

ORDINANCE NO. 2018-4

EAST BETHLEHEM TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA

PROPERTY REGISTRATION ORDINANCE

An ordinance adopting a uniform system of registration for those owners of real property who have vacant property, abandoned property, vacation property, or who lease residential dwelling space to persons in East Bethlehem Township, Washington County, Pennsylvania.

WHEREAS, the East Bethlehem Township Board of Commissioners has determined that regulation of rental properties, vacation properties, and vacant properties would be in the best interest of the people of East Bethlehem Township for various reasons, particularly for health and safety, and

WHEREAS, the East Bethlehem Township Board of Commissioners previously heard and considered the testimony and evidence presented by the residents of the Township of East Bethlehem, Washington County, Pennsylvania, from those appearing at public meetings expressing their concerns over such properties;

WHEREAS, the presence of vacant, abandoned properties can lead to neighborhood decline; and

WHEREAS, the presence of vacant, abandoned properties and properties not regularly occupied can create an attractive public nuisance; and

WHEREAS, the presence of vacant, abandoned properties can contribute to lower property values; and

WHEREAS, the presence of vacant, abandoned properties can discourage potential buyers from purchasing a home adjacent to or in neighborhoods with vacant and abandoned residences; and

WHEREAS, many vacant, vacation, and abandoned properties are the responsibility of out of area, out of state lenders and beneficial interests; and

WHEREAS, in many instances the lenders and beneficial interests fail to adequately maintain and secure these vacation or vacant properties; and

WHEREAS, the Township has obligation to protect its neighborhoods from decline and devaluation; and

NOW THEREFORE, the East Bethlehem Township Board of Commissioners further finds that the Township would be best served by formulating a registry of all individuals who lease residential dwelling space in the Township, for the purpose of facilitating sound fiscal management of the Township and in an effort to gauge the proper level of service to be provided to those living within the Township. The Board, furthermore, finds that any vacant structure not continuously and regularly occupied must be registered, as well as any vacation or seasonal property used by the owner or his/her family. The Board of Commissioners in furtherance of the promotion of the general welfare of the citizens of East Bethlehem Township, decided that this Ordinance be therefore enacted, immediately, and hereby replace any and all other Ordinances, which may be in conflict.

Section 1 – Definitions:

For the purpose of this ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context,

words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number, and the word “shall” is always mandatory and not merely directory.

- (a) **“*Board of Commissioners*”:** Shall mean the Board of Commissioners of East Bethlehem Township, Washington County, Pennsylvania.
- (b) **“*Code Enforcement Officer*”:** The Officer appointed by the Township Board of Commissioners having the necessary duties of enforcing all Township Ordinances and building codes, as each pertains to residential and commercial dwelling units and or homes.
- (c) **“*Ordinance(s)*”:** Those Ordinances enacted into law on or before the date of this ordinance, together with all other properly enacted ordinances, which may follow after the passage and enactment of this ordinance.
- (d) **“*Owner*”:** Shall mean a person owning, leasing, occupying or having charge of any premises within the Township.
- (e) **“*Person*”:** Shall mean any natural person, firm, partnership, association, corporation, company, club, co-partnership, society, or any organization of any kind.
- (f) **“*Public Nuisance*”:** is the unreasonable, unwarrantable, or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person or resident in the legitimate enjoyment of his reasonable rights of a person or property.

- (g) ***“Register”***: The official permanent record to be kept by the East Bethlehem Township Secretary, showing all applications taken and Rental Property Permits issued by the Township.
- (h) ***“Rental Property”***: Real property occupied by someone other than the owner, regardless of whether occupier of said property pays a monthly, annual or other rental fee to the owner for said occupation.
- (i) ***“Resident”***: Any person, corporation, partnership, business, or otherwise intending to permanently reside in East Bethlehem Township, Washington County, Pennsylvania.
- (j) ***“Residential Property”***: All real property used for the specific purpose of providing dwelling space to an individual or family, which is located within the lawful boundaries of East Bethlehem Township, Washington County, Pennsylvania.
- (k) ***“Township”***: is the Township of East Bethlehem, which is located within the confines of Washington County, Pennsylvania.
- (l) ***“Abandoned”***-means a property that is vacant.
- (m) ***“Accessible”*** - means a property or structure that unauthorized persons may gain entry through a compromised/breached/unsecured gate, door, fence, wall, window, or other point of entry.
- (n) ***“Agreement”*** - means any agreement or written instrument that provides title to residential properties and shall be transferred or conveyed from one owner to another owner after the sale, trade, transfer or exchange.
- (o) ***“Beneficiary”*** -means a lender or other entity under a note secured by a deed of trust.

