ARTICLE 1729
Vacant Property Registration

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1729.01 PURPOSE AND ENFORCEMENT.

(a) The purpose of this section requiring the registration of all vacant buildings and the payment of registration fees is to assist the City in protecting the public health, safety and welfare, to monitor the number of vacant buildings in the City, to 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, and to require of the owners of such vacant buildings their registration and the payment of related fees, and to promote substantial efforts to rehabilitate such vacant buildings. The provisions of this section are applicable to the owners of such vacant buildings as set forth herein and are in addition to and not in lieu of any and all other applicable provisions of the Codified Ordinances of the City of York and all relevant codes and/or regulations adopted therein.

(b) Administration and enforcement of this section shall remain under the sole control of the Department of Fire and Rescue Services, hereby referred to in this section as the Fire Department or the department. The Fire Chief and/or designee of Department of Fire/Rescue Services shall have the authority to institute summary criminal proceedings as a means of enforcement of this section and shall, when acting within the scope of employment hereunder, have the powers of a police officer of the City; provided, however, that under no circumstances shall they have the power of arrest.
(Res. 134-2008. Passed 9-2-08.)

1729.02 DEFINITIONS.

For the purposes of this section, where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies. The following words shall have the meanings respectively ascribed to them as follows:

(a) "Boarded" means a building, structure or dwelling unit subject to the provisions of this section if in place of one or more exterior doors, other than a storm door, or of one or more windows, there is a sheet or sheets of plywood or similar material covering the space for such door or window.

(b) "Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

(c) "Notice" means written notice of a violation or requirement under this section mailed, pursuant to first class mail, to the last known address of the owner of the property in question.

(d) "Occupied" as applied to a building or structure subject to the provisions of this section means where one or more persons actually conducts a lawful business or resides in all or any part of the building as the licensed business-occupant, or as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, non-transient basis, or any combination of the same. For purposes of this section, evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services; a valid City business license, or the most recent, federal, state, or City income tax statements indicating that the subject property is the official business or residence address of the person or business claiming occupancy; or proof of tenant occupied property license inspection.

(e) "Open" means a building or structure or dwelling unit subject to the provisions of this section in which 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 is broken or not capable of being locked and secured from intrusion or any combination of the same.

(f) "Owner" means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or 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 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 real property by a court.

(g) "Vacant" as applied to a building or structure subject to the provisions of this section means no person or persons actually, currently conducts a lawfully licensed business, or lawfully resides or lives in any part of the building as the legal or equitable owner(s) or tenant-occupant(s), or owner-occupants, or tenant(s) on a permanent non-transient basis.

(Res. 134-2008. Passed 9-2-08.)

1729.03 APPLICABILITY.

The requirements of this article shall be applicable to each owner of any building whether governmental, commercial, residential or institutional or owned by non-profit or a for-profit organization in which the building in total shall have been vacant for more than 45 days. Each such owner shall cause to be filed a notarized registration statement, which shall include the street address and parcel number of each such vacant building, the names and addresses of all owners, as hereinafter described, and any other information deemed necessary by the Fire Department. The registration statement and, where applicable, registration fee(s) as required by Section 1729.04(c) shall be billed by the Fire Department and such registration statement and, where applicable, registration fee(s), shall be filed with and/or paid to the Fire Department on or before November 15, or if November 15 falls on Saturday or Sunday by the preceding Friday, of each year. For purposes of this article, registration application initially shall be due on November 15, 2008. For purposes of this section, the following shall also be applicable:

(a) 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 relevant filing with the Pennsylvania Department of State.

(b) If an estate, the name and business address of the executor of the estate;

(c) If a trust, the name and address of all trustees, grantors and beneficiaries;

(d) If a partnership, the names and residence addresses of all partners with an interest of ten percent (10%) or greater;

(e) If any other form of unincorporated association, the names and residence addresses of all principals with an interest of ten percent or greater;

(f) If an individual person, the name and residence address of that individual person. (Res. 134-2008. Passed 9-2-08.)

1729.04 REGISTRATION STATEMENT AND FEES; LOCAL AGENT.

(a) If none of the persons listed in Section 1729.03 is shown at an address within the State, the registration statement also shall provide the name and address of a person who resides within the State and who is authorized to accept service of process on behalf of the owners and who shall be designated as a responsible, local party or agent, both for purposes of notification in the event of an emergency affecting the public health, safety or welfare and for purposes of service of any and all notices or registration statements as herein authorized and in connection herewith.

(b) Registration shall be required for all vacant buildings, whether vacant and secure, vacant and open or vacant and boarded, and shall be required whenever any building has remained vacant for 45 consecutive days or more. In no instance shall the registration of a vacant building and the payment of registration fees be construed to exonerate the owner, agent or responsible party from responsibility for compliance with any other Building Code or Housing Code requirement. One registration statement may be filed to include all vacant buildings of the owner so registering.

(c) The owner of the vacant property as of November 15th of each calendar year shall be responsible for the filing of his/her registration statement and, where applicable, registration payment of the non-refundable registration fee. Said fee shall be billed by the Fire Department and shall be established by resolution of Council.
(Res. 134-2008. Passed 9-2-08.)

(1) Council hereby approves the registration fees for vacant buildings within the City to be imposed in accordance with this article as set forth herein:
Registration fees: $65.00 per building.

(2) Council hereby approves the inspection fees for vacant properties within the City to be imposed in accordance with this article as set forth herein:
Inspection fees: $130.00 per building (This fee shall include the initial inspection and one re-inspection)
Subsequent re-inspections: Shall be charged at $65.00 each.
(Res. 142-2008. Passed 10-7-08.)

