

**CITY OF LOCK HAVEN
CLINTON COUNTY, PENNSYLVANIA
ORDINANCE NO. 2022-11**

**AMENDING THE CITY CODE TO ADD A CHAPTER TO PROVIDE FOR THE
REGISTRATION OF VACANT REAL PROPERTY**

SECTION 1 Applicability and scope.

This chapter shall be applicable to every vacant building and structure located within the geographical confines of the City of Lock Haven, Clinton County, Commonwealth of Pennsylvania, that has been vacant for more than 90 consecutive days and to each owner, interest holder, or local agent of any such vacant building, vacant storefront, or structure, without regard to whether such owner, interest holder, or local agent is a public, private, governmental, commercial, industrial, residential, institutional, nonprofit, or for-profit person.

SECTION 2 Definitions.

- A. For the purposes of this chapter, where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies.
- B. As used in this chapter, the following words and phrases shall have the meanings indicated unless the context clearly indicates a different meaning:

CELLAR

A room typically used for storage that is located in the basement of a building and is not used for commercial, industrial, or residential purposes.

CITY

The City of Lock Haven, Clinton County, Pennsylvania.

CITY COUNCIL

The Council of the City of Lock Haven.

COMMERCIAL BUILDING

A building that is used, or partially used, for commercial business activities. Commercial buildings include, but are not limited to, stores, offices, schools, churches, gymnasiums, libraries, museums, hospitals, clinics, warehouses, and jails.

COMMERCIAL BUSINESS

Any business that relates to the exchange of goods or services.

DISCARDED

Cast aside as useless or undesirable.

GARBAGE

The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GROUND FLOOR

Any occupied floor of a building with direct access to grade, that is located less than one story above or less than one story below grade, provided that no portion of a floor that constitutes a cellar as defined in this chapter shall constitute a ground floor.

HABITABLE; LIVABLE

With reference to this chapter, a structure with a hard roof and sides that is equipped with heat, electricity and functional plumbing and is capable of being lived in without undue risk to human health and safety.

INDUSTRIAL BUILDING

Property or design for, or used by, companies or persons for manufacturing, warehousing or assemblage of components.

INDUSTRIAL BUSINESS

Any business that relates to the production or manufacture of goods.

NOTICE

Written notice of a violation, pursuant to first-class mail, to the last known address of the owner of the property in question.

OCCUPIED

Any building or structure where one or more persons actually conducts a lawful business or resides in all or any part of the building as the licensed business occupant or as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, nontransient business, or any combination of the same.

OWNER

Any person:

- (1) Having a legal or equitable interest in a property;
- (2) Having a legal interest in a property recorded in the official records of the state, county or municipality as holding title to the property; or
- (3) Otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON

An individual, corporation, partnership, financial institution, bank, credit union, savings and loan company, investment firm, government agency, government authority, municipal corporation or any other group acting as a unit.

PROPERTY

Any portion of unimproved or improved real estate located within the City of Lock Haven which includes the buildings or structures located on it regardless of condition.

PUBLIC NUISANCE

- (1) Any building, structure, or property which, because of physical condition, use or occupancy, is considered to be an attractive nuisance to minors or uninvited persons.
- (2) Any building or structure which because it is dilapidated, unsanitary, unsafe, insect- or vermin-infested or lacking in the facilities and equipment required by the ordinances of the City has been designated by the City as a public nuisance.
- (3) Any structure which is a fire hazard, a structural hazard, or is otherwise dangerous to the safety of any persons or any property.
- (4) Any building or structure which lacks, or has rendered inoperable, fire-protection systems as required by the applicable codes and ordinances.
- (5) Any structure from which water, plumbing, heating, sewage or other facilities have been disconnected, destroyed, removed or rendered ineffective, so that the property creates a hazard to neighboring properties.
- (6) Any building or structure which for reason of neglect or lack of maintenance has become a place for the accumulation of refuse or a haven for insects, rodents, and other vermin.
- (7) Any building or structure which as a result of its dilapidated, unsanitary, unsafe, insect- or vermin-infested condition creates damage or a risk of damage to a neighboring property.

REFUSE

Materials that are abandoned, discarded, or destined for recycling. The term includes rubbish, garbage, scrap metal, tires, appliances, vehicles, general trash, construction/demo debris, etc.

RUBBISH

Combustible and noncombustible waste materials, except garbage. The term shall include the residue from the burning of wood, coal coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust, construction/demo debris and other similar materials.