- (p) ***“Buyer”***-means any person, co-partnership, association, corporation, or fiduciary that agrees to transfer anything of value in consideration for property described in an agreement of sale.
- (q) ***“Days”*** -means consecutive calendar days.
- (r) ***“Deed of Trust”*** -means an instrument by which title to real estate is transferred to a third-party trustee as security for real estate loan. May be used in place of a mortgage in some places.
- (s) ***“Deed in Lieu of Foreclosure”***-means a recorded document that transfers property from the Trustor to the holder of a Deed of Trust upon consent of the Beneficiary of the Deed of Trust.
- (t) ***“Default”*** -means a failure to fulfill a contractual obligation, monetary or conditional.
- (u) ***Distressed”*** -means a property that is introduced to a foreclosure procedure.
- (v) ***“Evidence of Vacancy”*** -means 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, circular, 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, statements from neighbors, passersby, delivery agents, government employees that the property is vacant.
- (w) ***“Field Service Provider”*** - means an individual, entity or department that is responsible of inspecting, securing, and maintaining an abandoned property.
- (x) ***“Foreclosure”***-means the process by which a property, placed as security for a real estate loan, is sold at auction to satisfy the debt if the borrower defaults.
- (y) ***“Neighborhood Standards “***-means those conditions that are present on a simple majority of properties within a three hundred (300) foot

radius of the subject property. A property that is subject of a neighborhood standard comparison, or any other abandoned property within the three hundred (300) foot radius, shall not be counted toward the simple majority.

- (z) ***“Notice of Default”*** -means a recorded notice that a default has occurred under a Deed of Trust and that the beneficiary intends to proceed with a Trustees Sale.

- (aa) ***“Owner”*** - means any person, co-partnership, association, corporation, or fiduciary having a legal or equitable title or any interest in any real property.

- (bb) ***“Property”***-means any unimproved or improved property, or portion thereof, situate in the Township and includes the buildings or structures located on the property regardless of condition.

- (cc) ***“Residential”*** -means any property or portion thereof situated in the Township designated or permitted to be used for dwelling purposes and shall include all buildings and structures located on such property. This shall include any property being offered for sale, trade, transfer, or exchange as residential whether or not it is legally permitted and/or zoned for such use.

- (dd) ***“Responsible Party”*** - means the beneficiary that is pursuing foreclosure of a property subject to this ordinance secured by a mortgage, Deed of Trust, or similar instrument or a property that has been acquired by the beneficial interest at a Trustees Sale.

- (ee) ***“Securing”*** - means such measures as may be directed by the Code 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, tool or special knowledge of open or gam access.

- (ff) ***“Trustee”***-is the person, firm, entity, or corporation holding a Deed of Transfer secured by the property.

- (gg) **“Trustor” -is a borrower under a Deed of Trust, who deeds property to a Trustee as security for the payment of a debt.**
- (hh) **“Unoccupied”- means without occupants**
- (ii) **“Vacant”- means a building/structure that is not legally occupied.**
- (jj) **“Vacation property”-means owned but not continuously occupied by the owner or a family member as a primary residence or domicile; used occasionally or seasonally only by the owner or an immediate family member as a secondary or vacation home and not rented to a third-party.**
- (kk) **“Inspection”- means a physical investigation at a property to obtain evidence of occupancy or vacancy and/or to verify compliance with this ordinance and any other applicable code or law. Although interior inspections may be allowed under a Deed of Trust, they are not required by this ordinance.**

Section 2 – Duty to Register Residential Rental Property and Vacation or Seasonal Usage Property:

- (a) Every Owner or Landlord shall be required to register with the Township Code Enforcement Officer all Rental, Vacation, or Seasonal-usage Properties he or she owns within the limits of East Bethlehem Township submitting an application as provided for herein.
- (b) All Rental Property, Vacant, Abandoned, Vacation or Seasonal Usage existing on the date of the adoption of this Ordinance shall be registered by the Owner or Landlord on or before February 28, 2019.
- (c) All other Rental Property shall be registered by the Owner or Landlord before the Rental Property is let and occupied. Each and every vacancy

shall trigger the requirement for a new Rental Property Registration and inspection.

Section 3 – Rental Property Permit:

Every Landlord shall be required to submit, on a biennial basis, a Rental Property permit application, on a form developed by the East Bethlehem Township Board of Commissioners, and obtain from the Township Code Enforcement Officer and Township Secretary a Rental Property Permit for each Rental Property he or she owns within the East Bethlehem Township.

