

BOROUGH OF CALIFORNIA  
COUNTY OF WASHINGTON  
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 558

**AN ORDINANCE OF THE BOROUGH OF CALIFORNIA, WASHINGTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING A PROCESS TO ADDRESS THE DETERIORATION AND BLIGHT OF THE BOROUGH'S NEIGHBORHOODS CAUSED BY AN INCREASING AMOUNT OF FORECLOSED OR ABANDONED, REAL PROPERTY LOCATED WITHIN THE BOROUGH AND TO IDENTIFY, REGULATE, LIMIT AND REDUCE THE NUMBER OF ABANDONED PROPERTIES LOCATED WITHIN THE BOROUGH; CONTAINING A DEFINITIONS SECTION; REQUIRING THE REGISTRATION OF FORECLOSED OR ABANDONED REAL PROPERTY; PROVIDING FOR MAINTENANCE AND SECURITY REQUIREMENTS FOR FORECLOSED OR ABANDONED REAL PROPERTY; CONTAINING A PENALTIES AND ENFORCEMENT SECTION; ALLOWING FOR INSPECTIONS FOR VIOLATIONS BY THE BOROUGH'S CODE ENFORCEMENT OFFICE WITH PENALTIES FOR THE OPPOSITION AND OBSTRUCTION OF SAID INSPECTIONS; GIVING BOROUGH COUNCIL CERTAIN POWERS BY RESOLUTION; REPEALING INCONSISTENT ORDINANCES AND/OR PORTIONS OF INCONSISTENT ORDINANCES; INCLUDING A SAVINGS CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the present mortgage foreclosure crisis has serious negative implications for all communities trying to manage the consequences of property vacancies and abandoned real properties; and

WHEREAS, the Borough Council recognizes that there is an increase in the number of vacancies and abandoned properties located within the Borough; and

WHEREAS, the Borough is challenged to identify and locate owners or foreclosing parties who can maintain the properties that are in the foreclosure process or that have been foreclosed; and

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

WHEREAS, the Borough has already adopted property maintenance ordinance(s) / code(s) to regulate building standards for the exterior of structures and the condition of the property as a whole; and

WHEREAS, the Borough now desires to enact an Ordinance in order to establish a foreclosed property registration process that will identify a contact person to address safety and aesthetic concerns and to minimize the negative impacts and blighting conditions that occur as a

result of the foreclosures; and

WHEREAS, the Borough has a vested interest in its protecting neighborhoods against decay caused by vacant and abandoned 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.

NOW, THEREFORE, be it ORDAINED and ENACTED and it is hereby ORDAINED AND ENACTED by the Council of the Borough of California, Washington County, Pennsylvania, as follows:

### **SECTION 1. PURPOSE AND INTENT.**

It is the purpose and intent of the Borough to establish a process to address the deterioration and blight of Borough neighborhoods caused by an increasing amount of foreclosed or abandoned real property located within the Borough, and to identify, regulate, limit and reduce the number of abandoned properties located within the Borough. It is the Borough's further intent to establish a registration program as a mechanism to protect neighborhoods from becoming blighted due to lack of adequate maintenance and security of foreclosed and abandoned properties.

### **SECTION 2. DEFINITIONS.**

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

1. Abandoned Property: Any real property in the Borough that has become both vacant and blighted.
2. Accessible Property/Structure: A property or structure that is accessible through a compromised/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.
3. Applicable Ordinance(s), Code(s) and/or Regulation(s): To include, but not be limited to, the Borough's Property Maintenance Ordinance / Code, the Borough's Building Code, the Borough's Zoning Ordinance, the Borough's Code of Ordinances ("Borough Code"), and the Pennsylvania Uniform Construction Code (U.C.C.).
4. Blighted Property:
  - A. Properties that have broken or severely damaged windows, doors, walls, or roofs which create hazardous conditions and encourage trespassing; or
  - B. Properties cited for a public nuisance pursuant to the Borough's Ordinance(s), Code(s) and/or Regulation(s); or

- C. Properties that endanger the public's health, safety, or welfare because the properties or improvements thereon are dilapidated, deteriorated, or violate minimum health and safety standards or lack maintenance as required by the Borough's Ordinance(s), Code(s) and/or Regulation(s).
5. Enforcement Officer: Any building official, zoning officer, code enforcement officer, building inspector, fire inspector, law enforcement officer, or other person authorized by the Borough to enforce the applicable Borough Ordinance(s), Code(s), and/or Regulation(s).
  6. Foreclosed Property: Any real property located in the Borough, 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 assessors lien sale, or has been transferred to the lender under a deed in lieu of foreclosure. The designation of a property as "foreclosed" 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.
  7. Owner: 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.
  8. Property Management Company: A property manager, property maintenance company or similar entity responsible for the management and/or maintenance of real property.
  9. Vacant Property: Any building or structure that is not legally occupied.

