

**CERTIFICATE AND ATTESTATION**

I, Kim Zimmerman, do hereby certify and attest that I am the Borough Secretary of the Borough of Lewistown and in that capacity I have custody of the official Minute Book of the said Borough and the official Ordinance Book of the said Borough; and I hereby certify and attest that the annexed Ordinance No. 2022- 8 was duly adopted at a meeting of the Borough Council of said Borough held on December 27, 2022, of which notice of said meeting was duly given as required by law and a quorum of the Council Members was present; and that the said Ordinance was duly recorded among the official minutes of the Borough of Lewistown and in the official Ordinance Book of the Borough of Lewistown and that the same has not been altered, amended or rescinded but remains in full force and effect.

Certified this 27<sup>th</sup> day of December, 2022.



Kim Zimmerman

Borough Secretary

Borough of Lewistown

Mifflin County, Pennsylvania

{Seal}

ORDINANCE NO. 2022 - 8

**AN ORDINANCE OF THE BOROUGH OF LEWISTOWN, MIFFLIN COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF LEWISTOWN, BY ADDING TO CHAPTER 110, CODES, A NEW ARTICLE IV, VACANT PROPERTY REGISTRATION REQUIREMENT; REPEALING PRIOR INCONSISTENT ORDINANCES AND PARTS OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND CONTAINING AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED, AND IT IS HEREBY ORDAINED AND ENACTED,** by the Borough Council of the Borough of Lewistown, Mifflin County, Pennsylvania, as follows:

**SECTION 1: Amendment to the Code of Ordinances.** The Code of Ordinances of the Borough of Lewistown, Chapter 110, Codes, is amended by adding a new Article IV, Vacant Property Registration Requirement, as follows:

**ARTICLE IV**

**VACANT PROPERTY REGISTRATION REQUIREMENT**

**§ 110-46. Short title.**

This Article IV shall be known and cited as the "Vacant Property Registration Ordinance of the Borough of Lewistown."

**§ 110-47. Purpose; findings.**

A. It is the purpose of this article and the policy of the Council of the Borough of Lewistown, in order to protect and promote the public health, safety and welfare of its citizens and residents, by preventing blight, protecting property values, preserving the integrity of neighborhoods by avoiding the creation of nuisances and nuisance properties, thus ensuring the safe and sanitary maintenance of dwellings, commercial and industrial buildings and the properties on which they exist. The registry will provide up to date emergency contact information for every vacant structure, building conditions, usage and locations for use by first responders and the Code Enforcement Officer to maintain an open line of communication between the Borough and the property owners. This article shall be liberally construed and applied to promote its purposes and policies. In considering the adoption of this article, the Borough of Lewistown makes the findings set forth immediately hereinafter.

B. The Borough Council of the Borough of Lewistown finds that the number of vacant properties has increased in the Borough. Many of said vacant properties have been permitted to become deteriorated, unsafe and unsanitary by the owners, some of whom reside at a substantial distance from the vacant properties, thereby making ordinance and code enforcement more challenging. In many cases, such has also resulted in problems and issues of concern to



neighboring property owners. It is also found that in the Borough there is a greater incidence of disruptive conduct as well as problems in relation to maintenance and upkeep of vacant properties. It is the purpose of this article to promote public health, safety and welfare by requiring compliance with Borough codes and ordinances, all so as to promote the health, safety and welfare of the Borough and its citizens and residents.

**§ 110-48. Scope.**

The provisions of this chapter shall apply to all structures within the Borough.

**§ 110-49. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**EVIDENCE OF OCCUPANCY.** Conditions visible from the exterior of the structure that would lead a reasonable person to conclude that the property is currently occupied by the owners or tenants.

**EVIDENCE OF VACANCY.** Conditions visible from the exterior of the structure that would lead a reasonable person to conclude that the property is not currently occupied by the owners or tenants. Such conditions shall include, but are not limited to, overgrown and/or dead vegetation; accumulation of newspapers, circulars, flyers, phone books and/or mail; past due utility notices; accumulation of trash, junk and/or debris; the absence of basic household furnishings and/or personal items consistent with occupied structures; statements and observations by neighbors, utility personnel, delivery agents or other government employees that the property is vacant; failure to comply with the city's snow removal requirements, or evidence of the property being an attractive nuisance or harborage for rodents, pests or vermin. Disconnected or discontinued public utilities shall be considered undisputable EVIDENCE OF VACANCY.

