

**ORDINANCE NO. 523**

**BOROUGH OF PARKESBURG  
CHESTER COUNTY, PENNSYLVANIA**

**ORDINANCE REGULATING AND REQUIRING NEW PROPERTY OWNERS TO COMPLY WITH BOROUGH CODES AND REGULATIONS (THE "RESPONSIBLE PROPERTY OWNERSHIP ORDINANCE") IN ACCORDANCE WITH THE REQUIREMENTS OF ACT 99 OF 2000 ("The Municipal Code and Ordinance Compliance Act") PURSUANT TO DEFINITIONS, RESPONSIBILITIES AND PENALTIES AS PROVIDED FOR IN ACT 99 OF 2000**

WHEREAS, the Borough of Parkesburg (hereinafter the "Borough") is a Borough located in Chester County, Pennsylvania governed by the Borough Code, 8 Pa. C. S. A. § 201 et seq. with authority under the Borough Code and its police power to prohibit and remove any nuisance or dangerous structure, and to make regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and beauty and safety of the borough, See, 8 Pa. C.S.A. § 1202 (4) and (5) and the general powers as set forth at 8 Pa. C.S.A. § 1201; and,

WHEREAS, the state legislature in 2000, enacted the Municipal Code and Ordinance Compliance Act, Act 99 of 2000, 68 P.S. § 1081 et seq., which places certain requirements upon new purchasers of property to bring the purchased properties up to specified requirements of the governing municipality; and

WHEREAS, in accordance with the authority of the Borough Code and the last referenced Act 99 of 2000, and the authorities recited, the Borough seeks to impose restrictions on property ownership and property maintenance to preserve Borough properties and guard against urban blight.

NOW THEREFORE, the Borough Council of the Borough of Parkesburg enacts this Responsible Property Ownership Ordinance as follows:

**SECTION 1: DEFINITIONS**

The following are definitions shall be used in making reasonable interpretations of the provisions of this Ordinance:

"Code Enforcement Officer" - That person or persons designated by the Borough as responsible for enforcing the Codes of the Borough and the provisions of this Ordinance.

"constructive knowledge" - Knowledge of a violation listed on the seller's property disclosure statement made pursuant to the Act of July 2, 1996 (P.L. 500, No. 84),

known as the "Real Estate Seller Disclosure Act," 68 P.S. § 1021 et seq., a violation appearing on a buyer's notification certificate provided by a municipality or a violation that is a matter of public record.

"date of purchase" - The closing date or, in cases where the property is sold pursuant to the Act of May 16, 1923 (P.L. 207, No. 153), referred to as the "Municipal Claim and Tax Lien Law," 53 P.S. § 7101 et seq., the first day following the right of redemption period authorized under the Municipal Claim and Tax Lien Law.

"known to have" - Knowledge of a violation based on actual or constructive knowledge.

"municipality" - The Borough of Parkesburg.

"substantial violation" - A violation of a building, housing, property, maintenance or fire code, which violation posed a threat to health, safety or property, but not a violation of such a code deemed by a court to be de minimis.

## SECTION 2: COMPLIANCE REQUIREMENTS

A. General Rule No. 1: Building structures. The owner of any building, structure or part of a building or structure known to have one or more substantial violations of municipal codes relating to building, housing, property maintenance or fire shall, within 18 months of the date of purchase (or such longer period of time if agreed to between the owner/purchaser and the Borough of Parkesburg) do the following:

(1) Bring the building, structure or that part of a building or structure into compliance with those codes with respect to which said building, structure or part of a building or structure was known to have been noncompliant; or

(2) Demolish the building or structure in accordance with the law.

(a) Considerations as to demolition of attached buildings.

[1] Before the Codes Enforcement Officer issues a permit for demolition, drawings shall be submitted by a licensed engineer or architect, indicating that the demolition will leave a solid and secure base upon which the surviving building will rest.

[2] The surviving wall, after demolition, shall be rebuilt to reflect the same appearance as the front of the remaining building or structure previously attached to the demolished building or structure.

[3] Insulation shall be installed so as to guarantee a minimum

standard to assure occupants of the surviving building that there will be the same level of comfort on a year-round basis, as there was prior to the demolition of the adjoining building.

