

OFFICIAL

BOROUGH OF ETNA

ORDINANCE NO. 1371

AN ORDINANCE OF THE BOROUGH OF ETNA, COUNTY OF ALLEGHENY, AND COMMONWEALTH OF PENNSYLVANIA REPEALING ORDINANCE NO. 1349 OF 2013, AND ENACTING REGULATIONS RELATING TO VACANT BUILDINGS IN THE C-1 ZONING DISTRICT IN ADDITION TO THE PROVISIONS SET FORTH IN THE INTERNATIONAL PROPERTY MAINTENANCE CODE PREVIOUSLY ADOPTED.

WHEREAS, the Central Business District of the Borough of Etna, zoned as C-1, is the most publicly-visible area in the community; and

WHEREAS, the condition of C-1 Zoning District has a significant economic and social impact on the community; and

WHEREAS, when the owner of vacant property in the C-1 Zoning District fails to actively maintain its condition and appearance, and does not strive to keep the property occupied with legally-permitted uses, the building can become a major cause of blight in the community; and

WHEREAS, vacant buildings discourage economic development and negatively impact the appreciation of property values; and

WHEREAS, it is the responsibility of property ownership to prevent properties in the C-1 zone from becoming a burden to the Borough of Etna and to the public health, safety, and welfare of its citizens.

BE IT ORDAINED AND ENACTED by the Council of the Borough of Etna:

Section 1.

Ordinance No. 1349 of 2013 is repealed in its entirety.

Section 2. Applicability and Scope:

The requirements of this Ordinance shall be applicable to every property in the C-1 zoning district in the Borough of Etna, and to each owner of any property in the "C-1" zoning district that has a vacant "ground floor" space, as defined by this Ordinance.

Section 3. Definitions:

As used in this Ordinance, the following words and phrases shall have the meanings indicated unless the context clearly indicates a different meaning:

- Property:** Improved real estate including buildings or structures.
- Vacant:** A building or structure space shall be deemed to be vacant if no person or persons currently conduct a lawfully licensed use in said space.
- Ground Floor:** Any floor of a building with direct access to grade, that is located less than one story above, or less than one story below grade, provided that no portion of a floor that constitutes a cellar (as defined in this article) shall constitute a "ground floor".
- Cellar:** A room typically used for storage and mechanical equipment that is located in the basement of a building and is not used for commercial or residential purposes.

Section 4. Vacant Property Monitoring Fee:

During each calendar year, the Borough will identify ground-floor spaces in the C-1 Zoning District that are deemed vacant as defined by this Ordinance.

The vacancy "Start Date" shall be the date of mailing of a written notification by the Borough that the subject property's ground-floor space has been identified as vacant. On the 45th day after the "Start Date", should said ground floor space remain vacant as defined in this Ordinance, the owner of the building in which said vacant space is present shall be required to pay a vacant property monitoring fee, to be established by Resolution of the Borough of Etna. (Currently \$500.00)

There shall be no pro-ration of the monitoring fee.

The monitoring fee shall not be imposed on vacant properties, as defined in this Ordinance, that are the subject of an active building permit for repair or rehabilitation, and the owner is progressing diligently to complete said repair or rehabilitation.

Section 5. Vacant Property Monitoring Fee Waiver:

The monitoring fee, as required herein, shall be waived in full by the Borough of Etna, if, by the 45th day after written notification as described in Section 4 herein, all of the following conditions are present:

1. Street-level exterior building components in which said ground-floor vacancy is identified are clean (including glass inside and out). A minimum of 70% window transparency must be maintained.
2. The property is not in violation of any provision of the Etna Borough's property maintenance code (specifically, all applicable International Property Maintenance Code provisions), or any other Borough ordinance.


3. A professionally produced legal sign is prominently displayed promoting the vacant space for sale and/or for lease, providing (at least) a contact phone number for information and showings. Said sign must be in compliance with applicable sign ordinance(s), and at minimum its font size must be reasonably readable from the adjacent roadway. Handwritten signs are not permitted relative to this requirement.
4. All local real estate taxes are paid in full.

The monitoring fee waiver may be revoked by the Borough if any of the above-required conditions are not in place continuously until the vacant condition no longer exists.

Section 6. Severability:

If any section, subsection, sentence, or clause of this Ordinance is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this Ordinance.


EXAMINED AND ENACTED this 20 day of June, 2017, by the
Council of the Borough of Etna.


Peter F. Ramage, President

ATTEST:


Mary Ellen Ramage, Secretary

EXAMINED AND APPROVED by me this 20 day of June,
2017.


Thomas Rengers, Mayor