

**BOARD OF COMMISSIONERS  
CHELTENHAM TOWNSHIP**

**MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2330-16**

**"VACANT BUILDING REGISTRY ORDINANCE"**

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**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF CHELTENHAM, MONTGOMERY COUNTY, PENNSYLVANIA, PART II (GENERAL LEGISLATION), TO AMEND CHAPTER 215 ENTITLED "PROPERTY MAINTENANCE" TO REVISE CERTAIN PROVISIONS REGARDING VACANT BUILDINGS; TO AMEND CHAPTER 188 ENTITLED "NUISANCES" TO REVISE CERTAIN PROVISIONS REGARDING WEEDS, TALL GRASS, NOXIOUS PLANT, TREES AND LIMBS; AND TO ADD A NEW CHAPTER 283 ENTITLED "VACANT BUILDING REGISTRY AND REGULATIONS" REQUIRING THE ANNUAL REGISTRATION AND MAINTENANCE OF VACANT RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND OTHER NONRESIDENTIAL BUILDINGS IN THE TOWNSHIP OF CHELTENHAM; REQUIRING THE APPOINTMENT OF A RESPONSIBLE LOCAL AGENT FOR SERVICE OF PROCESS; REQUIRING A MAINTENANCE PLAN FOR VACANT BUILDINGS; ESTABLISHING EXTERIOR AND INTERIOR MAINTENANCE STANDARDS FOR VACANT RESIDENTIAL AND NONRESIDENTIAL BUILDINGS; REQUIRING THE PAYMENT OF AND WAIVER OF REGISTRATION FEES; PROVIDING FOR APPEAL RIGHTS; PROVIDING FOR VIOLATIONS AND PENALTIES; AND REPEALING PRIOR INCONSISTENT ORDINANCES OR INCONSISTENT PARTS OF PRIOR ORDINANCES.**

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**WHEREAS**, the Township of Cheltenham (the "Township"), pursuant to the provisions of "The First Class Township Code", 53 P.S. §§56502.10, 56502.19, 56502.20, 56502.26, 56502.27 and 56502.52 is authorized to enact and enforce ordinances relating to the maintenance, occupation, sanitation, use and inspection of buildings as necessary for the health, safety, general welfare and cleanliness of the Township, and to prohibit the presence of any nuisance or dangerous structures within the Township; and

**WHEREAS**, the Board of Commissioners declares and finds that there are now, and may in the future be, vacant residential, commercial, industrial and other nonresidential buildings in the Township that are in a state of disrepair and neglect and have become dilapidated, unsafe, unhygienic and inadequately maintained; and

**WHEREAS**, Board of Commissioners finds that such vacant buildings may create potential fire hazards and cause or contribute to blight on the surrounding properties, so as to jeopardize or be injurious to the health, safety, prosperity and general welfare of the residents of the Township, and so as to create a public and/or private nuisance; and

**WHEREAS**, the special problems associated with vacant properties require that the Township maintain information on location and ownership of those properties and the Board of Commissioners

desires to establish registration procedures to facilitate the identification and inspection of, and to assure the proper maintenance of vacant residential, commercial, industrial and other nonresidential buildings in the Township; and

**WHEREAS**, registering vacant buildings will enable the Township to better monitor the registered properties and inform owners of issues which arise concerning said properties for the purpose of preserving and promoting the public health, safety, prosperity and general welfare of the Township, and to abate and prevent public and private nuisances, blight and the negative market impact of vacant buildings, and to minimize costs to the Township by reason of the need to monitor vacant properties and perform occasional cleanup.

**NOW, THEREFORE**, the Board of Commissioners of the Township of Cheltenham does hereby **ENACT** and **ORDAIN** as follows:

### **SECTION I. Amendment to Code.**

The Code of Ordinances of the Township of Cheltenham, Part II (General Legislation), is hereby amended to revise Chapter 215 entitled “Property Maintenance” as follows (new and revised terms in bold):

*A. Amend §215-2.A(11) as follows:* “In Section 108 Unsafe Structures And Equipment, insert a new **and revised** subsection 108.2.1 as follows:

