

ARTICLE 1730
Foreclosure Property Registry and Maintenance

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CROSS REFERENCES

Vacant property registration - see B. & H. Art. 1729

1730.01 PURPOSE AND INTENT.

It is the purpose and intent of the City to establish a process to address the deterioration and blight of City neighborhoods caused by an increasing amount of properties subject to mortgage foreclosure located within the City, and to identify and regulate foreclosure properties located within the City. It is the City's further intent to establish a registration program as a mechanism to protect neighborhoods from becoming blighted due to the lack of adequate maintenance and security of foreclosure properties.
(Ord. 28-2015. Passed 10-20-15.)

1730.02 DEFINITIONS.

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

- (a) Accessible Property/Structure shall mean a property that is accessible through a comprised/breached gate, fence, wall, etc., or a structure that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.
- (b) Codified Ordinances shall mean all applicable provisions of the Codified Ordinances of York, Pennsylvania, as amended from time to time ("Codified Ordinances"), including but not limited to the City's: Zoning Code (Part 13, Article 1301 et seq.), Building and Housing Code (Part 17, Titles 1, 3, and 5, Art. 1700 et seq.), Health and Sanitation Regulations (Part 11, Title 3), General Offenses (Part 7, Art. 705 et seq.), Fire Prevention Ordinances (Part 15, Art. 1501 et seq.).

- (c) Blighted Property, for the purposes of this Article only, shall include (a) properties that have broken or severely damaged windows, doors, walls, or roofs which create hazardous conditions and encourage trespassing; (b) properties whose maintenance is not in conformance with the maintenance or other neighboring properties causing a decrease in value of the neighboring properties; (c) properties deemed a public nuisance by the Nuisance Abatement Board; or (d) properties that endanger the public's health, safety, or welfare because the properties or improvements thereon are dilapidated, deteriorated, or violate minimum health and safety standards or lacks maintenance as required by the Codified Ordinances.
- (d) Foreclosure Action shall mean a legal action of mortgage foreclosure filed by a Lender in a court of competent jurisdiction.
- (e) Foreclosure Property shall mean any real property located in the City, whether vacant or occupied, that is subject to a mortgage foreclosure action filed by a Lender in a court of competent jurisdiction or where title to the property has been transferred to a Lender under a deed in lieu of foreclosure or other such conveyance of title to a Lender. The designation as a "Foreclosure Property" shall remain in place until such time as the property is sold or transferred to a new Owner, other than a Lender, or when the foreclosure action has been withdrawn or concluded in favor of the mortgagor as evidenced by court records.
- (f) Enforcement Officer shall mean any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector or building inspector, or other person authorized by the City to enforce the Codified Ordinances.
- (g) Lender shall mean any person, bank, trust company, credit union, trust, or any other legal entity or other party that holds a mortgage or security interest against any real property located within the City.
- (h) Mortgage Foreclosure Action shall mean a legal action of mortgage foreclosure filed by a Lender in a court of competent jurisdiction.
- (i) Owner shall mean any person, legal entity or other party having any ownership interest, whether legal or equitable, in real property. This term shall also apply to any person, legal entity or agent responsible for the construction, maintenance or operation of the property involved.
- (j) Property Management Company shall mean a local property manager, property maintenance company or similar entity responsible for the maintenance of a Foreclosure Property.
- (k) Vacant shall mean any building or structure that is not legally occupied.
(Ord. 28-2015. Passed 10-20-15.)

1730.03 APPLICABILITY.

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather be an additional remedy available to the City above and beyond any other state, county or local provisions for same.
(Ord. 28-2015. Passed 10-20-15.)

1730.04 ESTABLISHMENT OF A REGISTRY.

The City or designee shall establish a registry cataloging each Foreclosure Property within the City, containing the information required by this article.
(Ord. 28-2015. Passed 10-20-15.)

1730.05 REGISTRATION OF FORECLOSURE PROPERTY.

(a) Any Lender who holds a mortgage or other security interest on real property located within the City shall perform an inspection of the property to determine vacancy or occupancy, upon the filing of a mortgage foreclosure action against the property. The Lender shall, within ten (10) days of the inspection register the property with the Office of Permits, Planning and Zoning, or designee, on forms or website access provided by City, and indicate whether the property is vacant or occupied. A separate registration is required for each Foreclosure Property, whether it is found to be vacant or occupied.

(b) If the property is occupied, it shall be inspected monthly by the Lender or their designee to verify continued occupancy. If the property becomes vacant or shows evidence of vacancy, the Lender shall within ten (10) days of that inspection, update the property registration to a vacancy status on forms provided by the City.

(c) Registration pursuant to this section shall contain the name of the Lender and mortgage servicer, the direct mailing address of the Lender and the mortgage servicer, a direct contact name and telephone number for both parties, facsimile number and e-mail address for both parties, the folio or tax number, and the name and twenty-four (24) hour contact phone number of the property management company responsible for the security and maintenance of the property.

(d) A non-refundable annual registration fee in the amount of \$200.00 per Foreclosure Property, shall accompany the registration form or website registration. The annual registration fee shall not be prorated.

(e) This section shall also apply to properties where title to the property has been transferred to a Lender under a deed in lieu of foreclosure or other such conveyance of title to a Lender.

(f) Properties subject to this section shall remain under the annual registration requirement, and the inspection, security and maintenance standards of this article until such time as the property is sold or transferred to a new Owner, other than a Lender, or when the foreclosure action has been withdrawn or concluded in favor of the mortgagor as evidenced by court records.

(g) Any Lender 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.

(h) Failure of the Lender to properly register or to update the registration form from time to time to reflect a change of circumstances as required by this section is a violation of this section and shall be subject to enforcement.

