

TOWNSHIP OF KISKIMINETAS
ORDINANCE 05 OF 2015

**AN ORDINANCE OF THE TOWNSHIP OF KISKIMINETAS,
ARMSTRONG COUNTY, PENNSYLVANIA, REGARDING
ABANDONED PROPERTY, BOTH PERSONAL AND REAL,
WITHIN THE TOWNSHIP OF PROPERTY AND THE
REGULATION THEREOF.**

WHEREAS, the Township of Kiskiminetas has evidenced an increase in abandoned property within the Township, both abandoned personal property and abandoned real property as shall be hereafter defined;

WHEREAS, the Township of Kiskiminetas believes that such abandoned property is blight on the Township, and creates potential nuisance hazards for the residents of Kiskiminetas;

WHEREAS, it is necessary to protect residential neighborhoods that adequate maintenance and security of abandoned properties be provided;

WHEREAS, the Township of Kiskiminetas believes that enforceable penalties should be prescribed for creating such nuisance or hazardous and blighted conditions within the Township.

NOW THEREFORE, it is hereby ordained and enacted by the Supervisors of the Township of Kiskiminetas as follows:

SECTION 1

DEFINITIONS

The following words, terms, and phrases when used in this article shall have the meanings described to them in this section, except where the context clearly indicates a different meaning;

Abandoned Personal Property-wrecked or derelict property which has been left and abandoned and unprotected from the elements and shall include wrecked, inoperative or partially dismantled motor vehicles, trailers, boats, machinery, refrigerators, washing machine, plumbing fixtures, furniture, and any other similar article which has been left abandoned and unprotected from the elements.

Abandoned Real Property-any property that is vacant and is under a current notice of default and/or notice of mortgagee's sale by the lender or appending tax assessors lien sale and/or properties that have been subject of a foreclosure sale where the title sale was retained by the beneficiary of a mortgage involved in the foreclosure and any property transfer under a deed in lieu of foreclosure or sale.

Accessible Property-a property that is accessible through a compromised/breached gate, fenced wall, wall, or other perimeter.

Accessible Structure-a structure/building that is unsecured and/or breached in such ways to allow access to the interior space by unauthorized persons.

Enforcement Officer-any full-time law enforcement officer, building official, zoning inspector, code enforcement officer, whether full or part-time, fire inspector, or building inspector employed within the Township.

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 may include, but not be limited to, overgrown and/or dead vegetation, accumulation of abandoned real property, as defined above, statements by neighbors, passers-by, delivery agents or government agents, among other evidence that the property is vacant.

Foreclosure- the process by which a property, placed as security for real estate loan is sold at a public sale to satisfy the debt if the borrower defaults.

Inoperative Vehicle-any wrecked or partially dismantled vehicle that is parked or stored without having all the wheels mounted, or is in a condition of substantial disrepair, or which is parked or stored without having tires inflated or other similar conditions.

Nominal Salvage Value-the value of an article of an abandoned derelict property which a reasonably proven person would believe is a fair market value of the property, taking into consideration its useful life, earning capacity or replacement cost, less depreciation and items of general or special depreciation, would be nominally greater than the cost of salvage, including the removal, transportation, storage and sale of same.

Private Property-all lands and improvements other than public lands and improvements.

Property Management Company-a local property manager, property maintenance company or similar entity responsible for the maintenance of abandoned real property.

Public Property-canals, all water ways, lands and improvements owned by a governmental body or any governmental agency, including but not limited to easements and rights-of-way.

Residential Building-any improved real property, or portion of real property, situated with the Township, designed or permitted to be used for dwelling purposes and shall include the buildings and structures located on such improved real property.

Vacant-any building/structure that is not legally occupied.

SECTION 2

APPLICABILITY

This article shall be considered cumulative and not superseding or subject to any other law or provision but shall rather be an additional remedy available to the Township above and beyond any other state, county and/or local provisions for governing these same matters.

SECTION 3

ABANDONMENT OF PERSONAL PROPERTY PROHIBITED; EXCEPTIONS

- A. It shall be unlawful for any abandonment of personal property upon private property:
 - 1. Without such receiving the property owner's consent; or in violation of this or any other applicable law, ordinance or regulation.
- B. Nothing in this section shall be deemed to imply to abandoned personal property authorized to be left on private business property operated, licensed and zoned in the Township for the purpose of accepting abandoned property.

SECTION 4

PUBLIC NUISANCE

All abandoned personal property and abandoned real property is hereby declared to be a public nuisance, the abatement of which pursuant to the police power of the Township, is hereby declared to be necessary for the health, welfare and safety of the residence of the Township.

SECTION 5

NOTIFICATION PROCEDURE

- A. When an enforcement officer ascertains that an article of personal property having nominal salvage value lies abandoned or derelict upon personal property that officer shall:
 - 1. Cause a notice to be placed upon such abandoned property in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY.