**108.2.1 Vacant Buildings.** It shall be unlawful for an owner or operator to allow a building(s) to remain vacant **unless the owner or operator complies with the requirements of Chapter 283 entitled “Vacant Building Registry and Regulations Ordinance,” and maintains the building(s) in accordance with this Chapter, the International Fire Code, the International Building Code and Chapter 188, entitled “Nuisances.”**

*B. Amend §215-2.A(15) as follows:* “In Section 202 General Definitions, insert a new and revised definition as follows:

**VACANT BUILDING — A building where no person(s) or entity(ies) actually, currently conduct(s) a lawfully licensed business in, or lawfully occupies 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, non-transient basis. For the purposes of this Chapter, evidence of vacancy is considered any condition that on its own, or combined with other conditions, would lead a reasonable person to believe the property is vacant, as defined. Such conditions may include, but not be limited to: lack of activity on the site; low or no utility usage; accumulation of mail; lack of furniture, equipment or machinery; lack of window coverings; open accessibility; deferred maintenance or deteriorating buildings and structures; overgrown or dead vegetation; dumped refuse or rubbish; public or attractive nuisances; boarded windows or doors; and statements by neighbors, passersby, delivery agents or government agents; among other evidence that the property is vacant. A building may also be considered vacant if less than 10% of the total square footage of the building is actively used by the owner(s) or tenant(s) on a permanent, non-transient basis for domestic or lawfully-licensed business purposes.**

### **SECTION II. Amendment to Code.**

The Code of Ordinances of the Township of Cheltenham, Part II (General Legislation), is hereby amended to revise Chapter 188, entitled “Nuisances” as follows (new and revised terms in bold):

A. Amend §188-1. “Definitions” as follows:

**Add a new definition of “Enforcement Officer”:** Any building official, zoning inspector, code enforcement officer, health officer, fire inspector, building inspector, or other person authorized by the Township to enforce applicable codes.

**Revise definition of “Noxious Plants” to read:** A plant that poses a hazard to humans or animals, such as poison oak or ivy, cacti, stinging nettles, etc. An unwanted plant specified by federal, state or local laws as being undesirable and requiring control. May also be referred to as noxious weeds, and includes any plant that, when established, is highly destructive, competitive, or difficult to control by cultural, chemical or other practices. Noxious weeds may also be nonnative plants that are highly invasive.

**Add a new definition of “Nuisance”:**

- A. Any public nuisance known at common law or in equity jurisprudence or as provided by the statutes or regulations of the Commonwealth of Pennsylvania or the laws or regulations of Montgomery County or ordinances of Cheltenham Township.
- B. Any attractive nuisance known at common law or in equity jurisprudence or as provided by the statutes or regulations of the Commonwealth of Pennsylvania or the laws or regulations of Montgomery County or the ordinances of Cheltenham Township.
- C. Conditions that are unsanitary, dangerous or otherwise in violation of this Chapter.

**Add New Definition of “Putrescible”:** Liable to undergo putrefaction; become rotten and foul-smelling.

**Add New Definition of “Vegetation”:** Trees, hedges, shrubs, grasses, weeds, noxious plants, cultivated flowers and other types of plant materials.

B. Amend the title of §188-2. From “Shrubbery, grass and weeds” to “Vegetation.”

C. Amend §188-2.B. to read as follows:

- B. It is hereby declared a health hazard and nuisance and it shall be unlawful for any person to permit any of the following vegetation to grow or the cuttings, clippings and trimmings therefrom to remain uncollected on any lot or tract of ground in the Township:
  - (1) Any and all weeds, tall grasses or noxious plants exceeding 12 inches in height, with the following exceptions:
    - (a) Areas of any lot utilized for or managed as wildflower meadows, naturalized areas, or other no-mow zones, provided:

- 1) the property owner has a documented and demonstrated management program, including at a minimum one mowing per year; and
- 2) a minimum of 50 feet from all property lines abutting a public or private street is maintained free of weeds, grasses and noxious plants exceeding 12 inches; and
- 3) a minimum of 25 feet abutting the property lines abutting developed lots is maintained free of weeds, grasses and noxious plants exceeding 12 inches; and
- 4) all premises and exterior property within 25 feet of any structure or building or between the structure or building and the property line, whichever is less, is maintained free of weeds, grasses and noxious plants exceeding 12 inches; and

(b) Plant materials grown or placed for ornamental purposes.

