



**BUILDING, ZONING, & REVITALIZATION COMMITTEE
MEETING MINUTES
September 15, 2014
7:30 p.m.**

Call to Order: Chairperson L. Durkin called the meeting to order.

Attendance

- **Committee members present:** Chairperson L. Durkin, Councilor T. Danilak, Councilor M. Golden, and Councilor M. Marlowe.
- **Committee members absent:** Councilor M. Boutcher.
- **Others present:** President D. Pancoe, Vice-President R. Bunker, Mayor E. Foley, Borough Manager G. Locke, and Director of Public Works T. Frank.

Public Comment: There was no additional public comment at this time.

Featured Items for Discussion

- **Status report on 204 Wyncote Road:** Bruce Binns, 204 Wyncote, has completed roof repairs and construction associated with the roof. Mr. Binns has also stated they have started painting. Chairperson L. Durkin was pleased with the progress of the property located at 204 Wyncote. Mayor E. Foley stated that he feels as though something is missing on the roof lining and gutters. Bruce Binns replied that the fascia board will be fixed and that is the next step in his plan. Chairperson L. Durkin asked if there was any other outstanding property violations that would like to be brought up. Director of Public Work T. Frank responded that he has been working closely with Mr. Binns and right now they are trying to wrap up the roofing, fascia board, and determining whether Mr. Binns wants to put the gutters back onto the house. There are certain aspects not required by code, but they are continuing the roof then once completed will be looking at the structural issues with the deck. Director of Public Works T. Frank stated the main priority was getting the building weather tight. Chairperson L. Durkin wanted to thank Mr. Binns for coming in and sharing the progress of the building. Chairperson L. Durkin also asked if the driveway was going to be addressed after the deck. Director of Public Works T. Frank stated that the driveway is at the bottom of the list. Mayor E. Foley asked if gutters were required in Jenkintown per the code. Director of Public Works T. Frank stated that they are not required per building codes. Mayor E. Foley asked Mr. Binns if there was any progress on if he could market that property. Mr. Binns replied that he is moving in that direction but there is nothing concrete. Mayor E. Foley asked if there was a milestone attached to the deck once it was started. Director of Public Works T. Frank replied right now considering the amount of work that went into the roof he does not have a specific date in regards to the deck but should work stop or idle Director of Public Works T. Frank will enforce a date. Chairperson L. Durkin asked if there was any issues with the winter coming up pertaining to work being completed. Director of Public Works T. Frank does not see too much of an issue regarding the weather, the roof should be completed before the winter weather.
- **Other vacant properties updates:** Borough Manager G. Locke confirmed that 108 Walnut was auctioned off the details will be available shortly. Borough Manager G. Locke also confirmed 206 Township Line will be going to sheriffs sale in early October, a date and time was not available.

- **MCPC - Partnership Proposal:** Chairperson L. Durkin stated that the Montgomery County Planning Commission will be appearing at the September 22nd council meeting about a strategic planning partnership discussion that took place over the summer.
- **Residential Vacant Properties Ordinance:** Chairperson L. Durkin is a topic that was brought up a number of months ago during the Binn's property discussion. Chairperson L. Durkin and Mayor E. Foley believe that there is value to have this ordinance and has done research and provided examples of different Vacant Properties Ordinances from multiple municipalities which were included in the packets. Chairperson L. Durkin confirmed the reason for the need of this ordinance is because a number of residences could apply. Chairperson L. Durkin stated this could be a helpful tool in making the risks of having safety hazards from vacant properties decrease. The intended benefits of this Ordinance would be safety, general welfare, secured both internally and externally. Objective of these ordinances are property owners have to register their vacant properties so the Borough knows they exist and can then have the communications linked to what responsibilities are and following through with those responsibilities. Chairperson L. Durkin stated that the issue first making the property owner aware of what a vacant property is as well as knowing that it is a rule, which could be difficult to do with someone who is out of state or a bank. First the definition of occupied or non-occupied would need to be figured out. Then how long does a property need to be unoccupied before it is considered a vacant property, as well as how many days the owner has to report the vacancy. Chairperson L. Durkin stated that she did reach out to Andrew Smith, who is a real estate agent in our community. When brought up a few years ago, Mr. Smith was not supportive but has now confirmed a general legislative overseeing would be acceptable. Mr. Smith also volunteered to be a liaison to those properties. Councilor T. Danilak does not think that vacant properties are the issue but that properties that have fallen into disrepair are. Councilor T. Danilak also discussed the issue of some owners do not want to claim the property, therefore who registers the property on the Vacant Property Registry. Councilor T. Danilak gave the suggestion that if no one claims the property and the property has seem to gone into disrepair then it can then be deemed by the Borough that the property is indeed vacant. Councilor T. Danilak also gave the suggestion that if there is a property in violation and that property does not respond in a fixed period of time then the Borough will take action. Mayor E. Foley stated that it this registry gets you the contact information of the property owner as well as the right, once declared vacant, to go in and make sure there is no health and safety issue. Councilor M. Marlowe thinks that the registry is established is a good idea, but once you want to enter the property you may not have the legal authority to do so, but Councilor M. Marlowe thinks that we should have a registry, but not for properties that are vacant and well kept, just for those properties not kept up to standard. The suggestion was given that when resale or new renters com into a property to do an inspection then to address issues.

Items for Decision to forward to Full Council

- **Recognition Award(s):** Borough Manager G. Locke wanted to recognize the EAC due to the accomplishments in just the year that they have been together. The EAC came up with the idea to recognize everyone else who helped them become who they are now as well as the joint ventures they have created now. Borough Manager G. Locke stated that the EAC would be recognized during the November council meeting. Motion was made by Councilor M. Marlowe seconded by Vice President R. Bunker to recognize the EAC for their many accomplishments in the November council meeting, motion passed unanimously. Borough Manager G. Locke stated that the outgoing Shade Tree Commission will be recognized in October. President D. Pancoe wanted to make sure the original list of businesses that should be recognized not be forgotten about. Borough Manager G. Locke confirmed that it will not be forgotten. Borough Manager G. Locke also wanted to point out the Borough Zoning Hearing Board Solicitor, Neil Sklaroff, will be stepping down after 22 years of service and wanted to know if the committee resolution to recognize him this month. President D. Pancoe approved the idea and thought a certificate would be nice. The resolution for Neil Sklaroff will be moved to full council for the September meeting.

Other Items for Discussion

- PECO 2014 Natural Gas Projects:** Borough Manager G. Locke stated that PECO had decided to pull out of town and leave Friday September 19th. PECO asked for permission, Borough Manager G. Locke stated that the Borough does not have the authority to grant permission but they did place conditions such as pulling all the plates off the road, back fill the trenches and temporary pave with asphalt, PECO however will be back in the first week of November. Borough Manager G. Locke stated that a lot of residents, not only in this town but others, are converting from oil to gas and installing residential connections and are now getting overwhelmed by this work. Borough Manager G. Locke stated that PECO completed York Road, West Avenue from Cedar Street to Walnut Street, and Greenwood Avenue from York Road to Cedar Street. They will come back in November and will be working on West Avenue York Road to Cedar Street and will be working at night. PECO stated they will be done by Thanksgiving. Borough Manager G. Locke also wanted to state AQUA is coming in during the first week of October to work on West Avenue and they will be working at night. President D. Pancoe wanted to make sure the trench is filled to satisfaction the Borough, Borough Manager G. Locke stated he will have the trench inspected before PECO leaves.
- Exxon Property Development:** Borough Manager G. Locke was approached by Jim Glanzmann and Mr. Glanzmann was wanted to sign a three month lease with Exxon to park cars on Exxon's lot. Borough Manager G. Locke stated that Mr. Glanzmann had been advised that it was an allowable use but if the Borough was not going to allow it Mr. Glanzmann did not want to sign the lease. Borough Manager G. Locke stated he reviewed the code and it appears to be an allowable use with some limitations. Mr. Glanzmann's car dealership is in the Gateway Commercial district. The Gateway Commercial also states that all uses permitted in the Town Center district as an allowable use are permitted as an allowable use in the Gateway Commercial district. Borough Manager G. Locke then discussed with the Borough Solicitor who recommended that Mr. Locke deny the use of the Exxon lot because it you cannot wash, repair or sell cars in Town Center. Borough Manager G. Locke does not think that Mr. Glanzmann is trying to create a surface parking lot, rather Mr. Glanzmann wants to create a storage parking lot. The Solicitor said the request was vague and to deny the request and send Mr. Glanzmann to the Zoning Hearing Board to decide whether it is an allowable use or not. Councilor T. Danilak does not see how this lot can be used without selling cars. President D. Pancoe stated that there are properties that allow this kind of business, but wonders if the Borough should differentiate between selling cars and the storage of cars. President D. Pancoe was wondering also if there is a possibility that because Mr. Glanzmann will eventually be selling the cars that sit on the Exxon lot at the Dealership on York Road, if the Exxon lot would be considered a dealership therefore could possibly be denied. President D. Pancoe would like to see Mr. Glanzmann take the bank and remodel and turn the bank into the parking lot. Borough Manager G. Locke stated that he will be deny the request and send Mr. Glanzmann to the Zoning Hearing Board. He suggested creating a definition for each of these parking lots. President D. Pancoe stated that Councilor T. Danilak is helping Borough Manager G. Locke with the revisions to the zoning code, and that they should look into this code.
- Property Maintenance Notices:** A written report was provided with the monthly meeting materials.

