wood, coal coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust, construction/demo debris and other similar materials.

STOREFRONT

Any facade located on the ground floor of a commercial building having one or more storefront windows.

STOREFRONT WINDOW

Any window of any commercial building that permits an unobstructed public view into the interior of the building from any immediately adjacent street, sidewalk or right-of-way.

STRUCTURES

Constructed objects. For purposes of this Chapter, the term includes, but is not limited to, buildings, sheds, garages, swimming pools and recreational facilities.

VACANT PROPERTY

Any building or structure or any portion of any building or structure that is:

- A. Unoccupied and unsecured for a period of 60 days.
- B. Unoccupied and secured by other than normal means.
- C. Unoccupied and unsafe as determined by the Borough of Crafton Code Enforcement Officer.
- D. Unlawfully occupied by a person or persons without a lease or

agreement with the record owner of the property.

- E. Unlawfully occupied by a person or persons without the record owner having a valid occupancy permit for the property.
- F. Unoccupied for a period of ~~365~~ 180 days and the Code Enforcement Officer has issued a notice of code violation.

VACANT STOREFRONT

A storefront shall be deemed vacant if no person or persons currently conducts a lawfully licensed business there.

WINDOW

An opening in a building that has a glass casement for permitting natural light into a building.

WINDOW DISPLAY

A visual representation of information or graphics for viewing by the public in a window.

WINDOW SIGN

A sign that is painted on, applied, attached to a window, or that is located within the interior of a structure and that is plainly visible and is erected, constructed or maintained for the primary purpose of being viewed from the exterior of that structure

SECTION 3. Section 167-3 of the Vacant Property Ordinance, which sets forth the vacant building registration requirements is amended as follows by inserting the underlined text and deleting the stricken text:

§167-3. Vacant building registration.

- A. An owner shall register a vacant property with the Code Enforcement Officer on a form or forms provided by the Borough and pay the appropriate registration fee, as set from time to time by Resolution of Borough Council.
- A ~~B.~~ The record owner of a property shall register with the Code Enforcement Officer any vacant ~~building or vacant structure~~ property in the Borough within 30 days of such ~~building~~ property becoming vacant or within 10 days of being notified by mail by the Code Enforcement Officer that a ~~building~~ property is vacant as found through the Code Enforcement Officer's normal inspection process, and annually thereafter by July 15, for each subsequent calendar year, if such building or structure continues to be a vacant building or structure during each subsequent calendar year, until such time as such building or structure ceases to be a vacant building or structure.

~~B.~~ C. The registration shall be on forms provided by the Code Enforcement Officer and include the following information:

- (1) A description of the property, including the date of vacancy.
- (2) A statement as to the availability of utilities (i.e., water, gas, electric service) to the property.
- (3) The names and addresses of the record owners and, if the record owners are not located within the Commonwealth of Pennsylvania, an agent located within the Commonwealth of Pennsylvania authorized to accept service on their behalf.
- (4) The name and address of any third party with whom the record owner has entered into an agreement to manage the property on the record owner's behalf.
- (5) The names and addresses of all lien-holders and any other property owner with an ownership interest in the property.
- (6) A telephone number for a party with authority to take action on behalf of the record owner where said party can be reached in the event of an emergency involving the vacant property.
- (7) A vacant building plan as described in Subsection ~~C~~D.

~~C.~~ D. The record owner or his agent must submit to the Code Enforcement Officer a vacant property plan that must be approved by the Code Enforcement Officer. The vacant property plan must state, at a minimum, whether the vacant property shall be demolished, remain vacant or be returned to occupancy or use and the appropriate information from the choices below:

- (1) If the vacant property is to be demolished, the record owner must submit a demolition plan that includes a time frame for which the demolition will occur, and an amount placed into escrow as required to secure a demolition permit.
- (2) If the property is to remain vacant, the record owner shall file with the Code Enforcement Officer:
 - (a) A plan for securing the building in accordance with § 108.2, Closing of Vacant Structures, of the International Property Maintenance Code which shall be completed within 30 days of filing.
 - (b) A plan for maintaining the property in accordance with § 301.3, Vacant Structures and Land, of the International Property Maintenance Code.
 - (c) A statement as to the reasons why the property must remain vacant.

(d) An amount placed into escrow that is equal to the amount that would be required by the Borough in obtaining a demolition permit.

(3) If the property is to be rehabilitated and returned to use, the record owner or his agent shall file a plan for returning said property to use that is approved by the Code Enforcement Officer along with an amount placed in escrow as would be required if the record owner was obtaining a demolition permit.

~~D.~~ E. It is the responsibility of the record owner to ensure that all laws and codes are complied with. Failure of the record owner to comply with all applicable laws and codes shall result in immediate revocation of the plan, and the record owner shall be subject to any and all applicable penalties provided by law.

~~E.~~ F. Any change in the information provided to the Code Enforcement Officer shall be reported in writing to the Code Enforcement Officer within 30 days of the record owner becoming aware of said changes.

~~F.~~ G. Any changes to the plans or timetables submitted to the Code Enforcement Officer must be submitted to and approved by the Code Enforcement Officer.