(i) Pursuant to any administrative or judicial finding and determination that any property is in violation of this section, the City 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. (Ord. 28-2015. Passed 10-20-15.)

1730.06 MAINTENANCE REQUIREMENTS.

(a) Properties subject to this chapter shall be kept free of weeds, overgrown 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, 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 structure.

(c) Front, side, and rear yards, including landscaping, shall be maintained in accordance with the Codified Ordinances.

(d) Yard maintenance 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. Acceptable maintenance of yards and/or 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 ground cover or landscape and removal of all trimmings.

(f) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the City Code.

(g) Failure of the Lender to properly maintain the property may result in a violation of the Codified Ordinances and issuance of a Citation or Notice of Violation. Pursuant to a finding and determination by the Enforcement Officer or a court of competent jurisdiction, the City may take the necessary action to ensure compliance with this chapter.

(h) In addition to the above, the property is required to be maintained in accordance with the Codified Ordinances. (Ord. 28-2015. Passed 10-20-15.)

1730.07 SECURITY REQUIREMENTS.

(a) Properties subject to this chapter 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 of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by re-glazing of the window.

(c) If a foreclosure property has become vacant, a property manager shall be designated by the Lender to perform the work necessary to bring the property into compliance with the Codified Ordinances, and the property manager must perform regular inspections to verify compliance with the requirements of this chapter, and any other applicable laws. (Ord. 28-2015. Passed 10-20-15.)

1730.08 PUBLIC NUISANCE.

For the purpose of this Article only, all blighted real property is hereby declared to be a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare and safety of the residents of the City. Nothing herein shall be deemed to alter or otherwise supersede the terms "Public Nuisance" or "Nuisance" as used elsewhere in the Codified Ordinances.
(Ord. 28-2015. Passed 10-20-15.)

1730.09 INSPECTIONS FOR VIOLATIONS.

Adherence to this article does not relieve any person, legal entity or agent from any other obligations set forth in the Codified Ordinances, which may apply to the property. Upon transfer of title of a foreclosure property to a new Owner, other than a Lender, the Owner shall be responsible for all violations of the Codified Ordinances and the Owner shall be responsible for meeting with the Office of Permits, Planning, and Zoning within twenty (20) days of the date of transfer for a final inspection report and the Owner shall abate all violations cited in the inspection report with forty-five (45) days of the date of the report.
(Ord. 28-2015. Passed 10-20-15.)

1730.10 ADDITIONAL AUTHORITY

(a) If the enforcement officer has reason to believe that a property subject to the provisions of this article is posing a serious threat to the public health safety and welfare, the enforcement officer may temporarily secure the property at the expense of the Lender or new Owner.

(b) The enforcement officer shall have the authority to require the Lender or new Owner of record of any property affected by this article, to implement additional maintenance and/or security measure including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.

(c) If the enforcement officer has reason to believe that a property subject to the provisions of this article is posing a serious threat to the public health, safety and welfare, then the enforcement officer may recommend that the City abate the violations and the City may abate the violations and charge the Lender or new Owner with the cost of the abatement.

(d) If the Lender or new Owner does not reimburse the City for the cost of temporarily securing the property or of any abatement thereof, within thirty (30) days of the City sending an invoice then the City may lien the property with such cost, along with an administrative fee of \$500.00 to recover the administrative personnel services.
(Ord. 28-2015. Passed 10-20-15.)

1730.11 IMMUNITY OF ENFORCEMENT OFFICER.

Any enforcement officer or any person authorized by the City to enforce the provisions of this article shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon real property while in the discharge of duties imposed by this article.
(Ord. 28-2015. Passed 10-20-15.)

1730.12 SEVERABILITY.

If any provision, sentence, clause, section, or part of this article or the application thereof to any person or circumstance is for any reason found to be unconstitutional, illegal or invalid by a court of competent jurisdiction, such unconstitutionality, illegality or invalidity shall not effect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this article. It is hereby declared as the intent of the Council of the City of York that this ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section, or part not been included herein.

(Ord. 28-2015. Passed 10-20-15.)

1730.13 EFFECTIVE DATE.

This article shall take effect on January 1, 2016. Foreclosure properties existing on the effective date hereof or thereafter are intended to be subject to the requirements of this article.

(Ord. 28-2015. Passed 10-20-15.)

1730.99 PENALTIES.

Any person or entity who shall violate the provisions of this article may be cited and fined pursuant to the Codified Ordinances of the City of York, and/or state or federal law. The following table shows violations of this Article, as may be amended from time to time, which may be enforced pursuant to the provisions of this Article; and the dollar amount of the fine for violation of this Article as it may be amended. The descriptions of "violations" below are for informational purposes only and are not meant to limit or define the nature of the violations. For each section of this Article listed in the schedule of penalties, the entirety of the section may be enforced by the fine provided, regardless of whether all activities prescribed or required are described in the "Description of Violation" column. To determine whether a particular activity is prescribed or required by this Article, the relevant section shall be examined.

Description of Violation	Penalty
Failure to register foreclosed upon or abandoned real property on annual basis and/or any violation of Article 1730.05.	\$500.00
Failure to maintain foreclosed upon or abandoned real property as described in Article 1730.06.	\$100.00 for the first offense; \$250.00 for the second offense; \$500.00 for the third and subsequent offense. A violation is considered a subsequent offense if the violation occurs at the same property as the former violation and ownership has not changed since the former violation.

Description of Violation (Cont.)	Penalty (Cont.)
Failure to secure foreclosed upon or abandoned real property or failure to designate a property manager as described in Article 1730.07.	\$100.00 for the first offense; \$250.00 for the second offense; \$500.00 for the third and subsequent offense. A violation is considered a subsequent offense if the violation occurs at the same property as the former violation and ownership has not changed since the former violation.

(Ord. 28-2015. Passed 10-20-15.)