

**MUNICIPALITY OF PENN HILLS  
ALLEGHENY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2567 of 2014**

**AN ORDINANCE OF THE MUNICIPALITY OF PENN HILLS ADOPTING A  
VACANT AND ABANDONED PROPERTY ORDINANCE WHICH PROVIDES  
MEASURES FOR ADDRESSING DETERIORATION AND BLIGHT IN THE  
COMMUNITY AND PRESCRIBES REGISTRATION, MAINTENANCE, AND  
SECURITY REQUIREMENTS**

**ARTICLE 1  
VACANT AND ABANDONED PROPERTY ORDINANCE**

**Section 100.01 –TITLE, PURPOSE AND INTENT**

The title of this ordinance is the Penn Hills Vacant and Abandoned Property Ordinance. It is the purpose and intent of the Municipality of Penn Hills to establish a process to address the deterioration and blight of our neighborhoods caused by an increasing amount of abandoned, foreclosed or distressed property located within the Municipality, and to identify, regulate, limit and reduce the number of abandoned properties located within the Municipality. It is the Municipality's further intent to establish a registration program as a mechanism to protect neighborhoods from becoming blighted due to the lack of adequate maintenance and security of abandoned and foreclosed properties.

**Section 100.02 -- DEFINITIONS**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

**Abandoned Property** – means any real property located in the Municipality, whether vacant or occupied, that is in default on a mortgage, has had a lis pendens filed against it by the Lender holding a mortgage on the property, is subject to an ongoing foreclosure action by the Lender, is subject to an application for a tax deed or pending tax assessor's lien sale, or has been transferred to the Lender under a deed in lieu of foreclosure. The designation of a property as "abandoned" shall remain in place until such time as the property is sold or transferred to a new owner, the foreclosure action has been dismissed, and any default on the mortgage has been cured.

**Accessible Property/Structure** – means a property that is accessible through a comprised/breached gate, fence, wall, etc., or a structure that is

unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

**Applicable Codes** – means to include, but not be limited to, the Municipality’s Property Maintenance Code, the Zoning Ordinance, Building Code and Fire Code, the Pennsylvania Building and Fire Codes, the UCC, and the Municipality’s Codified Ordinances.

**Blighted Property** – means:

- a) Properties that have broken or severely damaged windows, doors, walls, or roofs which create hazardous conditions and encourage trespassing; or
- b) Properties whose maintenance is not in conformance with the maintenance of other neighboring properties causing a decrease in value of the neighboring properties; or
- c) Properties cited for a public nuisance pursuant to the Applicable Codes; or
- d) Properties that endanger the public’s health, safety, or welfare because the properties are vacant and abandoned or improvements thereon are dilapidated, deteriorated, or violate minimum health and safety standards or lacks maintenance as required by the applicable codes.

**Enforcement Officer** – means any Law Enforcement Officer, Building Official, Zoning Inspector, Code Enforcement Officer, Fire Marshall, Building Inspector, Planner, or other person authorized by the Municipality to enforce the applicable code(s).

**Owner** – means any person, legal entity or other party having any ownership interest whether legal or equitable, in real property. This term shall also apply to any person, legal entity or agent responsible for the construction, maintenance or operation of the property involved.

**Property Management Company** – means a local property manager, property maintenance company or similar entity responsible for the maintenance of abandoned real property.

**Vacant** – means any building or structure that is not legally occupied and is not currently being offered for sale, rent or lease evidenced by a sign posted on the subject property advertising the property for sale, rent or lease with contact information, ownership information, and current phone number and/or an active listing on an electronic data base accessible to Municipal staff. If there is no posted sign and the listing is not accessible to Municipal staff, a realtor may submit a written confirmation of listing to avoid the requirement of registration. This shall also include those properties subject to the provisions of Section 100.05 of this ordinance,

which also shall be defined as vacant and abandoned and subject to the requirements of registration and other provisions of this ordinance.

*Exception – This definition shall not apply to properties where owners have, for reasons such as extended vacations, nursing home care, or temporary employment, not occupied their homes for over 90 days but intend to return and have notified the Penn Hills Police Department of their intentions.*

### **100.03 - APPLICABILITY**

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather be an additional remedy available to the Municipality above and beyond any other State, County or Local provisions for same.

### **100.04 – ESTABLISHMENT OF A REGISTRY**

Pursuant to the provisions of Section 100.05 the Municipality of Penn Hills or designee shall establish a registry cataloging each Abandoned Property and Vacant Property within the Municipality, containing the information required by this Article.

### **100.05 – REGISTRATION OF ABANDONED AND OR VACANT REAL PROPERTY**

Registration is required for all abandoned and vacant property within the Municipality of Penn Hills.

- a) Upon default by the mortgagor of the mortgage, any mortgagee(lender) who holds a mortgage on real property located within the Municipality of Penn Hills shall perform an inspection of the property to determine vacancy or occupancy, upon default by the mortgagor. The mortgagee(lender) shall, within ten (10) days of the inspection, register all vacant and abandoned property with the Department of Code Enforcement, or designee, on forms or website access provided by the Municipality and pay the fee required for registration. A separate registration is required for each property.
- b) If the property is occupied but remains in default, it shall be inspected by the mortgagee(lender) or his designee monthly until (1) the mortgagor or other party remedies the default, or (2) it is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, and the mortgagee shall, within ten (10) days of that inspection, update the property registration to a vacancy status on forms provided by the Municipality.