Chairperson L. Durkin announced due to time restrictions, ZHB Hearing on 153 Highland Avenue, Septa Train Station, Jenkintown Planning Commission, New businesses; closed businesses; progress re: businesses planning to open, Lindy Sign Proposals - Piazza Update and the DVRPC Classic Towns Update were not discussed.

Adjournment: On motion of Chairperson L. Durkin, seconded by Councilor T. Danliak, the motion adjourning the meeting passed unanimously.

BOROUGH OF CARNEGIE
ALLEGHENY COUNTY
COMMONWEALTH OF PENNSYLVANIA
ORDINANCE NO. 2315

AN ORDINANCE OF THE BOROUGH OF CARNEGIE,
ALLEGHENY COUNTY, PENNSYLVANIA, VACANT
PROPERTY REGISTRATION.

1. 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 Borough of Carnegie in protecting the public health, safety and welfare, to monitor the number of vacant buildings in the Borough, to assess the affects of the condition of those buildings on nearby businesses in 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 payment of related fees, and to promote substantial efforts to rehabilitate such vacant buildings. The provision 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 ordinances of the Borough of Carnegie and all relevant codes and/or regulations adopted therein.

b. Administration and enforcement of this Section shall remain under the sole control of the Borough Manager. The Borough Manager and/or designee 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.

2. DEFINITIONS. - For the purposes of this section, where terms are not defined, such terms shall have ordinarily accepted meaning 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 and is subject to the provision 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. Nothing in this section should be construed as requiring registration of a building, structure or dwelling unit where a sheet or sheets of plywood or similar material is utilized as a temporary repair to a damaged window or door pending permanent repair to be

made within a reasonable period of time.

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 a requirement under this Section mail, 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 conduct 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 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 provision 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 an 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 state of any such person, and the executor or administrator of the estate if such person afforded 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 is the legal or equitable owner(s) or tenant-occupant(s) or owner-occupants, or tenants on a permanent non-transient basis.

3. 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 for-profit organization in which the building in total shall have been vacant for more than forty-five (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 Borough Manager. The registration statement and, where applicable, registration fee(s) as required by Section 4 shall be billed by the Borough Manager and such registration statement and, where applicable, registration fee(s) shall be filed with and/or paid to the Borough Manager on or before November 15th, or if November 15th falls on a Saturday or Sunday by the preceding Friday, of each year. For purposes of this Article, registration application initially shall be due on November 15, 2009. 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 name and residence address of all partners with an interest of ten (10%) percent or greater;
- e. If any form of unincorporated association, the names and residence addresses of all principals with an interest of ten (10%) percent or greater;
- f. If an individual person, the name and residence address of that individual person.
- g. Vacant properties that have doors or windows boarded or covered with material shall have the material fitted to the window openings and the board or other material shall be of a color consistent with the color of the structure to which it is attached. Structures shall not have soap, paint or newspaper covering windows.

4.

REGISTRATION STATEMENT AND FEES; LOCAL AGENT.

- a. If none of the persons listed in Section 3 is shown at an address within the state, the Registration Statement also shall provide the name and address of 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 responsible, local party or agent, both for the purpose of notification in the event

of an emergency affecting the public health, safety or welfare and for purposes of services 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 forty-five (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 (1) 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 Borough Manager and shall be established by resolution of Council

- (1) Council hereby approves the registration fees for vacant buildings within the Borough to be imposed in accordance with this article as set forth herein:

Registration Fees: a) Two Hundred and Fifty (\$250.00) Dollars per building for residential properties; and

b) Four Hundred (\$400.00) Dollar per building for commercial properties.

- (2) Council hereby approves the inspection fees for vacant properties within the Borough to be imposed in accordance with this article as set forth herein:

Inspection fees: Two Hundred (\$200.00) Dollars per building (this fee shall include the initial inspection and one reinspection); and,

Subsequent re-inspections: Shall be charged at One Hundred Fifty (\$150.00) Dollars each.

- (3) Upon the registration of a property, the Borough Manager may conduct an inspection of the property to determine if it complies with the Property and Maintenance Code and Fire Code. If the Borough Manager finds violations of the Property Maintenance Code or Fire Code, the Borough Manager 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 Borough Manager is authorized and directed to make inspections at any reasonable hour to determine compliance with the Property Maintenance Codes and Fire Prevention Codes. For this purpose, the Borough Manager or his representative are authorized to enter and examine any building, structure, yard or part of either and every owner, operator or occupant shall allow the Manager or his representative free access. Inspection may be postponed by the Borough Manager due to illness of one (1) or more occupants of the premise 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 the property is in compliance with this Article or other applicable Borough ordinances pertaining to structural condition; when such 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 Borough to defray the expenses of making such inspections. The fee shall be established by resolution of Council.

5. USES OF PAID FEES AND FINES. Registration fees shall become dedicated to a line item in the budget for the Borough of Carnegie's enforcement and administration of the vacant property registration requirements within this Section. Fines for violation of this Article shall go to the Borough's general fund.

6. APPEAL RIGHTS. The owner shall have the right to appeal the imposition of the registration fees to Borough Council upon filing an Application in writing to the Borough Manager no later than fifteen (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 2.

7. ONE-TIME WAIVER OF REGISTRATION FEE. A one-time, one year waiver of the registration fee may be granted by the Borough Manager upon Application of the owner and review of the advice of the Solicitor, within fifteen (15) days of receipt by the Borough Manager of the completed application for waiver, if the owner:

a. Demonstrates with satisfactory proof to the Borough Manager that he/she has submitted valid architectural plans, based on the Borough'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 Borough Manager and 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 Borough Manager, and has done at least one (1) of the following:

- (1) Engaged the services of a real estate licensee, whose name, address, telephone number and e-mail will be provided to the Borough Manager, and the Multiple Listing Service;
- (2) Place weekly advertisements in print or electronic media;
- (3) Distributed printed advertisements.

8. DECISION ON APPLICATION FOR A WAIVER. Within thirty (30) days after the Waiver Application is received by the Borough Manager, and upon review and advice of the Solicitor, Borough Manager or designee 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 Borough Manager, and the Borough Manger rendered a decision with the owner seeks to appeal to Borough Council, the owner must file an Application in writing within fifteen (15) calendar days of the Borough Manger's decision.


9. 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 property perfected an appeal pursuant to Section 6, the owner fails to pay the amount due, said amount shall constitute a debt due and owing to the Borough, and the Borough may enter a lien on the property as provided by law.

10. 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 Borough Manager within thirty (30) days of the occurrence of such change and advise the Borough Manager in writing of those changes.