(c) Riparian buffers as defined in Chapter 295, Article XXXIV, Riparian Corridor Conservation District of the Cheltenham Township Code.

- (2) Any shrubbery, trees or other vegetation which obstructs **the approach, sight distance of** or normal passage along **any highway, street, driveway, traffic signal, street or traffic signal sign, crosswalk, trail or sidewalk.**
- (3) **Dead and dying tree(s) and limb(s) or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a nuisance in the determination of the Enforcement Officer. In the event a property owner disagrees with the determination of the Enforcement Officer, the property owner shall submit a report by a certified arborist for review by the Enforcement Officer.**

*D. Amend §188-2.C. as follows:*

- C. These regulations shall not apply ~~to ground covers,~~ to open space conservation areas along stream banks; Township parkways, parks or bird sanctuaries; or to heavily wooded or compost areas, at the discretion of the Director of Public Works, ~~Code Official, or Deputy Code Official~~ or Enforcement Officer.

*E. Amend §188-4. as follows:*

The ~~Director of Public Works, Code Official, or Deputy Code Official~~ Enforcement Officer, after determining that a nuisance exists in violation of this Chapter, shall serve written notice upon the owner or occupier of the property, or the agent thereof, by certified mail or personal service, to remove the nuisance within 10 days after receipt of **a such** notice to comply with § 188-2 or within three days after receipt of **a such** notice to comply with § 188-3 ~~of this chapter~~. If delivery is not made to the owner or occupier, or the agent thereof, then a written notice to remove the nuisance shall be posted upon the premises. Upon such persons' failure to comply with the notice ~~do so~~, the Township may cause the nuisance to be

removed or disposed of and charge the owner for the cost thereof, together with an administrative fee of 10%, collectible in ~~the such~~ manner ~~as is~~ provided by law for the filing of municipal claims and liens, ~~including the filing of a municipal claim therefor.~~

### **SECTION III. Amendment to Code.**

The Code of Ordinances of the Township of Cheltenham, Part II (General Legislation), is hereby amended to add a new Chapter 283 entitled “Vacant Building Registry and Regulations” as follows:

#### **CHAPTER 283** **VACANT BUILDING REGISTRY AND REGULATIONS**

**§283-1. Authority.** These regulations are adopted pursuant to authority granted in the First Class Township Code, 53 P.S. Sections 56502.10, 56502.19, 56502.20, 56502.26, 56502.27 and 56502.52.

**§283-2. Purpose.** The purpose of this Chapter is to:

- A. Assist the Township and, in particular, the Enforcement Officer, in assuring the proper maintenance of vacant buildings for the purpose of protecting the public health, safety and welfare;
- B. Monitor the number of vacant residential, commercial, industrial and other nonresidential buildings in the Township and to assess the effects of the condition of those buildings on nearby residences and businesses and on the neighborhoods in which they are located, particularly in light of fire safety hazards, visual blight and unlawful, temporary occupancy by transients, including users and traffickers of illegal drugs;
- C. Require the continued maintenance and upkeep of such vacant buildings; and
- D. Require reasonable maintenance efforts and a good state of repair, and promote rehabilitation, rental or sale of vacant residential, commercial, industrial and other nonresidential buildings in the Township. The provisions of this Chapter are in addition to and not in lieu of any other applicable provisions of the Cheltenham Township.

**§283-3. Definitions.** As used in this Chapter, the following terms shall have the meaning indicated, unless the context clearly indicates a different meaning:

**ACTIVE RENOVATION OR REHABILITATION** – In order to be deemed a building undergoing an active renovation or rehabilitation, a building owner must have submitted to the Township Code Enforcement Department a written and signed renovation or rehabilitation plan and work schedule that will result in the building being able to be occupied when the renovation or rehabilitation is complete which includes, at a minimum, the nature and extent of the planned renovations or rehabilitation including specific improvements, the identity (name and address) of the contractor (if any) to be used, the amount of time planned for the renovations or rehabilitation and the good faith, estimated date of completion of the plan. If a building is occupied up until the start of an active renovation or rehabilitation pursuant to a building permit, the building is exempt from a vacant building registration fee for a period of 180 days from the issuance of the building permit, provided the property is logged in the vacant building database with the date of vacancy and all contact information is up-to-date with the Enforcement Officer. If a building was vacant prior to the start of such active renovation or rehabilitation, the owner may apply for a waiver of registration fees, pursuant to §283-6.D., for up to 180 days.