### **SECTION 3. 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 Borough above and beyond any other state, county or local provisions for the same.

### **SECTION 4. ESTABLISHMENT OF REGISTRY.**

Pursuant to the provisions of Section 5 herein, the Borough or its designee shall establish a registry cataloging each foreclosed or abandoned property within the Borough, containing the information required by this Ordinance.

**SECTION 5. REGISTRATION OF FORECLOSED OR ABANDONED REAL PROPERTY.**

1. Upon default by the mortgagor of the mortgage on any real property located within the Borough of California, the mortgagee (lender), who holds such mortgage, shall perform an inspection of the property to determine vacancy or occupancy. The mortgagee shall, within ten (10) days of the inspection, register the property with the Borough's Code Enforcement Department, or its designee, on a form provided by the Borough, and shall indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.
2. If the property is occupied but remains in mortgage default, it shall be inspected by the mortgagee or his designee on a monthly basis until:
  - a. The mortgagor or other party remedies the default; or
  - b. The property 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 a form provided by the Borough.
3. This Ordinance 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.
4. This Ordinance shall also apply to properties that have been identified by the Code Enforcement Department as being vacant and abandoned, through the investigation of code violations or blighted conditions on such properties.
5. Registration pursuant to this Ordinance shall contain the name of the property owner, the mortgagee and the foreclosure process server or attorney; the direct mailing address of the owner, the mortgagee and the process server or attorney; a direct contact name and telephone number for all parties; facsimile number and e-mail address for all parties; the Washington County tax parcel identification number of the property, and the name and twenty-four-hour contact phone number of any property management company responsible for the security and maintenance of the property.
  - a. If the property is vacant, the front door of the property shall be posted legibly and clearly with the name and twenty-four-hour contact telephone of the owner, mortgagee or designated local agent. The posting shall contain the following language:

THIS PROPERTY IS MANAGED BY:  
TO REPORT ANY PROBLEMS OR CONCERNS, CALL:

6. A nonrefundable annual registration fee of \$50.00 shall accompany the registration form. The annual registration fee shall be valid for one calendar year and shall be due on the date of registration and every year thereafter until such property becomes legally occupied.
7. All registration fees must be paid directly from the mortgagee, server, trustee, or owner. Third-party registration fees will not be accepted without the prior consent of the Borough and/or its authorized designee.
8. Properties subject to this Ordinance section shall remain under the annual registration requirement, and the inspection, security and maintenance standards of this Ordinance as long as they remain vacant or in default. Once the property is no longer in foreclosure or is sold to a person or entity other than the mortgagee, the mortgagee must provide proof of sale or written notice of termination of the foreclosure proceeding to the Borough.
9. Any person or legal entity that has registered a property under this section must report any change of information contained in the registration form within ten (10) days of the change.
10. Failure of any mortgagee 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 Ordinance shall be considered a violation of the same and shall be subject to enforcement and sanctions.
11. Pursuant to any administrative or judicial finding and determination that any property is in violation of this Ordinance, the Borough 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.

#### **SECTION 6. MAINTENANCE REQUIREMENTS.**

1. Properties subject to this Ordinance shall be compliant with all other applicable Borough Ordinance(s), Code(s) and/or Regulation(s). Failure of the mortgagee and/or owner to properly maintain the property may result in a violation and issuance of a citation or notice of violation. Pursuant to a finding and determination by the Borough Code Enforcement Officer, Magisterial District Judge or a court of competent jurisdiction, the Borough may take the necessary action to ensure compliance.
2. Properties subject to this Ordinance shall be kept free of trash, junk, or debris; building materials; unlicensed or junk vehicles; any accumulation of newspapers, circulars, flyers, printed material or notices, except those required by federal, state or local law; discarded personal items, including, but not limited to, furniture, clothing, and appliances; and any other items that give the appearance that the property is abandoned.
3. The property shall be maintained free of graffiti or similar markings by removal or painting over with exterior grade paint that matches the color of the exterior structure.

4. Yard and/or landscape maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape. All sidewalks adjoining the property shall be kept clear of snow and ice.
5. Yard and/or landscape material 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 yard and/or landscape material shall not include weeds, fallen trees or branches, gravel, broken concrete, asphalt or similar material.
6. Pools, spas and other bodies of water, including ponds, shall be maintained in a clean and sanitary condition, and in good repair. Pools and spas shall be secured in accordance with all applicable Borough Ordinance(s), Code(s) and/or Regulation(s).