~~G.~~ H. In the event of any sale of any vacant property, the purchasing record owner shall comply with the registration provisions of this chapter within 30 days of the closing of the sale.

~~H.~~ I. The Borough Manager is hereby empowered to withhold no-lien letters if a vacant property is not registered in accordance with this chapter.

SECTION 4. Section 167-4 of the Vacant Property Ordinance, which sets forth registration fees is amended as follows by inserting the underlined text and deleting the stricken text:

§167-4. Registration fees.

A. ~~There shall be no fee where a record owner registers a vacant property within the time specified in § 167-3A. The registration fee and any subsequent modifications to the registration fee shall be established by Resolution of Borough Council. The fee structure is based on the number of years the building, storefront, or portion thereof, has been vacant under its current ownership.~~

B. ~~If the record owner, mortgagor, mortgagor in possession, mortgagee in possession, assignee of rents, executor, executrix, administrator, administratrix, trustee, person in control of the premises or corporation~~

~~in control of the premises fails to register the property in accordance with § 167-3A of this chapter, any and all of the above may be fined \$1,000 per day for each and every day that the vacant property is not registered until the vacant property is registered. A waiver of fees may be granted for the current year if the applicant provides information that establishes within a reasonable degree of certainty, including through Borough inspections, the conditions set forth below within 15 days of such property becoming vacant or within 5 days of being notified by the Code Enforcement Officer that a property is vacant and by June 15 of each subsequent calendar year, if such building or structure continues to be a vacant building or structure during each subsequent calendar year, until such time as such building or structure ceases to be a vacant building or structure.;~~

(1) The following conditions are met:

- (a) All local municipal fees are paid in full; and
- (b) A good faith effort is shown to rent, sell or lease the space; and
- (c) Pricing is consistent with other similar buildings; and
- (d) The building is in compliance with all Borough codes and ordinances; and
- (e) The building is habitable.

(2) Other good cause as determined by a majority vote of Borough Council.

C. Where a property has been damaged by fire or by extreme weather conditions, the registration requirements of § 167-3AB of this chapter shall be exempted for a period of 90 days from the date of the fire or extreme weather condition, provided that the record owner submits a written request for exemption to the Borough Code Enforcement Officer that includes:

(1) The name and address of the record owners.

(2) The date of the fire or extreme weather condition that gave rise to the damage.

(3) A description of the premises.

~~D.~~(4) A statement of intent to repair, reoccupy or demolish the structure in an expedient manner.

- D. If the status of the registration information changes during any calendar year, it is the responsibility of the new owner, their representative, or agent for the same to notify the Borough in writing within 30 days of the occurrence of such change.
- E. Each owner of a vacant building or structure not providing a residence, office or business location with an address within 40 miles from the corporate boundaries of the Borough, shall designate a local agent and shall provide the complete name, address, telephone number and email address of such local agent on the registration form filed with the Borough.

Such owner shall also provide a statement signed by the local agent whereby the local agent accepts the designation as local agent of such owner or interest holder. Such signed statement shall be an acknowledgment by the local agent of the requirements, responsibilities, and obligations under this Chapter.

With such designation, a local agent shall be authorized by such owner to accept service of process, notices, statements, invoices, and other communications resulting from or related to this Chapter on behalf of such owner or interest holder. With such designation, a local agent shall be responsible for providing the Borough with access to the vacant building or structure for the purposes of making inspections, maintaining and securing the vacant building or structure, and responding to any emergency associated with the vacant building or structure affecting the public health, safety or welfare.

Each owner and each respective local agent shall be jointly and severally responsible for compliance with ordinances of the Borough and the laws of the Commonwealth of Pennsylvania as applied to the vacant building or structure.

SECTION 5. Section 167-5 of the Vacant Property Ordinance, which sets forth inspection requirements is amended as follows by inserting the underlined text and deleting the stricken text:

§167-5. Inspections.

- A. The Code Enforcement Officer is hereby authorized to perform the necessary inspections to ensure compliance with this section and the applicable provisions of the Property Maintenance Code, Building Code and/or Fire Prevention Code with there being at a minimum one safety inspection performed on all buildings subject to this chapter every six months. An inspection must be completed within thirty (30) days of the initial registration. In addition, a biannual inspection of a

registered vacant building shall be performed. These inspections must occur within 60 days of the anniversary date of the initial registration date. A fee in an amount as established, from time to time, by Borough Council shall offset the cost of the inspection program.

B. If violations of this Chapter or applicable codes, as identified in Section 167-5.A are identified, the Borough shall issue a Notice of Violation per the requirements of all applicable codes and give notice to the owner or local agen to comply with the codes with a time to cure. If the violations are not corrected within the time given, the property may be declared a public nuisance.

~~B.C.~~ The Code Enforcement Officer is directed to make every effort to attempt to make arrangements with the ~~record~~-owner or local agent to perform biannual inspections of vacant property. If 15 days have lapsed from the Code Enforcement Officer's initial attempt to contact the ~~record~~-owner or local agen by mail, the Code Enforcement Officer shall send a request for access to the ~~record~~-owner or local agent via certified, United States Mail. If the ~~record~~-owner or local agent does not provide access to the vacant property upon the expiration of 15 days from the date the Code Enforcement Officer attempts to contact the record owner by certified, United States Mail, the Code Enforcement Officer shall obtain entry via the issuance of a warrant by a court of competent jurisdiction.

