

**BILL NO. 6 of 2022**

**ORDINANCE NO. 1963**

**AN ORDINANCE OF THE CITY OF WASHINGTON, WASHINGTON COUNTY,  
PENNSYLVANIA AMENDING CHAPTER 82-ABANDONED PROPERTIES,  
REGISTRATION OF, OF THE CITY CODE UPDATING SECTION 82-4 SECTION  
A DECREASING THE TIME TO REGISTER, SECTION 82-4 SECTION D  
REGARDING THE CITY'S RESPONSIBILITY, SECTION 82-6 RELATING TO  
BOARDING OF WINDOWS, SECTION 82-8 FEES, ESTABLISHING ANNUAL  
FEES FOR ABANDONED PROPERTIES.**

*WHEREAS*, City Council for the City of Washington deems that it is in the best interest of the citizens and residents of the City of Washington to approve **ORDINANCE NO. 1963 BILL NO. 6 of 2022**.

This Ordinance shall become effective upon FINAL PASSAGE and shall be applicable for the year 2023.

**FIRST READING: December 8, 2022**

**FINAL READING: December 27, 2022**



**CITY OF WASHINGTON, PENNSYLVANIA  
BY:**

A handwritten signature in black ink, appearing to read "Scott J. Putnam", is written over a horizontal line.

**Scott J. Putnam, Mayor**

**ATTEST:**

A handwritten signature in blue ink, appearing to read "Michelle R. Sperl", is written over a horizontal line.

**Michelle R. Sperl, City Clerk**

## Ordinance No.1963 Bill Number 6 of 2022.

An Ordinance of the City of Washington, Washington County, Pennsylvania amending Chapter 82-Abandoned Properties, Registration of, of the City Code updating Section 82-4 Section A decreasing the time to register, Section 82-4 Section D regarding the City's responsibility, Section 82-6 relating to boarding of windows, Section 82-8 Fees, establishing annual fees for abandoned properties.

# Chapter 82 Abandoned Properties, Registration of

**[HISTORY: Adopted by the Mayor and Council of the City of Washington 4-8-2010 by Ord. No. 1830. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Blighted neighborhood reclamation — See Ch. 125.

Construction codes — See Ch. 130.

Rental property — See Ch. 260, Art. I.

Nuisance properties — See Ch. 222, Art. V.

---

#### § 82-1 Purpose; scope.

- A. It is the purpose and intent of the City of Washington through the adoption of this chapter to establish an abandoned residential/commercial property registration program as a mechanism to protect neighborhoods from becoming blighted through the lack of adequate maintenance and security of abandoned properties.
- B. Nothing in this chapter shall be interpreted to allow or encourage circumvention of the foreclosure statutes of the Commonwealth of Pennsylvania.

#### § 82-2 Definitions.

For the purpose of this chapter, certain words and phrases used in this chapter are defined as follows:

#### **ABANDONED**

A property that is vacant.

#### **ACCESSIBLE**

A property or structure that unauthorized persons may gain entry to through a compromised/breached/unsecured gate, door, fence, wall, window or other point of entry.

#### **AGREEMENT**

Any agreement or written instrument that provides title to residential properties and shall be transferred or conveyed from one owner to another owner after sale, trade, transfer or exchange.

#### **BENEFICIARY**

A lender or other entity under a note secured by a deed of trust.

#### **BUYER**

Any person, co-partnership, association, corporation, or fiduciary that agrees to transfer anything of value in consideration for property described in an agreement of sale.

**DAYS**

Consecutive calendar days.

**DEED IN LIEU OF FORECLOSURE**

A recorded document that transfers property from the trustor to the holder of a deed of trust upon consent of the beneficiary of the deed of trust.

**DEED OF TRUST**

An instrument by which title to real estate is transferred to a third party trustee as security for a real estate loan. May be used in place of a mortgage in some places.

**DEFAULT**

A failure to fulfill a contractual obligation, monetary or conditional.

**DISTRESSED**

A property that is introduced to a foreclosure procedure.

**EVIDENCE OF VACANCY**

Any condition visible from the exterior that on its own, or combined with other conditions present, would lead a responsible person to believe that the property is vacant. Such conditions would include, but are not limited to, overgrown and/or dead vegetation; accumulation of newspapers, circulars, flyers, mail; past-due utility notices or disconnected utilities; accumulation of trash, junk, debris; the absence of furnishings, window coverings such as blinds or drapes; absence of personal items consistent with residential habitation; statements from neighbors, passersby, delivery agents, government employees that the property is vacant.

**FIELD SERVICE PROVIDER**

An individual, entity or department that is responsible of inspecting, securing and maintaining an abandoned property.

