

**BOROUGH OF BANGOR
COUNTY OF NORTHAMPTON
COMMONWEALTH OF PENNSYLVANIA
ORDINANCE NO. 987**

**AN ORDINANCE OF THE BOROUGH OF BANGOR, NORTHAMPTON
COUNTY, PENNSYLVANIA, ADOPTING THE INTERNATIONAL PROPERTY
MAINTENANCE CODE AS PUBLISHED BY THE INTERNATIONAL CODE
COUNCIL, ESTABLISHING ABANDONED AND FORECLOSED PROPERTY
REGISTRATION, AND PRESCRIBING PENALTIES FOR VIOLATION
THEREOF, REPEALING ALL INCONSISTENT ORDINANCES AND
ESTABLISHING AN EFFECTIVE DATE**

NOW, THEREFORE, it is hereby **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Bangor, County of Northampton and Commonwealth of Pennsylvania, as follows:

Section I. Adoption of International Property Maintenance Code

A. Adoption of standards by reference.

The International Property Maintenance Code (IPMC), as published by the International Code Council, most recent edition adopted by the State, and as amended, is hereby adopted as the Property Maintenance Code of the Borough of Bangor for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; the condemnation of buildings and structures unfit for human occupancy and use; the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees thereof; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code on file in the office of the Borough of Bangor are hereby referred to, adopted and made a part hereof and as subsequently amended, as if fully set out in this Ordinance.

B. Construal of provisions.

Nothing in this Ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding presently pending in any court, or any rights acquired, or liability incurred, or any cause or causes or action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

C. Amendments.

Any amendments which are instituted to the International Property Maintenance Code, most recent edition adopted by the State, shall also be incorporated and adopted to be a part of this Ordinance. Any amendments to the International Property Maintenance Code shall be effective the date of the amendment and incorporated by reference into this Ordinance. The following additions, insertions and changes are hereby made to the International Property Maintenance Code:

1. IPMC Section 101.1: Title. These regulations shall be known as the Property Maintenance Code of the Borough of Bangor, hereinafter referred to as "this code."
2. IPMC Section 103.5: Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be adopted from time to time by Resolution.
3. IPMC Section 106.4: Violation Penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall upon conviction thereof, be subject to a fine of not less than Two Hundred Fifty Dollars (\$250.00), nor more than One Thousand Dollars (\$1,000.00), plus court costs, or imprisonment for a term not to exceed Ten (10) days, or both fine and imprisonment, at the discretion of the Court. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
4. IPMC Section 107.6: Transfer of Ownership and Certificate of Occupancy. All property, buildings and structures are to be inspected for compliance with the provision of this code and receive a Certificate of Occupancy prior to a sale or transfer of ownership. At the time that a property, building and/or structure is offered for sale or a transfer of ownership, and no longer than Forty-Five (45) days prior to closing, the code official shall be notified in order that an inspection be scheduled and performed prior to closing of sale or transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.
5. IPMC Section 111.1: Application for appeal. Any person directly affected by a decision of the code official of a notice or order issued under this code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within ten (10) days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code of the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.
6. IPMC Section 304.14: Insect Screens. During the period from April 1 to November 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch, and every screen door used for insect control shall have a self-closing device in good working condition.
Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.
7. IPMC Section 602.3: Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 15 to May 15 to

maintain a temperature of not less than 68 degrees F (20 degrees C) in all habitable rooms, bathrooms and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

8. IPMC Section 602.4: Occupiable Work Spaces. Indoor occupiable work spaces shall be supplied with heat during the period from September 15 to May 15 to maintain a temperature of not less than 65 degrees F (18 degrees C) during the period the spaces are occupied.

Exceptions: 1. Processing, storage and operation aces that require cooling or special temperature conditions. 2. Ares in which persons are primarily engaged in vigorous physical activities.

Section II. Abandoned and Foreclosed Properties

A. Purpose; intent.

It is the purpose and intent of the Borough of Bangor to establish a process to address the deterioration and blight of Borough neighborhoods caused by an increasing amount of abandoned, foreclosed or distressed real property located within the Borough, and to identify, regulate, limit and reduce the number of abandoned properties located within the Borough. It is the Borough's further intent to establish a registration program as a mechanism to protect neighborhoods from becoming blighted due to the lack of adequate maintenance and security of abandoned and foreclosed properties.

B. Definitions.

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

ABANDONED REAL PROPERTY

Any real property located in the Borough, whether vacant or occupied, that is in default on a mortgage, has had a lis pendens filed against it by the lender holding a mortgage on the property, is subject to an ongoing foreclosure action by the lender, is subject to an application for a tax deed or pending tax assessor's lien sale, or has been transferred to the lender under a deed in lieu of foreclosure. The designation of a property as "abandoned" shall remain in place until such time as the property is sold or transferred to a new owner, the conditions designating it as a blighted property are corrected, the foreclosure action has been dismissed, and any default on the mortgage has been cured. Any parcel, whether vacant or occupied, determined by an enforcement officer to be a blighted property.

