

VACANT PROPERTY REGISTRATION

WHEREAS, it is the desire and intention of Sunbury City Council to pass legislation within the City of Sunbury (hereinafter “the City”); and

WHEREAS, the City of Sunbury intends to reduce the number of vacant, dilapidated, and unsafe properties in the City in order to continue to protect the health, safety and welfare of the residents of the City, which will also assist in the reduction of crime and illegal activity, while enhancing the neighborhoods; and

WHEREAS, the City of Sunbury, through its Office of Code Administration is prepared to require inspections and registration of all vacant properties, as defined herein, subject to the terms and conditions set forth in this ordinance; and

WHEREAS, the City of Sunbury, through its Office of Code Administration, is prepared to require action on properties which are vacant, dilapidated and/or which create a nuisance within the City, consistent with the terms and conditions set forth in this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Sunbury City Council, and it is hereby ordained by the authority of the same that:

132-1. DEFINITIONS, WORD USAGE.

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings given herein. The word “shall” is always mandatory and not merely directory. As used in this ordinance, the following words shall have the meanings indicated. If the word is not defined specifically herein, it shall have the meaning identified and outlined in the Code of the City of Sunbury:

ACTIVELY FOR SALE OR LEASE

A property actively listed and marketed through a licensed real estate agent/broker, or by the owner or interest holder, excluding any mortgagee, who is regularly and consistently advertising the property in newspapers of general circulation **or other proper advertising methods** in and around Northumberland County Pennsylvania and posting the property "for sale", "for lease", via signage on the property with accurate contact information, a copy of which is also provided to the Sunbury Code Administration Department; the property is offered for sale or lease at a cost of no more than twenty-five (25%) over the market rate, as determined by City comparables; and the property is in reasonable condition for sale or lease, including but not limited to: no trash/debris has accumulated inside or outside, all utilities are functional and operational, and it is not used for storage unrelated to the former use.

BOARDED

Any property with one or more exterior doors, other than a storm door, and/or one or more windows with a sheet or sheets of plywood or similar material covering the space of

such doors or windows.

CITY

The City of Sunbury, Northumberland County, Pennsylvania.

CITY COUNCIL

The Mayor and City Council members of the City of Sunbury.

CODE ADMINISTRATION OFFICER

The code administration officer of the City, zoning inspector, health officer, fire inspector, or such other duly appointed official employee, representative, or agent of the City and authorized to enforce this ordinance.

CONSISTENTLY

Shall mean at least once per month.

DAYS

Consecutive calendar days.

DEFAULT

The condition, status, or event where a mortgagee has initiated a forbearance and/or foreclosure action or proceeding against a mortgagor.

EVIDENCE OF VACANCY

Any condition visible from the exterior that on its own, or combined with other conditions present, would lead a responsible person to believe that the property is vacant. Such conditions would include, but are not limited to, overgrown and/or dead vegetation; accumulation of newspapers, circulars, flyers, mail; past-due utility notices or disconnected utilities; accumulation of trash, junk, debris; the absence of furnishings, window coverings such as blinds or drapes; absence of personal items consistent with residential habitation, absence of products and/or items consistent with active commercial use; statements from neighbors, passersby, delivery agents, or government employees, that the property is vacant.

INSPECTION

A physical investigation at a property to obtain evidence of occupancy or vacancy and/or to verify compliance with this chapter and any other applicable code or law, located inside **and** outside the structure thereon.

MORTGAGE

A pledge of property or a recorded lien or interest in property to secure payment on a loan, debt, or other obligation.

MORTGAGEE

Any bank, mortgage company, lender, partnership, firm, person or corporation having a legal or equitable interest in the property, or is the entity noted in documents recorded in the official records of the state, county or municipality as holding title to the property, or otherwise

having control of the property, including the holder of a mortgage, 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 property by a court.

MORTGAGOR

The person or company who has borrowed money and pledged property as security for the mortgagee.

