

ALEXANDRIA BOROUGH ORDINANCE NO. 2010-1 :: /

AN ORDINANCE OF THE BOROUGH OF ALEXANDRIA ENTITLED VACANT BUILDINGS ORDINANCE PROVIDING FOR ANNUAL REGISTRATION OF VACANT BUILDINGS AND REGISTRATION FEES FOR VACANT BUILDINGS; EXEMPTIONS FROM PAYMENT OF REGISTRATION FEES; AUTHORIZATION FOR FILING OF MUNICIPAL LIENS FOR DELINQUENT PAYMENT OF REGISTRATION FEES, EXEMPTION FROM REGISTRATION, DEFINITIONS, MAINTENANCE REQUIREMENTS, FOR VACANT BUILDINGS AND ESTABLISHING AN EFFECTIVE DATE.

Section 1 - Purpose

The Borough of Alexandria has found that vacant buildings are eyesores and hazards which offer easy shelter for criminal activities, arson and accidental fires. As well, vacant buildings cause surrounding homes to suffer from stagnant or declining property values. Accordingly, the purpose of this Ordinance is to require the registration of all vacant buildings, both residential and commercial, which will assist the Borough in protecting the health, safety and welfare of residents by encouraging the prompt rehabilitation and permanent occupancy of such abandoned structures.

Section 2 - Definitions

For purposes of this Ordinance, a vacant building is:

1. a commercial building in which no person or entity conducts a lawful business; or
2. a residential building in which no person lawfully resides as owner or tenant; or
3. a mixed use building in which either no person lawfully resides as owner or tenant or in which no person or entity conducts a lawful business;
4. a commercial, residential, or mixed use building, regardless of occupancy, in which more than half of the total exterior windows are broken, boarded or without a functioning locking mechanism.

Section 3 - Registration Required

The owner of any vacant building shall, within forty-five days of said building becoming vacant, register the property with the Borough of Alexandria. Registration shall be made on a form provided by the Borough of Alexandria and shall include: the name, address, and telephone number of each owner of the

building the street address of the building, the name and address of a local agent to accept service of process, if none of the registered owners reside within Pennsylvania; and such other information as the Borough of Alexandria deems necessary to effectuate the intent of this Ordinance.

Subsequent to initial registration, it shall be the duty of the owner or agent in charge to notify the Borough of Alexandria of any change in the status of the building or the information provided within 30 days of the occurrence of said change. Registration shall be accompanied by fees as set forth in Section 4.

The registration requirements contained herein shall be in addition to all other duties and obligations imposed upon the owner of a building by law, ordinance or regulation and compliance with these requirements shall not relieve the owner of liability for failure to comply with any other applicable laws, ordinances or regulations,

Section 4 - Registration Fees

At the time of initial registration and annually, the owners of a vacant building shall pay to the Borough of Alexandria a registration fee in accordance with the following schedule:

- \$500.00 for properties vacant less than one year;
- \$1,000.00 for properties vacant for more than one year but less than two years;
- \$2,000.00 for properties vacant for more than two years but less than three years;
- \$3,000.00 for properties vacant for three years or more.

Exceptions. The fees imposed by this section shall not apply to any building owned by the United States, the Commonwealth of Pennsylvania, the Borough, nor to any of their respective agencies or political subdivisions but registration is still required. Buildings which are occupied by owners who maintain a seasonal residence in the Borough are not subject to the fees of this Ordinance as long as the property is properly maintained and the owner resides in the residence for a period of at least six months out of each calendar year. Registration of these seasonal inhabited properties is still required.

Section 5 - Delinquent Registration Fees As A Lien

After the owner is given notice of the amount of the registration fee due and the owner fails to pay the amount due, said amount shall constitute a debt due and owing to the Borough, and the Borough may commence a civil action to collect such unpaid debt.

Section 6 - Appeal and Waiver of Fees

One time waiver of registration fee. A one-time waiver of registration fee may be granted by the Borough upon application of the owner if the owner:

1. Demonstrates with satisfactory proof that the owner is in the process of demolition, rehabilitation or other substantial repair of the vacant building; and
2. Objectively demonstrates the anticipated length of time for the demolition, rehabilitation or other substantial repair of the vacant building; or
3. Provide satisfactory proof that the owner was actively attempting to sell or lease the property during the vacancy period.