**NUISANCE PROPERTY.** An occupied or unoccupied property that is in violation of one or more ordinances of the Borough of Lewistown and has required the Lewistown Police Department or Lewistown Borough Code Officer to inspect the property.

**OWNER.** Any person, trustee, power of attorney, partnership, co-partnership, business, association, corporation, fiduciary or any other imaginable entity having a legal or equitable title or claim, or any interest in, the piece of property immediately in question.

**RESPONSIBLE PARTY.** A person, trustee, power of attorney, partnership, co-partnership, business, association, corporation, fiduciary or any other imaginable entity, other than the owner, that has taken responsibility for the piece of property immediately in question.

**UNOCCUPIED STRUCTURE.** A structure left for a period of time unoccupied but fully furnished with intent to reoccupy. Water may be disconnected but utilities such as electricity are still intact and functioning, even if at a lower level.

**VACANT STRUCTURE.** A building or structure that is not currently occupied and shows "evidence of vacancy" as defined herein. Not an unoccupied structure.

**VACANT STRUCTURE; FOR SALE BY OWNER.** A vacant structure that is for sale by the “owner” as defined herein.

**VACANT STRUCTURE; FOR SALE BY REAL ESTATE COMPANY.** A vacant structure that shows evidence of vacancy as defined herein and is listed by a real estate broker or company or auction company. An owner’s agent may register that structure as the responsible party.

**§ 110-50. Registry of Vacant Structures.**

- A. There is hereby created in the Borough a registry of vacant structures.
- B. Owners of real property are required to register all vacant structures within 60 days of the vacancy, except where the structure in question is being repaired or remodeled and a valid building permit has been issued for that project.
- C. Structures that are vacant at the time of the enactment of this chapter must register within 30 days after notification of the enactment of this chapter.
- D. A real estate company that has a vacant structure listed for sale may, as the owner’s agent, register that property for their client within 90 days of signing a sales contract. Upon notification by the Borough that an owner has failed to register a vacant structure that is listed with a real estate company, the listing real estate company may register that property with the property owner’s current contact information. Registration fees and subsequent fines shall be the responsibility of the property owner.
- E. Owners who are required to register their properties pursuant to this chapter shall submit a completed vacant structure registration form provided by the Borough containing at minimum the following information:
  - 1. The name of the owner of the property;
  - 2. A mailing address where mail may be sent that will be acknowledged as received by the owner;
  - 3. The name of a responsible party for the care and control of the property;
  - 4. A current address (not a PO Box), phone number, and email address (if email addresses are available) where communications may be sent that will be acknowledged as received by the owner or responsible party for the care and control of the property. If certified mail/return receipt requested is sent to the address and the mail is returned marked “refused” or “unclaimed,” or if ordinary mail sent to the address is returned for whatever reason, then such occurrence shall be prima facie proof that the responsible party has failed to comply with this requirement; and
  - 5. The vacant structure registration form shall also contain, directly above the signature lines, a statement of acknowledgment and acceptance of the Borough’s property maintenance requirements.

**§ 110-51. Registration Requirements.**



A. Semi-annual registrations are due by March 1 and October 1 of each year or within 60 days of the structure becoming vacant. A registration fee in an amount as set by Borough Council in the cost and fees schedule shall be received before the deadline. The registration fee will increase by \$100.00 for every 6 months a property remains vacant.

B. Where the owner of a vacant structure has failed to register that property by the date set forth in Subsection A, above, a late fee in an amount as set by the Borough Council in the cost and fees schedule shall be applied.

C. If at any time the information contained in the registration form is no longer valid, the property owner or his or her agent shall file a new registration form containing current information within 10 days. There shall be no fee to update the current owner's information.

D. Once a property has been registered as a vacant property, it shall be inspected by the Borough of Lewistown Codes Office and all property maintenance violations shall be corrected prior to the property being occupied and removed from the registered list of vacant properties.

#### **§ 110-52. Property Maintenance and Security Requirements**

A. Properties on which a registered vacant structure exists shall be maintained to comply with all current and future Borough codes and ordinances.

B. Properties subject to this chapter shall be kept free of tall vegetation more than six inches high, vegetation growth between sidewalk and/or driveway flags or from cracks in the pavement, dry brush, dead vegetation, trash, junk, debris, building materials, rodent harborage, any accumulation of newspapers, circulars, flyers, notices (except those required by federal, state or local law), discarded items including, but not limited to, furniture, clothing, large and small appliances, printed material, signage, containers, equipment, construction materials or any illegal outside storage of vehicles or vehicle parts.