- c) Registration pursuant to this section shall contain the name of the mortgagee and the servicer, the direct mailing address of the mortgagee and the servicer, a direct contact name and telephone number for both parties, facsimile number and e-mail address for both parties, the PIN or tax number, and the name and twenty-four (24) hour contact phone number of the property management company responsible for the security and maintenance of the property.
- d) All registration fees must be paid directly from the Mortgagee(lender), Servicer, Trustee, or Owner. Third Party Registration fees are not allowed without the consent of the Municipality and/or its authorized designee.
- e) This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.
- f) Properties subject to this section shall remain under an annual registration requirement, and the inspection, security and maintenance standards of this section as long as they remain vacant or in default.
- g) Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.
- h) Failure of the mortgagee(lender) and/or owner to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this article is a violation of the article and shall be subject to enforcement.
- i) The provisions of this section shall also apply to owners, servicers, trustees, property managers, and agents of all vacant and/or abandoned property whether or not the subject of a mortgage. All property must be registered immediately upon vacancy.
- j) Pursuant to any administrative or judicial finding and determination that any property is in violation of this article, the Municipality may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.

#### **100.06 – MAINTENANCE REQUIREMENTS**

- a) Properties subject to this chapter shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper 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 or any other items that give the appearance that the property is abandoned.

- b) The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- c) Front, side, and rear yards, including landscaping, shall be maintained in accordance with the applicable code(s) at the time registration was required.
- d) Yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
- e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.
- f) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- g) Failure of the mortgagee(lender) and/or owner to properly maintain the property may result in a violation of the applicable code(s) and issuance of a citation or Notice of Violation in accordance with the applicable code of the Municipality. Pursuant to a finding and determination by either the Municipality's Code Enforcement Officer, Magisterial District Judge, or a court of competent jurisdiction, the Municipality may take the necessary action to ensure compliance with this section.
- h) In addition to the above, the property is required to be maintained in accordance with the Municipality's Property Maintenance Code, Building Code, Fire Code, and other applicable code(s) of the Municipality.

#### **100.07 – SECURITY REQUIREMENTS**

- a) Properties subject to these Sections shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- b) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by re-glazing of the window.
- c) If a mortgage on a property is in default, and the property has become vacant or abandoned, a property manager shall be designated by the mortgagee, owner, trustee, or legal entity to perform the work necessary to bring the property into compliance with the applicable code(s), and the

property manager must perform regular inspections to verify compliance with the requirements of this article, and any other applicable laws.

#### **100.08 – PUBLIC NUISANCE**

All abandoned real property is hereby declared to be a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare and safety of the residents of the Municipality.

#### **100.09 – INSPECTIONS FOR VIOLATIONS**

Adherence to this article does not relieve any person, legal entity or agent from any other obligations set forth in any applicable code(s), which may apply to the property. Upon offer for sale or transfer of title to the property, the owner shall be responsible to apply to the Municipality's Dept. of Code Enforcement for an Occupancy Permit.

#### **100.10 – ADDITIONAL AUTHORITY**

- a) If the enforcement officer has reason to believe that a property subject to the provisions of this article is posing a serious threat to the public health, safety and welfare, the code enforcement officer may temporarily secure the property at the expense of the mortgagee and/or owner, and may bring the violations before the Magisterial District Judge as soon as possible to address the conditions of the property.
- b) The Code Enforcement Officer or Magisterial District Judge shall have the authority to require the mortgagee and/or owner of record of any property affected by this section, to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.
- c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety and welfare, then the Municipality may abate the violations and charge the mortgagee with the cost of the abatement.
- d) If the mortgagee, owner, trustee or legal entity does not reimburse the Municipality for the cost of temporarily securing the property, or of any abatement directed by the code enforcement officer or Magisterial District Judge, within thirty (30) days of the Municipality sending the mortgagee the invoice then the Municipality may lien the property with such cost, along with an administrative fee as determined in the Municipality's fee ordinance to recover the administrative personnel services.

**100.11 – OPPOSING, OBSTRUCTING ENFORCEMENT OFFICER;  
PENALTY**

Whoever opposes obstructs or resists any enforcement officer or any person authorized by the enforcement office in the discharge of duties as provided in this chapter shall be punishable as provided in the applicable code(s) or a court of competent jurisdiction.

**100.12 – IMMUNITY OF ENFORCEMENT OFFICER**

Any enforcement officer or any person authorized by the Municipality to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon real property while in the discharge of duties imposed by this article.

**100.13 – FEES AND PENALTIES**

- a) A non-refundable registration fee in the amount of one hundred and fifty (\$150.00) dollars per property, shall accompany the initial registration form. Thereafter the fee for annual renewal shall be \$250 for the second annual registration and \$400 for annual renewals thereafter.
- b) Any person who shall violate the provisions of this article may be cited and fined. The fine shall be a minimum of five hundred dollars or up to a maximum of \$3,000 or otherwise in accordance with the provisions of Chapter 202.99 of the Municipality's Codified Ordinances as amended. A separate offense shall be deemed committed each day during or on which such non-compliance or violation shall continue.

**SECTION 2. SEVERABILITY.** It is hereby declared to be the intention of the Council of the Municipality of Penn Hills that several provisions of this Ordinance are separable. If any Court of competent jurisdiction shall declare any words, sentences, sections or provisions of this Ordinance to be invalid, such a ruling shall not affect any other words, sentences, sections or provisions of this Ordinance not specifically included in said ruling.

**SECTION 3. REPEALER.** All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, are hereby repealed.

THIS ORDINANCE APPROVED AND ADOPTED BY THE MAYOR AND THE  
COUNCIL OF THE MUNICIPALITY OF PENN HILLS ON THIS 17 DAY OF NOVEMBER  
A.D. 2014



Anthony L. DeLuca, Mayor

NOVEMBER 17, 2014

Date



Mohammed Rayan, Manager

NOVEMBER 17, 2014

Date