- [4] The additional thickness in inches required to construct such a wall in accordance with the foregoing requirements may be eased over to the owner of the existing building, as well as all rights of access to the building wall and the right to use that wall for any reason that the owner of the surviving building may choose.
- [5] If and when a new building is built on the site of the demolished building, and if such new structure requires the use of the common wall, the owner of the site of the demolished building shall have the right to bring his or her property line back to the same point that it was prior to the demolition of the previously existing building or structure and any easement as aforesaid.
- [6] The Codes Enforcement Officer shall notify neighboring tenants and owners of buildings proposed to be demolished of their rights under this section, and shall spell out the obligations of the demolition company involved. Such requirements shall include a list of measures of protection that such neighboring tenants and owners are entitled to, should there be current or future damage to the surviving building resulting from the subject demolition.
- [7] The Codes Enforcement Officer will work with property owners involved in order to assist in minimizing the impact of the demolition and to promote projects which will enhance appearances for both the Borough and the property owner.
- [8] Disclosure of environmental conditions. Every owner or agent for the owner of a property for which a demolition permit application is filed with the Borough, shall provide full disclosure with such demolition permit application of any pending environmental assessment, review, remediation, or voluntary compliance action that has been issued, ordered or approved by the United States Environmental Protection Agency, or by the Pennsylvania Department of Environmental Protection (DEP). No demolition permit shall be issued or approved until such full environmental disclosure has been filed with the Borough to the satisfaction of the Codes Enforcement Officer. The purpose and intent of this section is to prevent any property owner, builder, contractor, developer

or other person from obtaining a demolition permit from the Borough without fully disclosing and informing the Borough officials of known environmental hazards on the site for which an application for a demolition permit has been made.

[9] Where a structure has been demolished or removed and a demolition permit has been approved, the vacant lot shall be filled, graded and maintained in conformity to the established elevation of the street grade at curb level nearest to the point of demolition or excavation. Provision shall be made to prevent the accumulation of water or damage to any foundations on the premises or the adjoining property.

[10] The owner shall make arrangements for the parcel to be identifiable by an address after demolition.

B. General Rule No. 2: Lot or parcel of land. The owner of any lot or parcel of land known to have one or more substantial violations of municipal nuisance ordinances relating to maintenance, health or safety is required to make a reasonable attempt to abate the nuisance within one year of the date of purchase.

### SECTION 3: VIOLATIONS AND PENALTIES; OTHER REMEDIES

A. Violation of General Rule No. 1. Failure to comply with the requirements of General Rule No. 1 of this ordinance, § 2. A above, shall result in the purchaser being personally liable for the costs of repairs or demolition and a fine of not less than \$1,000 and not more than \$10,000. Fines shall be remitted to the municipality in which the building, structure or part of a building or structure is located. In municipalities with low-income housing, not less than 1/3 of the fine imposed shall be used by the municipality for low-income housing in a manner determined by the municipality.

B. Violation of General Rule No. 2. Failure to comply with the requirements of General Rule No. 2 of this Ordinance, § 2. B. above, shall result in the purchaser being personally liable for the cost of maintenance and a fine of not less than \$1,000 and not more than \$10,000. Fines shall be remitted to the municipality in which the lot or parcel of land is located.

C. Penalties nonexclusive. The penalties identified herein are nonexclusive remedies available to the Borough of Parkesburg and do not act as a waiver of other remedies available by statute or common law but are provided in addition to those other available remedies.

### SECTION 4: REPEALER

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5: SEVERABILITY

- A. The provisions of this ordinance are severable, and, if any portion is held by a court of competent jurisdiction to be in violation of federal or state constitutional statute or statutory law, that portion is hereby repealed, and the decision of the court will not affect or impair any of the remaining provisions of this ordinance. It is hereby declared to be the Borough Council's intention that this ordinance would have been adopted had such unconstitutional or ultra vires provision not been included.
- B. If any portion of this ordinance shall be determined to be unconstitutional, illegal or unenforceable, then the portion and only that portion of this ordinance, which is deemed to be unconstitutional, illegal or unenforceable shall be severed from the remainder of this ordinance and all other terms thereof shall remain in full force and effect.

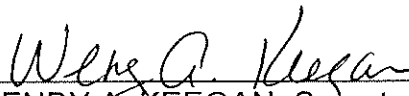
SECTION 6: EFFECTIVE DATE

This Ordinance shall be effective upon passage in accordance with the requirements of the Borough Code.

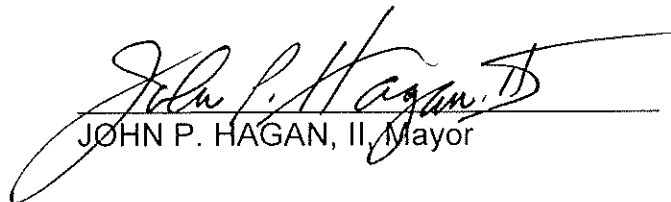
ENACTED AND ORDAINED this 21<sup>st</sup> day of November, 2016.

  
KATHLEEN M. RICK, President

ATTEST:

  
WENDY A. KEEGAN, Secretary

Approved this 21<sup>st</sup> day of November, 2016.

  
JOHN P. HAGAN, II, Mayor