

BOROUGH OF BELLEVUE
COUNTY OF ALLEGHENY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 13 - 11

**AN ORDINANCE OF THE BOROUGH OF BELLEVUE, A HOME RULE
MUNICIPALITY IN THE COUNTY OF ALLEGHENY, IN THE COMMONWEALTH
OF PENNSYLVANIA; ESTABLISHING REGULATIONS APPLICABLE TO VACANT
INDUSTRIAL AND COMMERCIAL STRUCTURES IN ADDITION TO THE
PROVISIONS SET FORTH IN THE INTERNATIONAL PROPERTY
MAINTENANCE CODE**

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Bellevue, in the County of Allegheny and Commonwealth of Pennsylvania, and it is hereby ordained and enacted by the authority of the same, in accordance with the provisions of the Act of Assembly of the Commonwealth of Pennsylvania, that the following Ordinance establishing regulations applicable to industrial and commercial structures, in addition to the provisions set forth in the International Property Maintenance Code, be established to better provide for health, safety, and welfare of its citizens, is hereby enacted, having the official title of the Borough of Bellevue Commercial/Industrial Property Vacancy Ordinance.

ARTICLE 1: APPLICABILITY AND SCOPE

The requirements of this article shall be applicable to every Commonwealth/Industrial building in the Borough of Bellevue, and to each owner of a Commercial/Industrial building in which the building, or any part thereof, has been vacant for more than thirty (30) consecutive days.

ARTICLE 2: DEFINITIONS

As used in this Ordinance, the following words and phrases shall have the meanings indicated unless the context clearly indicates a different meaning.

Abandoned: deserted or discarded for more than 180 days.

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.

Commercial business: any business that relates to the exchange of goods or services.

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.

Discarded: cast aside as useless or undesirable.

Garbage: the animal or vegetable waste resulting from the handling, preparation, cooking and the 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 article shall constitute a "ground floor."

Habitable: livable; with reference to this Ordinance, 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 business: any business that relates to the production or manufacture of goods.

Industrial building: property or design for, or used by, companies or persons for manufacturing, warehousing or assemblage of components.

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, non-transient business, or any combination of the same.

Owner: any person (i) having a legal or equitable interest in a property; (ii) 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 (iii) 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 Borough of Bellevue which includes the buildings or structures located on it regardless of condition.

Public Nuisance:

- a) 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.
- b) 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 Bellevue Borough and has been designated by the Borough as a public nuisance.
- c) Any structure which is a fire hazard, a structural hazard, or is otherwise dangerous to the safety of any persons or any property.
- d) Any building or structure which lacks, or has rendered inoperable, fire protection systems as required by the applicable codes and ordinances.
- e) 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.
- f) Any building or structure which for reason of neglect or lack of maintenance has become a place for the accumulation of refuse, a haven for insects, rodents, and other vermin.
- g) Any building or structure which as a result of its dilapidated, unsanitary, unsafe, insect or 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, 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: shall mean any facade located on the ground floor of a commercial building having one or more storefront windows.

Storefront window: shall mean 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 Ordinance, 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 conducts a lawfully licensed business there, or lawfully resides in or lives 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 non-transient basis.

Vacant building: a property or structure, or portion thereof, that is unoccupied for more than sixty (60) days or has been the subject of (i) a mortgage foreclosure action or notice; (ii) a bankruptcy sale or notice; (iii) a delinquent tax sale or notice, or (iv) 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: a storefront shall be deemed vacant if no person or persons currently conducts 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, 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.

ARTICLE 3: REGISTRATION

- a) An owner shall register a vacant property with the Borough of Bellevue Code Enforcement Officer on a form or forms provided by the Borough and pay the appropriate registration fee.
- b) Registration shall contain (i) the name of the owner(s) of the property; (ii) the direct street/office mailing address of the owner(s) (no post office box addresses are allowed); (iii) a direct contact name and phone number for the owner(s); (iv) the local property management company responsible for the security, maintenance and marketing of the property; (v) the date of vacancy; and (vi) any other information deemed necessary by the Borough of Bellevue Code Enforcement Officer.
- c) Registration fees shall not be prorated.
- d) Subsequent registration fees shall be due on the anniversary date of the vacancy registration.

- e) Properties subject to registration under this Ordinance shall remain under the registration fee requirement for as long as they remain vacant.

ARTICLE 3.1: REGISTRATION FEE SCHEDULE

The registration fee shall be established by resolution of the Council of the Borough of Bellevue. The fee structure is based on the number of years the building, storefront, or portion thereof, has been vacant under its current ownership. See attached schedule.

ARTICLE 3.2: WAIVER OF FEES

A waiver may be granted for the current year if the following conditions are met:

- a) All local municipal fees are paid in full.
- b) A good faith effort is shown to rent, sell, or lease the space. Good faith efforts include 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.
- c) Pricing is consistent with other similar buildings.
- d) The building is in compliance with all Borough of Bellevue codes and ordinances and is habitable.

ARTICLE 3.3: 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, his/her representative, or agent for the same to notify the Borough of Bellevue Code Enforcement Officer in writing within thirty (30) days of the occurrence of such change.

ARTICLE 4: INSPECTIONS

An inspection must be completed within thirty (30) days of the initial registration. In addition, an annual inspection of a registered vacant building shall be performed by the Borough of Bellevue Code Enforcement Officer 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 Borough of Bellevue Enforcement Officer 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 sixty (60) days of the anniversary date of the initial registration date. Inspection costs will be determined by the Borough of Bellevue.