Two year waiver of registration fee.

1. Upon application by the homeowner(s) who are temporarily residing in a medical care facility, or a legal representative of the homeowner(s), the Borough may grant a renewable two-year waiver of the registration fee. To be eligible for a two-year waiver of fee, satisfactory proof must be presented that the structure will only be temporarily vacant and the property and structures must remain in good repair. Should the structure or property not be properly maintained, the Borough may rescind the waiver and the property will be subject to the provisions of this Ordinance with the registration fee being determined by the actual date of vacancy by the owner.

Section 7 - Violation and Enforcement

Any person or entity violating this Ordinance, by failing to register a vacant building, or failing to pay the registration fee, shall be subject to a fine of up to \$300.00 per offense. Each day that the owner is in violation shall constitute a separate offense. The Borough of Alexandria shall have the right to commence a civil action to collect any unpaid fees.

Section 8 - Building Maintenance

1. Properties subject to the Ordinance shall be maintained in accordance with the relevant sanitary codes, building codes, and state and local laws and regulations, including but not limited to those concerning external and/or visible maintenance. The owner or designation agent shall inspect and maintain the property on a monthly basis for the duration of the vacancy, said maintenance to include timely mowing of lawns and other vegetation control, pest control, protection from criminal trespass and prevention of deterioration.
2. All vacant property must be locked and/or otherwise adequately secured (including but not limited to the repair and/or boarding up of any broken doors and windows) so as to prevent unauthorized access into a building.
3. The name and twenty-four hour contact phone number of the local individual or entity responsible for maintenance shall be affixed to the property. This sign shall be posted on the front of the property.
4. Adherence to this Ordinance shall not relieve an owner of any other applicable obligations set forth in local regulations, covenants, conditions and restrictions, and/or homeowner's associations rules and regulations. The provisions of this Ordinance are in addition to, and not in lieu of, any and all other applicable federal, state, and local laws and regulations.

Section 9 - Repealer

Any ordinances or parts thereof inconsistent with this Ordinance are hereby repealed.

Section 10 - Severability

If any sentence, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough of Alexandria in the County of Huntingdon that this Ordinance would have been adopted had such

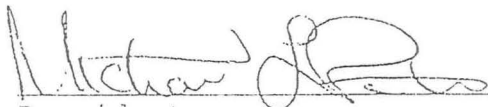
unconstitutional, illegal or invalid sentence clause, section or part thereof not been included herein.

Section 11 - Effective Date

This Ordinance shall become effective upon the earliest date provided by law.

ORDAINED AND ENACTED as an Ordinance of the Borough of Alexandria in the County of Huntingdon, Pennsylvania, on this 8th day of March, 2010.

BOROUGH COUNCIL OF THE BOROUGH OF ALEXANDRIA BY



President

ATTEST:



Secretary

Borough of Alexandria
Vacant Property Registration Application

Michael L. Peters
President

PLEASE PRINT OR TYPE

OFFICE USE ONLY

Date Received: _____
Approval Date: _____
Amount Paid: _____
Staff Initials: _____

BOROUGH OF ALEXANDRIA
Post Office Box 291
Alexandria, PA 16611
(814) 669-9478
BarbaraRyzner@comcast.net – Email

VACANT PROPERTY REGISTRATION APPLICATION

Owner Name: _____

Address (P.O. Box is not acceptable): _____

Property Address: _____

City, State, Zip: _____

Business Phone: _____

Residence Phone: _____

Property Management Firm: _____

Contact Person/Manager: _____

Address (P.O. Box is not acceptable): _____

Telephone: _____ Emergency Phone: _____

Total number of rental units: _____

If owner has more than one (1) vacant unit, please list address below:

Vacant Unit Property Address:

I hereby certify that the information contained in this application is true and correct to the best of my knowledge:

Applicant Name (Printed/Typed)

Signature

Applicant's Title/Position

Date

Registration Fees

Residential and Non-Residential Properties

Vacant less than 1 year	\$500.00
Vacant over 1 year but less than 2 years	\$1,000.00
Vacant over 2 years but less than 3 years	\$2,000.00
Vacant 3 years or more	\$3,000.00