STOREFRONT

Any facade located on the ground floor of a commercial building having one or more storefront windows.

STOREFRONT WINDOW

Any window of any commercial building that permits an unobstructed public view into the interior of the building from any immediately adjacent street, sidewalk or right-of-way.

STRUCTURES

Constructed objects. For purposes of this chapter, the term includes, but is not limited to, buildings, sheds, garages, swimming pools and recreational facilities.

VACANT

A building or structure, or portion thereof, shall be deemed to be vacant if no person or persons currently conduct a lawfully licensed business there, or lawfully reside in or live in any part of the building as the legal or equitable owner(s) or tenant occupant(s) or owner-occupants or tenant(s), on a permanent nontransient basis.

VACANT BUILDING

A property or structure, or portion thereof, that is unoccupied for more than 60 days or has been the subject of:

- (1) A mortgage foreclosure action or notice;
- (2) A bankruptcy sale or notice;
- (3) A delinquent tax sale or notice, or
- (4) A mortgage foreclosure action where the title to the property has been retained by the beneficiary of a deed or trust involved in the foreclosure or transferred under a deed in lieu of foreclosure/sale.

VACANT STOREFRONT

A storefront shall be deemed vacant if no person or persons currently conduct a lawfully licensed business there.

WINDOW

An opening in a building that has a glass casement for permitting natural light into a building.

WINDOW DISPLAY

A visual representation of information or graphics for viewing by the public in a window.

WINDOW SIGN

A sign that is painted on, applied or attached to a window or that is located within the interior of a structure and that is plainly visible and is erected, constructed or maintained for the primary purpose of being viewed from the exterior of that structure.

SECTION 3 Purpose; enforcement.

- A. The purpose of the section requiring the registration of all vacant buildings, vacant

storefronts, and structures and the payment of registration fees is to assist the City of Lock Haven in protecting the public health, safety and welfare, to monitor the number of vacant buildings in the City, to assess the effects of the condition of those buildings on nearby businesses in the neighborhoods in which they are located particularly in light of fire and 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 provisions of this chapter 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 City of Lock Haven and all relevant codes and/or regulations adopted therein.

- B. Administration and enforcement of this section shall remain under the sole control of the City Manager. The City 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 to the City; provided, however, that under no circumstances shall they have the power to arrest.

SECTION 4 Registration.

- A. Registration required.

- (1) An owner shall register a vacant building with the City of Lock Haven Property Maintenance Officer or the Officer's designee on a form or forms provided by the City and pay the appropriate registration fee.
- (2) Registration shall contain:
 - (a) The name of the owner(s) of the property;
 - (b) The direct street address of the owner(s) (no post office box addresses are allowed);
 - (c) The mailing address of the owner (post office box addresses are allowed)
 - (c) A direct contact name and phone number for the owner(s);
 - (d) The local property management company(s) responsible for the security, maintenance and marketing of the property including contact person, street & mailing address, phone number and email address;
 - (e) The date of vacancy; and
 - (f) Any other information deemed necessary by the City of Lock Haven Property Maintenance Officer.
- (3) Registration fees shall not be prorated.

- (4) Properties subject to registration under this chapter shall remain under the registration fee requirement for as long as they remain vacant.
 - (5) Each vacant building or structure shall be registered with the City within 90 days of the date such building or structure becomes a vacant building or structure and annually thereafter by July 15, for each subsequent calendar year, if such building or structure continues to be a vacant building or structure during each subsequent calendar year, until such time as such building or structure ceases to be a vacant building or structure.
- B. Fee schedule. The registration fee shall be established by resolution of the Council of the City of Lock Haven. The fee structure is based on the number of years the building, storefront, or portion thereof has been vacant under its current ownership. See the attached schedule. The City reserves the right to file municipal liens/claims with the prothonotary at any time, and from time to time, for any or all unpaid registration fees.
- C. Waiver of fees. A waiver of fees may be granted by the City Council for the current year if the following conditions are met:
- (1) All local municipal fees are paid in full;
 - (2) A good faith effort is shown to rent, sell, or lease the space. Good faith efforts include, but are not limited to, contracts with realtors, newspaper ads, window signs, or other methods, provided that the effort is actually likely to generate interest in the property and the owner is actually willing to rent, sell or lease;
 - (3) Pricing is consistent with other similar buildings;
 - (4) The building is in compliance with all City of Lock Haven codes and ordinances and is habitable; or
 - (5) Other good cause as determined by a majority vote of Council.
- D. 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 new owner, a representative, or agent for the same to notify the City of Lock Haven Property Maintenance Officer in writing within 30 days of the occurrence of such change.
- E. Local agent requirement.
- (1) Each owner or interest holder of any vacant building or structure, or vacant storefront, not providing a residence, office or business location with an address within the geographical confines of Clinton County, Pennsylvania, shall designate a local agent and shall provide the complete name, address, telephone number and e-mail address (if applicable) of such local agent on the registration form filed with the City.