ACCESSIBLE PROPERTY/STRUCTURE

A property that is accessible through a comprised/breached gate, fence, wall, etc., or a structure that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

APPLICABLE CODES

Includes, but not limited to, the Code of the Borough of Bangor, including but not limited to the Uniform Construction Codes, grass, weeds and other vegetation nuisances, Property Maintenance, Rental Property, Solid Waste, Streets and Sidewalks and Borough Zoning Code, Residential Inspection Ordinance and the Pennsylvania Building Fire Codes.

BLIGHTED PROPERTY

1. Properties that have broken or severely damaged windows, doors, walls, or roofs which create hazardous conditions and encourage trespassing; or
2. Properties whose maintenance is not in conformance with the maintenance of other neighboring properties causing a decrease in value of the neighboring properties; or
3. Properties cited for a public nuisance pursuant to Borough applicable codes; or
4. Properties that endanger the public's health, safety, or welfare because the properties or improvements thereon are dilapidated, deteriorated, or violate minimum health and safety standards or lack maintenance as required by the applicable codes.

ENFORCEMENT OFFICER

Any Law Enforcement Officer, Building Official, Zoning Inspector, Code Enforcement Officer, Fire Inspector or Building Inspector, or other person authorized by the Borough to enforce the applicable code(s).

OWNER

Any person, legal entity or other party having any ownership interest whether legal or equitable, in real property. This term shall also apply to any person, legal entity or agent responsible for the construction, maintenance or operation of the property involved.

PROPERTY MANAGEMENT COMPANY

A local property manager, property maintenance company or similar entity responsible for the maintenance of abandoned real property.

VACANT

Any building or structure that is not legally occupied.

C. Applicability.

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather to be an additional remedy available to the Borough above and beyond any other state, county or local provisions for same.

D. Borough establishment of registry.

Pursuant to the provisions of Paragraph "E. Registration of abandoned real property", the Borough or designee shall establish a registry cataloging each abandoned property within the Borough, containing the information required by this Ordinance.

E. Registration of abandoned real property.

1. Any mortgagee who holds a mortgage on real property located within the Borough of Bangor shall perform an inspection of the property to determine vacancy or occupancy, upon default by the mortgagor. The mortgagee shall, within 10 days of the inspection, register the property with the Borough of Bangor on forms provided by the Borough, and indicate whether the property is vacant or occupied. A separate registration is required for each property.

2. All abandoned real property shall be inspected by the mortgagee or his designee monthly until the mortgagor or other party remedies the default, the mortgagee shall, within 10 days of inspection, update the property registration to reflect any changes in the occupancy or status of the property on forms provided by the Borough.
3. Registration pursuant to this section shall contain the name of the mortgagee and the server, the direct mailing address of the mortgagee and the server, a direct contact name and telephone number for both parties, facsimile number and e-mail address for both parties, the PIN or tax number, and the name and twenty-four-hour contact phone number of the property management company responsible for the security and maintenance of the property.
4. All registration fees must be paid directly from the mortgagee, servicer, trustee, or owner. Third-party registration fees are not allowed without the consent of the Borough and/or its authorized designee.
5. This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.
6. Properties subject to this section shall remain under the annual registration requirement, and the inspection, security and maintenance standards of this section as long as they remain vacant or in default.
7. Any person or legal entity that has registered a property under this section must report any change or information contained in the registration within 10 days of the change.
8. Failure of the mortgagee and/or owner to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this Ordinance is a violation of this section and shall be subject to enforcement.

F. Maintenance requirements.

1. Properties subject to this Ordinance shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper 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.
2. The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
3. Front, side, and rear yards, including landscaping, shall be maintained in accordance with the applicable code(s).
4. Yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Acceptable maintenance of yards and/or landscape shall not include gravel, broken concrete, asphalt or similar material.
5. Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.

6. Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
7. Failure of the mortgagee and/or owner to properly maintain the property may result in a violation of the applicable code(s) and issuance of a citation or notice of violation in accordance with the applicable codes. Pursuant to a finding and determination by the Borough Code Enforcement Officer, Magistrate or a court of competent jurisdiction, the Borough may take the necessary action to ensure compliance with this section, including but not limited to taking such steps as are necessary to abate the nuisance, and charge the mortgage company all cost, thereof, together with a collection fee of 10%, including reasonable attorney's fees, or file a municipal lien against the property, together with a collection fee of 10% including reasonable attorney's fees or by instituting proceedings under any court of equity having jurisdiction to abate the property violation.
8. In addition to the above, the property is required to be maintained in accordance with the applicable code(s) of the Borough of Bangor, as amended and adopted.

