

**CITY OF JOHNSTOWN,
CAMBRIA COUNTY, PENNSYLVANIA
ORDINANCE NO. 5220**

Bill No. 48 of 2016

**Introduced in Council
December 14, 2016**

AN ORDINANCE SPECIFICALLY AMENDING ORDINANCE NO. 5166, PASSED FINALLY JANUARY 28, 2015 AND AS AMENDED IN ORDINANCE 5179 PASSED FINALLY AUGUST 12, 2015, AND KNOWN AS THE "LATERAL RESALE ORDINANCE," TO REVISE AND FURTHER ESTABLISH VALIDITY PERIODS FOR TEMPORARY CERTIFICATES OF COMPLIANCE ISSUED AND TO ADDRESS ADDITIONAL MATTERS PERTAINING TO SAID TIME PERIODS.

WHEREAS, the City of Johnstown (the "Municipality") has entered into a Consent Order and Agreement with the Commonwealth of Pennsylvania, Department of Environmental Protection to identify the source of and reduce sanitary sewer overflows resulting from a flow in excess of the carrying capacity of sanitary sewage lines; and

WHEREAS, the Municipality has ultimately mandated satisfactory completion of lateral testing, the remediation of all significant defects discovered in private side laterals, and the receipt of a Certificate of Compliance as those terms are defined within Ordinance No. 5166, upon the sale, transfer, or assignment of any interest in real property within the Municipality; and

WHEREAS, Ordinance No. 5166 currently provides that any Temporary Certificate of Compliance issued thereunder shall be valid for a period of sixty (60) days from the date of issuance; and

WHEREAS, the Municipality has found that sixty (60) days is an insufficient period of time to allow for testing and remediation due to a limited number and availability of contractors to complete the work required for Compliance; and

WHEREAS, the Municipality believes the amendment of the temporary compliance period pursuant to Ordinance No. 5166 is necessary to account for the delays imposed by the limited number of contractors available for these purposes;

NOW, THEREFORE, be it enacted and ordained by City Council of the City of Johnstown as follows:

Section 1. Ordinance No. 5166 Sections 10(a) and (d) are hereby amended by the following changes:

Section 10 Temporary Certificate of Compliance.

(a) When a surface storm water connection to the sanitary sewer system or other significant defect is discovered and the necessary work to remove the connection would require a length of time such as to create a hardship for the applicant, the applicant may apply to the Ordinance Compliance Officer for a temporary certificate of compliance. The applicant must submit the following with the properly completed application:

- i. A bona fide executed contract with a qualified contractor requiring the contractor to complete the remedial work necessary to the removal of the connections of surface storm water to the sanitary sewer system and/or to resolve the defect requiring remediation/repair, and granting the Municipality the right and power to enforce the contract.
- ii. Cash security in an amount equal to 110% of the contract described in paragraph (a)(1) above.
- iii. The agreement of the property owner to be responsible for all cost overruns related to the remedial work, together with a license from the property owner to the Municipality, its agents, contractors, and employees, to enter upon the property to complete the remedial work in case of default by the contractor or the applicant.
- iv. The filing fee established by the governing body from time to time by resolution.

ADD:

- v. When the subject property contains a structure that is going to be demolished, the applicant must provide a bona fide executed contract with a qualified contractor that includes the anticipated date the demolition will be completed, a completed Temporary Certificate of Compliance Application and application fee.
- vi. If/when an escrow account is established at the time of closing on the sale or transfer, the applicant must provide proof of the escrow account having been established and funded within two (2) business days following the date of closing.

(d) The Temporary Certificate of compliance shall be effective for ~~sixty (60)~~ **180 days**, and the expiration date of the Temporary Certificate of Compliance shall be noted on the Certificate. The City Manager and Ordinance Compliance Officer shall have the option and authority to extend this period up to ninety (90) days after the City has completed the installation of the sanitary sewer system within the City's right of way and/or easement that would correspond to the applicant's street address, where determined necessary by extenuating circumstance, as determined in the

~~Officer's discretion, and in no event to exceed any period longer than 365 days unless special approval has been granted by the City Manager, who will likewise be required to notify City Council of any grant of special approval for an extended temporary compliance period. The following shall also apply:~~

i) If, upon the expiration of the Temporary Certificate of Compliance, the seller or applicant has not applied for and received a Certificate of Compliance, as provided for in subsection (4) and (5) hereof, the applicant can either request an additional extension at the fee of \$25 per request. Otherwise, the cash security shall be forfeited.

ii) The Municipality may use the funds to complete the remedial work for the lateral testing.

iii) Those that have been issued a temporary certificate of compliance before December 28, 2016 have the option to request an additional extension at no cost, in order to complete the pressure testing and receive a certificate of compliance.