11. 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 provision of this Section, within thirty (30) days of notice, shall constitute a violation punishable upon conviction thereof by a fine in the amount of not less than Five Hundred (\$500.00) Dollars nor more than One Thousand (\$1,000.00) Dollars for the first two (2) continual and uncorrected failures or refusals to register, or for each failure or refusal to pay and not exceeding Five Thousand (\$5,000.00) Dollars for the third and any subsequent continual and uncorrected failure refusal to register or for each subsequent failure or refusal to pay or imprisonment for any term not exceeding ninety (90) days or both. Unpaid fines shall be registered as a lien against the violating building.

ENACTED AND ORDAINED THIS 10th day of August, 2009.

BOROUGH OF CARNEGIE


Whitney Brady
Borough Manager

BY: 
Mike Sarsfield

BY: 
Emmett Freshwater

WESTMONT BOROUGH
1000 LUZERNE STREET
JOHNSTOWN, PA 15905
(814) 255-3865

**RE: Vacant Property
New Regulations**

Dear Property Owner / Manager / Financial Institution:

This correspondence is made to make you aware of new regulations now in effect for properties in Westmont Borough. Ordinance No. 811 was adopted by the Westmont Borough Council on September 13, 2011. This ordinance provides for a registration program for all vacant properties within the Borough.

The new regulations require any property defined as "vacant" in the Ordinance to be registered with the Westmont Borough office. All owners of vacant/abandoned/ and/or foreclosure residential properties shall register each property with the office of Westmont Borough on forms provided, pay a registration fee as determined by Westmont Borough and provide a telephone number, current mailing address with a street address for the individual owner or agent responsible for the property. If the property is abandoned, the telephone number, name and street address of the person or company responsible for maintenance must be provided. The registration form must be filed within fifteen (15) days of abandonment or initiation of the foreclosure process. Such properties must be maintained in accordance with all applicable codes and the local owners or property managers must inspect them monthly. A sign with the name and 24 hour contact telephone number of the local owner(s) or property manager(s) must be posted on the front of the property so it is visible from the street. These properties shall be subject to inspections and other provisions of the ordinance.

This correspondence has been sent to you regarding property in the Borough for which you are the owner of record or otherwise have been identified as the person responsible for such property. Please find enclosed a registration form to be completed and returned to: Westmont Borough, 1000 Luzerne Street, Johnstown, PA 15905. The above noted Ordinance also established fees for the registration of vacant properties. The fee, as further established by Resolution of the Westmont Borough Council, is \$50.00. That fee should be submitted with the registration form.

Please review the attached information and return the completed Vacant Property Registration Form, as applicable for property that is under your responsibility. If there are additional questions regarding the Ordinance, please contact Mark Walker, Westmont Borough Building Code Official at (814) 255-3413.

Borough of Westmont, Cambria County, Pennsylvania

Ordinance No. 811

AN ORDINANCE OF THE BOROUGH OF WESTMONT ESTABLISHING RESIDENTIAL RENTAL PROPERTY REGISTRATION AND INSPECTION REQUIREMENTS

Whereas, in order to promote the good order, safety, health and public welfare of residents and the general public, and to maintain property values within the Borough of Westmont, the Borough Council has adopted ordinances and regulations to establish rights and obligations of owners and occupants of rental housing units, to improve maintenance and quality of rental units by compliance with applicable codes and ordinances of the Borough of Westmont and to ensure the preservation of the residential quality of neighborhoods, to require the registration and licensing of residential rental units, and to establish procedures for the issuance of formal warnings, fines, the loss of privileges to rent, and the non-renewal and suspension of such license.

SECTION 1 DEFINITIONS

For the purposes of these regulations, the following words have the following meanings:

Building Code Official: The duly appointed Building Code Official of the Borough of Westmont or their designated agent.

Dwelling Unit: As defined within the Borough of Westmont Zoning Ordinance, OR Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating. A dwelling unit can only be occupied by one (1) family with fire code standards of square footage per person applying.

Family: As defined within the Borough of Westmont Zoning Ordinance, OR

- a) A single person, or
- b) Two (2) or more persons related by blood or marriage, adoption or other duly authorized custodial relationship, or
- c) Two (2) unrelated people and any children unrelated to either of them, or
- d) Not more than three (3) unrelated people living together in one dwelling unit.
- e) A group of not more than the maximum number of unrelated people residing in a dwelling as a Group Home, as set forth in the Westmont Borough Code, Chapter 225 - Zoning.

Manager: Any person who has been hired and is paid by the owner to manage any dwelling or dwelling unit which is rented or offered for rent as a residential dwelling.

Owner: Any person who alone, or jointly, or severally with others: (1) shall have title to any dwelling or dwelling unit with or without accompanying actual possession thereof; or (2) shall have charge, control, or care of any dwelling or dwelling unit as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article, and of rules and regulations adopted pursuant thereof, to the same extent as if the person were the owner.

Residential Rental Property:

1. Owner occupied dwellings containing a dwelling unit inhabited by a person or persons other than the owner.
2. Non-owner occupied dwellings containing two (2) or more rental units.
3. Non-owner occupied single-family detached dwellings leased or rented to a person or persons for the purposes of use as a dwelling unit.

→ Vacant/Abandoned/and/or/Foreclosed Structure: Any property that the owner(s) either voluntarily or involuntarily surrender or relinquish title to, with the intention of terminating ownership and possession, but with out granting the property to another person. In essence any property which no responsible party is caring for and/or maintaining; or

1. Unoccupied for a period of 90 days and/or is in foreclosure.
Or
2. Utilities have been disconnected or terminated for the structure.

SECTION 2 GENERAL

Registration Requirement

(a). It shall be unlawful for an owner to rent, receive rental income from or to offer for rent, any residential rental dwelling without first registering the residential rental property as set forth in this Section. The owner of a residential rental property unit(s) shall hold a registration under this part for each residential rental unit and shall abide by the standards in Section 3 to be eligible to retain the registration.

(b). Every application for residential rental registration shall be filed on a form approved by the Building Code Official and shall contain the information detailed in Section 3.

(c). The initial registration fee for the first dwelling unit registered by an owner and for each additional unit registered within the same dwelling are set forth in Section 4. The annual fee for renewal of the registration by the owner for the first dwelling unit and for each additional unit in the same dwelling is set forth in Section 4. Such fee shall be due and payable upon the residential rental property when the registration renews.

→ (d). All owners of vacant/abandoned/ and/or foreclosure residential properties shall register each property with the office of Westmont Borough on forms provided, pay a

registration fee as determined by Westmont Borough and provide a telephone number, current mailing address with a street address for the individual owner or agent responsible for the property. If the property is abandoned, the telephone number, name and street address of the person or company responsible for maintenance must be provided. The registration form must be filed within fifteen (15) days of abandonment or initiation of the foreclosure process. Such properties must be maintained in accordance with all applicable codes and the local owners or property managers must inspect them monthly. A sign with the name and 24 hour contact telephone number of the local owner(s) or property manager(s) must be posted on the front of the property so it is visible from the street. These properties shall be subject to inspections and other provisions of this ordinance.

Registration Updates

- (a). Any person taking title to a residential rental dwelling shall be the holder of the registration held by the prior owner for thirty (30) days after the transfer of title is recorded by Cambria County's Recorder of Deeds or otherwise becomes legally binding.
- (b). The owner of a registered dwelling shall update annually the information previously provided, unless required sooner by the Building Code Official.

Residential Rental Property Inspections

The above residential rental property classifications defined herein must be inspected by the Building Code Official at intervals as set forth in these regulations. The inspection requirement does not apply to the unit in which the owner resides in an owner occupied dwelling.

The residential rental property inspection and fee requirements do not apply to units located within residential rental property that have been issued a certificate of occupancy within the previous twelve (12) months if such inspections have resulted in no notices of violation to the owner.

The regulations contained herein do not apply to motels, hotels, nor temporary housing, such as a tent, trailer, or similar structure which is used as human shelter built or established by Federal or State agencies as disaster relief.

The provisions contained herein shall not be deemed to restrict the right of the building code official to inspect any property pursuant to any other applicable federal, state or local laws and regulations.