ARTICLE 4.1: FAILURE TO APPEAR FOR INSPECTION

If the owner or his/her representative cannot be available at the proposed time, said owner or representative shall provide no less than 24-hour written notice to the Borough of

Bellevue Code Enforcement 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 Borough of Bellevue Code Enforcement Officer, constitute a violation of this or the applicable Code including, but not limited to, the Borough of Bellevue Property Maintenance Code. Failure of an owner, or his/her responsible agent, to appear for a scheduled inspection shall be considered probable cause for obtaining a search warrant to inspect the premises.

ARTICLE 4.2: COMPLAINT INSPECTIONS

Nothing in the Part shall preclude Borough of Bellevue Code Enforcement Officer from performing an inspection upon receipt of a complaint or violation of the Ordinances of the Borough of Bellevue 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 Borough of Bellevue.

ARTICLE 5: MAINTENANCE REQUIREMENTS

Properties subject to registration under this Ordinance 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

- a) The property shall be maintained free of graffiti, tagging or similar markings.
- b) 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/sod. Landscaping does not include weeds, gravel, broken concrete, asphalt, plastic sheeting, indoor-outdoor carpet or any similar material unless approved by the Borough.
- c) Pools and spas shall be kept in working order so the water remains clear and free of larvae, pests, pollutant 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 Borough of Bellevue Property Maintenance Code.
- d) Adherence to this Ordinance does not relieve any property owner of any obligations set forth in any other Ordinance of the Borough of Bellevue, including but not limited to, the Borough of Bellevue Property Maintenance Code.
- e) A property owner required to register a property under this Ordinance is hereby given thirty (30) days to comply with these maintenance requirements.

ARTICLE 6: SECURITY REQUIREMENTS

- a) Properties subject to registration under this Ordinance shall be maintained in a secure manner so as not to be accessible to unauthorized persons, vermin, and 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 re-glazing or boarding of the window.

- c) If the property has been condemned, the property shall be posted with the name and 24-hour contact phone number of the owner and local property management company. The posting shall be no less than 8 ½" x 11" and shall be of a font that is legible, written in English, and shall contain along with the name, the Borough of Bellevue Vacant Properties Registration Number, a 24-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.

ARTICLE 7: REQUIREMENTS FOR VACANT STOREFRONTS

The responsibility for compliance with this section is any person owning, leasing, maintaining, or otherwise in possession or control of any vacant storefront located within the Borough of Bellevue, or any owner of the property upon which the vacant storefront is located.

ARTICLE 7.1: MAINTENANCE

The vacant storefront of a commercial building located in the Borough of Bellevue shall be maintained in good condition, kept neat, clean, secure, free of graffiti, and lighted.

ARTICLE 7.2: WINDOW DISPLAY REQUIREMENT

In order to improve the appearance of vacant storefronts and improve overall security, any vacant storefront that is located within the Borough of Bellevue shall, not more than thirty (30) 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 they have a professional appearance, achieve a desired coverage of 60-100%, and are not offensive to the general public. The Code Enforcement Officer of the Borough of Bellevue shall approve all window displays.

ARTICLE 7.3: SIGNAGE

Handwritten signs are not permitted. Professionally made window signs and real estate signs are permitted provided they meet the requirements of the Bellevue Borough Zoning Ordinances. Not more than three 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.

VACANT PROPERTY REGISTRATION FEE SCHEDULE

Less than one year	\$ 50.00
1 year vacant	\$ 500.00
2 years vacant	\$ 1,000.00
3-4 years vacant	\$ 2,000.00
5-9 years vacant	\$ 3,500.00
10 years vacant	\$ 5,000.00

An additional \$500.00 will be applied for every year of vacancy beyond ten years.

The fee schedule may be amended by the Bellevue Borough Council, as needed.

ARTICLE 8: VIOLATIONS AND PENALTIES

Any person who violates, or permits the violation, of any provision of this Ordinance shall, upon conviction in a summary proceeding, be subject to a fine of Five Hundred (\$500.00) Dollars, and costs of the prosecution for each offense, or imprisonment not to exceed thirty (30) days, or both fine and imprisonment.

ARTICLE 9: SEVERABILITY

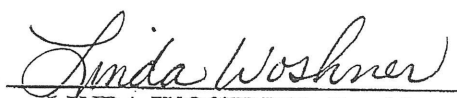
If any section, subsection, sentence, or clause of this Ordinance is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this Ordinance.

ORDAINED and **ENACTED** by the Borough Council of the Borough of Bellevue in lawful session duly assembled this _____, 2013.

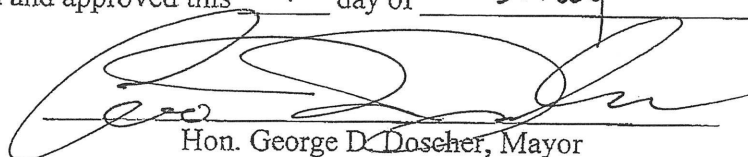
ATTEST:

BOROUGH OF BELLEVUE


Borough Secretary

By: 
LINDA WOSHNER, President
Bellevue Town Council

Examined and approved this 14th day of May, 2013.


Hon. George D. Doseher, Mayor