NEIGHBORHOOD COMPARABLES

Those conditions that are present on a simple majority of properties within a three-hundred-foot (300') radius of the subject property. A property that is subject of a neighborhood standard comparison, or any other vacant or abandoned property within the three-hundred-foot radius (300'), shall not be counted toward the simple majority.

OCCUPIED

Any building or structure where one or more persons conducts a lawful business or resides in or lives in all or any part of the building or structure as the legal business-occupant, or as the legal or equitable owner/occupant or tenant on a permanent, non-transient basis, or any combination of the same. For purposes of this chapter, evidence offered to prove that a building or structure is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the United States Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services; trash collection services; a valid City business license; or the most recent federal, state or City income tax statements indicating that the subject is the official business or residence address of the person or business claiming occupancy; or current written leases indicating current occupancy of the property.

OPEN

A building or structure where any one or more exterior doors, other than a storm door, is broken, open and/or closed, but without a properly functioning lock to secure it, or if one or more windows are broken or not capable of being locked and secured from intrusion or any combination of the same.

OWNER

Any person, co-partnership, association, corporation or legal entity having a legal or equitable interest in property; any person identified and noted in documents recorded in the official records of the Commonwealth, Northumberland County, or City as holding title or a mortgage to property; or any person having possession and control of property, including a mortgagee, receiver, the guardian of the estate or any such person, and the executor, administrator, or personal representative of any such person, if ordered, directed, or required to take possession or control of property by a court of competent jurisdiction or applicable governing documents.

PERSONALTY

Movable personal property. (Ex. – household items, clothing, vehicles, etc.)

PROPERTY

Any real estate or portion thereof, situate in the City, upon which is located any building or structure, regardless of condition or usage (be it residential or commercial).

SECURE

To include such measures as may be directed by the City Code Administration Official so that the property is not accessible to unauthorized persons, including, but not limited to, the repairing of fences and walls, chaining/padlocking gates, the repair or boarding of a door, window or other openings. Boarding shall be completed to a minimum of the current HUD standards at the time the boarding is completed or required. Locking includes measures that require a key, keycard, or special tool to open or gain access.

STOREFRONT

Any facade located on the ground floor of a commercial building having one or more storefront windows.

STOREFRONT WINDOW

Any window of any commercial building that permits an unobstructed public view into the interior of the building from any immediately adjacent street, sidewalk or right-of-way.

UNIT

Any portions of a building having individual addresses, including, but not limited to, individual apartments.

VACANT

Any building or structure in the City shall be deemed to be vacant if no person or persons currently conducts a lawfully licensed business there, or lawfully resides in or lives in all or any part of the building or structure as the legal or equitable owner(s) or tenant occupant(s) or owner-occupant or tenant(s), on a permanent non-transient basis for a period of ninety (90) days or more. This definition shall include, but not be limited to, both entirely vacant buildings and buildings of which a substantial usable portion is vacant (ie: vacant storefront in first floor and occupied apartments on second floor, or vice versa, or double homes where one-half (1/2) (one unit) is vacant).

132-2. ANNUAL REGISTRATION OF VACANT PROPERTIES.

A. The purpose of requiring registration of all vacant properties, and the payment of registration fees is to:

1. Assist the City of Sunbury, specifically including, but not limited to, the Office of Code Administration, in protecting the public health, safety, and welfare of the residents;
2. Monitor the number of vacant buildings in the City;
3. Assess the effects of the condition of those buildings on nearby businesses and the neighborhoods in which they are located, particularly in light of fire safety hazards and unlawful, temporary occupancy by transients, including illicit

drug users and traffickers, reduction in property values and the long term stability of the neighborhoods; and

4. Promote substantial efforts to rehabilitate such vacant properties.

B. The provisions of this ordinance are applicable to the owners of such vacant properties as set forth herein and are in addition to and not in lieu of any and all other applicable provisions of the Code of the City of Sunbury, and any other applicable ordinances and/or regulations of the City.