(1) The cost of any certified mailings necessary for the Code Enforcement Officer to obtain access to the vacant property shall be passed on to the ~~record~~ owner or local agent of the vacant property and shall be included in the total of any lien placed on the property.

(2) In the event it is necessary for the Code Enforcement Officer to obtain a warrant to perform the above inspection, an additional fee, in an amount as established, from time to time, by resolution of the Borough Council, shall be assessed to the ~~record~~ owner or local agent to offset the cost to the Borough of obtaining such a warrant.

D. If the owner or local agen cannot be available at the proposed time, said owner or local agent shall provide no less than 24-hour written notice to the Borough. Upon failure to give such written notice, or upon failure to gain entry, an administrative fee of \$100 will be assessed against the owner or local agent. For each rescheduling beyond the second rescheduling, an administrative fee of \$150 shall be assessed in all cases. Failure to pay administrative fees shall, at the discretion of the Borough, constitute a violation of this or the applicable code including, but not limited to, the Crafton Property Maintenance Code. Failure of an owner or local agent to appear for a scheduled inspection

shall be considered probable cause for obtaining a search warrant to inspect the premises.

E. Nothing in this Section shall preclude the Borough from performing an inspection upon receipt of a complaint or violation of the ordinances of the Borough existing at the building or structure. Said inspections shall be in accord with the applicable codes, ordinances, regulations and policies established by the Borough.

SECTION 6. The Vacant Property Ordinance is amended to insert Section 167-6.1 as follows:

§167.6.1. Maintenance Requirements.

- A. Properties subject to registration under this Chapter shall be kept free of weeds, high grass, dry brush, dead vegetation, trash, garbage, junk, debris, rubbish, building materials, any accumulation of newspapers, circulars, flyers, notices (except those required by Federal, State or Local law), discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material, vehicle or vehicle parts, or any other items that give the appearance that the property is abandoned or vacant.
- B. The property shall be maintained free of graffiti, tagging or similar markings.
- C. Visible front, side and rear yards shall be landscaped and maintained. Landscaping includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark, or artificial turf sod. Landscaping does not include weeds, gravel, broken concrete, asphalt, plastic sheeting, indoor-outdoor carpet or any similar material unless approved by the Borough.
- D. Pools and spas shall be kept in working order so the water remains clear and free of larvae, pests, pollutant and debris, or drained and kept dry. In either case, a property with a pool or spa must comply with the minimum security fencing requirements of the Borough's Property Maintenance Code.
- E. Adherence to this Section does not relieve any owner of any obligations set forth in any other ordinance of the Borough.
- F. An owner required to register a property under this Chapter is hereby given thirty (30) days to comply with these maintenance requirements.

SECTION 7. The Vacant Property Ordinance is amended to insert Section 167-6.2 as follows:

§167-6.2. Security Requirements.

- A. Properties subject to registration under this Chapter shall be maintained in a secure manner so as not to be accessible to unauthorized persons, vermin, and any other pests.
- B. Secure manner includes, but is not limited to, the closure and locking of windows, doors (walk-through, sliding and garage), gates, and any other opening of such size that it may allow an uninvited person to access the interior of the property and/or structure(s). In the case of broken windows, securing means the re-glazing or boarding of the window.
- C. If the property has been condemned, the property shall be posted with the name and 24-hour contact phone number of the owner and local property management company. The posting shall be no less than 8" x 11" and shall be of a font that is legible and shall contain along with the name, Crafton Borough Vacant Property Registration Number, a 24-hour contact number, and the words "THIS PROPERTY MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS CALL...". The posting shall be placed on the interior of the window facing the street to the front of the property, or, if no such area exists, on an area of sufficient size to support the posting in a location that is visible to the front of the property, but not readily accessible to vandals. Exterior posting must be constructed of, and printed with, weather resistant materials.

SECTION 8. The Vacant Property Ordinance is amended to insert Section 167-6.3 as follows:

§167-6.3. Vacant Storefronts.

- A. Responsibility for compliance with this section include any person owning, leasing, maintaining, or otherwise in possession or control of any vacant storefront located within the Borough, or any owner of the property upon which the vacant storefront is located.
- B. The vacant storefront of a commercial building located in the Borough shall be maintained in good condition, kept neat, clean, secure, free of graffiti, and lighted.
- C. In order to improve overall security, any vacant storefront that is located within the Borough shall, not more than sixty (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. The Borough shall approve all window displays. Handwritten signs are not permitted. Professionally

ORDAINED and **ENACTED** this ___ day of _____, 2018, by the Council of the Borough of Crafton in lawful session duly assembled.

ATTEST:

BOROUGH OF CRAFTON

Rachel J. Susko
Borough Manager/Secretary

By: _____
Phillip G. Levasseur
President, Borough Council

EXAMINED and **APPROVED** this ___ day of _____, 2018

James G. Bloom
Mayor