DELETE:

~~**Section 11. Municipal Lien and Tax Verification Letters.**— A request to the Municipality for a municipal lien letter or tax verification letter must be accompanied by a valid certificate of compliance or temporary certificate of compliance and by the appropriate fee, which shall be established by the Municipal governing body from time to time by resolution. The Municipality shall issue the municipal lien letter or tax verification letter within seven days of receipt of the appropriately documented request and the applicable fee.~~

Section 2. All other portions of Ordinance No. 5166 remain in effect.

Section 3. Any Ordinance or parts of Ordinances in conflict herewith be and the same are hereby repealed.

Section 4. This Ordinance shall become effective **December 28, 2016.**

ORDAINED and ENACTED this 8th day of February, 2016, by the Governing Body of the City of Johnstown in lawful session duly assembled.

PASSED FINALLY IN COUNCIL:

February 8, 2017

By the following vote:

Yeas: Mrs. Mock, Mr. Vitovich, Mr. Vizza, Mr. Johncola. (4)

Nays: Mrs. Stanton, Mr. Williams. (2)

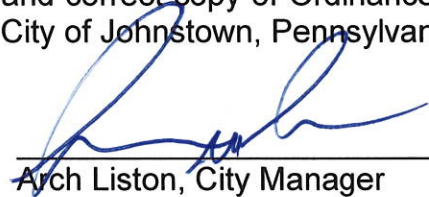
Abstain: Mayor Janakovic. (1)



Frank J. Janakovic, Mayor
Peter Vizza, Deputy Mayor

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. **5520** as the same adopted by the City Council of the City of Johnstown, Pennsylvania.



Arch Liston, City Manager

_____ Date: _____
Beard Legal Group

City of Johnstown, Pennsylvania
Ordinance No. 5221

Bill 01 of 2017

By: Councilpersons Stanton & Williams
Introduced in Council

~~December 28, 2016~~
January 11, 2017

AN ORDINANCE

AN ORDINANCE AMENDING Codified Ordinance Chapter 1480; titled Vacant Structures subsection 1480.02 GENERAL REQUIREMENTS, (c) and 1480.03 titled: REGISTRATION OF STRUCTURES; INSPECTIONS; ABATEMENT OF NUISANCES.

Section 1

1480.01 DEFINITIONS.

As used in this chapter:

(a) "Code violation" for the purposes of this chapter shall mean any notice of a code violation that is not remedied in the specified time allowed in the violation notice.

(b) "Nuisance" means any condition or use of real property and/or structures thereon which shall constitute a threat, or a potential threat, to the health, safety or welfare of the residents of the City.

(c) "Owner" means any person having title, legal or equitable, whole or partial, whether by deed, mortgage, lease or other contract, to real estate within the City, or otherwise having control of the property, including the guardian of an estate of such person, and the executor or administrator of the estate of such person.

(d) "Person" means every natural person, firm, partnership, association, corporation or other legal entity.

(e) "Structure" means that building or improvement which is built or constructed, or a portion thereof.

(f) "Structures actively marketed for sale or for rent" means those structures advertised on site with a sign identifying the owner or agent, and the telephone number and address of the same.

(g) "Vacant structure" means any structure which has been determined by the Department of Community and Economic Development to be unoccupied **and lacks one or more of the electric, water, sewer, natural gas, and/or other utilities necessary for occupancy or use; for a period of four consecutive months, an unoccupied structure is excluded from this definition if said** structures which are is being actively marketed for sale or for rent **and has at least one (1) active utility in operation;** ~~or any unoccupied structure which lacks one or more of the~~

electric, water, sewer, natural gas, and/or other utilities necessary for occupancy or use. A property is not considered vacant as long as there is a current and valid UCC or City Compliance Permit while the property is under renovation or repair.

