

**BOROUGH OF DERRY  
ORDINANCE NO. 810**

**AN ORDINANCE OF THE BOROUGH OF DERRY, COUNTY OF WESTMORELAND,  
COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR A VACANT PROPERTY  
MONITORING FEE**

**WHEREAS**, the Borough of Derry tasked the Borough's Planning Commission to perform an audit of the Borough of Derry's regulation of vacant buildings in the Borough's business district; and

**WHEREAS**, the Planning Commission determined that the health, safety and welfare will be served by monitoring those properties that are determined to be vacant.

**BE IT ORDAINED AND ENACTED**, and it is hereby ordained and enacted by the Borough Council of the Borough of Derry, Westmoreland County, Pennsylvania, as follows:

**SECTION 1. APPLICABILITY AND SCOPE**

The Requirements of this chapter shall be applicable to every property in the C-CB Central Business Commercial Zone in the Borough of Derry and to each owner of any property in the C-1 Zoning District that has a vacant "ground floor" space, as defined by this chapter.

**SECTION 2. DEFINITIONS**

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

- a) **CELLAR** – a room typically used for storage and mechanical equipment that is located in the basement of a building and is not used for commercial or residential purposes
- b) **GROUND FLOOR** – any 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
- c) **PROPERTY** – improved real estate, including buildings or structures
- d) **VACANT** – a building or structure space shall be deemed to be vacant if no person or persons currently conduct a lawfully licensed use in said space

**SECTION 3. VACANT PROPERTY MONITORING FEE**

- a) During each calendar year, the Borough will identify ground-floor spaces in the C-CB Central Business Commercial Zone that are deemed "vacant," as defined by this chapter.
- b) The vacancy "start date" shall be the date of mailing of a written notification by the Borough that the subject property's ground-floor space has been identified as vacant. On the 45<sup>th</sup> day after the start date, should said ground-floor space remain vacant, as defined in this chapter, the owner of the building in which said vacant space is present shall be required to pay a vacant property monitoring fee, to be established by resolution of the Borough of Derry.

- c) The monitoring fee shall not be prorated.
- d) The monitoring fee shall not be imposed on vacant properties, as defined in this chapter, that are the subject of an active building permit for repair or rehabilitation, and the owner is progressing diligently to complete said repair or rehabilitation.

**SECTION 4. VACANT PROPERTY MONITORING FEE WAIVER**

- a) The monitoring fee, as required herein, shall be waived in full by the Borough of Derry, if, by the 45<sup>th</sup> day after written notification as described in Section 3-B herein, all of the following conditions are present:
  - i. Street-level exterior building components in which said ground-floor vacancy is identified are clean (including glass inside and out). A minimum of 70% window transparency must be maintained.
  - ii. The property is not in violation of any provision of Derry Borough Code, or any applicable provision of the International Property Maintenance Code adopted by the Commonwealth of Pennsylvania, or any other Borough Ordinance.
  - iii. A professionally produced legal sign is prominently displayed promoting the vacant space for sale and/or for lease, providing (at least) a contact phone number for information and showings. Said sign must be in compliance with applicable sign ordinance(s), and at minimum its font size must be reasonably readable from the adjacent roadway. Handwritten signs are not permitted relative to this requirement.
  - iv. All local real estate taxes are paid in full.
- a) The monitoring fee waiver may be revoked by the Borough of Derry if any of the above-required conditions are not in place continuously until the vacant condition no longer exists.

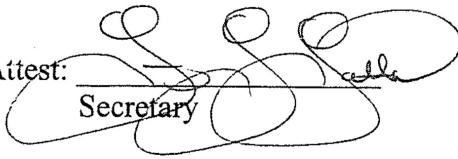
**SECTION 5. SEVERABILITY**

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

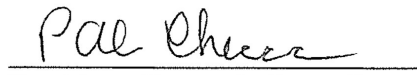
ORDAINED AND ENACTED by the Council of the Borough of Derry this 9<sup>th</sup> day of April, 2024.

BOROUGH OF DERRY  
Westmoreland County, Pennsylvania

Attest:

  
Secretary

By

  
President, Borough Council

  
Mayor