

**BOROUGH OF MT. OLIVER
ORDINANCE 997**

**AN ORDINANCE OF THE BOROUGH OF MT. OLIVER,
COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA,
AMENDING CHAPTER 80 – BUILDINGS, VACANT OR ABANDONED
OF THE CODE OF THE BOROUGH OF MT. OLIVER**

WHEREAS, the existence of abandoned and/or vacant properties in the Borough of M. Oliver causes neighborhood blight, reduces property values and discourages sales of adjacent, maintained properties; and

WHEREAS, Section 1202(5) of the Borough Code authorizes the Borough to make regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and beauty, convenience, comfort and safety of the Borough; and

WHEREAS, on November 16, 2009, the Council of the Borough of Mt. Oliver enacted Ordinance No. 915, which regulates the rental of residential rental units and amended by Ordinance No. 934 and Ordinance No. 957; and

WHEREAS, the Council of the Borough of Mt. Oliver finds that new requirements are necessary in furtherance of the public health, safety and welfare; and

WHEREAS, the Council of the Borough of Mt. Oliver desires to repeal Ordinance No. 915, Ordinance No. 934, and Ordinance No. 957 and replace it with the Ordinance set forth below.

NOW THEREFORE, the Council of the Borough of Mt. Oliver hereby ordains, as follows:

I. Chapter 80 of the Mt. Oliver Borough Code of Ordinances is hereby amended to read, in its entirety, as follows:

Article 1. Vacant or Abandoned Property Registration Program

Section 80-1. Definitions.

Building Inspector – The duly appointed Building Inspector of the Borough of Mt. Oliver, or duly authorized representative.

Code Enforcement Officer – The duly appointed Code Enforcement Officer of the Borough of Mt. Oliver, or duly authorized representative.

Owner – One or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises, or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgage holder in possession of real property.

Person – A natural person, partnership, corporation, unincorporated association, limited partnership, trust, or any other entity.

Premises – Any parcel or real property in the Borough, including the land and all buildings and appurtenant structures or appurtenant elements.

Unsecured – A building or portion of a building which is open to entry by unauthorized persons without the use of tools or ladders.

Vacant or Unoccupied – A building shall be deemed to be vacant if no person actually, currently conducts a lawfully licensed business, or lawfully resides or lives in any part of the building as the owner or occupant on a permanent, non-transient basis.

Section 80-2. Registration & Inspection Requirements.

A. The owner of the vacant building shall register the building with the enforcement officer no later than thirty (30) days after the building becomes vacant.

B. The registration shall be submitted on the form provided by the Code Enforcement Officer and shall include the following information:

- (1) A description of the property.
- (2) The names and addresses of the owners.
- (3) The period of time the building is expected to remain vacant.
- (4) The proposed re-use plan.

C. The Owner shall permit the Building Inspector or Code Enforcement Officer to inspect the Premises and each Vacant or Unoccupied residential or commercial unit. The frequency of inspections shall occur once every year, or as amended from time to time by resolution of Borough Council. Upon inspection, the Building Inspector or Code Enforcement Officer shall determine that the Premises and Vacant or Unoccupied residential or commercial unit comply with the Borough Property Maintenance Code. The Owner shall be given 30 days from the date of the notice to abate all violations and schedule a re-inspection of the Premises and Vacant or Unoccupied residential or commercial unit. Depending on the nature of the violations, the Code Enforcement Officer may provide extensions to the abatement period, as long as the Owner continues to demonstrate progress in earnest.

Section 80-3. Fees.

A. The owner of the vacant building shall pay an annual registration fee in the amount of \$250 for each registered commercial building and \$150 for each residential building, subject to increase from time to time by a majority vote of Borough Council. If the owner believes that he is able to fill the vacancy within 180 days, or if the property is actively being marketed for lease or for sale, then the owner may file for an exemption in which case the owner must still register the building, but may be exempt from the fee.

B. The first annual fee shall be paid no later than thirty (30) days after the building becomes vacant or within thirty (30) days after acquiring ownership of any vacant building not currently registered. The annual registration fee shall accompany the registration form. The fee and registration form shall remain valid for twelve (12) months from the date of registration. Subsequent registrations shall constitute as a renewal. The owner shall be required to renew the

registration for successive twelve-month periods as long as the building remains vacant for any part thereof.

Section 80-3. Violations and Penalties.

Any person who violates any of the provisions of this article shall, upon conviction be fined not less than \$500 and not more than \$1,000, plus court costs. Each day the violation exists shall constitute a separate and distinct offense.

II. If any provision of this Ordinance is for any reason held to be legally invalid, such decision shall not affect remaining portions of this Ordinance and they shall remain in full force and effect, and to this end, the provisions of this Ordinance are hereby declared severable.

III. In the event of any inconsistency between the provisions of this Ordinance and any prior Ordinance, the provisions hereof shall be determined to govern.

IV. This Ordinance shall take effect immediately upon its enactment.

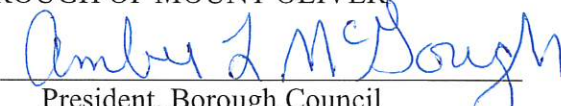
This Ordinance ORDAINED AND ENACTED INTO LAW by the Borough Council of the Borough of Mount Oliver at a duly assembled public meeting this 15th day of May, 2023.

ATTEST:



Manager

BOROUGH OF MOUNT OLIVER,

By: 

President, Borough Council

CERTIFICATION

I, Lynette Mankey, Secretary of Mt. Oliver Borough, hereby certify that the foregoing Ordinance No. 997 is a true and correct copy of Ordinance No. 997 as adopted by the affirmative vote of the Council of Mt. Oliver Borough at a regular stated public meeting of the Mt. Oliver Borough Council held on the 15th day of May, 2023, after due notice to Council and to the public; that the same Ordinance No. 997 was examined and approved by Mt. Oliver Borough Council Members and the Mayor, and was duly recorded by the Borough Secretary in the Mt. Oliver Borough Ordinance Book, and was published as required by law in a newspaper of general circulation in and around Mt. Oliver Borough, Allegheny County, Pennsylvania, which Ordinance No. 997 is currently subsisting in full force and effect.

Dated: 5/15/23



Lynette Mankey, Secretary