



BOROUGH OF TARENTUM

Allegheny County, Pennsylvania



ORDINANCE #18-03

ORDINANCE OF THE BOROUGH OF TARENTUM, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING REGULATIONS APPLICABLE TO VACANT RESIDENTIAL, INDUSTRIAL AND COMMERCIAL STRUCTURES IN ADDITION TO THE PROVISIONS SET FORTH IN THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

WHEREAS, the Borough of Tarentum, County of Allegheny, Commonwealth of Pennsylvania desires improved standards for the health, safety and welfare of Borough residents; 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 must 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

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by Council of the Borough of Tarentum, and it is hereby ordained and enacted by Tarentum Borough Council, in the County of Allegheny, Commonwealth of Pennsylvania, and it is hereby ordained and enacted by the authority of the same, in accordance with the provisions of the Act of Assembly of the Commonwealth of Pennsylvania, that the following Ordinance establishing regulations applicable to residential, industrial and commercial structures, in addition to the provisions set forth in the International Property Maintenance Code, be established to better provide for health, safety, and welfare of its residents, is hereby enacted, having the official title of the Tarentum Borough Vacant Property Ordinance.

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BOROUGH OF TARENTUM

Allegheny County, Pennsylvania



ORDINANCE #18-03

Table of Contents

ARTICLE I. GENERAL PROVISIONS 3

Section 1.1 – Short Title..... 3

Section 1.2 – Applicability and Scope..... 3

Section 1.3 – Purpose and Enforcement..... 3

ARTICLE II. DEFINITIONS..... 3

Section 2.1 – Definitions 3

ARTICLE III. REGISTRATION..... 6

Section 3.1 Registration Process 6

Section 3.2 – Registration Fee Schedule..... 7

Section 3.3 – Waiver of Fees..... 7

Section 3.4 – Duty to Amend Registration Statement..... 7

Section 3.5 – Local Agent Requirement 7

ARTICLE IV. INSPECTIONS..... 8

Section 4.1 – Process 8

Section 4.2 – Failure to Appear..... 8

Section 4.3 – Compliant Inspections..... 9

ARTICLE V. MAINTENANCE REQUIREMENTS 9

ARTICLE VI. SECURITY REQUIREMENTS 9

ARTICLE VII: REQUIREMENTS FOR VACANT STOREFRONTS 10

Section 7.1 – Responsibility 10

Section 7.2 – Maintenance..... 10

Section 7.3 – Window Display Requirement 10

Section 7.4 – Signage..... 10

ARTICLE VIII: VIOLATIONS AND PENALTIES..... 10

ARTICLE IX: SEVERABILITY 11

ARTICLE X: FEE SCHEDULE 11



BOROUGH OF TARENTUM

Allegheny County, Pennsylvania



ORDINANCE #18-03

ARTICLE I. GENERAL PROVISIONS

Section 1.1 – Short Title

This Ordinance shall be known and cited as the “Vacant Property Ordinance.”

Section 1.2 – Applicability and Scope

This ordinance shall be applicable to all abandoned real property and every vacant building or structure located within the geographical confines of the Tarentum Borough, Allegheny County, Pennsylvania, that has been vacant for more than thirty (30) consecutive days and to each owner, interest holder, or local agent of any such abandoned real property or 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 1.3 – Purpose and Enforcement

The purpose of this Ordinance requiring the registration of all vacant and abandoned buildings and structures and the payment of registration fees is to assist the Borough of Tarentum in protecting the public health, safety and welfare, to monitor the number of vacant buildings in the Borough, to assess 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, and to require of the owners of such vacant buildings their registration and payment of related fees, and to promote substantial efforts to rehabilitate such vacant buildings. 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 Tarentum Borough and all relevant codes and/or regulations adopted therein.

Administration and enforcement of this section shall remain under the sole control of the Borough Manager. The Borough Manager and/or designee shall have the authority to institute summary criminal proceedings as a means of enforcement of this section and shall, when acting within the scope of employment hereunder, have the powers of a police officer to the Borough; provided however, that under no circumstances shall they have the power to arrest.

ARTICLE II. DEFINITIONS

Section 2.1 – Definitions

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application. Where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies.

Abandoned: deserted or discarded for more than 180 days.



BOROUGH OF TARENTUM

Allegheny County, Pennsylvania



ORDINANCE #18-03

Abandoned Real Property: shall mean any real property, including but not limited to one or more buildings or structures, without respect to occupancy or vacancy, that is subject to a mortgage and is either: (i) in default of a mortgage for which a mortgagee has obtained a judgment in foreclosure; (ii) in default of a mortgage and subject to an application or proceeds for a tax deed or pending tax claim bureau or tax assessor sale for unpaid property taxes; (iii) in default of a mortgage and subject to an application or proceedings for a sheriff sale for unpaid claims, debts, or obligations; or (iv) in default of a mortgage and has been transferred to a mortgagee by deed in lieu of foreclosure, or any similar document. The designation of real property as "abandoned real property" shall continue and remain in place until such time as the real property is sold or transferred to a new owner, the foreclosure action is dismissed, or any default on the mortgage has been cured.