SECTION 3 REGISTRATION OF RESIDENTIAL RENTAL PROPERTIES

The following information shall be provided to the Borough of Westmont:

1. Upon the effective date of this ordinance, owners of the above-described residential rental property classifications will be notified of the requirement to request an inspection in order to operate/rent such property.
2. In order to obtain a residential rental property inspection, the property owner or his agent must submit a Landlord's Registration Form as provided by the Borough of Westmont.
3. The property owner or his agent must certify to the truthfulness and accuracy of the information that he/she provides in the residential rental property information with penalty for false representation(s) to authorities.
4. The residential rental property owner or his/her agent must submit the completed Landlord's Registration Form annually for existing residential rental property dwelling units. Said form shall be submitted to the Westmont Borough office no later than December 1st of each calendar year.
5. The residential rental property owner or his/her agent must inform the Borough of Westmont of any change concerning the information contained in the residential rental property application within thirty (30) days of such change.
6. Any change in ownership of a residential rental property must be reported within thirty (30) days of the title transfer, by the new owner.

SECTION 4 FEES

Registration fees

1. The yearly registration fee for any residential rental property shall be fixed in accordance with a fee schedule set forth by the Borough of Westmont and for display in the offices of the Borough of Westmont. The current registration fee shall be paid in full at the time of submission of the Landlord's Registration Form to the Borough of Westmont.
2. The owner of any vacant structure, as defined herein, shall submit the registration fee in accordance with a fee schedule, as set forth by resolution by the Borough of Westmont.

Inspection fees

1. The owner or his agent of any residential rental property unit must submit an inspection fee in accordance with a fee schedule, as set forth by resolution by the Borough of Westmont. The current fee(s) for each residential rental property dwelling unit inspection shall be paid at the time of, or prior to, completion of said inspection, in the amount of the costs to the Borough of Westmont.
2. If a vacant/abandoned and/or/ foreclosed property requires an inspection, the owner or his agent must submit an inspection fee in accordance with a fee schedule, as set forth by resolution by the Borough of Westmont.

SECTION 5 MINIMUM FIRE SAFETY DEVICES

Each residential rental property dwelling unit shall have the following minimum fire safety devices installed and maintained in an operational condition:

A. Smoke Alarm Systems / Detectors.

1. Smoke detectors installed in accordance with the building code edition then in effect at the time of construction.
2. In the event that the property was constructed prior to any mandated smoke alarm system / detectors, the following minimum smoke alarm / detectors shall be installed and maintained:
 - a. One single-station smoke detector in each sleeping area, one single-station smoke detector in any common hallway leading to sleeping areas and one smoke detector on each level of the residential rental property, thereafter.
 - b. All common areas of a residential rental property shall have at least one smoke detector for each 1000 square feet of floor area.

B. Carbon Monoxide Detectors.

1. A carbon dioxide detector shall be installed in each sleeping area, one in any common hallway leading to sleeping areas and one detector on each level of the residential rental property, thereafter.
2. All common areas of a residential rental property shall have at least one carbon dioxide detector.

B. Fire Extinguishers.

1. Each residential rental property shall have a minimum of one (1) Class A:B:C multipurpose fire extinguisher to be firmly attached to the structure in a location accessible to the tenant(s). The extinguisher shall have a minimum five (5) pound capacity, multi-purpose dry chemical, classification 2A 10-B:C, capable of an eight-to-ten second sustained flow of extinguishing agent, with horizontal range of five (5) to twelve (12) feet.
2. There shall be at least one (1) operable fire extinguisher located on each level of occupancy.
3. All common areas of a residential rental property shall have at least one (1) operable fire extinguisher installed.

SECTION 6 INSPECTION OF RESIDENTIAL RENTAL PROPERTIES

Upon submission of the completed Landlord's Registration Form by the property owner and payment of the fee, a scheduling date will be arranged for the building code official or his agent to inspect the residential rental property. The building code inspector will conduct the inspection of the residential dwelling unit(s), and the residential rental property common areas, basement, exterior and yards.

The residential rental property owner or his agent must notify the tenants of such property at least three (3) days in advance of the inspection.

The building code official will use a checklist comprised of housing related criteria to determine whether the residential rental property meets minimum housing code standards with respect to said criteria. The building code official will limit the inspection to the checklist criteria, barring any life-threatening health or safety violation that is not covered in the checklist.

The residential rental property owner or his/her agent must be present at all scheduled property inspections. If such person is not present on a scheduled date and time, the residential rental property owner will then be charged a rescheduling fee as set forth by resolution of the Borough of Westmont. A residential rental property owner may cancel or reschedule a property inspection without penalty if they notify Borough of Westmont at least 24 hours before the scheduled appointment.

A residential rental property owner will be charged a re-inspection fee, as set forth by resolution of the Borough of Westmont, if the building code official has to return to the owner's residential rental property to determine whether all defects detected during the initial inspection have been repaired or addressed.

SECTION 7 INSPECTION RESULTS

If the residential rental property is found to have no deficiencies, the building code official will notify the owner or his/her agent of the results.

The building code official will prepare a list of defects, if any, that he finds during the inspection, and forward the list to the owner or his agent when the inspection is completed. If no life-threatening health and/or safety defect is found, the owner will be given thirty (30) days to repair the defect(s), unless the building code official or his designee deems that more or less time is needed. Once the allowed repair time expires, the building code official will conduct a re-inspection of the residential rental property.

If all defects have not been repaired, the building code official or his designee will have discretion to provide the owner with additional time to repair the defect(s), or order alternative measure(s), which may include action in accordance with the Violations, Penalties and Remedies section as set forth herein.

If the building code official finds a life-threatening health and/or safety defect, he will immediately inform the owner or his agent. Any rental unit(s) directly affected by the life-threatening defect(s) shall not be reoccupied unless and until the life-threatening health and/or safety defect is repaired, and the building code official indicates such in writing.

Each tenant shall be responsible for maintaining his/her respective rental unit in a safe, sanitary, and secure condition, and abide by all duties imposed on him/her by all applicable federal, state and local laws and regulations.

SECTION 8 INSPECTION INTERVAL

Once the residential rental property owner pays all applicable fees and costs, and the residential rental property has been inspected and found to have no deficiencies, the property owner shall be given a copy of the inspection checklist. The inspection shall be effective for three (3) years commencing from the inspection date, unless otherwise voided as a result of a subsequently discovered defect, a property title transfer, other just cause as determined by the building code official.

Any change in tenant occupancy shall require a new Landlord Registration Form to be submitted to the Westmont Borough office. A change in tenant occupancy will require a new inspection, unless the previous inspection occurred within one (1) year of the change in tenant occupancy. Said fees for inspection/re-inspection shall be paid to the Borough of Westmont in accordance with the fee schedule adopted in accordance with Section 4.

SECTION 9 VIOLATIONS, PENALTIES AND REMEDIES

Any person, firm, corporation or association or other entity who shall violate this ordinance shall, for each and every violation or noncompliance, upon conviction thereof before any District Magistrate or court of competent jurisdiction in Cambria County, Pennsylvania, be sentenced to pay a fine of not less than \$500.00 or more than \$1,000 for each offense and costs (including legal and/or other professional fees incurred by the Borough of Westmont while completing enforcement actions), and in default of payment of said fine and costs, be imprisoned for a period not exceeding 30 days. Each day that a violation continues shall be deemed a separate offense and subject to a separate fine or other penalty as set forth by the authority having jurisdiction. Owners of residential rental property who refuse to comply with the provisions of this ordinance for ninety (90) or more days may have the registration of all their residential rental properties suspended as stated under Act 90 of 2010-Neighborhood Blight Revitalization and Reclamation Act.

SECTION 10 APPEALS

The owner of a building or structure, office or agency of the municipality, or any other person aggrieved from a decision of the building code official, may appeal to the Borough of Westmont. Any appeal shall be heard by the Westmont Borough Council at a regularly scheduled or properly called and scheduled special meeting, as determined by

the Borough of Westmont. The appeal shall be advertised in a newspaper having general circulation in the Borough of Westmont. The Westmont Borough Council shall uphold, affirm, reverse or modify the decision of the building code official. The advertising costs and any other costs associated with an appeal shall be the responsibility of the appellant, unless determined otherwise by Westmont Borough Council during the review of the appeal.

