

**TOWNSHIP OF O'HARA
ALLEGHENY COUNTY, PENNSYLVANIA**

AN ORDINANCE OF THE TOWNSHIP OF O'HARA, ALLEGHENY COUNTY, PENNSYLVANIA, PROVIDING FOR THE REGISTRATION, INSPECTION AND MAINTENANCE OF VACANT AND ABANDONED PROPERTY AND PROVIDING FOR PENALTIES

WHEREAS, the Council of the Township of O'Hara desires property owner contact information of vacant and abandoned property.

IT IS HEREBY ORDAINED AND ENACTED by the Council of the Township of O'Hara, Allegheny County, Pennsylvania, as follows:

**ARTICLE I
GENERAL**

Title. These regulations shall be known as the Vacant and/or Abandoned Property Registration Ordinance of the Township of O'Hara, hereinafter referred to as "this ordinance."

Scope. The provisions of this ordinance shall apply to all vacant and/or abandoned properties in the Township of O'Hara, and to all persons and/or entities which own said properties as specified herein. This Ordinance is not intended, nor shall its effect be, to limit any other enforcement remedies which may be available to the Township.

Severability. If a section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

**ARTICLE II
DEFINITIONS**

Unless otherwise expressly stated, the following terms shall, for the purposes of this ordinance, have the meanings shown in this ordinance.

Abandoned – A commercial or residential building or structure that is unoccupied for more than thirty (30) days and is, 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 property has been retained by the beneficiary of a deed of trust involved in the foreclosure or transferred under a deed in lieu of foreclosure/sale.

Evidence of Vacancy – Any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is unoccupied. Such conditions include, but are not limited to, overgrown and/or dead vegetation; accumulation of newspapers, circulars, flyers and/or mail; past due utility notices and/or disconnected utilities; accumulation of

trash, junk and/or debris; the absence of window coverings such as curtains, blinds and/or shutters; the absence of furnishings and/or personal items consistent with residential habitation; statements by neighbors, passersby, delivery agents, or government employees that the property is unoccupied.

Foreclosure – The process by which a property, placed as security for a real estate loan, is sold at auction to satisfy the debt if the trustor (borrower) defaults.

Garbage – Any solid waste derived from animal, grain, fruit, or vegetable which is capable of being decomposed by microorganisms with sufficient rapidity to cause such nuisances as odors, gases, or vectors. This does not include sewage or sewage sludge or human excrement.

High Grass – All grasses, annual plants and vegetation, other than trees or shrubs, in excess of twelve inches (12”) in height or until such plant goes to seed, provided, however, this term shall not include cultivated flowers and gardens.

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.

Premises – Same definition as property.

Property – Any unimproved or improved real property, or portion thereof, located within the Township and includes the buildings or structures located on the property regardless of condition.

Rubbish – All non-putrescible municipal waste and bulky waste.

Structure – That which is built or constructed or a portion thereof; provided, however, that the term “structure” shall not include any unit in a larger building where the unit owner does not have responsibility to maintain any other portion of the property besides the unit.

Vacant – Any residential building or structure that is not legally occupied for a period exceeding 30 days.

**ARTICLE III
OWNER'S DUTIES**

301 Inspection

Any person who owns a vacant property located within the Township shall perform, or contract to have performed, an inspection of the property within ten (10) days of purchase or acquisition of

property. Any vacant building or structure must also be inspected monthly until the property becomes legally occupied or the property is legally sold to another person. Such inspections by the owner or his/her designee shall be for compliance with the standards set forth herein. Any noncompliance with this Ordinance, particularly sections 303 and 304, shall be promptly remedied by the Owner.

302 Registration

- (a) If any property is found to be vacant or abandoned, per the definitions, or shows evidence of vacancy, then the owner shall register the property with the Township of O'Hara Code Enforcement Office on a form or forms provided by the Township.
- (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; and (v) any other information deemed necessary by the Township of O'Hara Code Enforcement Officer.
- (c) Properties subject to registration under this Ordinance shall remain under the annual registration requirement, security and maintenance standards of this Ordinance for so long as they remain vacant.
- (d) Any owner or his designee that has registered a property under this Ordinance must report any change of information contained in the registration within fifteen (15) business days of the change.

303 Maintenance Requirements

- (a) 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 laws), 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, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure.
- (c) Pools and spas shall be kept in working order so the water remains clear and free of pollutants and debris, or drained and kept dry. In either case, a property with pool or spa must comply with the minimum security fencing requirement of the Township of O'Hara Building Code.

- (d) Adherence to this Ordinance does not relieve any property owner of any obligations set forth in any other Ordinance of the Township of O’Hara, including, but not limited to, the Township of O’Hara Zoning Ordinance and the Township of O’Hara Nuisance Ordinance.

304 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, rats and 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 a child 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 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 3” x 5” and shall be of a font and writing that is legible and shall contain along with the name, the Township of O’Hara Properties Registration Number, a 24-hour contact number, and the words “THIS PROPERTY MANAGED BY (name/company)” and “TO REPORT PROBLEMS OR CONCERNS CALL (name and phone number)”. The posting shall be placed on the interior of a window facing the street to the front of the property so it is visible, or secured to the exterior of the building or structure 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.

305 Additional Authority

In addition to the enforcement remedies established in this Ordinance, the Township of O’Hara Code Enforcement Officer, or his designee, shall have the authority to require the owner of any property affected by this Ordinance to implement additional maintenance and/or security measures, including, but not limited to, securing any and all door, window or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of an on-site security guard, or other measures as may be reasonably required to arrest the decline of the property.

306 Enforcement

Violations of this Ordinance shall be enforced by the Township of O’Hara Code Enforcement Officer or his designee.

307 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 Five Hundred (\$500.00) Dollars, and

costs of the prosecution, for each offense, or imprisonment not to exceed thirty (30) days, or both fine and imprisonment.

308 Conflict

Any ordinances or any part of any ordinance which conflict with this Ordinance are hereby repealed insofar as the same affects this ordinance.

309 Effective Date

This Ordinance shall take effect immediately.

ORDAINED AND ENACTED this 11th day of October, 2016, by Council vote of 5 to 0.

ATTEST:



Julie A. Jakubec, CPA, CGMA
Township Manager

TOWNSHIP OF O'HARA



Robert John Smith
President of Council



First Reading	<u>Rothert - Vogel</u>	<u>6 - 0</u>	<u>09/13/2016</u>
Second Reading			
& Adoption	<u>Rothert - Vogel</u>	<u>5 - 0</u>	<u>10/11/2016</u>
Advertised	<u>10/20/2016</u>	Codified	_____