

BOROUGH OF WHITE OAK
ALLEGHENY COUNTY, PENNSYLVANIA
ORDINANCE NO. 2023-12

AN ORDINANCE OF THE BOROUGH OF WHITE OAK, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, REPEALING AND REPLACING PART SEVENTEEN, ARTICLE 1781 OF THE BOROUGH OF WHITE OAK CODE TO ESTABLISH A VACANT PROPERTY REGISTRY FOR THE BOROUGH OF WHITE OAK; REQUIRING THE REGISTRATION OF CERTAIN REAL PROPERTY BY OWNERS; PERMITTING ANNUAL INSPECTIONS; ASSESSING REGISTRATION FEES; AND PROVIDING PENALTIES AND ENFORCEMENT FOR VIOLATIONS OF THE ORDINANCE

WHEREAS, the Borough Council of the Borough of White Oak recognizes that there has been an increase in the number of property vacancies located throughout the Borough of White Oak; and

WHEREAS, the Borough of White Oak is challenged to identify and locate owners of vacant properties; and

WHEREAS, the Borough of White Oak finds that the presence of vacant properties can lead to a decline in property value, create attractive nuisances and lead to a general decrease in neighborhood and community aesthetic; and

WHEREAS, the Borough of White Oak has, *inter alia*, already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

WHEREAS, the Borough of White Oak desires to amend the Borough of White Oak's Code in order to establish a vacant property registration process that will identify a contact person to address safety and aesthetic concerns to minimize the negative impacts and blighting conditions that occur as a result of vacancies; and

WHEREAS, the Borough of White Oak has a vested interest in protecting neighborhoods against decay caused by vacant properties and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose registration and certification requirements on abandoned and vacant properties located within the Borough of White Oak;

NOW THEREFORE, BE IT ORDAINED AND ENACTED and IT IS HEREBY ORDAINED AND ENACTED by the Council for the Borough of White Oak, Allegheny County, Pennsylvania, as follows:

SECTION 1

Part 17 ("Building and Housing Code"), Article 1781 ("Registration of Vacant Properties") of the Code of the Borough of White Oak is hereby repealed in its entirety and replaced with the following:

§1781.01 Purpose and Intent.

It is the purpose and intent of the Borough of White Oak to establish a process to address the problem of vacant real property located within the Borough. It is the Borough's further intent to specifically establish a vacant property registration as a mechanism to compel property owners and others to maintain such affected properties in order to protect the Borough of White Oak from becoming blighted through the lack of adequate maintenance and security.

§1781.02 Definitions.

ACTIVELY MARKETING FOR SALE OR LEASE - A property that is listed and marketed through a licensed real estate agent or broker, or by the owner, who is regularly advertising said property in newspapers of general circulation in and around Allegheny County and has conspicuously posted signage at the property advertising the same.

THE BOROUGH - The Borough of White Oak, Allegheny County, Pennsylvania.

CODE VIOLATION - A violation of the White Oak Borough Code that is not remedied in the specified time allowed in the Notice of Violation, or, if a written extension is granted by the Code Enforcement Officer, that is not remedied in the specified time set forth in said extension.

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 vacant. Such conditions include, but are not limited to, overgrown and/or dead vegetation; accumulation of newspapers, circulars, flyers and/or mail; disconnected utilities; accumulation of trash 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 habitation; or statements by neighbors, delivery agents, or government employees that the property is vacant.

OWNER - Any natural person, partnership, corporation, trust, or other entity having title, whether by deed, mortgage, lease or other contract, to real estate within the Borough, or otherwise having control of the property, including the guardian of an estate and the executor or administrator of the estate.

VACANT - A structure in which no natural person lawfully resides or conducts a business on a permanent, non-transient basis.

§1781.03 Applicability.

The requirements of this Chapter shall be applicable to every structure in the Borough and each owner of any structure whether commercial, residential, or institutional if said structure has been abandoned or vacant for more than sixty (60) consecutive days.

§1781.04 Registration.

1. Upon sixty (60) consecutive days of vacancy, the owner of the subject property shall file a Registration Statement on a form prepared and provided by the Borough. The registration statement shall include the following information:

- a. The street address and parcel number of each such vacant building;
 - b. The names and street addresses of all owners. If the owner is a corporation, the registration statement shall provide the names and addresses of all officers of the corporation. If the owner is a trust, partnership, or any other form of unincorporated association, the registration statement shall provide the names and addresses of any partner or principal with an interest of 20% or greater. A post office box will not be accepted as a valid address; and
 - c. A working telephone number that has service twenty-four (24) hours per day and seven (7) days per week.
2. A fee shall accompany the Registration Statement. Such fee shall be set by White Oak Borough Council and designated in the Borough Fee Schedule. This fee may be changed from time-to-time by Resolution of Borough Council.
3. Filing of the Registration Statement and fee shall be required on an annual basis for as long as the structure remains vacant.