C. In determining the existence of a vacant property, the City shall consider any and all evidence of vacancy as set forth herein, including, but not limited to, vacant storefronts and vacant storefront windows.

132-3. APPLICABILITY.

A. The requirements of this Ordinance shall be applicable to each owner, mortgagee, responsible party, or local agent of any property that is vacant within the City of Sunbury.

B. This shall also be applicable to any building or structure, whether it be residential or commercial, which does not have a current and valid Certificate of Occupancy issued by the City Code Administration Office.

C. Registration shall be required for all vacant properties, whether vacant and secure, vacant and open, or vacant and boarded, ~~and shall be required whenever any property has remained vacant for ninety (90) consecutive days or more.~~ The Ordinance shall not apply to any property owned by the United States Government, the state, the County, the City nor to any of their respective agencies or subdivisions.

132-4. ANNUAL REGISTRATION STATEMENT.

A. **Annual Registration Statement.** Each such owner shall cause to be filed a notarized registration statement, which shall include the street address and parcel number of each vacant property, the names and addresses of all owners, ~~as hereinafter described,~~ and any other information deemed necessary by the City. The registration fee(s), which shall be both non-prorated and non-refundable, as required by this Ordinance shall be billed by the City of Sunbury and shall be paid by March 15 of each year, for properties already registered under this Ordinance, or within thirty (30) days of a non-registered property becoming vacant in any calendar year. For purposes of this Ordinance, the following shall also be applicable:

~~(1) If the owner is a corporation, the registration statement shall provide the names and residence addresses of all officers and directors of the corporation and shall be accompanied by a copy of the most recent annual franchise tax report filed with the applicable secretary of state.~~

~~(2) If an estate, the name and business address of the executor of the estate.~~

~~(3) If a trust, the name and address of all trustees, grantors, and beneficiaries.~~

- ~~(4) If a partnership, the names and residence addresses of all partners with an interest of ten (10%) percent or greater.~~
- ~~(5) If any other form of unincorporated association, the names and residence addresses of all principals with an interest of ten percent (10%) or greater.~~
- ~~(6) If an individual person, the name and residence address of that individual person.~~
- (1) In no instance shall the registration of a vacant property, and payment of registration fees, be construed to exonerate the owner, agent or responsible party from responsibility for compliance with any other codes or other applicable requirements of law.
- (2) One registration statement must be filed for each vacant property that the owner is registering.
- (3) If the status of the registration information changes during the course of any calendar year, it is the responsibility of the owner, responsible party and/or agent for the same to contact the City Code Administration Office within 30 days of the occurrence of such change and advise the City in writing of those changes.
- ~~(10) Relative to any changes in the status of the herein referenced registration information, it shall be the responsibility of the owner, mortgagor, responsible party and/or agent for said property to advise the City Code Administration Office of the same, in writing, within thirty (30) days of the occurrence of such change.~~
- (4) Properties subject to this “Annual Registration” section shall remain under the annual registration requirement, as well as the annual inspection requirement, and all security and/or maintenance standards of this Ordinance for so long as they remain vacant or otherwise in default of the provisions hereof.
- (5) Each property registered hereunder shall also include in its registration documentation proof of fire insurance, including the carrier relative thereto.

B. Local Agent. If none of the persons listed on the registration statement are a full-time resident of the City of Sunbury, and/or who does not live within 25 miles of the boundaries of the City of Sunbury, a local agent shall be designated who shall reside in an area that is within 25 miles from the City of Sunbury. The local agent shall be the agent of the owner for service of process and receiving of notices and demands, as well as for performing the obligations of the owner under this chapter. The identity, address and telephone number(s) of a person who is designated as the local agent hereunder shall be provided by the owner to the City including the vacant property registration, and such information shall be kept current and updated as it changes.