(3) Upon the registration of a property, the Fire Department may conduct an inspection of the property to determine if it complies with the Property and Maintenance Code and Fire Code. If the Department finds violations of the Property Maintenance Code or Fire Code, the Department shall issue a notice of violation as per the requirements of those codes and give notice to the owner to comply with the codes.

(4) The Fire Department is authorized and directed to make inspections at any reasonable hour to determine compliance with the Fire Prevention and Property Maintenance codes. For this purpose, the Department, its officers or representatives are authorized to enter and examine any building, structure, yard or part of either and every owner, operator or occupant shall allow the Department, its officers or representatives free access. Inspection may be postponed by the Department due to illness of one or more occupants of the premises or other emergency.

(5) Whenever the owner, mortgagee, purchaser or other interested party requests a special inspection of a property regulated by this article, or certification that a property is in compliance with this article or other applicable City ordinances pertaining to structural condition; when such a request is being made in connection with the sale, conveyance, transfer, financing or refinancing of such property; then such person shall first pay a fee to the City to defray the expenses of making such inspection. The fee shall be established by resolution of Council.
(Res. 134-2008. Passed 9-2-08.)

1729.05 USES OF PAID FEES AND FINES.

(a) Registration fees shall become dedicated to a line item in the budget for the Fire Department's enforcement and administration of the Vacant Property Registration requirements within this section. Fines for violations of this article shall go to the City's General Fund. (Res. 134-2008. Passed 9-2-08.)

1729.06 APPEAL RIGHTS.

The owner shall have the right to appeal the imposition of the registration fees to the Nuisance Abatement Board of Appeals upon filing an application in writing to the Bureau of Permits Planning and Zoning no later than 15 calendar days after the date of the billing statement. On appeal, the owner shall bear the burden of providing satisfactory objective proof of occupancy as defined in Section 1729.02(d).
(Res. 134-2008. Passed 9-2-08.)

1729.07 ONE-TIME WAIVER OF REGISTRATION FEE.

A one-time, one year waiver of the registration fee may be granted by the Fire Department upon application of the owner and upon review and advice of the Solicitor's Office, within 15 calendar days of the date of the bill for the registration fee, if the owner:

(a) Demonstrates with satisfactory proof to the Fire Department that he/she has submitted valid architectural plans, based on the City's permits and planning application procedures, and otherwise has shown good faith efforts to efficiently rehabilitate, demolish, or otherwise substantially repair or improve said vacant building; or

(b) Demonstrates with satisfactory proof to the Fire Department that he/she is actively marketing the property for sale/lease. Actively marketing will be defined as an owner has placed a "for sale" or a "for lease" sign on the property with accurate contact information, which is also provided to the Fire Department, and has done at least one of the following:

(1) Engaged the services of a real estate licensee, whose name, address, telephone number and email will be provided to the Fire Department, in the Multiple Listing Service (MLS);

(2) Placed weekly advertisements in print or electronic media;

(3) Distributed printed advertisements.

(Res. 134-2008. Passed 9-2-08.)

1729.08 TWO-YEAR WAIVER.

Upon application by the owner and satisfaction of Section 1729.06, the Fire Department may, upon advice and review of the Solicitor's Office, grant a two-year waiver of the registration fee if the owner meets the criteria for non-profit organization as defined by Section 501(c)(3) of the Internal Revenue Code or if the building owner is the United States, Commonwealth of Pennsylvania, a county, municipality or school district or a related department, agency or authority.
(Res. 134-2008. Passed 9-2-08.)

1729.09 DECISION ON APPLICATION FOR WAIVER.

Within 30 days after the waiver application is received by the Fire Department, and upon review and advice of the Solicitor's Office, the Fire Department and designees shall grant or deny the waiver in writing, and dispatch the written decision by mail to the owner. If the owner properly submitted an application for a one-time waiver to the Fire Department, and the Fire Department rendered a decision which the owner seeks to appeal to the Nuisance Abatement Board of Appeals, the owner must file an application in writing within 15 calendar days of the Fire Department's decision.
(Res. 134-2008. Passed 9-2-08.)

1729.10 DELINQUENT REGISTRATION FEES AS A LIEN.

After the owner is given notice of the amount of the registration fee due, except for those owners that have properly perfected an appeal pursuant to Section 1729.06, and the owner fails to pay the amount due, said amount shall constitute a debt due and owing to the City, and the City may enter a lien on the property as provided by law.
(Res. 134-2008. Passed 9-2-08.)

1729.11 DUTY TO AMEND REGISTRATION STATEMENT.

If the status of the registration information changes during the course of any calendar year, it is the responsibility of the owner, responsible party or agent for the same to contact the Fire Department within 30 days of the occurrence of such change and advise the department in writing of those changes.
(Res. 134-2008. Passed 9-2-08.)

1729.99 VIOLATIONS AND PENALTIES.

The failure or refusal for any reason of any owner, or agent of an owner acting on behalf of the owner, to file a registration statement or to pay any fees required to be paid pursuant to the provisions of this section, within 30 days after notice, shall constitute a violation punishable upon conviction thereof by a fine in the amount of not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000) for the first two continual and uncorrected failures or refusals to register, or for each failure or refusal to pay and not exceeding five thousand dollars ($5,000) for the third and any subsequent continual and uncorrected failure or refusal to register or for each subsequent failure or refusal to pay or imprisonment for any term not exceeding ninety days or both. Unpaid fines shall be registered as a lien against the violating building.
(Res. 134-2008. Passed 9-2-08.)