**ACTIVELY MARKETED (FOR SALE OR LEASE)** – In order to be deemed a building actively marketed for sale or lease, the property must be currently listed on an electronic, publicly accessible list of properties for sale or lease, or be currently contractually listed for sale or lease with a licensed real estate broker at a marketable price, with a listing duration of at least six months and the owner shall provide the Township with the property’s offer price, along with supporting evidence of the reasonableness of the offer price, such as appraisal, broker’s price opinion, or three reasonable comparable properties that have sold within the last twelve months. If a building is occupied up to the start of active marketing for sale or lease, or at any point during the marketing of the property, the building is exempt from a vacant property registration fee for a period of 180 days from the original date of offering the property for sale or lease, provided the property is logged in the vacant property database with the date of vacancy and date of initial offering for sale or lease and all contact information is up-to-date with the Enforcement Officer. If a building was vacant prior to being actively marketed for sale or lease, the owner may apply for a waiver of registration fees, pursuant to §283-6.D., for up to 180 days.

**BOARDED** – A building subject to the provisions of this Chapter where, in place of one or more exterior doors, other than a storm door, or of one or more windows, plywood or similar material is covering the space for such door or window so that such door or window is temporarily secured.

**BUILDING** – For the purposes of this Chapter, any combination of materials having a roof and enclosed within exterior walls or firewalls, built to form a structure for the shelter of persons or property, excluding accessory structures that are incidental to the principal structure located on the same lot.

**ENFORCEMENT OFFICER** – Any building official, zoning inspector, code enforcement officer, health officer, fire inspector, building inspector, or other person authorized by the Township to enforce applicable codes.

**NUISANCE** –

- A. Any public nuisance known at common law or in equity jurisprudence or as provided by the statutes or regulations of the Commonwealth of Pennsylvania or the ordinances or regulations of Montgomery County or Cheltenham Township.
- B. Any attractive nuisance known at common law or in equity jurisprudence or as provided by the statutes or regulations of the Commonwealth of Pennsylvania or the ordinances or regulations of Montgomery County or Cheltenham Township.
- C. Conditions that are unsanitary, dangerous, or otherwise in violation of this Chapter.

**OCCUPIED** – A building subject to the provisions of this Chapter where one or more persons actually conducts a lawful business 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, non-transient basis, or any combination of the same.

**OWNER** – Every person, entity, service company, property manager or real estate broker, who alone or severally with others:

- 1) has legal or equitable title to any dwelling, dwelling unit, building, structure, or parcel of land, vacant or otherwise, including a mobile home park; or
- 2) has care, charge or control of any dwelling, dwelling unit, building, structure, or parcel of land, vacant or otherwise, including a mobile home park, in any capacity, including but

not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or

- 3) a mortgagee in possession of such property; or
- 4) an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or
- 5) an officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply with the provisions of these minimum standards as if he were the owner. However, this ordinance shall not apply to a condominium association to the extent that such association forecloses or initiates the foreclosure process for unpaid assessments due or owing the association. Owner also means every person who operates a rooming house; or
- 6) a trustee who holds, owns or controls mortgage loans for mortgage backed securities transactions and has initiated the foreclosure process.

**PREMISES** – A lot, plot or parcel of land, including the buildings or structures thereon, which is subject to the provisions of this Chapter.

**SECURED** – A building subject to the provisions of this Chapter that has a permanent door or window in each appropriate building opening that is secured to deter vandalism and unauthorized entry, and has all its door and window components, including frames, jambs, rails, stiles, muntins, mullions, panels, sashes, lights and panes intact and unbroken. A building may also be temporarily secured with boards over windows, doors, or other openings in the building to prevent unauthorized entry and protect from weather damage.

**UNSECURED** – Any vacant or abandoned building subject to the provisions of this Chapter not continuously secured, maintained, locked or boarded to deter vandalism and unauthorized entry or which fails to provide protection from weather damage.

