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Title:	Ordinance supplementing the Pittsburgh Code, Title Six, Conduct, Article VII, Disruptive Properties, by adding Chapter 671, entitled "Nuisance/Vacant Properties."		
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9/2/2009	1	Committee on Public Safety Services	Held for Cablecast Post Agenda	Pass
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Ordinance supplementing the Pittsburgh Code, Title Six, Conduct, Article VII, Disruptive Properties, by adding Chapter 671, entitled "Nuisance/Vacant Properties."

Whereas, vacant properties create costly problems for the city and are often a drain on our budget; and

Whereas, vacant properties are often signals of a neighborhood in distress or that the community is not a fit place to live, which in turn contributes to a "domino effect" in the loss of a city's quality of life; and

Whereas, such signals often discourage private investment, stunting community growth, detracting from economic opportunities of those living around them and are an impediment to individual neighborhood redevelopment and ultimately, to achievement of city-wide economic development goals; and

Whereas, minimizing the harm done by vacant property and restoring properties to productive use are amongst the top priorities of the City.

Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1. The Pittsburgh Code, Title Six, Conduct, Article VII, Disruptive Properties, is hereby supplemented by the addition of Chapter 671 entitled "Nuisance/Vacant Properties, as follows:

Chapter 671 NUISANCE/VACANT PROPERTIES

Section 671.01 Legislative Findings and Purpose.

It is the finding of the Council of the City of Pittsburgh that buildings which remain vacant, with access points boarded over, are unsightly, unsafe and have a negative effect on their surroundings. This is particularly troublesome in residential and neighborhood commercial districts. Unfortunately, many buildings, once boarded, remain that way for many years. The purpose of this ordinance is to establish a program for identifying and registering vacant buildings; to determine the responsibilities of owners of vacant buildings and structures; and to speed the rehabilitation of the vacant properties.

§671.02 Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this article, have the meanings indicated in this section:

- (a) **ENFORCEMENT OFFICER** - A duly authorized representative of the City of Pittsburgh Bureau of Building Inspection.
- (b) **OWNER** - Those shown to be the owner or owners on the records of the Allegheny County Recorder of Deeds or the Allegheny County Property tax Assessment Office, those identified as the owner or owners on a vacant building registration form, a mortgagee in possession (a mortgagee will be deemed to be in possession when taking any act which would evidence possession, including but not limited to evicting any owner or tenant, without regard to whether the mortgagee files a deed to the property), a mortgagor in possession, assignee of rents, receiver, executor, trustee, lessee, other person, firm or corporation in control of the premises. Any such person shall have an obligation for compliance with the provisions of this article.
- (c) **SECURED BY OTHER THAN NORMAL MEANS** - A building secured by means other than those used in the design of the building.
- (d) **UNOCCUPIED** - A building which is not being used for an occupancy authorized by the owner.
- (e) **UNSECURED** - A building or portion of a building which is open to entry by authorized persons without the use of tools or ladders.
- (f) **VACANT BUILDING** - A building or portion of a building which is:
 - (1) Unoccupied and unsecured;
 - (2) Unoccupied and secured by other than normal means;
 - (3) Unoccupied and an unsafe building as determined by the Bureau of Building Inspection;
 - (4) Unoccupied and has multiple housing or building code violations;
- (5) Illegally occupied by a person or person(s) without a lease or sales agreement executed by the owner of record or by the administrator or executor of the estate of the an owner of record, where the owner(s) of record are deceased;
- (6) Unoccupied for period of time over 365 days, and during which time the enforcement officer has issued an order to correct code violations.

§ 671.03 Vacant Building Registration.

- (a) The owner shall register with the Bureau of Building Inspection not later than thirty (30) days after any building located in an area zoned for, or abutting an area zoned for, residential or neighborhood commercial use in the City becomes a vacant building, as defined in § 671.02(f), or not later than thirty (30) days after being notified by the Bureau of Building Inspection of the

vacant buildings through its routine inspection process as well as through notification by residents, neighborhood associations and other community groups that a building may be eligible for inclusion on the registry.