Section 4 – Requirements to Obtain Permit:

- (a) Upon the application of the Landlord for a Rental Property permit of the renewal thereof, the Department of Code Enforcement shall conduct an inspection of the Rental Property to determine and ensure that the Rental Property and each Unit contained therein is not a public nuisance or substandard and meets all zoning, health and safety requirements of the codified Ordinances of the East Bethlehem Township, Pennsylvania, as well as general applicable law.
- (b) In the event the Rental Property or a Unit contained therein, is not in compliance, any deficiencies shall be noted on the inspection form and provided to the Landlord and a reinspection of the Rental Property shall be scheduled. Depending on the severity of the violation, a Landlord will be granted a minimum of seven (7) days to a maximum of thirty (30) days from the date of the inspection to abate said violation(s).

- (c) If the Rental Property, or a Unit contained therein, is not brought into compliance within the specified time, or the permit fee is not paid, the permit of the Landlord shall be revoked, and the Landlord shall be precluded from permitting the occupancy of said Rental Property or deficient unit, as the case may be.
- (d) Upon a determination that all deficiencies have been satisfactorily corrected and payment of the required permit fee has been received, a Rental Property permit shall be issued to the Landlord by the Township Code Enforcement Officer and Township Secretary, permitting the occupancy of each Unit within the Rental Property that meets the requirements of this Ordinance.

Section 5 –Rental Property Permit Fee:

- (a) The Rental Property biennial standard permit fee shall be Fifty dollars (\$50.00), payable at the time of inspection, or upon application.
- (b) In addition to the standard permit fee, a Landlord shall be required to pay the following inspection fee, which is fee based on the number of Units contained within the Residential Rental Property.

<u>Number of Units</u>	<u>Inspection Fee Per Unit</u>
1-3	\$75 minimum per unit (to be set by resolution)
More than 3	\$60 minimum per unit (to be set by resolution)

Section 5 (1)- Vacation or Seasonal Usage Permit Fee

- (a) The vacation or seasonal usage fee shall be thirty dollars (\$30.00) per annum, payable at the time of application and renewable annually thereafter.

Section 6 – Violations:

No Landlord and/or Owner shall permit the occupancy of a Rental Property or a Unit contained therein, without first having obtained a Rental Property Permit or the renewal thereof. Provided, however, that it shall not be a violation of this Ordinance to permit occupancy of a Rental Property or a Unit contained therein, without having first obtained a Rental Property permit, if application has been made, and the Department of Code Enforcement has not conducted an initial inspection of the Rental Property, as set forth in the Requirements to Obtain a Permit.

Section 7 – Permit Display Requirement:

Whoever obtains a Rental Property permit shall be required to display such permit in a conspicuous place on the Residential Property so that it may be readily viewed and/or inspected by the general public, prospective tenants, or any representative of the Department of Code Enforcement.

Section 8. Recordation of Transfer of Loan/Deed of Trust/Substitution of Beneficiary of Deed of Trust

Within ten (10) days of the purchase and/or transfer of a loan/Deed of Trust secured by a residential property, the new beneficiary shall record with the Washington County Recorder of Deeds Office, said transaction that shall list the name of the corporation, entity or individual, the mailing address and contact phone number or the new Beneficiary responsible for receiving payments associated with the loan/Deed of Trust.

Section 9. Registration of Vacant or Abandoned Property.

Any responsible party/beneficiary or their designee shall perform an inspection of the property that is subject to this ordinance and shall verify if the property in question is vacant and/or abandoned as described within this ordinance. If the property is found to be vacant and/or abandoned, the responsible party/beneficiary, owner shall within ten (10) days register said property with East Bethlehem Township.

Registration may be accomplished by either of the following methods:

By completing and returning to East Bethlehem Township the provided registration form with the required fees by mail OR

By delivering same in person to said offices within East Bethlehem Township.

Said registration shall contain the name of the owner, beneficiary/responsible party, the direct street/office mailing address of said owner, beneficiary/responsible party (no P.O. BOXES shall be accepted), a direct contact name and phone number of the owner,

beneficiary/responsible party, and the name, address, phone number of a **management company being used by** said owner for the specified property whom is responsible to see that the property is secured and maintained regularly.

This registration shall be valid as long as the registered property remains subject to this ordinance. Any changes to the information required on this registration shall be reported to the East Bethlehem Township office within ten (10) days of the change. The Township is not responsible to verify that accuracy of the information provided.

This shall also apply to any property subjected to foreclosure issues with said property. Property subjected to this chapter shall remain under the registration requirements, security and maintenance standards of this section as long as the property in question remains abandoned and/or unoccupied.

It is the obligation of the owner, beneficiary/responsible party, to inform the Township of any pending action, such as bankruptcy, other court or administrative action that would prohibit the owner, beneficiary/responsible party from taking any of the actions required in this ordinance.

Section 9. Maintenance Requirements-Vacant Structures

The exterior areas of the property shall be, in comparison to the neighborhood standard, kept free from weeds, dry brush, dead vegetation, trash, junk, debris, building materials,

any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printer material or any other items that give the appearance of abandonment.