C. Properties subject to this chapter shall be landscaped and properly maintained. Landscaping includes, but is not limited to: grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark shall be maintained in an appropriate manner. Landscaping does not include bare soils or dirt, weeds, unclean gravel, broken concrete, asphalt, decomposed materials, exposed plastic sheeting, carpet or any similar material.

D. Pools, spas and other water features shall be kept in working order or winterized to ensure that the water remains clear and free of pollutants and debris, or drained and kept dry and free of debris to prevent the breeding of air borne pests.

E. Properties subject to this chapter shall be maintained in a secure manner so as not to be accessible to unauthorized persons. The term "SECURE MANNER" includes, but is not limited to, the closure and locking of windows, doors (walkthrough, sliding and garage), gates and any other opening of such size that it may allow a child to access the interior of the property and/or structure(s).

F. Commercial buildings and all buildings within the Commercial Zone which exhibit evidence of vacancy shall be maintained as to give the appearance of evidence of occupancy, to include:

1. Maintaining the exterior of the property in good order including cleaned windows, a lit interior at night (1fc) with the view into the first floor to be easily viewed by police to maintain security on the premises, and facade materials maintained in a good state of repair including no peeling paint, missing mortar, rusted metal and the like. The lighting requirement can be met by using battery operated string lighting; and

2. All first floor windows installed with clean solid glass and all upper story windows shall have glass, secure-vue, plexi-glass or black painted half-inch plywood (not particle board) installed and secured within each window opening.

3. Exception: Commercial buildings undergoing alterations, renovations, repair or construction in accordance with a building permit legally issued to that property and actively being executed shall not be considered a vacant structure.

G. Sidewalks shall be maintained free of snow and ice or other hazardous conditions, to include overhanging tree branches or brush encroachments into the walkway, volunteer vegetation, broken concrete, sunken concrete, dirt or debris.

H. Except as expressly provided for herein, properties that are subject to this chapter shall comply with the minimum exterior provisions of the most recent International Property Maintenance Code adopted by the Borough.

#### **§ 110-53. Monitoring and Administrative Fees.**

A. For each notice of violation of any provision of this chapter, the Code Official is hereby authorized to charge an inspection fee in an amount as set by the Borough Council from time to time to be assessed against the property/owner to offset the costs incurred by the Borough in responding to telephone calls, complaints, inquiries, site visits, owner contacts, postage fees, certified mailing fees, and the monitoring of the site.

B. Structures that are subject to this chapter that are found open, are open or exposed to the elements, unsecured or found to be easily accessible shall be subject to entry by the Code Official in order to ensure that the property has not become an attractive nuisance and to ensure that the structure is locked and/or secured. The owner of property shall be charged a fee in an amount as set by the Borough Council from time to time to offset the cost incurred by the Borough in contacting the owner or responsible party to secure the property. If the owner and/or responsible party cannot be contacted by means provided on the registration form or does not secure the property within 48 hours of notification, the Code Official shall cause the deficiency to be corrected, the owner shall be responsible for the cost incurred by the Borough in securing the property.

C. Inspection fees, administrative fees and securing fees, shall be documented in the Registry of Vacant Structures, and billed to that property owner as deemed necessary by the Borough.

**§ 110-54. Waiver of Registration Fee/Exemption.** Exemptions are only for a six (6) month period; One-time waiver of registration fee. A one-time waiver of the registration fee may be granted by the office of code enforcement upon application of the owner if the owner:



A. Demonstrates with satisfactory proof that the owner is in the process of demolition, construction, rehabilitation, or other substantial repair of the vacant building as evidenced by valid permits issued by the Borough of Lewistown and any other regulatory entity;

B. Objectively demonstrates the anticipated length of time for the demolition;

C. Provides satisfactory proof that the owner is actively attempting to sell or lease the property during the vacancy period. [Satisfactory proof must be provided, including, but not limited to, the property being actively listed and marketed through a licensed real estate agent/broker, or by the owner, who is regularly advertising the property in newspapers of general circulation in and around the county. (For the purposes of this article, consistently shall mean at least once per quarter.) Also, the property shall be posted with "For Sale" or "For Lease/Rent" signs large enough to see from across the street.

**§ 110-55. Fire-Damaged Property and Properties Going Through Probate.** Where a building or structure has been damaged by fire or is part of a probate estate settlement, the vacant property shall be registered with the Borough, but shall not be required to pay the required fee. All contact information shall be supplied on the registration form as if it were a typical registration. Following a fire, the owner shall be required to obtain a permit for renovations or demolition within 6 months of the date of the fire, if after 6 months, the owner does not obtain a permit with plans for repairing or demolishing the property, the property will be subject to all fees and registration requirements of this ordinance. The Borough must be notified within 30 days of the settlement with the plans for the renovation, sale or reuse of the structure. The Borough's Fire Escrow ordinance must be followed.

