

CALN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2018-09

AN ORDINANCE OF CALN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 120 OF THE CALN TOWNSHIP CODE TITLED “PROPERTY MAINTENANCE,” AS RECENTLY AMENDED BY ORDINANCE NO. 5-2018, TO ADOPT A NEW CHAPTER 11 TITLED, “REGISTRATION OF VACANT BUILDINGS” TO REQUIRE THE REGISTRATION OF VACANT BUILDINGS WITHIN CALN TOWNSHIP AND PAYMENT OF RELATED FEES.

BE IT ENACTED AND ORDAINED by the Board of Commissioners of Caln Township as follows:

SECTION 1. Chapter 120, titled “Property Maintenance” is hereby amended to include a new Chapter 11 which shall be titled and read as follows:

“Chapter 11
Registration of Vacant Buildings

1101. Purpose. The purpose of this Chapter requiring the registration of all vacant buildings, including dwellings, and the payment of registration fees is to assist the Township in protecting the public health, safety and welfare, to monitor the number of vacant buildings in the Township, to assess the effects of the condition of those buildings on nearby properties and the areas in which they are located, particularly in light of fire safety hazards and unlawful, temporary occupancy by unauthorized individuals, and to promote substantial efforts to rehabilitate such vacant buildings. The provisions of this Chapter are applicable to the owners of such vacant buildings as set forth herein and are in addition to and not in lieu of any and all other local, state and federal regulations including the Caln Township Code.

1102. Definitions.

(1) Definitions. Unless otherwise expressly stated, the following terms for the purposes of this Chapter of the Township Property Maintenance Code shall have the meanings as set forth herein.

“Boarded” – Some or all of the building’s doors or windows have been covered with plywood, wood or metal sheeting, paneling or other similar materials, for the purpose of preventing entry into the building or damage by persons, animals or the elements of weather.

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"Occupied" - Any building or structure shall be deemed to be occupied if one or more persons actually conducts a lawful business or resides in all or any part of the building as the licensed business-occupant, or as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, nontransient basis, or any combination of the same. For purposes of this section, evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services; a valid business license, or the most recent, federal, state, or county income tax statements indicating that the subject property is the official business or residence address of the person or business claiming occupancy; or proof of pre-occupancy inspection.

"Occupancy ready" - Any building that is vacant but has been recently rehabilitated and a certificate of occupancy has been issued by the Township allowing the building to be lawfully occupied, or if the property has not been recently rehabilitated, the property meets all minimum code requirements and may be immediately occupied. Whether a building is "occupancy ready" shall be determined by the Codes Department through an inspection of the building.

"Owner" – Any person, agent, operator, entity having a legal or equitable interest in the property; or otherwise having control of the property, including a mortgage holder foreclosing upon the property, the guardian of the estate, or the executor or administrator of the estate that holds title to the property.

"Unsecured" – A building or portion of a building which is open to entry by unauthorized persons without the use of tools or ladders.

"Vacant" - A building or structure shall be deemed to be vacant if no person or persons actually, currently conducts a lawfully licensed business, or lawfully resides or lives in any part of the building as the legal or equitable owner(s) or tenant-occupant(s), or owner-occupants, or tenant(s) on a permanent, nontransient basis.

Section 1103. Evaluation, Applicability and Registration.

(1) Initial Evaluation. Immediately after the effective date of this Chapter, the Codes Department is authorized to evaluate all buildings in the Township believed to be unoccupied on the effective date of this Chapter and shall make a determination for each as to whether the building is vacant within the meaning of this Chapter. The determination

shall be in writing and shall state the factual basis for the determination. The Township Code Enforcement Officer shall, within 10 days of determining that a building is vacant, send notice of his written determination to the last owner of record listed on the most recent Chester County tax roll. Said notice of determination shall be sent to the owner or designated agent by certified mail, return receipt requested. However, if the address of the owner or designated agent is unknown and cannot be ascertained by the Codes Department in the exercise of reasonable diligence, copies of the notice shall be posted in a conspicuous place on the property affected and serve as proper notice. Any appeals from the determination of the Codes Department shall be made as described in Section 1104 of this Chapter. The written notice sent to the owner or the owner's agent shall describe the conditions that render the property vacant and shall demand registration within 15 days of the receipt of such notice. The owner or operator of vacant premises shall register with the Codes Department no later than 15 days after being notified by a Township Code Enforcement Officer of the requirement to register.

(2) **Applicability.** The requirements of this Chapter shall be applicable to any owner of any building that has been vacant for more than 45 consecutive days. Each such owner shall cause to be filed a registration statement, which shall include the street address and parcel number of each such vacant building, the names and addresses of all owners, as hereinafter described, and any other information deemed necessary by the Township. The registration fee(s) as required by this Chapter shall be billed by the Township and shall be paid by January 1 of each year.

(3) **Registration Statement and Fees.** Registration shall be required for all vacant buildings, whether vacant and secure, vacant and unsecured, vacant and boarded, or occupancy ready and shall be required whenever any building has remained vacant for 45 consecutive days or more. In no instance shall the registration of a vacant building and the payment of registration fees be construed to exonerate the owner, agent or responsible party from responsibility for compliance with any other building code requirement. The owner of the vacant property as of November 1 of each calendar year shall be responsible for the payment of the non-refundable yearly registration fee, except buildings deemed "occupancy ready" by the Township and actively for sale or lease shall be exempt from imposition of the annual registration fee. However, buildings deemed "occupancy ready" by the Township shall only be exempt from imposition of the annual registration fee for no more than one billing cycle. The owner of a vacant building shall be responsible for the annual payment of a nonrefundable registration fee in an amount established by Resolution of the Board of Commissioners.

1104. Appeal Rights. Within ten (10) days of a determination by the Codes Department that a building is vacant, an owner shall have the right to appeal the requirement to register a building and/or the imposition of the registration fees to the Western Chester County Board of Buildings Appeal consistent with their appeal

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procedures and processes which can be found in Part 1, Chapter 9 of the Township Code. On appeal, the owner shall bear the burden of providing satisfactory objective proof of occupancy.

1105. Delinquent registration fees as a lien. After the owner is given notice of the amount of the registration fee due, except for those owners that have properly perfected an appeal pursuant to applicable subsections above or are otherwise exempt, and the owner fails to pay the amount due, said amount shall constitute a debt due and owing to the Township, and the Township may commence a civil action to collect such the unpaid debt and such unpaid amount shall be a lien against the subject property.

1106. Duty to amend registration statement. If the status of the registration information changes during the course of any calendar year, it is the responsibility of the owner, responsible party or agent for the same to contact the Township within 30 days of the occurrence of such change and advise the Codes Department in writing of those changes.

1107. Exceptions. This Chapter shall not apply to any building owned by the United States, the Commonwealth, the County, the Township, nor to any of their respective agencies or political subdivisions."

SECTION 2. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 3. Repealer. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 4. Effective Date. This Ordinance shall become effective upon enactment as by law provided.

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ENACTED AND ORDAINED this _____ day of _____, 2018.

ATTEST:

**CALN TOWNSHIP
BOARD OF COMMISSIONERS**

Kristen Denne, Secretary

Jennifer M. Breton, President

George M. Chambers, Vice-President

Joshua B. Young, Member

John D. Contento, Member

Lorraine Tindaro, Member