

Chapter 4

Buildings

Part 1

Vacant Property

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Part 1**Vacant Property****§4-101. Legislative Findings and Purpose.**

It is the finding of the Borough Council of the Borough of Carnegie that vacant buildings and vacant structures in the Borough are unsightly, unsafe and have an overall negative effect on the Borough. 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.

(Ord. 2359, 8/8/2011, §401)

§4-102. Definitions.

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

Boarded property—any building, structure or dwelling where, in place of one or more exterior doors or windows, there is a sheet, or sheets, of plywood covering the space for such door or window. A property is also considered to be a boarded property where exterior and windows are covered with paper, newsprint or bed linens. A building, structure or dwelling is not considered to be boarded where a single door or window of the building, structure or dwelling is damaged or broken and the use of a board, paper, newsprint or bed linens by the record owner or his agent is temporarily necessary while the single, damaged window is repaired, provided said repair is made promptly.

Code Enforcement Officer—a duly authorized agent of the Borough of Carnegie with specific powers to enforce Building Codes within the Borough.

Other than normal means—a building or structure that is secured in a method or manner not intended in the original design of the building or structure.

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 6 months and the new deed is intended to be filed but has not yet been filed with the Allegheny County Department of Real Estate.

Unoccupied—a building or structure that is not lawfully occupied.

Unsecured—any building or structure or any portion of a building or structure that is generally open to entry from outside of the building or structure without the use of keys, tools, ladders, electronic swipe cards or pass codes.

Vacant property—any building or structure or any portion of any building or structure that is:

- (1) Unoccupied and unsecured.
- (2) Unoccupied and secured by other than normal means.
- (3) Unoccupied and unsafe as determined by the Code Enforcement

Officer.

(4) Unlawfully occupied by a person or persons without a lease or agreement with the record owner of the property.

(5) Unlawfully occupied by a person or persons without the record owner having a valid occupancy permit for the property.

(6) Unoccupied for a period of 365 days and the Code Enforcement Officer has issued a notice of code violation.

(Ord. 2359, 8/8/2011, §402)

§4-103. Vacant Building Registration.

1. The record owner of a property shall register with the Code Enforcement Officer any vacant building or vacant structure in the Borough within 30 days of such building becoming vacant or within 10 days of being notified by mail by the Code Enforcement Officer that a building is vacant as found through the Code Enforcement Officer's normal inspection process.

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

A. A description of the property.

B. A statement as to the availability of utilities (i.e., water, gas, electric service) to the property.

C. 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.

D. 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.

E. The names and addresses of all lien-holders and any other property owner with an ownership interest in the property.

F. 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.

G. A vacant building plan as described in subsection .3.

3. 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:

A. 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.

B. If the property is to remain vacant, the record owner shall file with the Code Enforcement Officer:

(1) 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.

(2) A plan for maintaining the property in accordance with §301.3, “Vacant Structures and Land,” of the International Property Maintenance Code.

(3) A statement as to the reasons why the property must remain vacant.

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

C. 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.

4. 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.

5. 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.

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

7. In the event of any sale of any vacant property, the purchasing record owner shall comply with the registration provisions of this Part within 30 days of the closing of the sale.

8. The Borough Manager is hereby empowered to withhold “no-lien” letters if a vacant property is not registered in accordance with this Part.

(*Ord. 2359, 8/8/2011, §403*)

§4-104. Registration Fees.

1. There shall be no fee where a record owner registers a vacant property within the time specified in §4-103.1.

2. 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 §4-103.1 of this Part, 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.

3. Where a property has been damaged by fire or by extreme weather conditions, the registration requirements of §4-103 of this Part 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:

A. The name and address of the record owners.

B. The date of the fire or extreme weather condition that gave rise to the damage.

C. A description of the premises.

5. A statement of intent to repair, reoccupy or demolish the structure in an expedient manner.

(*Ord. 2359, 8/8/2011, §404*)

§4-105. Inspections.

1. The Code Enforcement Officer is hereby authorized to perform the necessary inspections to ensure compliance with the Section with there being at a minimum one safety inspection performed on all buildings subject to this Part every 6 months. A fee in an amount as established, from time to time, by Borough Council shall offset the cost of the inspection program. [*Ord. 2384*]

2. The Code Enforcement Officer is directed to make every effort to attempt to make arrangements with the record owner to perform bi-annual inspections of vacant property. If 15 days have lapsed from the Code Enforcement Officers initial attempt to contact the record owner by mail, the Code Enforcement Officer shall send a request for access to the record owner via certified, United States mail. If the record owner 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.

A. 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 of the vacant property and shall be included in the total of any lien placed on the property.

B. 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 Borough Council, shall be assessed to the record owner to offset the cost to the Borough of obtaining such a warrant. [*Ord. 2384*]

(*Ord. 2359, 8/8/2011, §405; as amended by Ord. 2384, 12/10/2012*)

§4-106. Board Up Permits.

1. No person, firm, association or corporation shall erect, install, place or maintain boards over the doors, windows or other openings of any building or structure or otherwise secure such openings by a means other than the conventional method used in the original construction and design of the building or structure without first applying for and receiving a permit. Any property that is boarded up at the time of the adoption of this Chapter shall have 6 months from the date of this Chapter to make application to continue to board.

2. The Code Enforcement Officer shall issue a boarding permit upon the submission of a written application by the record owner or his agent and receipt of the required fee.

A. The fee for a boarding permit shall be in an amount as established, from time to time, by resolution of Borough Council. [*Ord. 2384*]

B. The application for a boarding permit shall include:

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

(2) A time line for obtaining appropriate permits for remediation of the reasons making the boarding of the property necessary.

(3) An notarized affidavit of consent to enter authorizing the Code Enforcement Officer to gain entry to the property at any time for the purpose of inspecting the property and ensuring that the property is not being used by “squatters.”

(4) An escrow fee in an amount as established, from time to time, by resolution of Borough Council. [*Ord. 2384*]

C A board up permit may be renewed for one 6-month period upon the submission of a written application by the record owner or his agent, the payment of the required fee and a statement as to what action is to be taken to bring the property into conformance with applicable laws and codes.

(1) The renewal fee for a boarding permit shall be in an amount as established, from time to time, by resolution of Borough Council. [*Ord. 2384*]

D. A renewal board up permit may not be extended beyond the renewal period nor may a new application for the same property be issued by the Code Enforcement Officer for a period of 1 year after the expiration of the initial permit and its one renewal except upon approval by Council upon good cause shown. Good cause shall be where the record owner has exercised due diligence in attempting to make necessary repairs to the vacant property and events beyond the record owner's control, such as inability to obtain financing for the repair, inability to find a suitable buyer with evidence that the property has been listed on the Pennsylvania Multi-List, unanticipated delays in construction or unanticipated damage to the property, shall permit for a renewal of the boarding permit.

(*Ord. 2359, 8/8/2011, §406; as amended by Ord. 2384, 12/10/2012*)

§4-107. Reports.

The Code Enforcement Officer shall, on a quarterly basis, submit to the Mayor and Borough Council, a report of all properties within the Borough that shall be found to be vacant under this Part. The report shall also include the addresses of properties removed from this list during the previous quarter.

(*Ord. 2359, 8/8/2011, §407*)