**§ 110-56. Unpaid Fees; Assessment.** Upon an owner's failure to pay a bill within 30 days, the costs of abatements shall be assessed against the property as a lien and included on the tax roll or, in addition to all other remedies allowed by law, the unpaid bill shall be considered an outstanding debt and shall be satisfied prior to utilities being turned on to the property.

**§ 110-57. Enforcement; violations; penalties.**

A. Enforcement. This article shall be enforced by the Code Enforcement Officer of the Borough of Lewistown.

B. Basis for violation. It shall also be unlawful for any person, trustee, power of attorney, partnership, co-partnership, business, association, corporation, fiduciary or any other imaginable entity to engage in any activity that per this article is a violation thereof or to otherwise violate this article.

C. Penalties. In that this is an Ordinance regulating housing, property maintenance, health, fire and public safety, it shall be enforced by an action brought before a Magisterial District Judge of competent jurisdiction in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Accordingly, criminal fines are hereby imposed by Borough Council of not less than \$300.00 and not to exceed the limit as set forth in the Borough Code, as it may be amended from time to time, presently not to exceed \$1,000 per violation.

D. Fines. Fines as imposed through this article shall be collected as allowable by law. Each day during which any owner violates any provision of this article shall constitute a separate offense.

F. Equitable and other relief. This article and the foregoing penalties shall not be construed to limit or deny the right of the Borough of Lewistown or its agents or representatives to such equitable or other remedies as may otherwise be available, at law, in equity or otherwise.

G. Attorney fees and costs. In addition to the fines set forth in this article, the Borough of Lewistown shall be entitled to reasonable attorneys' fees and court costs incurred in enforcing this article, together with any registration fees due to the Borough, and postage and certified mailing costs. The said fees and costs shall be added to any penalties set forth above.

H. For the purposes of the imposition of the fine and costs prescribed by this subsection, the word "person" when applied to partnerships, firms or associations, shall mean the partners or members thereof; when applied to organizations or corporations, the officers thereof; and when applied to other entities, the officers, officials or other individuals responsible for managing the business or affairs of the entity.

I. Upon failure to pay such fine and costs, to imprisonment for not more than 30 days.

**SECTION 2: Severability.** If any sentence, clause or section or any 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 Council that this Ordinance would have been adopted if such unconstitutional, illegal and invalid sentence, clause, section or part thereof had not been included therein.

**SECTION 3: Repealer and Savings.** Any Ordinance or part of any Ordinance, or Resolution or part of any Resolution or Motion or part of any Motion conflicting with the provisions of this Ordinance is hereby repealed insofar as the same affects this Ordinance or is inconsistent with this Ordinance; otherwise, those provisions of Ordinances, Resolutions or Motions not hereby repealed or amended and not conflicting or not inconsistent herewith are confirmed and incorporated herein by reference as if fully set forth.


**SECTION 4: Location, Renumbering and Relettering.** The location and numerical or alphabetical designation of this Ordinance and the sections and subsections included therein shall be delegated to the discretion of then appointed Codifier of the Code of the Borough of Lewistown (presently the Codifier is "General Code") which may renumber and/or reletter this Ordinance and the sections and subsections therein as are necessary to accommodate this Ordinance in the Code of the Borough of Lewistown. The Codifier shall make no substantive changes to this Ordinance. Any such rearranging, renumbering, relettering and editing shall not affect the validity of this Ordinance or the provisions of the Code affected thereby.

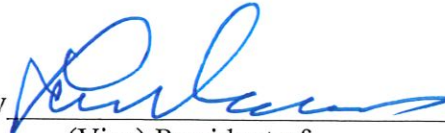


**SECTION 5: Effective Date.** This Ordinance shall take effect immediately.


**ORDAINED AND ENACTED** by the Borough Council of the Borough of Lewistown, Mifflin County, Pennsylvania, in public session assembled, this 27th day of December, 2022.

**BOROUGH OF LEWISTOWN**  
Mifflin County, Pennsylvania

  
Borough Secretary  
(SEAL)

By   
(Vice) President of  
Borough Council

This Ordinance was read and is hereby approved by me this 27<sup>th</sup> day of December, 2022.

  
Mayor  
(SEAL)