§1781.05 Appointment of Responsible Agent.

1. Each owner who does not live in Allegheny County shall appoint a natural person, twenty-one (21) years of age or older, who lives in Allegheny County, as a responsible agent.
2. The name, address, and telephone number of the responsible agent shall be listed on the Registration Statement. A post office box will not be accepted as a valid address.
3. The responsible agent shall be jointly and severally liable for and shall perform the obligations of the owner under this Chapter.
4. If the name, address, or telephone number of the responsible agent changes during the course of any calendar year, it is the responsibility of the owner to update the Registration Statement within fifteen (15) days of the occurrence of such change.

§1781.06 Inspections.

1. Within thirty (30) days of submission of the Registration Statement, the Code Enforcement Officer shall perform an inspection of each vacant structure to determine compliance with Borough ordinances, including the Property Maintenance Code.
2. Each property shall be inspected annually for as long as the structure remains vacant.
3. If a vacant structure fails to comply with the provisions of the Borough Property Maintenance Code or other Borough ordinances, the Code Enforcement Officer shall notify the owner or responsible agent in writing of the deficiencies within ten (10) days of the inspection. The owner shall have thirty (30) days from the date of the notice to abate all violations and to

schedule a second inspection. The Code Enforcement Officer may provide a written extension to abate the violations, provided that under no circumstance shall the inspection process exceed 120 days from the date of the initial inspection.

4. The owner or responsible agent shall provide no less than twenty-four (24) hours written notice of a request to change the date or time of a scheduled inspection. Upon failure to give such notice or upon failure to grant entry, an administrative fee of \$100.00 shall be assessed against the owner.

§1781.07 Exemptions.

The following structures are exempt from the provisions of this section:

1. A structure that is currently registered with the Borough as a foreclosed property.
2. A structure that is actively marketed for sale or lease, provided that all municipal fees and taxes are paid in full and the structure is in compliance with the Borough Property Maintenance Code and all other applicable Borough ordinances.
3. A structure that is undergoing an active renovation or rehabilitation and for which all permits have been obtained.
4. A structure that is vacant as a result of a fire or nature disaster and for which a permit to restore or demolish has not yet been obtained, for a period not to exceed 120 days.
5. A structure that is temporarily vacated by an owner-occupant to reside at an alternative, semi-permanent address for a portion of up to 180 days annually.

§1781.08 Violations & Penalties.

Any person who violates any provision of this Chapter shall, upon conviction thereof before a District Justice or other court, be sentenced to pay a fine of not less than \$500.00, plus the costs of prosecution. Each day of continuing violation shall constitute a separate offense.

§1781.09 Delinquent Registration Fees as Lien.

After any owner or responsible agent is given notice that a Registration Statement filing fee is due and said owner or responsible agent fails to satisfy the fee in full within thirty (30) days, the Borough may file a municipal lien upon the property for such fees which are due.

§1781.10 Enforcement.

The Borough Manager, Code Department, Police Department, Borough Solicitor, and all others employed or appointed by the Borough of White Oak, are authorized to take any and all action necessary to ensure implementation of this Ordinance and to effectuate the purpose hereof.

SECTION 2 - REPEALER

As of the effective date of this Ordinance, all ordinances currently in existence are repealed to the extent that such ordinances are inconsistent with the provisions of this Ordinance.

SECTION 3 - SEVERABILITY

The provisions of this Ordinance are severable. If any section, sentence or clause of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining sections, sentences or clauses of this Ordinance.

SECTION 4 - EFFECTIVE DATE

This Ordinance shall become effective upon enactment by the Council of the Borough of White Oak.


ORDAINED AND ENACTED this 15th day of May, 2023.

ATTEST:

BOROUGH OF WHITE OAK



John Palyo
Borough Manager




Charles D. Davis
President of Council

EXAMINED AND APPROVED by me this 15th day of May 2023.



Ina Marton
Mayor

APPROVED AS TO FORM:



Ashley J. Puchalski, Esquire
Solicitor