

**BOROUGH OF BLAKELY
ORDINANCE NO. 5 OF 2023**

VACANT PROPERTY ORDINANCE

Section 1: Definitions.

The following words, terms, and phrases, herein, shall have the meanings ascribed to them in this article, except where a different meaning is clearly indicated.

ABANDONED REAL PROPERTY — Any real property located in the Borough of Blakely, 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 assessor's lien sale; has no active water and/or electric service to the property; or has been transferred to the lender under a deed in lieu of foreclosure. The designation of property as "abandoned" 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.

ACCESSIBLE PROPERTY/STRUCTURE — A property that is accessible through a compromised/breached gate, fence, wall, or other enclosure, or a structure that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

APPLICABLE CODES — Includes, but is not limited to, the Borough of Blakely codified ordinances (Borough Code) and the Pennsylvania Building Code.

BLIGHTED PROPERTY — Includes, but is not limited to:

- A. Properties that have broken or severely damaged windows, doors, walls, or roofs which create hazardous conditions and encourage trespassing; or
- B. Properties whose maintenance is not in conformance with the maintenance of other neighboring properties, causing a decrease in value of the neighboring properties; or
- C. Properties cited for a violation of Borough ordinances or codes;
- D. Properties that endanger the public health, safety, welfare, because the properties or improvements thereon are dilapidated, deteriorated, violate minimum health and safety standards or lack maintenance as required by Borough ordinance or Code, including zoning codes and standards.

ENFORCEMENT OFFICER — Any law enforcement officer, building code official, zoning officer, code enforcement officer, fire inspector, building inspector, or other person authorized by the Borough to enforce the applicable ordinances or codes.

OWNER — Any person, legal entity, or other party having any ownership interest, whether legal or equitable, in real property. This term shall apply to any person, legal entity, or agent responsible for the construction, maintenance, or operation of the property involved.

PROPERTY MANAGEMENT COMPANY — A local or regional manager, property maintenance company, or similar entity responsible for the maintenance of abandoned real property.

VACANT — Any building not legally occupied.

Section 2: Establishment of registry of abandoned real property.

Pursuant to the provisions of this article, the Borough or its designee shall establish a registry cataloging each abandoned property within the Borough limits, containing the information required herein.

- A. Any mortgagee who holds a mortgage on real property located within the Borough of Blakely limits shall perform or have performed an inspection of the property to determine vacancy or occupancy, upon default by the mortgagor. The mortgagee shall, within 10 days of the inspection, register the property with the Borough's Department of Licensing, Inspections and Permits on forms or through a Borough website, and 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.
- B. If the property is occupied but remains in default, it shall be inspected by the mortgagee or 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 10 days of that inspection, update the property registration to a vacancy status on forms provided by the Borough.
- C. Registration pursuant to this article shall contain the name of the mortgagee and the server, the direct mailing address of the mortgagee and the server, a direct contact name, telephone number, facsimile number, and e-mail address for both parties, the folio or tax number, and the name and twenty-four-hour contact number of the property management company or designee responsible for security and maintenance of the property.
- D. A nonrefundable annual registration fee in the amount of \$200 shall be assessed and shall accompany the registration form, per registration.
- E. All registration fees must be paid directly by or from the mortgagee, servicer, trustee, or owner. Third-party registration fees are not allowed without the consent of the Borough and/or its authorized designee.
- F. This article 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 a foreclosure/sale.
- G. Properties subject to this article shall remain under the annual registration requirement and the inspection, security, and maintenance standards of this article as long as the properties remain vacant or in default.
- H. Any person or legal entity that has registered a property under this article must report any change of information contained in the registration filing within 10 days of the change.
- I. Failure of the mortgagee and/or owner to properly register or to modify the registration form/filing from time to time to reflect a change of circumstance as required by this article is a violation of this article and shall be subject to enforcement and a \$300 fine.
- J. Pursuant to a determination that any property is in violation of this article, 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 3: Maintenance requirements.

All abandoned real properties are subject to maintenance as required by Borough ordinances and property codes.

Section 4: Inspections for violations.

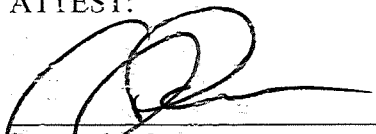
Adherence to this article does not relieve any person, legal entity, or agent from any other obligations set forth in any applicable ordinance or code(s) which may apply to the property. Upon sale or transfer of title to the property, the owner shall be responsible for meeting with the Borough's Department of Licensing, Inspections and Permits for the required inspection.

Section 5: Violations and penalties.

Any person who shall violate any of the provisions of this article may be cited and fined pursuant to § 360-18I above.

RESOLVED this 15th day of May 2023.

ATTEST:

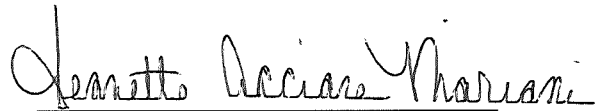

Borough Manager

Blakely Borough


President of Council

Approved:

Date: May 15, 2023


Mayor