**FORECLOSURE**

The process by which a property, placed as security for a real estate loan, is sold at auction to satisfy the debt if the borrower defaults.

**INSPECTION**

A physical investigation at a property to obtain evidence of occupancy or vacancy and/or to verify compliance with this chapter and any other applicable code or law. Although interior inspections may be allowed under a deed of trust, they are not required by this chapter.

**NEIGHBORHOOD STANDARDS**

Those conditions that are present on a simple majority of properties within a three-hundred-foot radius of the subject property. A property that is subject of a neighborhood standard comparison, or any other abandoned property within the three-hundred-foot radius, shall not be counted toward the simple majority.

**NOTICE OF DEFAULT**

A recorded notice that a default has occurred under a deed of trust and that the beneficiary intends to proceed with a trustee's sale.

**OWNER**

Any person, co-partnership, association, corporation or fiduciary having a legal or equitable title or any interest in any real property.

## **PROPERTY**

Any unimproved or improved property or portion thereof is situated in the City and includes the buildings or structures located on the property regardless of condition.

## **RESIDENTIAL**

Any property or portion thereof situated in the City, designated, or permitted to be used for dwelling purposes, and shall include all buildings and structures located on such property. This shall include any property being offered for sale, trade, transfer or exchange as residential whether or not it is legally permitted and/or zoned for such use.

## **RESPONSIBLE PARTY**

The beneficiary that is pursuing foreclosure of a property subject to this chapter secured by a mortgage, deed of trust, or similar instrument or a property that has been acquired by the beneficial interest at a trustees sale.

## **SECURING**

Such measures as may be directed by the Code Official so that the property is not accessible to unauthorized persons, including, but not limited to, the repairing of fences and walls, chaining/padlocking gates, the repair or boarding of a door, window or other openings. Boarding shall be completed to a minimum of the current HUD standards at the time the boarding is completed or required. Locking includes measures that require a key, keycard, tool or special knowledge to open or gain access.

## **TRUSTEE**

The person, firm, entity or corporation holding a deed of transfer secured by the property.

## **TRUSTOR**

A borrower under a deed of trust who deeds property to a trustee as security for the payment of a debt.

## **VACANT**

A building/structure that is not legally occupied.

## **VACANT PROPERTIES**

Any uninhabited property that is not in compliance with the City of Washington ICC Property Maintenance and/or Fire Code.

## **[Added 9-9-2010 by Ord. No. 1835]**

### **§ 82-3 Recording of transfer or purchase.**

Within 10 days of the purchase and/or transfer of a loan/deed of trust secured by a residential property, the new beneficiary shall record with the Washington County Recorder of Deeds Office said transaction that shall list the name of the corporation, entity or individual, the mailing address and contact phone number or the new beneficiary responsible for receiving payments associated with the loan/deed of trust.

### **§ 82-4 Registration.**

- A. Any owner, responsible party/beneficiary or his or her designee shall perform an inspection of the property that is subject to this chapter and shall verify if the property in question is vacant and/or abandoned as described within this chapter. If the property is found to be vacant and/or abandoned, the responsible party/beneficiary or owner shall, **90** days register said property with the Department of Code Enforcement of the City of Washington. **[Amended 9-9-2010 by Ord. No. 1835]**
- B. Registration may be accomplished by either of the following methods: by completing and returning to the Office of Code Enforcement a City-provided registration form with the required fees by mail; or by

delivering same in person to said offices within the City of Washington.

- C. Said registration shall contain the name of the owner, beneficiary/responsible party, the direct street/office mailing address of said owner, beneficiary/responsible party (no P.O. boxes), a direct contact name and phone number of the owner, beneficiary/responsible party, and the name, address, phone number of a management company being used by said owner for the specified property who is responsible to see that the property is secured and maintained regularly.
- D. This registration shall be valid as long as the registered property remains subject to this chapter. Any changes to the information required on this registration shall be reported to the Code Official within 10 days of the change. The City is not responsible for verifying the accuracy of the information provided.
- E. This shall also apply to any property subjected to foreclosure issues with said property. Property subjected to this chapter shall remain under the registration requirements, security and maintenance standards of this chapter as long as the property in question remains abandoned.
- F. It is the obligation of the owner, beneficiary/responsible party to inform the City of any pending action, such as bankruptcy, other court or administrative action, that would prohibit the owner, beneficiary/responsible party from taking any of the actions required in this chapter.