The property shall be free from graffiti, tagging or similar markings by removal or painting over with an exterior-grade paint that closely matches the color of the exterior of the structure.

Insofar as there is existing or previously existing landscaping, all yard areas shall be maintained to the neighborhood standard. If no landscaping previously existed at the property in front and visible side yard, installation is not required under this ordinance. Landscaping includes grass, turf stain, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation.

Landscaping does not include weeds, gravel, broken concrete, asphalt, decomposed granite, plastic sheeting, mulch (unless applied in conjunction with reseeding of turn areas), indoor-outdoor carpeting or any similar materials.

Maintenance includes, but is not limited to, regular watering, irrigation, staining or re-staining, cutting, pruning and mowing of required landscaped and removal of trimmings.

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, properties with pools and/or

spas must comply with the minimum-security fencing requirements of this municipality or Commonwealth.

Adherence to this section does not relieve the owner, beneficiary/responsible party of any obligations set forth in any covenants, conditions and restrictions and/or home owner association rules and regulations that may apply to the property.

Section 10. Security Requirements

Property subject to this section shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

Secure manner includes, but is not limited to, the closure and locking of windows, all doors, gates and any other openings of such size that leave it accessible. In the case of broken windows securing means the re-glazing or boarding of said window. Locking includes measures that require a key, keycard, tool or special knowledge to open or gain access.

The owner, beneficiary/responsible party shall perform monthly inspections to verify that the requirements of this ordinance are being met.

The property in question shall be posted with the name and 24-hour toll free contact phone number of the owner, beneficiary/responsible person or their designee. The posting

shall be no less than 8.5 X 11 inches and shall contain, along with the name and 24-hour toll free contact number, the words, "**THIS PROPERTY BEING MANAGED BY**" and "**TO REPORT PROBLEMS OR CONCERNS CALL**" or similar wording. The posting shall be placed in a window adjacent to the entry door attached to the exit or of the entry door. Exterior posting must be constructed of and printed with or contain weather-resistant materials.

Section 11. Additional Authority

In addition to the enforcement remedies established within this ordinance, the Code Officials shall have the authority to require the owner, beneficiary/responsible party to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of onsite security guard or other measures as may be reasonably required to arrest the decline of the property.

Section 12. Fees - Vacant or Abandoned Property

The fee for registering an Abandoned or Vacant Property shall be set as follows:

Year 1 – One Hundred (\$100.00) Dollars

Year 2 -and subsequent years- One Hundred Fifty (\$150) Dollars

Any fees initially established in and by this Ordinance under Sections 5, 5 (1), and 12 may be revised and modified from time to time by a Resolution of the Board in its discretion without the necessity of formally amending this Ordinance.

Section 13 – Penalty:

Notwithstanding any provisions to the contrary, whoever violates any provisions of this Ordinance shall be punished as provided for herein, except that the fine shall be no less than **Three Hundred (\$300.00)** dollars nor more than **One Thousand (\$1,000.00)**. Any violation of the provisions of this Ordinance on any day shall be considered a separate and distinct violation and shall subject the violator to separate and distinct penalties.

Section 14 – State Law and Regulations:

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth of Pennsylvania promulgated by the authority of law, such laws or regulations, as the case may be, shall control whether the requirements thereof are the same or in excess of the provisions of this Article. This Ordinance shall control in all cases where the State requirements are not as strict as those contained in this Article.

Section 15 – Severability and Repeal:

- (a) Severability. If any sentence, clause, section or part of this Article 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 provisions, sentences, clauses, sections or parts of this Article. It is hereby declared as the intent of the Township that this article

would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

- (b) Repeal. All Ordinances or parts of Ordinances, which are inconsistent herewith are hereby repealed, specifically Ordinances No.2016-4 and _____.

Section 16 – Effective Date:

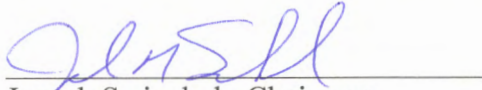
This Ordinance shall become effective on January 1, 2019, upon the majority vote of the East Bethlehem Township Board of Commissioners.

That this Ordinance, when adopted, shall be incorporated in and made a part of the codified Ordinances of the Township of East Bethlehem.

INTRODUCED on the 8th day of August, 2018.

Enacted and Ordained into Law this 10th day of October, 2018

RESOLVED, ENACTED and ORDAINED into law by the East Bethlehem Township Board of Commissioners this 10th day of October, 2018


Joseph Swinchock, Chairman

Attest: Maryann Kubaeki (SEAL) Date: 10-10-2018
Maryann Kubaeki, Secretary