**VACANT** – A building subject to the provisions of this Chapter where no person(s) or entity(ies) actually, currently conduct(s) a lawfully licensed business in, or lawfully occupies 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, non-transient basis. For the purposes of this Chapter, evidence of vacancy is considered any condition that on its own, or combined with other conditions, would lead a reasonable person to believe the property is vacant. Such conditions may include, but not be limited to: lack of activity on the site; low or no utility usage; accumulation of mail; lack of furniture, equipment or machinery; lack of window coverings; open accessibility; deferred maintenance or deteriorating buildings and structures; overgrown or dead vegetation; dumped refuse or rubbish; public or attractive nuisances; boarded windows or doors; and statements by neighbors, passersby, delivery agents or government agents; among other evidence that the property is vacant. A building may also be considered vacant if less than 10% of the total square footage of the building is actively used by the owner(s) or tenant(s) on a permanent, non-transient basis for domestic or lawfully-licensed business purposes.

#### **§283-4. Applicability.**

- A. **Applicability.** This Chapter shall be applicable to any building designed or used for residential (including multifamily), commercial, industrial, manufacturing, storage or other

nonresidential uses or purposes which has been determined to be vacant by the Enforcement Officer.

**B. Exemptions.** The following buildings and/or building units are exempt from the provisions of this Chapter:

- 1) A building that is undergoing an active renovation or rehabilitation, all required permits have been obtained, no municipal liens or unpaid taxes apply to the property, and the property is not in mortgage foreclosure shall be exempt from registering as vacant for a period of not more than 180 days from the issue date of building permit(s) provided property was occupied prior to rehabilitation/renovation and is intended for occupancy immediately following rehabilitation/renovation. If building was registered as vacant prior to renovation or rehabilitation, the owner may apply for a waiver of fees under §283-6.D.
- 2) A building that is actively marketed for sale or lease that was occupied up to the start of being actively marketed, or was occupied for some period of time while being marketed and does not have outstanding code violations, municipal liens, unpaid taxes and is not in foreclosure, shall be exempt from registering as vacant for a period of not more than 180 days from the date the property was placed on the market. See section §283-6.D. to waive registration fees for longer marketing periods.
- 3) Residential condominium and rental units in a building the vacancy rate of which does not exceed ninety percent (90%).
- 4) A building whose occupants are temporarily or seasonally away, provided the premises are in compliance with all Township Codes, no municipal liens or unpaid taxes apply to the property, and the property is not in mortgage foreclosure.
- 5) Permitted warehouses or storage structures, provided the premises is in compliance with all Township Codes, no municipal liens or unpaid taxes apply to the property, and the property is not in mortgage foreclosure.
- 6) Newly-constructed buildings for the period of one year from the date that the applicable building permit or zoning permit is issued, whichever is later, provided that the premises is in compliance with all Township Codes, no municipal liens or unpaid taxes apply to the property, and the property is not in mortgage foreclosure.
- 7) Buildings vacant due to fire damage, provided an escrow has been established with the Township in accordance with Chapter 147 of the Township Code, for the period of one year from the date of the fire or the issuance of a building permit, whichever is later, provided the premises is in compliance with all Township Codes, no municipal liens or unpaid taxes apply to the property, and the premises is not in mortgage foreclosure.

**§283-5 Filing of Registration Statement; Contents; Maintenance Plan; Inspections.**

- A. Registration.** The owner of a vacant building shall file a registration statement for each such building with the Township on forms provided by the Township. Registration shall be required for all vacant buildings, whether vacant and secured or vacant and unsecured, whenever any building has been determined to be vacant by the Enforcement Officer. In no

instance shall the registration of a vacant building be construed to exonerate the owner, agent or responsible party from responsibility for compliance with any building, property maintenance, fire, housing, zoning or other applicable codes, ordinances or regulations. One registration statement shall be filed for each vacant building owned by the owner so registering.