THIS PROPERTY: TO WIT (SETTING FORTH BRIEF DESCRIPTION) LOCATED AT _____ (SETTING FORTH BRIEF DESCRIPTION OF LOCATION) IS: IMPROPERLY STORED AND IS IN VIOLATION OF:

(SETTING FORTH THE ORDINANCE OR VIOLATION VIOLATED)

AND THIS MUST BE REMOVED WITHIN FIVE (5) DAYS FROM THE DATE OF THIS NOTICE; OTHERWISE IT SHALL BE PRESUMED TO BE ABANDONED PROPERTY AND WILL BE REMOVED AND SOLD OR DESTROYED BY THE ORDER OF THE TOWNSHIP OF KISKIMINETAS, ARMSTRONG COUNTY, PENNSYLVANIA DATED THIS _____.

OFFICER SIGNATURE

2. Such notice shall not be less than 8 inches by 10 inches in size and shall be sufficiently weather proof to withstand normal exposure to the elements.
- B. The code enforcement officer shall also make a reasonable effort to ascertain the name and address of the owner of the abandoned property and, if such address is reasonably available, the officer shall mail via certified mail a copy of the notice to the owner on or before the date of posting the above described notice on the abandoned personal property.
- C. The enforcement officer shall mail, by certified mail a copy of the above described notice to the owner of the real property upon which the abandoned personal property is located, as shown by the real estate tax record used by the County or any other address provided to the local government by such owner on or before the date of posting of such notice.
- D. The enforcement officer shall post a copy of the notice at the Township building so that it is conspicuous if the owner of the abandoned property is unknown and/or the owner of the real property upon which the abandoned property sits is unknown.

SECTION 6

REMOVAL OF ABANDONED PERSONAL PROPERTY

- A. If after five (5) days from posting notice under this article the owner or any person interested in such abandoned personal property described in the notice has not taken steps to remove the abandoned property, the enforcement officer may cause the article of abandoned personal properties to be removed and destroyed, and the salvaged value, if any, of such articles shall be retained by the Township to be applied to the cost of removal and destruction of the abandoned property.
- B. Before destruction, for abandoned property on public lands or private lands at the end of the five (5) day period of posting such notice, if the owner or person having interest in the property has not removed the personal property or shown reasonable cause for failure to do so, the Township may cause the property so described to be removed by a towing company who shall cause the article or articles of abandoned property to be removed and placed in storage if applicable within local, state, and federal regulations. At the conclusion of the required storage, if the article is not claimed and if the salvage value is above \$100.00, the towing company shall pay the Township of Kiskiminetas the sum of \$25.00 or 10% of such value, whichever is greater for the administrative cost and handling of the said article. If the article is claimed, the Township shall receive \$25.00 as an administrative fee.
- C. It is unlawful to remove abandoned personal property, including inoperative vehicles from private property to public property after posting of said property by an enforcement officer.
- D. An inoperative vehicle shall not be on private property unless it is within a completely enclosed building structure or a designated storage area, which includes a wall or hedge to screen this stored inoperative vehicle from view, or if the private property is a properly zoned or permitted salvage yard.

- E. In the event that the abandoned property is deemed to be an imminent public health and safety hazard, an enforcement officer is authorized to remove the property immediately. Subsequent to the removal of the abandoned property, the Township shall make reasonable and diligent efforts to ascertain the owner and take the applicable action. If the abandoned property is on private property, the private property owner shall be provided notice and assess the cost of removal of that abandoned property and any required cleanup of the private property.

SECTION 7

ABANDONED AND VACANT REAL PROPERTY

The Township Supervisors finds as follows:

- A. When the owner of a vacant building fails to actively maintain and manage the building, the building can become a major cause of blight in both residential and non-residential neighborhoods. Vacant buildings that are boarded, substandard or unkempt properties and long-term vacancies discourage economic development and retard appreciation of property values.
- B. It is the responsibility of the property owner to prevent owned property from becoming a burden to the neighborhood and community and a threat to the public health safety or welfare.
- C. One vacant property that is not actively maintained and managed can be the core and cause of spreading blight
- D. It is in the interest and welfare of neighborhoods that owners of properties who fail to maintain properties and correct vacant and blighted buildings are subject to administrative penalties in order to encourage these owners to correct violations in a prompt manner.

SECTION 8

REGISTRATION OF ABANDONED REAL PROPERTY

- A. Any mortgagee who holds a mortgage on real properties located within the Township shall perform an inspection of the property that is a security for the mortgage, and upon default by the mortgagor, prior to the issuance of a notice of default. If the property is found to be vacant or shows evidence of vacancy, it shall be deemed abandoned, and the mortgagee shall within ten (10) days of the inspection register the property with the Township Code Enforcement Officer or the Township Secretary on forms provided by the Township. A registration is required for each vacant property.
- B. If the property is occupied but remains in default, it shall be inspected by the mortgagee or his designee monthly until the mortgagor or other party remedies the default, or it 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, register the property with the Code Enforcement Officer or the Township Secretary on forms provided by the Township.