#### **SECTION 7. SECURITY REQUIREMENTS.**

1. Properties subject to this Ordinance shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
2. 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 person to access the interior of the property or structure. Broken windows, doors, gates and other openings of such size that may allow a person to access the interior of the property or structure must be repaired. Broken windows shall be secured by reglazing of the window, not by placement of wood or other material.
3. If the mortgage on a property is in default, and the property has become vacant or abandoned, a property manager shall be designated by the mortgagee to perform the work necessary to bring the property into compliance with the applicable Borough Ordinance(s), Code(s) and/or Regulation(s), and the property manager must perform regular inspections to verify compliance with the requirements of this Ordinance, and any other applicable laws.

#### **SECTION 8. 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 Borough of Californian.

#### **SECTION 9. PENALTIES AND ENFORCEMENT.**

1. Any person or entity that violates any of the provisions of this Ordinance may be charged with such violation, and, upon conviction thereof, shall be sentenced to pay a fine of not more than One Thousand Dollars (\$1,000.00) for each violation. In default of payment of any imposed fine(s), the offender and/or its authorized representative may be imprisoned for a term not to exceed ninety (90) days in the Washington County Correctional Facility.

2. Whenever any person or entity violating any of the provisions of this Ordinance is notified of such violation, in writing, by the Borough, each day, or portion thereof, a violation occurs or continues to occur shall constitute a separate violation.

3. In addition to and not in lieu of the foregoing, the Borough may seek equitable and legal relief to compel compliance with this Ordinance. If a court of competent jurisdiction grants the Borough's request for equitable and/or legal relief, the person(s) and/or entity/entities against who such relief was granted, shall be responsible for any and all court costs, attorney's fees and/or expenses incurred by the Borough in seeking said relief and/or compliance.

#### **SECTION 10. INSPECTIONS FOR VIOLATIONS.**

Adherence to this Ordinance does not relieve any person, legal entity and/or agent from any other obligations set forth in any other applicable Borough Ordinance(s), Code(s) and/or Regulation(s), which may apply to the property. Upon sale or transfer of title to the property, the owner shall be responsible for all violations of the applicable Borough Ordinance(s), Code(s) and/or Regulation(s) and the owner shall be responsible for meeting with the Borough's Code Department within forty-five (45) days for a final inspection report.

#### **SECTION 11. OPPOSING, OBSTRUCTING ENFORCEMENT OFFICER; PENALTY.**

Whoever opposes, obstructs or resists any Enforcement Officer or any person authorized by the Enforcement Officer in the discharge of duties as provided in this Ordinance shall be punishable as provided in the applicable Borough Ordinance(s), Code(s) and/or Regulation(s) or by a court of competent jurisdiction.

#### **SECTION 12. IMMUNITY OF ENFORCEMENT OFFICER.**

Any Enforcement Officer or any person authorized by the Borough to enforce this Ordinance 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 Ordinance.

#### **SECTION 13. POWERS BY RESOLUTION**

The Borough Council may, at any time by way of resolution, amend this Ordinance to change the amount of the annual registration fee.

#### **SECTION 14. REPEAL OF PRIOR ORDINANCES.**

Any and all prior Ordinances and/or any and all portions of prior Ordinances, which are in conflict with this Ordinance are hereby repealed to the extent of such conflict. The remaining Ordinances and/or portions of prior Ordinances, not modified herein, shall remain the same.

#### **SECTION 15. SAVINGS CLAUSE.**

Should any section, provision or other part of this Ordinance be found to be illegal, unenforceable or void, such shall not affect the remainder hereof, which shall remain fully binding, valid and enforceable, and such section, provision or other part shall be modified to the extent necessary to so conform to the law.

The Borough Council of the Borough of California hereby declares its intention that should any section, provision or other part of this Ordinance be found to be illegal, unenforceable or void, it would have made the foregoing Ordinance without such part or with such part so modified so as to conform to the law.

**SECTION 16. EFFECTIVE DATE.**

This Ordinance shall become effective immediately.

DULY presented and adopted at a meeting of the Borough Council of the Borough of California, Washington County, Commonwealth of Pennsylvania, this 10 day of August, 2017.

ATTEST:

BOROUGH OF CALIFORNIA

Shirley Gans  
Borough Secretary

By: Patsy J. Alfano  
President of Council

EXAMINED AND APPROVED by me this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

BOROUGH OF CALIFORNIA

By: \_\_\_\_\_  
Mayor