**B. Contents.** The following information and documentation shall be provided in or accompanying the registration statement:

- 1) The street address of each vacant building;
- 2) The names and addresses of all owners:
  - a) If the owner is a corporation, the registration statement shall provide the names and resident addresses of all officers and directors of the corporation and shall be accompanied by a copy of the most recent relevant corporate filing with the Secretary of State.
  - b) If the owner is an estate, the registration statement shall provide the name and business address of the executor of the estate.
  - c) If the owner is a trust, the registration statement shall provide the name and address of all trustees, grantors and beneficiaries.
  - d) If the owner is a partnership or limited liability company, the registration statement shall provide the names and residence addresses of the managing partner or managing member and of all partners or members with an ownership interest in the partnership or limited liability company of ten (10%) percent or greater.
  - e) If the owner is an individual, the registration statement shall provide the name and residence address of that person.
- 3) The name of the responsible person to contact regarding building repairs and emergency conditions, along with mailing address, email address, and working telephone number that has service 24 hours per day, 7 days per week.
- 4) If none of the owners has an address within the Commonwealth of Pennsylvania, the registration statement shall also provide the name and address of a local agent who resides within the Commonwealth of Pennsylvania and is authorized to accept the services of process on behalf of the owner and who shall be designated as a responsible local party or agent, both for purposes of notification in the event of an emergency affecting the public health, safety or welfare, and for the purposes of service of any and all notices as herein authorized. The local agent shall provide a working telephone number that has service 24 hours per day and 7 days per week;
- 5) For nonresidential buildings only, a survey or plot plan of the lot and an interior plan depicting the layout of each building floor; and
- 6) Any other information deemed necessary by the Enforcement Officer from time-to-time.

C. **Maintenance Plan.** At the time of registration, the owner shall provide a written maintenance plan for the building(s) and premises. If the owner fails to submit the plan as provided for by this Chapter, or the plan is not approved by the Enforcement Officer, the Enforcement Officer may determine and impose a maintenance plan. The plan shall contain the following as a minimum:

- 1) A plan to permanently repair or replace any doors, windows, or other openings which are in need of repair or being secured. The proposed repair or replacement shall result in the openings being secured by conventional methods used in the design of the building or methods permitted for new construction of similar type with board removed. Windows and doors shall not be boarded up. The owner shall maintain the building in a secure state until the building is reoccupied or made available for immediate occupancy.
- 2) A plan to repair any deterioration in the exterior of the building(s) or premises, including but not limited to: roofs, chimneys, walls, gutters, stormwater management features, pools, fencing, or dangerous walkways or driveways to ensure the building(s) is weather-tight and minimize danger to the public. The proposed repair(s) shall be of similar materials and colors as the original architecture or style of the building(s) and premises.
- 3) For buildings and premises thereof which are determined by the Enforcement Officer as being or containing nuisances, the maintenance plan shall contain a plan to remedy such nuisance(s).
- 4) A time schedule identifying the date of commencement of repair or mitigation and date of completion for each improperly secured opening, deteriorating exterior or premises condition, and nuisance identified by the Enforcement Officer.
- 5) At such time when the owner proposes to demolish the vacant building, the owner shall submit a plan and time schedule in advance of such demolition. No demolition of the vacant building shall occur until the plan and time schedule have been approved, in writing, by the Township.
- 6) A plan to maintain the building(s) and premises thereof in conformance with this Chapter and other applicable ordinances.
- 7) A time schedule, identifying the date the building(s) and premises will be habitable and occupied or offered for occupancy or sale. The time schedule shall include date(s) of commencement and completion of all actions required to achieve habitability.
- 8) Proof that the property has been winterized (including, but not limited to, a signed affidavit with photographs).
- 9) A listing of all hazardous materials in the building(s) or premises and a plan for their removal.
- 10) No plan shall be approved which fails to provide for compliance with this Chapter, or which will not, as determined by the Enforcement Officer, achieve such compliance

within six months in the case of a vacant, non-code compliant building or one year in the case of a vacant and code-compliant building.

In consideration of the approval of the proposed maintenance plan, the Enforcement Officer shall include the following in his or her consideration and shall make written findings as to each: (1) the purpose of this Chapter and intent of the Board of Commissioners to minimize the time a building is vacant; (2) the effect of the building and the proposed maintenance plan on adjoining property; (3) the length of time the building has been vacant; (4) the presence of any nuisances on the property; (5) the likelihood that the maintenance plan or portion(s) thereof will prevent or ameliorate the condition it is designed to address; (6) whether the measures will secure the premises from trespassers and make it safe for entry by emergency personnel in times of exigent circumstances or emergency; (7) whether the building shall be made to conform to all applicable codes.