SECTION 11 SAVING CLAUSE

The provisions of this ordinance adopted hereby are severable, and if any clause, sentence, subsection, section, article, chapter or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, section, article, chapter or part thereof rendered. It is hereby declared to be the intent of the Borough of Westmont that this ordinance would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, article, chapter or part thereof had not been included therein.

SECTION 12 EFFECT ON OTHER ORDINANCES

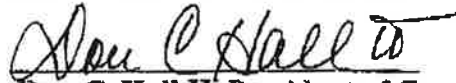
Any Ordinance, or part of Ordinance, conflicting with this Ordinance by and the same is hereby repealed insofar as the same affects this Ordinance.

SECTION 13 EFFECTIVE DATE

All provisions of this ordinance and of the Code shall be in force and effect thirty (30) days after the date of adoption.

PASSED FINALLY IN COUNCIL this 13th day of Sept. 2011.

BOROUGH OF WESTMONT

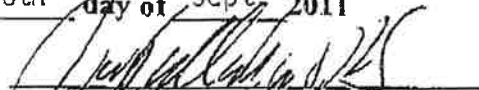


Don C. Hall II, President of Council

ATTEST:


Gail Y. Heeter, Borough Secretary

APPROVED this 13th day of Sept. 2011


Robert J. Callahan, DDS, Mayor

**Resolution No. 4 (2011)
Rental Property Inspection Fees**

Whereas, the Council of the Borough of Westmont, by duly enacted Ordinance No. 811 (Chapter _____ of the Westmont Borough Code), has set forth regulations for inspection of each rental property unit within the Borough, and

Whereas, the Council of the Borough of Westmont, under said Ordinance No. 811, has set forth the fees for administration of the program and inspections of the rental units by Resolution:

Therefore, be it resolved this 13 th day of September, 2011 that the following fees be applicable to each rental unit inspection:

Annual Registration Fee \$ 50.00

Inspection Fee \$125.00

Multiple Rental Units in One Structure (when scheduled at the same time)
.... \$100.00 minimum plus \$60.00 / hour after the first one hour period

Re-Inspection Fee \$75.00 minimum *
* Actual amount shall be based on actual costs



Vacant Structure Fee \$ 50.00

RESOLVED by Westmont Borough Council this 13th th day of Sept., 2011.

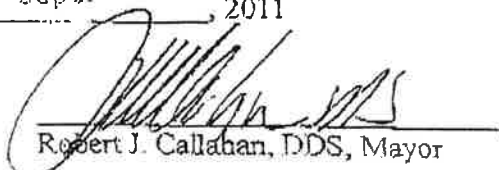
BOROUGH OF WESTMONT

ATTEST:


Don C. Hall, II, President of Council


Gail Y. Heeter, Borough Secretary

APPROVED this 13th th day of Sept., 2011


Robert J. Callahan, DDS, Mayor

POTTSTOWN BOROUGH

[Ord. 2108, 2/11/2013]

For purposes of this Part, the following terms shall have the following meanings indicated:

OWNER

A holder of title, in fee simple, to residential, commercial or industrial real estate who possesses and/or controls the real estate. This term shall include, but not be limited to, heirs, assigns, and beneficiaries, provided this ownership interest is a matter of public record.

VACANT PROPERTY

Any building or structure which is not legally occupied or at which substantially all lawful construction operations have ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation, provided, however, that any property that contains all building systems in working order and is being actively marketed by its owner for sale or rental shall not be deemed vacant.

Buildings that qualify as vacant property shall have one or more of the following conditions, as reasonably determined by the Borough Code Enforcement Office:

A.

Condemned, requiring a code compliance inspection;

B.

Unoccupied and unsecured for five days or more;

C.

Unoccupied and secured by means other than those normally used in the design of a building for 30 days or more;

D.

Unoccupied with multiple housing, maintenance, fire or building code violations existing for 30 days or more;

E.

Unoccupied more than 365 days with an order having been issued to correct a nuisance condition pursuant to the Borough Code; and

F.

A vacant commercial or residential building or structure which is unable to receive a certificate of occupancy due to work stoppage or expired permits.

§ 1504 Filing of Registration Statements.

[Ord. 2108, 2/11/2013]

1.

Effective September 1, 2013, the owner of any vacant property, as defined herein, shall, within 60 days after the building becomes vacant, or within 60 days after assuming ownership of the vacant property, whichever is later, file a registration statement for each such vacant property with the Code Enforcement Office on forms provided by the Code Enforcement Office for such purpose. The registration shall remain valid for one year from the date of registration. The owner shall be required to renew the registration annually (based upon the initial registration date) as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed by the Borough Council.

2.

Any owner of any building that meets the definition of "vacant property" prior to September 1, 2013, shall file a registration statement for the property on or before October 31, 2013. The registration statement shall include the information required under § 1505 below, as well as any additional information that the Code Enforcement Office may reasonably require.

3.

The owner shall notify the Code Enforcement Office within 30 days of any change in the registration information by filing an amended registration statement on a form provided by the Code Enforcement Office for such purpose.

4.

The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or any court proceeding instituted by the Borough against the owner or owners of the building.

§ 1505 Registration Statement Requirements; Property Inspection.

[Ord. 2108, 2/11/2013]

After filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide access to the Borough to conduct an exterior and interior inspection of the building to determine compliance with applicable Borough codes, following reasonable notice, during the period covered by the initial registration or any subsequent renewal.

A.

The registration statement shall include the name, street address and telephone number of a natural person, 21 years or older, designated by the owner or owners as authorized agent for receiving notice of code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of any applicable code. This person must maintain an office in the Commonwealth of Pennsylvania, County of Montgomery. This statement shall also include the name of any person responsible for maintaining and securing the property, if different.

B.

An owner who is a natural person and who meets the requirements of this Part 15 as to location of residence or office may designate him- or herself as agent.

C.

By designating an authorized agent under the provisions of this section, the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement

proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the Code Enforcement Office of a change of authorized agent or until the owner files a new annual registration statement. The designation of an authorized agent in no way releases the owner from any requirement of this Part 15.

§ 1506 Requirements for Owners of Vacant Property.

[Ord. 2108, 2/11/2013]

The owner of any building that has become vacant property, and any person maintaining, operating or collecting rent for such building that has become vacant, shall, within 30 days:

A.

Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Code of the Borough of Pottstown, or as set forth in the rules and regulations adopted by the Pottstown Borough Code Enforcement Office to supplement those codes; and

B.

Post a sign affixed to the building, indicating the name, address and telephone number of the owner, the owner's authorized agent, for the purpose of service of process, and the person responsible for day-to-day supervision and management of the building, if such person is different from the owner holding legal title or authorized agent. The sign shall be of a size and placed in a location as to be legible from the nearest public street or sidewalk; and

C.

Secure the building from unauthorized entry and maintain the sign until the building is, again, legally occupied or demolished or until repair or rehabilitation of the building is complete.

D.

On or before December 1, winterize the building, which should include disconnecting gas, shutting off electric power and draining plumbing fixtures and water pipes. The Borough may also direct the shutoff of water service at the curb box. The owner shall be notified, in writing, prior to discontinuing the water service, and any costs incurred by the Borough will be applied as a lien to the property.

§ 1507 Fee Schedule.

[Ord. 2108, 2/11/2013]

1.

The initial fees associated with this Part 15 are set forth below. Any future changes in fees shall be made by resolution of the Pottstown Borough Council from time to time.

Type of Building/ Structure	Initial Registration Fee	First Renewal Fee	Second Renewal Fee	Any Subsequent Renewal Fee
Single-family dwelling	\$75	\$125	\$175	\$275

Type of Building/ Structure	Initial Registration Fee	First Renewal Fee	Second Renewal Fee	Any Subsequent Renewal Fee
Registered multifamily dwelling	\$200	\$250	\$300	\$400
Industrial/commercial building less than 10,000 square feet	\$250	\$300	\$350	\$450
Industrial/commercial building greater than 10,000 square feet but less than 20,000 square feet	\$500	\$550	\$600	\$700
Industrial/commercial building between 20,000 square feet and 40,000 square feet	\$750	\$800	\$850	\$950
Industrial/commercial building greater than 40,000 square feet	\$1,000	\$1,050	\$1,100	\$1,200

2.