**§ 82-5 Maintenance requirements.**

- A. The exterior areas of the property shall be, in comparison to the neighborhood standard, kept free from weeds, dry brush, dead vegetation, trash, junk, debris, 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, printer material or any other items that give the appearance of abandonment.
- B. The property shall be free from graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that closely matches the color of the exterior of the structure.
- C. Insofar as there is existing or previously existing landscaping, all visible front and side yards shall be maintained to the neighborhood standard at the time registration is required. If no landscaping previously existed at the property in front and visible side yards, installation is not required under this chapter. Landscaping includes grass, turf stain, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation.
- D. Landscaping does not include weeds, gravel, broken concrete, asphalt, decomposed granite, plastic sheeting, mulch (unless applied in conjunction with reseeding of turn areas), indoor-outdoor carpeting or any similar materials.
- E. Maintenance includes, but is not limited to, regular watering, irrigation, staining or re-staining, cutting, pruning and mowing of required landscapes and removal of trimmings.
- F. Pools and spas shall be kept in working order, so the water remains clear and free of pollutants and debris, or drained and kept dry. In either case, properties with pools and/or spas must comply with the minimum-security fencing requirements of this municipality or the commonwealth.
- G. Adherence to this chapter does not relieve the owner, beneficiary/responsible party of any obligations set forth in any covenants, conditions, and restrictions and/or homeowners' association rules and regulations that may apply to the property.

**§ 82-6 Security requirements.**

- A. Property subject to this chapter shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

- B. "Secure manner" includes, but is not limited to, the closure and locking of windows, all doors, gates and any other openings of such size that leave it accessible. In the case of broken windows, securing means the reglazing or boarding of said window within 15 days of its removal or vandalism. Boarding of windows is only permissible on street facing windows above the first two floors (third floor and up) of residential property and above the first floor (second floor and up) of commercial property. Locking includes measures that require a key, keycard, tool or special knowledge to open or gain access.
- C. The owner, beneficiary/responsible party shall perform monthly inspections to verify that the requirements of this chapter are being met.
- D. The property in question shall be posted with the name and twenty-four-hour toll-free contact phone number of the owner, beneficiary/responsible person or his/**or her** designee. The posting shall be no less than 8 1/2 inches by 11 inches and shall contain, along with the name and twenty-four-hour toll-free contact number, the words, THIS PROPERTY BEING MANAGED BY and TO REPORT PROBLEMS OR CONCERNS CALL, or similar. The posting shall be placed in a window adjacent to the entry door attached to the exterior of the entry door. Exterior posting must be constructed of and printed with or contained in weather-resistant materials.

**§ 82-7 Authority to require additional measures.**

In addition to the enforcement remedies established within this chapter, the Code Officials shall have the authority to require the owner or beneficiary/responsible party to implement additional maintenance and/or security measures, including, but not limited to, securing any and all doors, windows or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of on-site security guard, or other measures as may be reasonably required to arrest the decline of the property.

**§ 82-8 Fees.**

The fee for registering an abandoned/vacant residential property shall be set at \$300 annually for years one and two and \$750 for subsequent years in which the property remains abandoned/vacant. The fee may be set from time to time by resolution of the Mayor and Council of the City of Washington.

**§ 82-9 Enforcement.**

Violations of this chapter shall be enforced in any combination as allowed within this Code and the regulations mandated by this commonwealth.

**§ 82-10 Appeals.**

Any person aggrieved by any part of this chapter may appeal insofar as such appeal is allowed under this Code. Said appeals shall be heard by an appeals board comprised of the Mayor, City Administrator and Council Public Safety Department head. In the absence of any of the three members, the Mayor may appoint a Council Department head at his/her discretion. The hearing shall be held within 30 business days of the appeal filing and a decision shall be rendered in writing within 3 business days of the hearing. Participants in the hearing may do so in person or by electronic device or means. The decision is final. Appeals and appellant must file an application for said appeal and pay a nonrefundable filing fee of \$375 to the Code Official, who will present said application to the Board for review.

**§ 82-11 Violations and penalties.**

Violations within this chapter shall be treated as a strict liability offense regardless of intent. Any person, firm and/or corporation that violates any portion of this chapter shall be subject to prosecution and shall be ordered to pay a mandatory fine of \$500 for each violation and/or property in violation of same.

**Ordinance No.1963 Bill Number 6 of 2022.**

An Ordinance of the City of Washington, Washington County, Pennsylvania amending Chapter 82-Abandoned Properties, Registration of, of the City Code updating Section 82-4 Section A decreasing the time to register, Section 82-4 Section D regarding the City's responsibility, Section 82-6 relating to boarding of windows, Section 82-8 Fees, establishing annual fees for abandoned properties.

**FIRST READING: DECEMBER 8, 2022**

**FINAL READING: DECEMBER 27, 2022**

**ADOPTED: DECEMBER 27, 2022**

**CITY OF WASHINGTON, PENNSYLVANIA**

**BY:**



**Scott J. Putnam, Mayor**

**ATTEST:**



**Michelle R. Sperl, City Clerk**