

CITY OF JOHNSTOWN, PENNSYLVANIA
ORDINANCE NO. 5319

Bill No. 11 of 2021
As Amended

Introduced in Council August 11, 2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AMENDING CHAPTER 1480 OF THE CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN TITLED "VACANT STRUCTURES", ORDINANCE NO. 4810, ADOPTED SEPTEMBER 9, 1998, AND AS AMENDED BY ORDINANCE NO. 4855, PASSED MAY 10, 2000; ORDINANCE NO. 4987, PASSED APRIL 12, 2006; ORDINANCE NO. 5083, PASSED APRIL 27, 2011; ORDINANCE NO. 5190, PASSED DECEMBER 9, 2015; ORDINANCE NO. 5221, PASSED FEBRUARY 8, 2017; AND ORDINANCE NO. 5302, PASSED NOVEMBER 18, 2020 CLARIFYING THE DIFFERENCE BETWEEN "VACANT STRUCTURE" AND "VACANT PROPERTY".

WHEREAS, the City Council of the City of Johnstown has determined that the provisions of Chapter 1480, as amended, are intended to apply to vacant properties with or without vacant structures; and

WHEREAS, the City Council wishes to add clarity to the Ordinance by specifically referencing vacant property.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the City Council of the City of Johnstown, Cambria County, and Commonwealth of Pennsylvania, that Chapter 1480 of the Codified Ordinances of the City of Johnstown is hereby amended as follows:

SECTION 1. The title of the Ordinance shall be Vacant Property/Structures.

SECTION 2. Section 1480.01 Definitions is amended as follows:

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) **"Department" means the City of Johnstown's Department of Community and Economic Development.**
- (c) "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.
- (d) "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.
- (e) "Person" means every natural person, firm, partnership, association, corporation or other legal entity.
- (f) "Structure" means that building or improvement which is built or constructed, or a portion thereof.
- (g) "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.

(h) "Vacant Property" means any property on which no building exists but on which an ordinance violation is deemed to exist, or on which a building exists that is deemed to be a vacant structure.

(i) "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. An unoccupied structure is excluded from this definition if said structure is being actively marketed for sale or for rent and has at least one active utility in operation. 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.

SECTION 3. Section 1480.02 General Requirements is amended as follows:

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~~ **properties** shall be maintained in conformance with the following:

(a) The City reserves the right to post the name, telephone number and address of the property owner of a vacant property in a conspicuous manner in a location clearly visible and legible from a public right-of-way. In the case of property being maintained by a person other than the owner, the name, telephone number and address of the person responsible for the maintenance of the property may also be posted by the City.

(b) The structure and property will be kept in conformance with the general requirements of the Property Maintenance Code of the City, in relation to the exterior of the property and the structure. The specific exterior requirements will be determined by the Department.

(c) The vacant ~~structure~~ **property** will be registered and a non-refundable registration fee in the amount of three hundred (\$300.00) dollars per property shall accompany the initial registration form, and there shall be provisions for installment payments of not less than fifty (\$50.00) dollars per month for no longer than a period of six months.

(1) The three hundred (\$300.00) dollars will be maintained in an ~~interest-bearing~~ account and used by the Department to keep the **property and the** exterior of the structure in compliance with local property maintenance regulations.

(2) On the date the Department determines the ~~structure~~ **property** to be vacant, the Department will invoice the owner for that amount, and if at any time additional funds are required to maintain the three hundred (\$300.00) dollars individual fund balance, the owner shall be invoiced and shall have 30 days in which to pay that amount specified to maintain the revolving fund.

(3) Failure to register ~~your~~ a vacant property with the City **or to pay to the City any and all amounts invoiced in accordance with Section (c)** may result in a fine of up to \$1,000 and legal action from the City.

(d) In the event the vacant structure is razed or partially razed, at a cost borne by the City for such demolition, the vacant structure proceeds shall be forfeited by the property owner and ~~turned over to~~ **retained by** the City as reimbursement for demolition costs **if the property owner registered the vacant structure for demolition with the City. The owner will be responsible for the maintenance of the property.**

(e) The Department shall invoice each owner for any extraordinary property maintenance activities which it must carry out which would exceed the balance in the respective individual revolving fund.

(f) Property Maintenance Code violations which are not rectified by an owner after proper notice are hereby declared to be a nuisance.

SECTION 4. Section 1480.03 Registration of Structures is amended as follows:

(a) An owner of a vacant ~~structure~~ property 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. A non-refundable registration fee in the amount of three hundred (\$300.00) dollars per property shall accompany the initial registration form.

(b) 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 30 days of the completion of such required activities~~ upon request.


ADOPTED:

October 13, 2021

By the following vote:

Yeas: Mr. Britt, Mr. Capriotti, Mayor Janakovic, Rev. King, Mrs. Mock, Mr. Vitovich, Mr. Arnone. (7)

Nays: None (0)



Frank J. Janakovic, Mayor
Marie Mock, Deputy Mayor

ATTEST:

I do hereby certify the forgoing is true and correct copy of Ordinance No. **5319** as the same adopted by City Council of the City of Johnstown, Pennsylvania.



Nancy J. Cushing, City Clerk