DELETE:

1480.02 GENERAL REQUIREMENTS.

Vacant structures and property shall be kept in conformance with the Property Maintenance Code and/or other property maintenance standards being enforced by the City. Vacant structures shall be maintained in conformance with the following:

~~—(c) The vacant structure will be registered and an annual revolving maintenance fund balance fee of five hundred dollars (\$500.00) required to be on deposit with the City. The five hundred dollars (\$500.00) will be maintained in an interest bearing account and used by the Department to keep the exterior of the structure in compliance with local property maintenance regulations. On the date the Department determines the structure to be vacant, the Department will invoice the owner for that amount, and if at any time additional funds are required to maintain the five hundred dollar (\$500.00) individual fund balance. The owner shall be invoiced and shall have thirty days in which to pay that amount specified to maintain the revolving fund.~~

~~(Ord. 4810. Passed 9-9-98; Ord. 4855. Passed 5-10-00; Ord. 4987. Passed 4-12-06; Ord. 5083. Passed 4-27-11; Ord. 5190. Passed 12-9-15.)~~

ADD:

1480.02 GENERAL REQUIREMENTS.

Vacant structures and property shall be kept in conformance with the Property Maintenance Code and/or other property maintenance standards being enforced by the City. Vacant structures shall be maintained in conformance with the following:

(c) The vacant structure will be registered and an annual revolving maintenance fund balance fee of ~~seven hundred fifty dollars (\$750.00)~~ seven hundred dollars (\$700.00) required to be deposited in full with the City at the time of registration, and there shall not be any provisions for installment payments of these amounts. in full with the City at the time of registration, and there shall be provisions for installment payments of not less than one-hundred dollars (\$100.00) per month for no longer than a period of seven months.

The ~~seven hundred fifty dollars (\$750.00)~~ seven hundred dollars (\$700.00) will be maintained in an interest bearing account and used by the Department to keep the exterior of the structure in compliance with local property maintenance regulations.

On the date the Department determines the structure to be vacant the Department will invoice the owner for that amount, and if at any time additional funds are required to maintain the ~~seven hundred fifty dollars (\$750.00)~~ seven hundred dollars (\$700.00)

individual fund balance. The owner shall be invoiced and shall have thirty days in which to pay that amount specified to maintain the revolving fund.

DELETE:

~~1480.03 REGISTRATION OF STRUCTURES; INSPECTIONS; ABATEMENT OF NUISANCES.~~

~~An owner of a vacant structure shall register it with the Department when notified to do so. At the time of registration, the owner shall also consent to have the Department enter said premises as needed to inspect the property and resolve nuisances. The five hundred dollar (\$500.00) revolving fund shall be established at the time the property is registered. The Department shall retain the right to periodically re-inspect said property to ascertain compliance with the local Property Maintenance Code. When notified of property maintenance violations, the owner shall remedy them within the time specified by the written violation notice. If voluntary compliance is not forthcoming, the Department shall cause to have the nuisances rectified through the use of the revolving fund. The Department shall provide documentation to the property owner on the activities funded by the revolving fund, within thirty days of the completion of such required activities.~~

~~(Ord. 4810. Passed 9-9-98.)~~

ADD:

1480.03 REGISTRATION OF STRUCTURES; INSPECTIONS; ABATEMENT OF NUISANCES.

An owner of a vacant structure shall register it with the Department when notified to do so. At the time of registration, the owner shall also consent to have the Department enter said premises as needed to inspect the property and resolve nuisances. The ~~seven-hundred-fifty dollars (\$750.00)~~ seven-hundred dollars (\$700.00) revolving fund shall be established at the time the property is registered, paid in full and ~~there shall not be any provisions for installment payments of these amounts.~~ there shall be provisions for installment payments of not less than one-hundred dollars (\$100.00) per month for no longer than a period of seven months.

The Department shall retain the right to periodically re-inspect said property to ascertain compliance with the local Property Maintenance Code. When notified of property maintenance violations, the owner shall remedy them within the time specified by the written violation notice. If voluntary compliance is not forthcoming, the Department shall cause to have the nuisances rectified through the use of the revolving fund. The Department shall provide documentation to the property owner on the activities funded by the revolving fund, within thirty days of the completion of such required activities.

1480.05 EXCEPTIONS.

Structures actively marketed for sale or for rent are exempt from the requirements of this chapter ~~for a period not to exceed 120 days, as long as all utilities necessary for occupancy or use are maintained~~ **at least one (1) active utility is in operation.** The Department may inspect structures actively marketed for sale or for rent as often as necessary to determine if the requirements of this chapter are being met and/or if the structure is vacant in relation to this chapter.

Section 2. All ordinances or parts of ordinances inconsistent herewith are and the same are hereby repealed.