**D. Inspections.** Each vacant building or structure registered herein shall be inspected not less than annually, by the Enforcement Officer to ensure the maintenance plan is being followed and for compliance with the International Property Maintenance Code, Fire Code, Building Code and Nuisance Code. The Owner shall permit a code compliance inspection of both the interior and exterior of the premises. Generally, the following will be looked as part of the inspection process:

- 1) *Habitability* – the Enforcement Officer shall make a determination of whether the building or structure is habitable and list the measures that shall be taken to make building habitable if it is not.
- 2) *Building Openings* – doors, windows, areaways, and other openings shall be weather-tight and secured against entry by birds, vermin and trespassers. Missing or broken doors, windows or other openings shall be secured by repair or replacement.
- 3) *Roofs* – the roof and flashings shall be sound and tight, not admit moisture, or have defects which might admit moisture, rain or roof damage.
- 4) *Drainage* – the premises storm drainage system shall be functional and allow discharge in an appropriate manner.
- 5) *Building Structure* – shall be maintained in good repair and be structurally sound. Structure members shall be free of deterioration and capable of safely bearing imposed dead and live loads.
- 6) *Foundation Walls* – shall be maintained structurally sound and in a sanitary condition so as not to pose a threat to public health and safety, shall be capable of supporting the load which normal use may cause to be placed thereon, and be free from cracks and breaks, and free from leaks.
- 7) *Building Exterior* – shall be neatly maintained so there is no graffiti, tagging or similar markings or deterioration, as evidenced by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay resulting from neglect, inadequate maintenance or excessive use.
- 8) *Grounds* – shall be kept free of 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, printed material or any other items that give the appearance that the property is abandoned.

- 9) *Walkways* – all sidewalks and paths shall be safe for pedestrian travel.

**§283-6. Registration Fees; Renewal; Waiver of Fees; Sale/Habitation of Vacant Building(s).**

- A. **Registration for Single Family Residential Dwellings.** A registration fee of Four Hundred Dollars (\$400.00) shall be imposed for a registration statement for each vacant single family residential or two-family building dwelling unit or renewal of such registration statement annually to cover the administrative cost of monitoring the premises and ensuring the proper maintenance thereof. The registration fee shall be paid at the time of application and renewal. No registration statement shall be deemed complete prior to payment of the registration or renewal fee, as applicable.
- B. **Registration for Multifamily Residential and Nonresidential Buildings and Structures.** A registration fee in accordance with the table below shall be imposed for a registration statement for each multifamily residential (containing more than two dwelling units) or nonresidential building or structure to which this Chapter applies as well as for the renewal of such registration statement annually to cover the administrative cost of monitoring the premises and ensuring the proper maintenance thereof. The registration fee shall be paid at the time of application or renewal, as applicable. No registration statement shall be deemed complete prior to payment of the registration or renewal fee, as applicable.

<b><u>Total Floor Space of Building</u></b>	<b><u>Annual Registration Fee</u></b>
Less than 5,001 sq. ft.	\$500.00
5,001-10,000 sq. ft.	\$1,000.00
10,001-200,000 sq. ft.	\$1,750.00
Over 200,000 sq. ft.	\$2,500.00

- C. **Renewal.** Each registration statement shall expire after one (1) year. Registration of a vacant building shall be renewed on an annual basis, within ten (10) days of the date of expiration of the registration statement.
- 1) **Renewal of registration without violations.** If a vacant building and its premises does not violate the conditions of this ordinance or other applicable property maintenance and building code ordinances at the time of renewal, then the renewal fee shall be the same amount as the initial registration. All renewed registration statements shall be subject to all of the same conditions and obligations applicable to the initial registration statement, unless expressly exempted therefrom by the Township.
  - 2) **Renewal of registration with violations.** If a vacant building and its premises has outstanding violations with respect to this ordinance and other applicable property maintenance and building code ordinances at the time of renewal, then the renewal fee shall be double the initial registration fee at the time of first renewal with violations. The second year a vacant building and its premises has any violations at time of renewal, then the renewal fee shall be triple the original renewal fee. The third and each year after, a vacant building and its premises has any outstanding violations, the renewal fee shall be four times the original registration fee.