The Borough may collect any and all unpaid fees associated with this Part 15 in any manner permitted by law, including the right to file a municipal lien claim against the vacant property.

BOROUGH OF FOLCROFT
COMMONWEALTH OF PENNSYLVANIA
ORDINANCE 2013-09

AN ORDINANCE SETTING FORTH VACANT PROPERTY REQUIREMENTS, THE
REGISTRATION THEREOF, AND TERMS OF A VACANT PROPERTY
MAINTENANCE PLAN

Whereas, the Borough of Folcroft wishes to establish a registration process for vacant properties so as to provide requirements for responsible parties to implement the required Vacant Property Maintenance Plan for such properties which will protect public health, safety, and general welfare of the citizens and prevent neighborhood blight and decay, ensure properties are secured, prevent deterioration, and protect values and neighborhood integrity.

Therefore, the Council of the Borough of Folcroft does adopt and enact this Ordinance which shall apply to all existing properties, buildings and tanks in the borough.

SECTION I DEFINITIONS

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

“Accessible property” real property that is accessible to the public, either, in general or through an open and unsecured door, window, gate, fence, wall or other such openings.

“Evidence of Vacant” any condition that is on its own, or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to, overgrown or dead vegetation, accumulation of newspapers, junk or debris, the absence of window covering such as curtains, blinds, or shutters, the absence of furnishings or personal items consistent with residential habitation, statements by neighbors, passersby, delivery agents, or government employees that that property is vacant.

“Vacant” any building, structure, tank or real property that is, or has been unoccupied or occupied by a person without legal right of occupancy.

SECTION II Registration of Vacant Property Required

Owners and /or owner's agents of real property are required to register all vacant property within thirty (30) days of the vacancy or of the effective date of this ordinance whichever is later. Registration pursuant to this section shall be renewed every six (6) months. Registration required by this ordinance shall include the following information and requisite fees and documents:

1. Name, address and contact number of the owner
2. Names, address and contact number of the local agent or representative for the property
3. Name, address and contact number of the management company assigned to the property for the security and maintenance of the property
4. Common address and tax parcel identification of the property
5. The date on which the property became vacant
6. Affirmation of utility connections or disconnections
7. Signed Maintenance Plan Agreement as required by the Ordinances

8. Evidence of the posting of a sign with the name, address and telephone number of the current owner in a conspicuous location on the building property or tank.

9. A \$50.00 registration fee each time a residential building or tank is registered

10. A \$100.00 registration fee each time a commercial or industrial building is registered

11. Proof of "Liability Insurance coverage in the following amounts:

1. \$3000,000.00 minimum liability policy for a residential building

2. \$1,000,000.00 minimum liability policy for a commercial, industrial building or tank.

SECTION III Vacant Property Maintenance Plan

It is declared a public nuisance for any owner to cause, permit or maintain any property condition contrary to the provisions of this Ordinance. The owner or owner's agent must adhere to the Vacant Property Maintenance Plan as contained in this section and the time schedule requirements on the registration. 1. The owner or owner's agent will perform regular weekly inspections to assure compliance with the requirements of this section.

2. The owner or owner's agent shall allow access by the Borough Code Inspectors and/or Fire Marshall for the purpose of inspection and in case of emergency.

3. Utilities must be properly disconnected or connected and in proper working order

4. All doors, windows and other openings shall be secured as required by Section IV

5. Weeds shall be removed from landscape beds, the perimeter of buildings, along fence lines and in parking lot joints and cracks

6. Grass height shall be maintained no higher than (4) inches and the trimmings removed from the property

7. Exterior properties shall be kept free of junk and debris, including, but not limited to, newspapers, flyers, circulars, furniture, appliances, containers, equipment, vehicle parts, garbage, clothing, inoperable vehicles, boats and campers, tires, drums, or any other items that give the appearance that the property is vacant.

8. Building appurtenances must be securely attached so as not to cause a blighting condition, including but not limited to gutters, downspouts, shutters, railing guards, steps, awnings, canopies, signs, light fixtures, and fire escapes.

9. Detached signs and lighting systems shall be structurally sound, and maintained so as not to cause a blighting condition, or removed

10. Property fencing and retaining walls shall be maintained structurally sound. Any fence or wall with broken or hanging components shall be repaired, straightened, or removed.

11. The property shall be free of graffiti or similar markings by removal or painting over with a color that matches the exterior of the

structure

12.Perishables shall be removed from the interior of the structures

13.Interior of all structures must be clear of all trash, debris, flammable liquids, vehicles, chemicals, any and all threats to human life.

14.Any back driveway or alleyway part of the property shall be maintained structurally sound. SECTION 4 Security Requirement

Properties subject to this Ordinance shall be maintained in a secure manner so as not to be accessible to unauthorized person. Secure manner includes, but is not limited to, closing and locking of windows, doors, and any other opening that may allow access to the interior of any structure on the property. Broken glass shall be replaced. Boarding over windows can only be for a ninety (90) day period after which the window will be repaired and glass replaced.

SECTION 5 Penalties

Failure to register an vacant property in accordance with this Ordinance shall result in a fine being levied by the borough against the owner and the property in the sum of \$ 500.00 (five hundred dollars).

Failure to comply with the terms of a Vacant Property Maintenance Plan under this Ordinance shall result in a fine being levied by the borough against the owner and the property in the amount of \$1,000.00 (one thousand dollars) and revocation of the registration as a vacant property under this Ordinance.

SECTION 6 All Borough officials are authorized to take all action necessary to ensure implementation of and effect the purpose hereof.

SECTION 7 The provisions of this Ordinance are severable, and if any clause, sentence, subsection or section hereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder but shall be confined in its operation and application to the clause, sentence, subsection or section rendered. It is hereby declared the intent of the Borough Council that this ordinance would have been adopted if such illegal, invalid, or unconstitutional clause, sentence, subsection, or section had not been included therein.

SECTION 8 This is effective immediately upon enactment according to law, and shall remain in effect hereafter until revised, amended, or revoked by action of the Council of the Borough of Folcroft.ORDINANCE 2013-09

ADOPTED by the Borough Council, this day of _____, 2013.

Council President

APPROVED by the Mayor, this day of _____, 2013.

Mayor

ENACTED this day of _____, 2013.

Secretary

Jenkintown Planning Commission

September 15, 2014

Report of Meeting



Attendees:

9/15/14

Laura Hanes	Excused	696-7118	haneslmcc@yahoo.com
Joe Hentz	Excused	887-0042	jah503@comcast.net
John Krebs	Excused	805-0293	krebs@gmail.com
Glen Morris	x	887-4207	gpmorris@verizon.net
James Rose	X	884-2922	james.rose@drexel.edu
John Stillmun	X	572-8029	stillmun@comcast.net
Greg Biles	Excused		Greg.biles@us.gt.com

I. Planning Commission Projects:

Jenkintown Station: The Planning Commission has been notified that the Pennsylvania Museum and Historic Commission will review the nomination of Jenkintown Station to the National Register of Historic Places. The meeting is to be held Tuesday October 7, 2014. The review of nominations will be held at 12:15.

Edie Crebi and Susanne Whitehead of the Cheltenham Chamber of Citizens gave a presentation on their work to support the preservation of Jenkintown Station. They presented to the JPC and then again to the Building and Zoning Committee. They highlighted the deferred maintenance of canopy roofs and their effort to move SEPTA into some preventive maintenance to stabilize the building. Now that the Greenwood Avenue Bridge is reopened a suitable tenant may be interested in the building. However the current condition is not attractive. Ms. Crebi stated that they looked at the SEPTA capital budget and the station is not a line item until the ADA access project in 2016. It is known that this is focused on construction of high level platforms south of the station. It is not known if any funds are set aside to restore the building. Ms. Crebi stated that they gave the presentation to Cheltenham Township commissioners and received a resolution in support of their cause.