- (2) Such owner or interest holder shall also provide a statement signed by the local agent whereby the local agent accepts the designation as local agent of such owner or interest holder, which signed statement shall be an acknowledgment of the local agent of the requirements, responsibilities, and obligation under the chapter.
- (3) With such designation, a local agent shall be authorized by such owner or interest holder to accept service of process, notices, statements, invoices, and other communications resulting from or related to this chapter on behalf of such owner or interest holder. With such designation, a local agent shall be responsible for providing the City and the Property Maintenance Officer with access to the vacant building or structure for the purposes of making inspections, maintaining and securing the vacant building structure, and responding to any emergency associated with the vacant building or structure affecting the public health, safety or welfare.
- (4) Each owner and interest holder and each respective local agent shall be jointly and severally responsible for compliance with ordinances of the City and the laws of the Commonwealth of Pennsylvania as applied to the vacant building or structure.

SECTION 5 Inspections.

An inspection must be completed within 60 days of the initial registration. In addition, an annual inspection of a registered vacant building shall be performed by the City of Lock Haven Property Maintenance Officer or other code officials to determine if it complies with the minimum requirements, as determined by the code official, or applicable property maintenance code, building code and/or fire prevention code. If violations of these codes are identified, the City of Lock Haven Property Maintenance Officer or other code officials shall issue a notice of violation as per the requirements of those codes and give notice to the owner to comply with the codes with a time to cure. If the violations are not corrected within the time given, the property may be declared a public nuisance. These annual inspections must occur within 60 days of the anniversary date of the initial registration date. Inspection costs will be determined by the City of Lock Haven.

- A. Failure to appear for inspection. If the owner or the owner's representative cannot be available at the proposed time, said owner or representative shall provide no less than 24 hours' written notice to the City of Lock Haven Property Maintenance Officer. Upon failure to give such written notice or upon failure to gain entry, an administrative fee of \$50 will be assessed against the owner or representative of the owner. For each rescheduling beyond the second rescheduling, an administrative fee of \$100 shall be assessed in all cases. Failure to pay administrative fees shall, at the discretion of the City of Lock Haven Property Maintenance Officer or other code officials, constitute a violation of this chapter or the applicable code, including, but not limited to, the City of Lock Haven Property Maintenance Code. Failure of an owner, or the owner's responsible agent, to appear for a scheduled inspection shall be considered probable cause for obtaining a search warrant to inspect the premises.

- B. Complaint inspections. Nothing in this section shall preclude the City of Lock Haven Property Maintenance Officer or other code officials from performing an inspection upon receipt of a complaint or violation of the ordinances of the City of Lock Haven existing at the building or structure. Said inspections shall be in accord with the applicable codes and ordinances and regulations and policies established by the City of Lock Haven.

SECTION 6 Maintenance requirements.

Properties subject to registration under this chapter shall be kept free of weeds, high grass, dry brush, dead vegetation, trash, garbage, junk, debris, rubbish, building materials, any accumulation of newspapers, circulars, flyers, notices (except those required by federal, state or local law), discarded personal items, including, but not limited to, furniture, clothing, large and small appliances, printed material, vehicle or vehicle parts, or any other items that give the appearance that the property is abandoned, and the property shall be maintained free of graffiti, tagging or similar markings.

- A. Visible front and side yards shall be landscaped and maintained. Landscaping includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark, or artificial turf or sod. Landscaping does not include weeds, gravel, broken concrete, asphalt, plastic sheeting, indoor-outdoor carpet or any similar material unless approved by the City.
- B. Pools and spas shall be kept in working order so the water remains clear and free of larvae, pests, pollutants and debris, or drained and kept dry. In either case, a property with a pool or spa must comply with the minimum security fencing requirements of the City of Lock Haven Property Maintenance Code.
- C. Adherence to this chapter does not relieve any property owner of any obligations set forth in any other ordinance of the City of Lock Haven, including, but not limited to, the City of Lock Haven Property Maintenance Code.
- D. A property owner required to register a property under this chapter is hereby given 30 days to comply with these maintenance requirements.