C. Annual Registration Fee Schedule. The owner of any vacant property, within thirty (30) days of said vacancy, as set forth in §4(A) hereof, shall be responsible for the payment of the annual non-prorated non-refundable registration fee. Said fees shall be made payable to the City of Sunbury. ~~Further, all registration fees must be paid directly by the owner or other specifically responsible party, as third party payment of registration fees will not be accepted absent the specific consent of the City and/or its authorized designee.~~ Said Annual Registration Fee shall be billed by the City of Sunbury, as determined by the following fee schedule:

| Structure/Unit | Annual Registration Fee |
|-----------------------|--------------------------------|
| Commercial Property | \$400 |

| | |
|----------------------------------|----------------|
| Single-Family Residence/Property | \$200 |
| Duplex Property | \$200 per unit |
| Apartment Building/Property | \$50 per unit |

The aforesaid annual registration fees shall be doubled after five (5) consecutive years of property vacancy, and shall triple after ten (10) consecutive years of vacancy.

D. **Inspection.** The owner or responsible party of a property that has been registered for one year and remains vacant, shall schedule an Inspection by the City Code Administration Office within thirty (30) days. For each year thereafter that a property remains vacant, the owner or responsible party shall schedule an Inspection by the City Code Administration Office annual inspections to monitor the conditions and safety of the property.

E. **Delinquent Registration Fees as a Lien.** After the owner or other specific responsible party is given notice of the amount of the registration fee due, and the owner fails to pay the amount due and owing as per §4(A) hereof, said amount shall constitute a debt due and owing to the City of Sunbury and the City shall commence a civil action to collect such unpaid debt. Further, a Municipal Lien shall be filed against said property in the Northumberland County Court of Common Pleas. Said lien may include, but not be limited to, all monies due and owing under this Ordinance, including, but not limited to any assessed penalties, plus costs of suit and fees, including, but not limited to, attorney’s fees to be charged at the rate of \$150.00 per hour as per 53 P.S. § 7106. The only exception to this rule shall be those owners/responsible parties that have properly perfected a waiver pursuant to Section 5 herein.

F. **Penalties.** If the owner of a vacant property fails to register and/or make payment for registration fees due to the City, a penalty in the amount of One Hundred (\$100) Dollars per property shall be assessed every thirty (30) days until payment is received in full.

G. **Posting of Property.** All registered vacant properties shall be posted with a ~~professionally created~~ sign no smaller than eight (8) inches high by twelve (12) inches wide, titled or labeled as “EMERGENCY CONTACT”, indicating the emergency 24 hour contact telephone number of the owner or local agent for the property. Said sign shall be placed in plain view from the sidewalk or roadway and must be legible. ~~from the opposite sidewalk/side of the roadway.~~

H. **Properties posted “For Sale”, “For Lease”, or “For Rent”.** All registered vacant properties that are For Sale, For Lease, or For Rent shall be posted. Said signs shall be no smaller than eight (8) inches high by twelve (12) inches wide, indicating the contact information of the responsible party and shall be placed in plain view from the sidewalk or roadway and must be legible. ~~from the opposite sidewalk/side of the roadway.~~

132-5. WAIVER.

A. **Continuous Waiver for military personnel.** A continuous waiver of all of the registration fee and inspection shall be granted by the City Code Administration Office to all currently

deployed U.S. Military Personnel for the period of their deployment if **the subject property meets the criteria set forth in Section 5 (D)(3) herein.**

B. Waiver Due to Extenuating Circumstances. The waiver shall be valid for a time period not to exceed March 15 of each year for properties already registered under this Ordinance, or not exceed March 15 of the following calendar year of a non-registered property becoming vacant in any calendar year. Upon recommendation of the City Code Administration Office, the City Council may take into consideration any extenuating circumstances which may exist or arise, relevant to a vacant property, and may waive at public meeting by majority vote, all, or any part of the fees **and/or inspection** required by this Ordinance, for a period of time as City Council may see fit under said circumstances.