The JPC and members of council voiced support for this group as their goals are aligned with the Borough's. The Building and Zoning Committee requested that George Locke begin a thorough investigation of any violations of the Property maintenance Code. George stated that he has been in contact with SEPTA after James Rose sent pictures of deterioration several months ago.

The JPC will convene next month and craft a resolution of support for the activity of the Cheltenham Chamber of Citizens

II. Old Business:

A) Sprint PCS Antenna Installation at 610 Old York Road:

20140616 - The Jenkintown Planning Commission reviewed the following documents in regard to this project: Installation Plans and Specifications Receipt Number 39556

Comments: 1) The JPC noted that the new proposed antennas are to be mounted in the same location as the Metro antennas reviewed above. The service providers and building owner need to coordinate their activities. 2) At the last installation, the JPC requested that no additional antennas be added to the building until some of the other companies remove their equipment. This historic building is getting too cluttered in appearance. Also The JPC asked the code enforcement official of Jenkintown to have the owner adjust the flagpole lighting to light the flag not the antennas and to paint the flagpole. Neither has been done. The JPC agrees with the Borough manager that this work is not routine maintenance and these are new antennas. This needs review by the Jenkintown Zoning Hearing Board. The building is listed on the National register of Historic Places and review by the State historic Preservation Office is required.

20140915 - Sprint has not followed up with the Borough.

B) Lindy Property Management Piazza on the Square Branding Sign package:

20140616 - The Jenkintown Planning Commission has begun a review of a proposed sign Package submitted by Lindy property Management. The purpose appears to be a campaign to brand the properties around the Town Square as a unified destination. The JPC is looking at this proposal in depth but offers the following Comments: 1) The Branding signs are currently not allowed in the Borough Sign Ordinance. This will require a Zoning Hearing to be approved. 2) The proposal has too many signs and poorly positioned signs. Also the Branding image is placed on the signs of the individual businesses which is not allowed. The main sign on Old York road is too large and should not be placed directly on the prow of the central Art Deco building. This will need review at the ZHB. The JPC will prepare a review of each sign and location to advise Council on this application 20140915 – No new information has been submitted to JPC.

C) Zoning Review Protocol.

Tom Danilik and Laurie Durkin participated in a discussion of the Zoning Code. The issue was the ability of Glanzmann to use the old Stutz Candy parking lot as a car storage lot in a residential area. The JPC is brought in for Land Development review which did occur on the site of the old building which was a change of use. The parking lot on the opposite side was a commercial parking lot. It is the opinion of some members of the JPC that the conversion to car storage from a parking lot constitutes a change in use. However most reviewers probably did not imagine the number of cars the dealership would fit into the space. George Locke noted that there was no work performed on the lot so no permit was required or issued. Everyone agreed that there is a hole in our zoning that needs to be filled in. Any open parking lot in the Borough could become car storage. The JPC and B&Z will consider an amendment to rectify this issue.

III. New Items:

None

V. Adjournment:

The meeting was adjourned for the Admin and Finance & Building and Zoning Committee's meetings to begin.

JPC monthly meeting is held the 3rd Monday of each month except August and December.

It is assumed that these minutes, as written, are a true and correct representation of the items discussed. Any changes or corrections should be directed to the writer, James Rose

Respectfully submitted,
James Rose

Cc: Borough Council, George Locke



Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093
www.phmc.state.pa.us

September 4, 2014

RE: Proposed National Register of Historic Places Nominations

The following properties or districts will be considered by the Pennsylvania Historic Preservation Board for nomination to the National Register of Historic Places at their upcoming meeting on Tuesday, October 7, 2014:

1. Mount Zion AME Church, 380 North Fairfield Rd, Tredyffrin Township, Chester County, #065384
2. R. & H. Simon Silk Mill, 659 N. 13th St, Easton, Northampton County, #144202
3. Edwin J. Schoettle Company Building, 533 N. 11th St, Philadelphia, #200880
4. Jenkintown Station, 3 West Ave, Jenkintown, Montgomery County, #156277
5. Franklinville School, 1701 Morris Rd, Whitpain Township, Montgomery County, #110699
6. Original Little League Field, 1695 West Fourth Street, Williamsport, Lycoming County, #086621
7. Hotel Altamont, 145 W. Broad St, Hazleton, Luzerne County, #078917
8. C.F. Adams Building, 101 E. 6th St, City of Erie, Erie County, #200629
9. Manchester School #3, 6610 West Lake Rd, Fairview Township, Erie County, #015902
10. Washington Trust Company Building, 6 S. Main St, Washington City, Washington County, #157394
11. Pittsburgh Mercantile Company, 2600 E. Carson St, Pittsburgh, Allegheny County, #007753

The Preservation Board meeting will take place in the Rachel Carson Building, located at 400 Market Street in Harrisburg. Review of the nominations begins at 12:15pm.

The National Register of Historic Places was established in 1966 to help coordinate and support public and private efforts to identify, evaluate, and protect our historic and archeological resources. During the Preservation Board meeting, the historic significance of the above resources and the National Register criteria for listing will be discussed. Listing provides recognition of a property's historic importance and assures review of federally funded or permitted projects that might effect the historic character of the property. If the property is listed in the National Register, certain federal investment tax credits for rehabilitation and other provisions may apply. Listing in the National Register *does not* mean that limitations will be placed on properties by the federal government. Enclosed please find additional information outlining the results of listing in the National Register and explaining the rights and procedures by which an owner may comment on or object to listing in the National Register.

The National Register process requires that owners and local officials are afforded the opportunity to comment on the proposed listing. According to federal regulations, owners and the chief elected official of a municipality in which a property proposed for listing is located must be notified of the intended Preservation Board action no less than 30 days and not more than 75 days prior to the Preservation Board meeting.

The Historic Preservation Board will meet in the Rachel Carson Building, 400 Market Street, Harrisburg. The meeting has two parts, beginning with a 9:45am general business meeting followed by the review and discussion of the nominations. Review of the nominations begins at 12:15 pm. You may choose to attend the entire meeting or only the afternoon nomination reviews, if you wish. We regret that lunch is not provided for guests, but many restaurants are nearby. The meeting location is across the street from Amtrak's Harrisburg station.

If you intend to submit written comments to the Historic Preservation Board, please be sure these arrive in our office prior to the meeting date. If you or your staff would like to attend the meeting and offer comments in person, please contact Cheri Garrett (717-783-9933 or cgarrett@pa.gov) in order to make arrangements. Individuals with disabilities who need special assistance or accommodation should call in advance to discuss their needs. Enclosed is a map showing the meeting location and logistical details.

We hope you will continue to enjoy and support the properties nominated for listing, as well as Pennsylvania's many other special places.

Sincerely,

April E. Frantz
National Register Reviewer/Eastern Region

Enclosure

RIGHTS OF OWNERS TO COMMENT OR OBJECT TO NATIONAL REGISTER LISTING

Owners of private properties nominated to the National Register of Historic Places (individually or within districts) have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60.

Any owner or partial owner of private property who chooses **to object to listing** may submit to the State Historic Preservation (SHP) Officer a **notarized** statement certifying that the party is the sole or a partial owner of the private property and objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the SHP Officer shall submit the nomination to the National Park Service's Keeper of the National Register for a determination of eligibility of the property for listing in the National Register. If the property is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow for the Advisory Council on Historic Preservation to have an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If you choose to object to the listing of your property, the **notarized objection** must be submitted to Serena Bellew, Deputy State Historic Preservation Officer, Pennsylvania Historical and Museum Commission, 400 North Street, Harrisburg, PA, 17120, by at least the day prior to the scheduled Pennsylvania Historic Preservation Board review (see enclosed letter for meeting date).

If you wish **to comment in support** of the nomination of a property or district to the National Register, please send your comments to the State Historic Preservation Office at least the day prior to the Board review. A copy of the nomination and information regarding the nomination process is available from the State Historic Preservation Office (for contact info visit <http://phmc.info/historicpreservation>).