G. Security requirements.

1. Properties subject to these subsections shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
2. A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates and other openings of such size that may allow a child access to the interior of the property or structure must be repaired. Broken windows shall be secured by replacing glass of the window and/or replacement of the window itself.
3. If a mortgage on a property is in default, and the property has become vacant or abandoned, a property management company shall be designated by the mortgagee to perform the work necessary to bring the property into compliance with the applicable code(s), and the property management company must perform regular monthly inspections to verify compliance with the requirements of this Ordinance, and any other applicable laws.

H. Public nuisance.

All abandoned real property and blighted property is hereby declared to be a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare and safety of the residents of the Borough.

I. Inspections for violations.

Adherence to this Ordinance does not relieve any person, legal entity or agent from any other obligations set forth in any applicable Borough Ordinance or Regulation, which may apply to the property. Upon offer for sale or transfer of title to the property, the owner shall be responsible to notify the Borough Code Enforcement Officer who shall be permitted to conduct a presale inspection.

J. Additional authority.

1. If the Borough Code Enforcement Officer has reason to believe that a property subject to the provisions of this Ordinance is posing a serious threat to the public health, safety and welfare, the Borough may temporarily secure the property at the expense of the mortgagee and/or owner, and may bring the violations before the magistrate as soon as possible to address the conditions of the

property.

2. The Code Enforcement Officer shall have the authority to require the mortgagee and/or owner of record of any property affected by this section, to implement additional maintenance and/or security measures, including, but not limited to, securing any and all doors, windows or other openings, repairing roof systems or other measures as may be reasonably required to help prevent further decline of the property.
3. If there is a finding that the condition of the property is posing a serious threat to the public health, safety and welfare, then the Borough Code Enforcement Officer may take the necessary steps to abate the violations and charge the mortgagee with the cost of the abatement.
4. If the mortgagee does not reimburse the Borough for the cost of temporarily securing the property, or of any abatement directed by the Borough Code Enforcement Officer within 30 days of the Borough sending the mortgagee the invoice then the Borough may lien the property with such cost and charge the mortgagee with all costs thereof, together with a collection fee of 10% and reasonable attorney fees. The Borough may also institute proceedings in any court having jurisdiction to abate the violation.

K. Opposing or obstructing Enforcement Officer; penalty.

Whoever opposes, obstructs or resists any Enforcement Officer or any person authorized by the Borough in the discharge of duties as provided in this Ordinance shall be punishable as provided in paragraph "M. Fees and penalties" below and/or in a court of competent jurisdiction.

L. Immunity of Enforcement Officer.

Any Borough Enforcement Officer or any person authorized by the Borough to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon real property while in the discharge of duties imposed by this Ordinance.

M. Fees and penalties.

1. An annual nonrefundable registration fee in the amount of \$200 per property shall accompany the registration form.
2. Any person who shall violate the provisions of this Ordinance may be cited and fined. A failure to register an abandoned real property on an annual basis and/or any violation stated herein shall receive a fine of \$500, plus court costs and fees. Enforcement for any violation of this Ordinance shall be by action brought before the Magistrate in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The fine imposed shall not exceed \$1,000 per violation. In addition to or in lieu of enforcement of the Ordinance through as a summary offense the Borough may enforce the Ordinance through an equity action in the Northampton County Court of Common Pleas.

N. Amendments.

Registration and penalty fees outlined in this Ordinance may be modified by a resolution, passed and adapted by the Borough of Bangor.

Section III. Repealer

Any Ordinance or part of an Ordinance conflicting with the provisions of this Ordinance shall be and the same is hereby repealed to the extent of such conflict; specifically repealing Ordinances:

- #653, enacted December 1, 1975
- #677, enacted May 7, 1979
- #723, enacted December 2, 1985
- #797, enacted February 13, 1995
- #868, enacted April 14, 2003
- #873, enacted March 8, 2004
- #894, enacted October 3, 2005

Section IV. Severability

If any section, sub-section, provision, regulation, limitation, restriction, sentence, clause phrase or word in this Ordinance is declared by any reason to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of this Ordinance as a whole, or any other section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Ordinance. Borough Council hereby declares that it would have adopted this Ordinance and each section, sub-section, phrase and word thereof, irrespective of the fact that any one or more of the sections, sub-sections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

Section V. Effective Date

This Ordinance shall take effect immediately upon its adoption.

ORDAINED AND ENACTED into an Ordinance this 25 day of February, 2019.

Borough Council of the Borough of Bangor

BY: James Kresge
James Kresge, President

ATTEST: Janelle Hauff
Janelle Hauff, Secretary

APPROVED by the Mayor this 27 day of February, 2019.

BY: Brooke Kerzner
Brooke Kerzner, Mayor