Cellar: a room typically used for storage that is located in the basement of a building and is not used for commercial, industrial, or residential purposes.

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 actually likely to generate interest in the property and the owner is actually 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 as defined in this article shall constitute a "ground floor."

Habitable: livable; with reference to this Ordinance, 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.

Industrial Business: any business that relates to the production or manufacture of goods.

Industrial Building: property or design for, or used by, companies or persons for manufacturing, warehousing or assemblage of components.

Notice: means written notice of a violation, pursuant to First class Mail, to the last known address of the owner of the property in question.



BOROUGH OF TARENTUM

Allegheny County, Pennsylvania



ORDINANCE #18-03

Occupied: any building or structure where one or more persons actually 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 business, 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 Tarentum 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 because it is dilapidated, unsanitary, unsafe, insect or vermin-infested or lacking in the facilities and equipment required by the Ordinances of Tarentum Borough and has been designated by the City as a public nuisance.
- 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, 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.

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.



BOROUGH OF TARENTUM

Allegheny County, Pennsylvania



ORDINANCE #18-03

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: shall mean any facade located on the ground floor of a commercial building having one or more storefront windows.

Storefront Window: shall mean 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 Ordinance, the term includes, but is not limited to, buildings, sheds, garages, swimming pools and recreational facilities.

Vacant: a building or structure, or portion thereof, shall be deemed to be vacant if no person or persons currently conducts a lawfully licensed business there, or lawfully resides in or lives in any part of the building as the legal or equitable owner(s) or tenant occupant(s) or owner-occupants or tenant(s), on a permanent non-transient basis.

Vacant Building: a property or structure, or portion thereof, that is unoccupied for more than sixty (60) days or has been the subject of (i) a mortgage foreclosure action or notice; (ii) a bankruptcy sale or notice; (iii) a delinquent tax sale or notice, or (iv) a mortgage foreclosure action where the title to the property has been retained by the beneficiary of a deed or trust involved in the foreclosure or transferred under a deed in lieu of foreclosure/sale.

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.

ARTICLE III. REGISTRATION

Section 3.1 Registration Process

- a) An owner shall register a vacant property with Tarentum Borough on a form or forms provided by the Borough and pay the appropriate registration fee.



BOROUGH OF TARENTUM

Allegheny County, Pennsylvania



ORDINANCE #18-03

- b) Registration shall contain (i) the name of the owner(s) of the property; (ii) the direct street/office mailing address of the owner(s) (no post office box addresses are allowed); (iii) a direct contact name and phone number for the owner(s); (iv) the local property management company responsible for the security, maintenance and marketing of the property; (v) the date of vacancy; and (vi) any other information deemed necessary by Tarentum Borough.
- c) Registration fees shall not be prorated.
- d) Properties subject to registration under this Ordinance shall remain under the registration fee requirement for as long as they remain vacant.
- e) Each vacant building or structure shall be registered with the Borough within thirty (30) days of the date such building or structure becomes a vacant building or structure, 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.

Section 3.2 – Registration Fee Schedule

The registration fee shall be established the Council of Tarentum Borough. Subsequent modifications to the fee structure shall be established by Resolution of council. The fee structure is based on the number of years the building, storefront, or portion thereof, has been vacant under its current ownership. See Article X for the initial registration fee schedule.

Section 3.3 – Waiver of Fees

A waiver may be granted for the current year if either:

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 Tarentum Borough codes and ordinances; and,
 - e) The building is habitable.
2. Other good cause as determined by a majority vote of council.

Section 3.4 – Duty to Amend Registration Statement

If the status of the registration information changes during the course of any calendar year, it is the responsibility of the new owner, their representative, or agent for the same to notify Tarentum Borough in writing within thirty (30) days of the occurrence of such change.

Section 3.5 – Local Agent Requirement

Each owner or interest holder of abandoned real property or any vacant building or structure not providing a residence, office or business location with an address within forty (40) miles from the corporate boundaries of the Borough of Tarentum, shall designate a local agent and



BOROUGH OF TARENTUM

Allegheny County, Pennsylvania



ORDINANCE #18-03

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 or interest holder 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, which signed statement shall be an acknowledgment of the local agent of the requirements, responsibilities, and obligation under the ordinance.

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

Each owner and interest holder 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 abandoned property or vacant building or structure.