- C. Registration, pursuant to this section shall contain the name of the mortgagee, the direct mailing address of the mortgagee, a direct contact name and telephone number of the mortgagee, facsimile number and email address, and in the case of a corporation or out of area mortgagee, the local property management company responsible for the security and maintenance of the property.
- D. An annual registration fee in the amount of \$25.00, per property, shall accompany the registration form.
- E. This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary or mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.
- F. Properties subject to this section shall remain under the annual registration requirement and security and maintenance standards of this section as long as they remain vacant.
- G. Any person or corporation that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.

SECTION 9

MAINTENANCE REQUIREMENTS

- A. Properties subject to this chapter shall be kept free of weeds, overgrown bush, 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, printed material, or any other items that give the appearance that the property is abandoned.
- B. The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior surface.
- C. Front, side, and rear yard landscaping shall be maintained in accordance with the Township's standard at the time registration was required.
- D. Landscape 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. Landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
- E. Maintenance shall include but not be limited to watering, irrigation, cutting and mowing of required landscape and removal of all trimmings.
- F. Pools and spas shall be maintained so that the water remains free and clear of pollutants and debris. Pools and spas shall comply with enclosure requirements of the ordinances of the Township of Kiskiminetas as well as the Uniform Construction Code and/or the International Property and Maintenance Code as amended from time to time.
- G. Failure of the mortgagee and/or property owner of record to properly maintain the property may result in a violation of the Township Code and issuance of a citation or notice of violation of a hearing by the Township Codes Enforcement Officer. Pursuant to a

finding and determination by the Magistrate, the Township may take the necessary actions to ensure compliance with this section.

SECTION 10

SECURITY REQUIREMENTS

- A. Properties subject to this section shall be maintained in a secure manner so as to not be accessible by unauthorized persons.
- B. A secure manner shall include but not be limited to the closure and locking of windows, doors, gates and other openings in such size that may allow a child to access the interior of the property or structure. Broken windows shall be secured by re-glazing or boarding of the window.
- C. If the property is owned by a corporation and/or out of area mortgagee, a local property management company shall be contacted to perform bi-weekly inspections to verify compliance with this section and any other applicable law.
- D. Posting:
 - 1. The property shall be posted with the name and 24 hour contact phone number of the local property management company. The posting shall be no less than 8 inches by 10 inches in size. The posting shall contain the following language:

THIS PROPERTY IS MANAGED BY: _____ . TO
REPORT PROBLEMS OR CONCERNS CALL: _____ .

- 2. The posting shall be visible on the interior of a window facing the street to the front of the property so it is visible or secured to the exterior of the building structure facing the street to the front of the property so it is visible or, if no such area exists, on a stake of sufficient size to support the posting in a location as close as possible to the main door entrance of the property. Exterior posting shall be constructed of and printed with weather resistant materials.
- E. The local property management company shall inspect the property on a bi-weekly basis to ensure that the property is in compliance with this section. Upon the request of the Township, the local property management company shall provide a copy of the inspection reports to the Code Enforcement Officer.
- F. Failure of the mortgagee and/or property owner to properly maintain the property may result in a violation of the Township Code and issuance of a citation or notice of violation by the Township's Code Enforcement Officer.

SECTION 11

OPPOSING, OBSTRUCTING AND RESISTING ENFORCEMENT OFFICER

Whoever opposing, obstructs or resists any Enforcement Officer or any person authorized by the Township in the discharge of duties as provided in this section, upon commission shall in addition to any other charges be deemed in violation of the terms of the article and subject to the penalties set forth herein.

SECTION 12

IMMUNITY OF ENFORCEMENT OFFICER

Any Enforcement Officer or any person authorized by the Enforcement Officer shall be immune for prosecution, civil or criminal, for reasonable, good faith trespass upon real property while in the discharge of duties imposed by this article.

SECTION 13

TOWNSHIP DESIGNATED AS ADDITIONAL AUTHORITY

The Township of Kiskiminetas, or its designee shall have the authority to require the mortgagee and/or owner of record of any property affected by this article to implement additional maintenance and/or security measures including but not limited to securing any and all door, window, or other openings, employment of an onsite security guide or other measures as may be reasonably required to help prevent further decline of the property.

SECTION 14

VIOLATIONS AND PENALTIES

Any person violating this article shall be subject to a fine of not less than \$300.00 nor more than \$1,000.00 plus actual costs of enforcement incurred, including attorney's fees. Each day of violation incurred shall constitute a separate and distinct offense, regardless of whether a separate citation is issued which could lead to an additional fine for each day the violation is permitted to exist.

SECTION 15

EFFECTIVE DATE

This Ordinance shall be effective five (5) days after its enactment.

SECTION 16

REPEALER

To the extent that any provision of this ordinance conflicts with any prior ordinance of the Township of Kiskiminetas, this Ordinance hereby supercedes and the prior ordinance or provisions in conflict is repealed.

ORDERED and ENACTED into law this 9 day of December, 2015 by the Supervisors of Kiskiminetas Township in lawful session dually assembled.

ATTEST:

KISKIMINETAS TOWNSHIP BOARD
OF SUPERVISORS

Monica L. Austin
Secretary

Chairman Board of Supervisors

[Signature]
Supervisor

[Signature]
Supervisor

[Signature]
Supervisor

[Signature]
Supervisor