Section 3. This Ordinance shall become effective upon final passage

PASSED FINALLY IN COUNCIL

February 8, 2017

By the following vote:

Yeas: Mr. Vitovich, Mr. Vizza, Mr. Williams, Mayor Janakovic, Mr. Johncola, Mrs. Mock,
Mrs. Stanton. (7)

Nays: None (0)

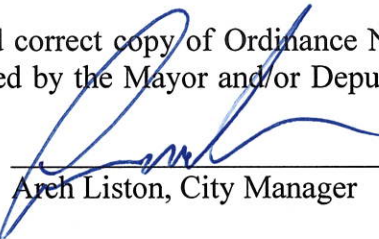


Frank J. Janakovic, Mayor

Peter Vizza, Deputy Mayor

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. **5221**, as the same was passed finally by City Council and signed by the Mayor and/or Deputy Mayor of the City of Johnstown, Pennsylvania.



Arch Liston, City Manager

**CITY OF JOHNSTOWN,
CAMBRIA COUNTY, PENNSYLVANIA
ORDINANCE NO. 5222**

Bill No. 4 of 2017

**Introduced in Council
January 11, 2017**

AN ORDINANCE SPECIFICALLY AMENDING ORDINANCE NO. 4773, PASSED FINALLY JUNE 11, 1997 AND KNOWN AS THE "JUNKED AND/OR ABANDONED MOTOR VEHICLES," TO REVISE AND FURTHER ESTABLISH SPECIFIC PROVISIONS IN LINE WITH THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND TO ADDRESS ADDITIONAL MATTERS PERTAINING TO NUISANCE VIOLATIONS.

WHEREAS, the City of Johnstown (the "Municipality") passed an ordinance regarding Junked and/or Abandoned Motor Vehicles; and

WHEREAS, Ordinance No. 4773 currently provides for Per Se violations and the modifications to the Ordinance are to advance a legitimate and purposeful means of the health and safety of the community; and

WHEREAS, the Municipality has found that this ordinance regulating nuisance vehicles must be affirmed in such a way as to require a Municipality to establish that a nuisance in fact exists through a reasonable inspection; and

WHEREAS, the Municipality believes an amendment pursuant to Ordinance No. 4773 is necessary to accomplish this requirement as analyzed by the court system;

NOW, THEREFORE, be it enacted and ordained by City Council of the City of Johnstown as follows:

Section 1. Ordinance No. 4773 Sections 468.04(b) and 468.07(b) and (c) are hereby amended by the following changes:

468.04 PARKING OR STORAGE OF ABANDONED MOTOR VEHICLES PROHIBITED.

(b) A motor vehicle shall be presumed to be abandoned if it exhibits any of the following circumstances **and a code officer has investigated such conditions below**

and have found the abandoned/junked vehicle to be in a nuisance conditions as defined in Section 468.05:

- (1) An invalid registration plate;
- (2) An invalid certificate of inspection;
- (3) An identification number which cannot be ascertained;
- (4) Is incapable of being moved under its own power;
- (5) Has not been moved for a continuous period of more than thirty days; or
- (6) Has remained on private property without the consent of the property owner or person in control of the property for a period of more than forty-eight hours;

468.05 OTHER PROHIBITIONS.

(a) Motor Vehicle Nuisance Prohibited. No person, whether the owner of the real estate upon which a motor vehicle nuisance is maintained or the owner of such vehicle declared to be a nuisance, shall maintain a motor vehicle nuisance upon open private or public grounds within the City of Johnstown. A motor vehicle nuisance shall include any motor vehicle or trailer which is unable to move under its own power and has any of the following physical defects:

- (1) Broken windshields, mirrors, head-lamps, tail-lamps or other glass, with sharp edges.
- (2) One or more flat or open tires or tubes which could permit vermin harborage.
- (3) Storage or placement of the vehicle in an unbalanced condition, such as on concrete blocks or other supports.
- (4) Any body parts with sharp edges, including holes resulting from rust.
- (5) Missing tires resulting in unsafe suspension of the motor vehicle.
- (6) Upholstery which is torn or open which could permit animal and/or vermin harborage.
- (7) Disassembled chassis parts apart from the motor vehicle, stored in a disorderly fashion or loose in or on the vehicle.
- (8) Broken vehicle frame suspended from the ground in an unstable manner.
- (9) Leaking of any fluids from the vehicle.
- (10) Inoperable locking mechanism for doors or trunk.
- (11) Damaged bumpers pulled away from the perimeter of the vehicle.
- (12) Broken grill with protruding edges.

(13) Loose or damaged metal trim and clips.