C. Waiver for Non-Profit. The waiver shall be valid for a time period not to exceed March 15 of each year for properties already registered under this Ordinance, or not exceed March 15 of the following calendar year of a non-registered property becoming vacant in any calendar year. A waiver of the registration fee shall be granted by the City Code Administration Office if the Owner meets the criteria for a non-profit organization as defined by Section 501(c)3 of the IRS Code and the **subject property meets the criteria set forth in Section 5 (D)(3) herein.**

D. Compliant Property Waiver. The waiver shall be valid for a time period not to exceed March 15 of each year for properties already registered under this Ordinance, or not exceed March 15 of the following calendar year of a non-registered property becoming vacant in any calendar year. A waiver of the registration fee shall be granted by the City Code Administration Office upon application of the owner, if the owner:

- (1) Demonstrates with satisfactory proof that they are in the process of demolition, construction, rehabilitation, or other substantial repair of the vacant property as evidenced by valid permits issued by the City of Sunbury and any other regulatory entity; and
- (2) Objectively demonstrates the anticipated length of time for the demolition; and
- (3) Complies with the requirements of City of Sunbury Code Chapter 130, § 130-1, and the International Property Maintenance Code as cited therein; and
- (4) Regarding Properties Actively For Sale or Lease, if the Owner:
 - i. Provides proof that said property is currently offered for sale or lease as defined in this Ordinance; and,
 - ii. Provides proof that all local municipal fees, including, but not limited to, City permit fees, citations, fines, Municipal Authority fees, City, School District, and County real estate taxes are paid in full; and,
 - iii. Provides proof that the property is properly posted as set forth in Section 4(G) and Section 4(H) of this Ordinance; and,

iv. Provides proof that all utilities are both functional and operational, including, but not limited to, water, sewer, and electric, unless the subject property meets the criteria set forth in Section 5 (D)(1) herein; and,

v. Provides proof that the property is insured for both fire and liability protection; and,

vi. Subject property meets the criteria set forth in Section 5 (D)(3) herein.

132-6. MAINTENANCE REQUIREMENTS.

A. Properties subject to this Ordinance shall be kept free of weeds, overgrown brush/grass, dead vegetation, trash, junk, debris, accumulation of circulars, flyers, and/or notices, and/or discarded personalty, and meets all requirements of Sunbury City Code, including but not limited to, Sunbury City Code § 130-1.

B. Failure to maintain the property as set forth herein shall result in the issuance of a citation or notice of violation in accordance with the applicable City Code, to ensure compliance with this Ordinance.

132-7. SECURITY REQUIREMENTS.

A. Properties subject to this Ordinance 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. Broken windows, doors, gates and other openings must be repaired. Broken windows shall be secured by reglazing, replacement, or boarding of the window.

C. In additions to other penalties, any property owner or responsible party who violates the provisions regarding maintenance and security **and all other provisions and/or requirements of this ordinance** shall be cited and may be fined by the Magisterial District Judge in the amount of **up to** \$500 per violation, per day.

132-8. SEVERABILITY.

The provisions of this Ordinance are severable and if any section, sentence, clause, revision, part or other portion hereof shall be held unconstitutional, illegal, invalid or otherwise ineffective, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Council of the City of Sunbury that this Ordinance would have been adopted had such

unconstitutional, illegal, invalid, or otherwise ineffective section, sentence clause, or provision, part or other portion not been included herein.

132-9. CONFLICTS.

All Ordinances or parts of Ordinances of the City of Sunbury in conflict with this Ordinance to the extent of such conflict, and no further, are hereby repealed. The provisions of this Ordinance are severable. If any part of this Ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby.

132-10. EFFECTIVE DATE OF ORDINANCE.

This Ordinance shall become effective ten (10) days after final adoption by Sunbury City Council.

ADOPTED BY THE CITY OF SUNBURY:

KURT M. KARLOVICH, MAYOR

Ordinance 1285

First Reading. ___09/10/2018___YES(5)___NO(0)___

Second Reading. _____10/08/2018_____YES()_____NO()_____