- (b) The registration shall be submitted on forms provided by the Bureau of Building Inspection and shall include the following information supplied by the owner:
 - (1) A description of the premises and information regarding the availability or discontinuance of utilities (water, gas, electric) to the structure.
 - (2) The names and addresses of the owner or owners.
 - (3) The name and address of any third-party with whom the owner has entered into a contract or agreement for property management.
 - (4) The names and addresses of all known lien-holders and all other parties with an ownership interest in the building.
 - (5) A telephone number where a responsible party can be reached at all times during business and non-business hours.
 - (6) A vacant building plan as described in Subsection C.
- (c) The owners shall submit a vacant building plan which must meet the approval of the Enforcement Officer. The plan, at a minimum, must contain information from one of the following three choices for the property:
 - (1) If the building is to be demolished, a demolition plan indicating the proposed time frame for demolition.
 - (2) If the building is to remain vacant, a plan for the securing of the building in accordance with standards provide in IPMC Sec. 108.2 and the Bureau of Building Inspection's Rules and Regulations for the temporary sealing of a structure, if applicable, along with the procedure that will be used to maintain the property in accordance with IMPC Sec. 301.3, and a statement of the reasons why the building will be left vacant.
 - (3) If the building is to be returned to appropriate occupancy or use, a rehabilitation plan for the property. The rehabilitation plan shall not exceed 180 days, unless the Enforcement Officer grants an extension upon receipt of a written statement from the owner detailing the reasons for the extension. Any repairs, improvements or alterations to the property must comply with any applicable zoning, housing, historic preservation or building codes. During the rehabilitation, the building must be appropriately secured, as determined by the building inspector.
- (d) All applicable laws and codes shall be complied with by the owner. The owner shall notify the Enforcement Officer in writing of any changes in information supplied as part of the vacant building registration within thirty (30) days of the change. If the plan or timetable for the vacant building is revised in any way, the revisions must also be in writing and must meet the approval of the Enforcement Officer.

- (e) The owner and subsequent owners shall keep the building secured and safe and the building and ground properly maintained as provided in Section IMPC 301.3 of the Pittsburgh City Code.
- (f) Failure of the owner or any subsequent owners to maintain the building and premises that result in remedial action taken by the City shall be grounds for revocation of the approved plan and shall be subject to any applicable penalties provided by the law.
- (g) The new owners shall register or re-register the vacant building with the Enforcement Officer within thirty (30) days of any transfer of an ownership interest in a vacant building. The new owners shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and meet the approval of the Enforcement Officer.
- (h) The Enforcement Officer shall include in the file any property-specific written statements from community organizations, other interested parties or citizens regarding the history, problems, status or blighting influence of a vacant building.

§671.04 Fee for Failure to Register a Vacant Building.

There shall be no charge to the owner, a mortgagee in possession, a mortgagor in possession, assignee of rents, receiver, executor, trustee, lessee, other person, firm or corporation in control of the premises to register a vacant building with the Bureau of Building Inspection. If the owner, a mortgagee in possession, a mortgagor in possession, assignee of rents, receiver, executor, trustee, lessee, other person, firm or corporation in control of the premises fails to register the vacant property as required by this section, any of the above may be fined \$300.00 per day that the vacant property is not registered.

§671.05 Exemptions.

A building which has suffered fire damage or damage caused by extreme weather conditions shall be exempt from the registration requirement for a period of ninety (90) days after the date of the fire or extreme weather event if the property owner submits a request for exemption in writing to the Bureau of Building Inspection. This request shall include the following information supplied by the owner.

- (a) A description of the premises.
- (b) The names and addresses of the owner or owners.
- (c) A statement of intent to repair and reoccupy the building in an expedient manner, or the intent to demolish the building.

§ 671.06 Inspections.

The Bureau of Building Inspection shall inspect any premises in the City for the purpose of enforcing and assuring compliance with the provisions of this article. Upon the receipt of the Enforcement Officer, an owner may provide access to all interior portions of an unoccupied building in order to permit a complete inspection. If a building meets the criteria for inspection without a warrant, the Enforcement Officer may inspect as permitted by the International Code Council family of codes. If a warrant is required for interior inspection, the Enforcement Officer may obtain one from a court of competent jurisdiction.

§ 671.07 Quarterly Reports.

Once every six months, the Bureau of Building Inspection shall send to the Mayor and to the City Council a list of all buildings in the City declared vacant under the provisions of this article, as well as a list of all previously declared vacant buildings which are no longer subject to the provisions of this article.

§ 671.08 Penalties for Offenses.

Any person violating any provision of the Vacant Building Registry or providing false information to the Enforcement Officer shall be punished by a fine of up to \$300.00 per day that a violation continues to exist.