D. **Waiver of Fees.** All but One Hundred Dollars (\$100) of the registration fee may be waived for one (1) registration period (one (1) year unless otherwise stated) under the following circumstances:

- 1) Upon showing a building is being actively marketed for sale or lease.
- 2) When a building is being rehabilitated pursuant to applicable building, fire and zoning permits and the owner has spent at least 5% of the valuation of the building or structure on rehabilitation, not including the cost of permits, in the prior 90-day period.
- 3) If an owner has secured all the duly required state and local permits to demolish the building or structure. The owner shall demolish the building or structure within ninety (90) days of securing said permits and the refund will be issued after demolition of said building or structure. The time to demolish may be extended upon a showing of good cause.

The full registration and fee shall be tendered with a written request for waiver. Upon verification and/or inspection by the Enforcement Officer for compliance with the International Property Maintenance Code, Fire Code, Building Code and Nuisance Code, all but One Hundred Dollars (\$100) of the annual registration fee shall be refunded.

**E. Habitation of Vacant Building.**

- 1) Prior to removal of a vacant building from the vacant building registry, owner shall submit to an inspection by the Enforcement Officer to verify all outstanding code violations have been addressed to the satisfaction of the Enforcement Officer and the maintenance plan has been completed.
- 2) If a building is found habitable and legally occupied less than 180 days after registration or registration renewal, owner may receive a refund of 50% of the registration fee for that year, minus a One Hundred Dollars (\$100) inspection fee.
- 3) If a building is found habitable and legally occupied 180 or more days after registration or registration renewal, owner shall pay the Township a One Hundred Dollars (\$100) inspection fee and shall not receive a refund of any registration or renewal fees.

**§283-7. Continuing Obligations of Owner; Duty to Update Registration Statement.** The obligations of the owner as set forth in this Chapter constitute continuing obligations throughout the period in which the building is vacant. The owner, or the responsible person or agent for the owner, shall notify the Enforcement Officer within thirty (30) days of any change to the information contained in the registration statement on file with the Township.

**§283-8. Violations; Penalties.** The failure or refusal of any owner to register a vacant building and/or to otherwise comply with any provision of this Chapter, including, without limitation, failure or refusal to comply with the Owner's maintenance plan required pursuant to §283-5 hereof, shall upon adjudication thereof in a civil enforcement proceeding commenced by the Township be subject to a civil penalty not to exceed One Thousand Dollars (\$1,000) per violation, plus costs of prosecution. Each day that such violation shall occur shall constitute a separate violation. Said penalty(ies) shall be in addition to the registration fee amount.

**§283-9. Appeals.** Any person affected by any notice issued in connection with the enforcement of this Chapter shall have the right to appeal and request a hearing on the matter before the Public Works Committee of the Board of Commissioners, which shall be the appeal board as referred to in this Chapter. The appeal shall be filed with the Township Secretary, in writing, within thirty (30) days of the rendition of the order or decision of the Enforcement Officer being appealed from.”

**SECTION IV. Severability.** The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Commissioners that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**SECTION V. Failure to Enforce not a Waiver.** The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

**SECTION VI. Effective Date.** This Ordinance shall take effect and be in force from and after its approval as required by the law.

**SECTION VII. Savings/Repealer.** Chapter 188, entitled “Nuisances,” and Chapter 215, entitled “Property Maintenance” of the Cheltenham Township Code of Ordinances shall remain in full force and effect, save and except as amended by this and any other ordinance. All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

**ORDAINED and ENACTED** by the Board of Commissioners of the Township of Cheltenham, Montgomery County, Pennsylvania, this 15<sup>th</sup> day of June, 2016.

**TOWNSHIP OF CHELTENHAM  
BOARD OF COMMISSIONERS**



Attest: \_\_\_\_\_

**Bryan T. Havir, Manager/Secretary**



By: \_\_\_\_\_

**Morton J. Simon, Jr., President**