SECTION 7 Security requirements.

- A. Properties subject to registration under this chapter shall be maintained in a secure manner so as not to be accessible to unauthorized persons, vermin, and any other pests.
- B. "Secure manner" includes, but is not limited to, the closure and locking of windows, doors (walk-through, sliding and garage), gates, and any other opening of such size that it may allow an uninvited person to access the interior of the property and/or structure(s). In the case of broken windows, "securing" means the reglazing or boarding of the window.
- C. If the property has been condemned, the property shall be posted with the name and twenty-four-hour contact phone number of the owner and local property management company. The posting shall be no less than 8 1/2 inches by 11 inches and shall be of a font that is legible and written in English and shall contain, along with the name, the

City of Lock Haven vacant properties registration number, a twenty-four-hour contact number, and the words "THIS PROPERTY MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS CALL. . ." The posting shall be placed on the interior of the window facing the street to the front of the property or, if no such area exists, on an area of sufficient size to support the posting in a location that is visible to the front of the property, but not readily accessible to vandals. Exterior posting must be constructed of, and printed with, weather-resistant materials.

SECTION 8 Requirements for vacant storefronts.

Responsibility for compliance with this section includes any person owning, leasing, maintaining, or otherwise in possession or control of any vacant storefront located within the City of Lock Haven, or any owner of the property upon which the vacant storefront is located.

- A. Maintenance. The vacant storefront of a commercial building located in the City of Lock Haven shall be maintained in good condition, kept neat, clean, secure and free of graffiti, and lighted.
- B. Window display requirement.
 - (1) In order to improve the appearance of vacant storefronts and improve overall security, any vacant storefront that is located within the City of Lock Haven shall, not more than 60 business days after the date on which the ground floor premises first becomes vacant, contain a window display, or other form of decorative screen, in each of the storefront windows. A variety of window displays are acceptable, provided that they have a professional appearance, achieve a desired coverage of at least 30% unless otherwise specified by the Property Maintenance Officer, and are not offensive to the general public. The Property Maintenance Officer of the City of Lock Haven shall approve all window displays.
 - (2) Unless otherwise decided by the Property Maintenance Officer, plywood used as a temporary cover for windows and doors on any property within the City must be permanently removed after a period of no longer than 30 days. After this thirty-day period, the window/door must be replaced or repaired so that it is in compliance with the City of Lock Haven Property Maintenance Code.
- C. Signage. All signage must be in compliance with applicable City ordinances. Handwritten signs are not permitted. Professionally made window signs and real estate signs are permitted, provided that they meet the requirements of the City of Lock Haven zoning ordinances. Not more than nine square feet of informational signage such as real estate signs or contact information may be placed in a vacant ground floor window. Larger professional signs that function as the window display are permitted.

SECTION 9 Violations and penalties.

- A. Any person who violates, or permits the violation of, any provision of this chapter shall, upon conviction in a summary proceeding, be subject to a fine of up to \$500 and costs of the prosecution for each offense, or imprisonment not to exceed 30 days, or

both fine and imprisonment.

- B. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- C. Any fines collected as a result of a violation of any provision of this chapter shall be placed in the general fund of the City of Lock Haven.

ADOPTED ON FIRST READING October 17, 2022 as introduced by Council Member Conklin.
ADOPTED ON SECOND READING November 14, 2022 to become effective and enforced without exception on April 1, 2023.

City of Lock Haven

By:

Mayor

ATTEST:

City Clerk

**CITY OF LOCK HAVEN
CLINTON COUNTY, PENNSYLVANIA
RESOLUTION NO. 2022-__**

**AMENDING THE CITY'S SCHEDULE OF CHARGES AND FEES ADOPTED BY
RESOLUTION NO. 2021-43**

WHEREAS Council has adopted Ordinance No. 2022-11 establishing a registry for Vacant Buildings in the City of Lock Haven; and

WHEREAS it is the intention of City Council to establish a schedule of fees for the same as provided for in Section 4.B;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Lock Haven does establish the following fee schedule for Ordinance No. 2022-11 Vacant Property Registration:

Number of Years Vacant	Fee
Less than one	\$100
1	\$250
2	\$500
3 to 4	\$1,000
5 to 9	\$2,500
10	\$5,000

An additional \$500 will be applied for every year of vacancy beyond 10 years. 2023 will be considered year 1 for buildings that require registration under Ordinance No. 2022-11

Resolved this 7 day of November, 2022, to become effective January 1, 2023.

By:

Mayor

ATTEST:

City Clerk