(14) Such other defects which could threaten the health, safety and welfare of the citizens of the City of Johnstown.

(b) Abandoned Motor Vehicles Prohibited. No person, whether the owner of the real estate upon which an abandoned motor vehicle is maintained or the owner of such vehicle abandoned, shall maintain an abandoned motor vehicle upon open private or public grounds within the City of Johnstown.

(c) Storage Prohibited. No person owning or having custody of any junked motor vehicle, abandoned motor vehicle or motor vehicle accessories, shall store or permit any such vehicle or accessories to remain on any private property within the City, where its presence constitutes a hazard, for a period of more than ten days after receipt of a notice requiring such removal. Further, no person owning any private property in the City shall store or permit to remain any such vehicles or accessories on his or her property for more than a like period. Such storage is declared to be a motor vehicle nuisance and may be abated or removed and penalties imposed as provided in this chapter. No person, after notification has been given, shall remove any junked or abandoned motor vehicle or motor vehicle accessories from any private property and move the same to any other private property upon which said storage is not permitted or onto any public highway or other public property for the purposes of storage.

468.07 INSPECTIONS, NOTICES AND ENFORCEMENT.

(a) Investigation of Premises. The Department, on routine inspection or upon receipt of a complaint, may investigate a suspected junked motor vehicle, an abandoned motor vehicle, or motor vehicle accessories, and record the make, model, style and identification numbers in each situation.

(b) Inspection and Notice to Comply. The Department is hereby empowered, upon inspection, if a non-compliance with the terms of this chapter shall exist, to issue a written notice, served by registered or certified mail, upon the owner of the premises and/or the owner of the motor vehicle nuisance being maintained upon said premises, which notice shall specify the non-compliance complained of, and shall require the owner, whether of the property where the motor vehicle or accessories are stored or of the motor vehicle nuisance, to remove or otherwise rectify the non-conformity, as set forth therein, within ten days of the mailing of such notice. **The City's Code Enforcement Officer shall have the option and authority to extend this period where determined necessary by extenuating circumstance, as determined in the Officer's discretion, and in no event to exceed any period longer than 60 days unless special approval has been granted by the City Manager, who will likewise be required to notify City Council of any grant of special approval for an extended period.** If the owner of the property or of the motor vehicle nuisance being maintained cannot be determined, the notice may be given by posting the same conspicuously upon the offending premises and/or on the motor vehicle nuisance.

(c) Authority to Remedy Non-Compliance. If the owner of the grounds upon which the motor vehicle nuisance is maintained, and/or the owner of the motor vehicle nuisance, fails to comply with the notice to abate the non-conformity, of which notice is given, within the time limit prescribed, the City shall have the authority to take measures to correct the non-compliance **including, but not limited to, filing a complaint with the Court for a violation of Section 302.8 of the International Property Maintenance Code and seeking a warrant through the court to enter the property and have the abandoned/junked vehicle towed at the owner's expense,** and to collect the cost of such corrections, plus ten percent and all cost, including the cost of filing of a Municipal lien upon said premises, if the same is necessary. ~~In such event, pursuant to its statutory and police powers, the City of Johnstown shall have the right and authority to enter upon the offending premises to accomplish correction of the non-compliance.~~

Section 2. All other portions of Ordinance No. 4773 shall remain in effect.

Section 3. Any Ordinance or parts of Ordinances in conflict herewith be and the same are hereby repealed.

Section 4. This Ordinance shall become effective **February 8, 2017.**

ORDAINED and ENACTED this 8th day of February, 2017, by the Governing Body of the City of Johnstown in lawful session duly assembled.


PASSED FINALLY IN COUNCIL:

February 8, 2017

By the follow vote:

Yeas: Mayor Janakovic, Mr. Johncola, Mrs. Mock, Mr. Vitovich, Mr. Vizza.(5)

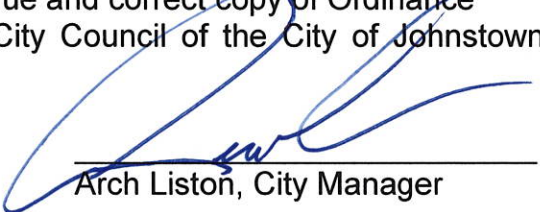
Nays: Mr. Williams, Mrs. Stanton. (2)



Frank J. Janakovic, Mayor
Peter Vizza, Deputy Mayor

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. **5222** as the same adopted by the City Council of the City of Johnstown, Pennsylvania.



Arch Liston, City Manager