RESULTS OF LISTING IN THE NATIONAL REGISTER

In addition to honorific recognition, listing in the National Register has the following results for historic properties:

- Consideration in planning for Federal, Federally-licensed, and Federally-assisted projects: Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects affecting historic properties either listed in or determined eligible for listing in the National Register. The Advisory Council oversees and ensures the consideration of historic properties in the Federal Planning process.
- Eligibility for certain tax provisions: Owners of properties listed in the National Register may be eligible for a 20% investment tax credit for the certified rehabilitation of income-producing certified historic structures such as commercial, industrial, or rental residential buildings. Federal tax deductions are also available for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. For more information about the Rehabilitation Investment Tax Credit program visit this NPS website: <http://www.nps.gov/history/tps/tax-incentives.htm> .
- Consideration of historic values in the decision to issue a surface mining permit where coal is located in accordance with the Surface Mining Control Act of 1977; and
- Qualification for Federal grants for historic preservation, when funds are available.

Please note that listing in the National Register **does not** place limitations on the properties by the Federal government. Public visitation rights are not required of owners. The Federal government will not attach restrictive covenants to the properties nor seek to acquire them. For more information about what the National Register of Historic Places does and doesn't do, please visit the National Park Service's National Register website and their "frequently asked questions" page: <http://www.cr.nps.gov/NR/faq.htm> .

REPORT ON PERMITS ISSUED 2014

REPORT PERIOD 08/11/14 - 9/05/14

PERMIT TYPES	# of PERMITS THIS PERIOD	FEES THIS PERIOD	PERMITS PRIOR	FEES PRIOR	# of PERMITS YEAR TO DATE	FEES YEAR TO DATE	2013 Fees YTD	Difference YTD	% Difference YEAR TO DATE
COMMERCIAL	12	\$ 13,725.00	181	\$ 32,104.00	193	\$ 45,829.00	\$32,338.00	13,491.00	41.72%
Building	2	\$ 2,433.00							
Demolition	0								
Electrical	0								
Fire Sprinkler	0								
Fire Prevention	1	\$ 354.00							
Highway R.O.W.	4	\$ 10,130.00							
Mechanical	1	\$ 454.00							
Plumbing	1	\$ 204.00							
Tree	0								
Town Square	0								
Annual Fire Inspection	0								
Zoning	3	\$ 150.00							
RESIDENTIAL	18	\$ 2,866.00	121	\$ 12,611.00	139	\$ 15,477.00	17,301.00	(1,824.00)	-10.54%
Building	10	\$ 2,340.00							
Demolition									
Electrical	2	\$ 58.00							
Fire Sprinkler	0								
Fire Prevention	0								
Highway R.O.W.	2	\$ 170.00							
Mechanical	0								
Plumbing	2	\$ 228.00							
Tree									
Zoning	2	\$ 70.00							
This Period Totals	30	\$ 16,591.00							
Prior Totals			302	\$ 44,715.00					
Year To Date Totals					332	\$ 61,306.00	49,639.00	11,667.00	23.50%



Jenkintown Borough Director of Code Enforcement & Zoning Monthly Report 08/11/2014 – 09/05/2014

Residential Permit, Plan Review and Inspections

Permits issued

08/14/14 – 303 Vernon Road – Electric
08/14/14 – 303 Vernon Road – Building
08/15/14 – 237 Summit Avenue – Building
08/15/14 – 504 Summit Avenue – Building
08/16/14 – 300 Rodman Avenue – Building
08/19/14 – 317 Greenwood Avenue – Building
08/19/14 – 429 Newbold Road – Building
08/19/14 – 429 Newbold Road – Electric
08/20/14 – 420 Hillside Avenue – Building
08/20/14 – 210 Runnymede Avenue – Highway
08/26/14 – 205 Runnymede Avenue – Plumbing
08/26/14 – 240 Wyncote Road – Building
08/26/14 – 410 Division Street – Building
09/03/14 – 93 Runnymede Avenue – Highway
09/03/14 – 1 McGoldrick Avenue – Building
09/04/14 – 511 Willow Street – Building

Residential Inspections performed

08/14/14 – 830 Greenwood Avenue – Rough plumbing
08/14/14 – 503 Rodman Avenue – Phone meeting
08/14/14 – 317 West Avenue – Pre-pour
08/15/14 – 323 West Avenue – sidewalk meeting
08/15/14 – 421 Maple Street – Property maintenance re-inspection
08/18/14 – 411 Runnymede Avenue – Property maintenance re-inspection
08/21/14 – 504 Shoemaker Avenue – Driveway/sidewalk
08/22/14 – 517 Cheltena Avenue – Final bathroom
08/25/14 – 411 Florence Avenue – Low hanging branches
08/26/14 – 458 Leedom Street – Onsite meeting
08/26/14 – 326 Summit Avenue – Deck footing
09/05/14 – 210 Runnymede Avenue – Pre-pour

Commercial Permit, Plan Review and Inspections

Permits issued

08/13/14 – 610 Summit Avenue – Plumbing
08/15/14 – 309 York Road – Mechanical
08/15/14 – Linden Street - Highway
08/16/14 – 617 West Avenue – Building

08/20/14 – Summit Ave, Walnut Street, etc. – Highway
08/26/14 – 101 West Avenue – Building
08/27/14 – Greenwood Avenue – Highway
08/29/14 – 500 West Avenue – Fire Alarm
09/03/14 – Johnson & Cherry Streets - Highway

Commercial Inspections performed

08/12/14 – 501 York Road – Framing
08/13/14 – 455 York Road – Rough mechanical and open ceiling
08/15/14 – 325 Highland Avenue – Steps
08/19/14 – 501 York Road – Final building
08/25/14 – 455 York Road – Fire Alarm
09/02/14 – 455 York Road – Final plumbing
09/03/14 - 609 West Avenue – Hot water heater
09/03/14 – 807 Greenwood Avenue – Pre-construction meeting

Annual Fire Inspections performed

08/15/14 – 141-169 Greenwood Ave – Re-inspection
09/03/14 – 401/405 York Road – Re-inspection

Complaints addressed

07/15/14 – 500 West Avenue – Fire alarm system
07/29/14 – 408 Walnut Street – Dead tree
08/01/14 – 356 Walnut Street – Grass and weeds

Property Maintenance and Violations

See attached Spreadsheet

ZONING

08/11/14 – 429 Newbold Road
09/03/14 – 205 West Avenue
09/03/14 – 505 York Road, Ste. 220
09/03/14 – 505 York Road, Ste L06
09/04/14 – 510 West Avenue

YORK ROAD BANNER PERMITS

Issued 04/22/14 Rec. Board/Rick Pescatore (8/02/14 – 8/21/14)
Issued 05/13/14 St. Joseph the Protector School (01/01/15 – 01/31/15)
Issued 06/03/14 Abington Friends School (10/01/14 – 10/19/14)
Issued 07/22/14 Eastern Montgomery County Chamber of Comm (09/22/14 – 10/01/14)

USE OF TOWN SQUARE PERMITS

07/15/14 – Breathing Room – Annual Backyard Fair (September 7th)
08/01/14 – Mayor Foley – Music in the Square (August 1st)
08/01/14 – Jenkintown Police Department –Emergency Services Night (August 25th)

New Businesses

Closed Businesses

Fiesta Pizza

EDU allocation filings in progress

208/210 York Road – Cheltenham approved. DEP is requiring a full blown planning module. Engineer has started the process.

309 York Road – Marzano’s approved. Basement club and second floor office is being revised by Lindy.

455 York Road - NOVACARE. Former AT&T store. Cheltenham approved. Notification sent to DEP

EDU - Wastewater Flow Allocation Request

EDU allocations approved

807 Greenwood Avenue “Up Your Do”

505 York Road L06 - Hiresshorn Architects.

455 Johnson Street Suite 100 - Otto Architects

Current Remaining EDUs as of 01/01/2014

<u>Unallocated reserve (Non-project specific)</u>	17.81
<u>Allocated reserve (Project specific)</u>	1.72
(Drake - .72, Goldberg Sub-Div. – 1.0)	
<u>Total combined</u>	18.93

Design Review Board - 153 Highland Avenue

Planning Commission - 610 York Road Sprint Cell Antennas

Zoning Hearing Board – 153 Highland Avenue

U.C.C. Appeals – No agenda items.

P.M. Appeals – No agenda items.