ARTICLE IV. INSPECTIONS

Section 4.1 – Process

An inspection must be completed within thirty (30) days of the initial registration. In addition, an annual inspection of a registered vacant building shall be performed by Tarentum Borough to determine if it complies with the minimum requirements of the applicable Property Maintenance Code, Building Code and/or Fire Prevention Code. If violations of these Codes are identified, Tarentum Borough shall issue a Notice of Violation per the requirements of all applicable codes and give notice to the owner 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. These annual inspections must occur within sixty (60) days of the anniversary date of the initial registration date. Inspection costs will be determined by the Tarentum Borough.

Section 4.2 – Failure to Appear

If the owner or their representative cannot be available at the proposed time, said owner or representative shall provide no less than 24-hour written notice to Tarentum 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 representative of the owner. 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 Tarentum Borough, constitute a violation of this or the applicable Code including, but not limited to, the Tarentum Borough



BOROUGH OF TARENTUM

Allegheny County, Pennsylvania



ORDINANCE #18-03

Property Maintenance Code. Failure of an owner, or his/her responsible agent, to appear for a scheduled inspection shall be considered probable cause for obtaining a search warrant to inspect the premises.

Section 4.3 – Compliant Inspections

Nothing in the Part shall preclude Tarentum Borough from performing an inspection upon receipt of a complaint or violation of the Ordinances of Tarentum Borough existing at the building or structure. Said inspections shall be in accord with the applicable Codes and Ordinances and regulations and policies established by Tarentum Borough.

ARTICLE V. MAINTENANCE REQUIREMENTS

Properties subject to registration under this Ordinance 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; and

The property shall be maintained free of graffiti, tagging or similar markings.

- a) 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 City.
- b) 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 Tarentum Borough Property Maintenance Code.
- c) Adherence to this Ordinance does not relieve any property owner of any obligations set forth in any other Ordinance of Tarentum Borough, including but not limited to, the Tarentum Borough Property Maintenance Code.
- d) A property owner required to register a property under this Ordinance is hereby given thirty (30) days to comply with these maintenance requirements.

ARTICLE VI. SECURITY REQUIREMENTS

- a) Properties subject to registration under this Ordinance 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.



BOROUGH OF TARENTUM

Allegheny County, Pennsylvania



ORDINANCE #18-03

- 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, written in English, and shall contain along with the name, Tarentum 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.

ARTICLE VII: REQUIREMENTS FOR VACANT STOREFRONTS

Section 7.1 – Responsibility

Responsibility for compliance with this section include any person owning, leasing, maintaining, or otherwise in possession or control of any vacant storefront located within Tarentum Borough, or any owner of the property upon which the vacant storefront is located.

Section 7.2 – Maintenance

The vacant storefront of a commercial building located in Tarentum Borough shall be maintained in good condition, kept neat, clean, secure, free of graffiti, and lighted.

Section 7.3 – Window Display Requirement

In order to improve the appearance of vacant storefronts and improve overall security, any vacant storefront that is located within Tarentum 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. A variety of window displays are acceptable provided they have a professional appearance, achieve a desired coverage of 60-100%, and are not offensive to the general public. Tarentum Borough shall approve all window displays.

Section 7.4 – Signage

Handwritten signs are not permitted. Professionally made window signs and real estate signs are permitted provided they meet the requirements of the Tarentum Borough Zoning Ordinances. Not more than three square feet of informational signage such as real estate signs or contact information may be placed in a vacant ground floor window. Larger professional signs that function as the window display are permitted.

ARTICLE VIII: VIOLATIONS AND PENALTIES

Any person who violates, or permits the violation, of any provision of this Ordinance shall, upon conviction in a summary proceeding, be subject to a fine of One Thousand Dollars (\$1,000.00), and costs of the prosecution for each offense, or imprisonment not to exceed thirty (30) days, or both fine and imprisonment.



BOROUGH OF TARENTUM

Allegheny County, Pennsylvania



ORDINANCE #18-03

Any fines collected as a result of a violation of any provision of this Ordinance shall be placed in the General Fund of Tarentum Borough.

ARTICLE IX: SEVERABILITY

If any section, subsection, sentence, or clause of this Ordinance is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this Ordinance.

ARTICLE X: FEE SCHEDULE

The registration fee is set forth as follows:

| Vacant Property Registration Fee Schedule | |
|---|-------------|
| Less than one year | \$ 150.00 |
| 1 year vacant | \$ 300.00 |
| 2 years vacant | \$ 500.00 |
| 3-4 years vacant | \$ 1,000.00 |
| 5-9 years vacant | \$ 2,500.00 |
| 10 years vacant | \$ 5,000.00 |

IN WITNESS WHEREOF, this Ordinance is duly Ordained and Enacted by the Council of the Borough of Tarentum at a public meeting held this 7th day of June, 2018.

ATTEST:

BOROUGH OF TARENTUM

Michael L. Nestico, Borough Manager

Erika Josefoski, President of Council

EXAMINED AND APPROVED by me this 7th day of June, 2018.

David A. Regoli, Esq., Solicitor

Eric Carter, Mayor