

LATROBE CITY COUNCIL

AGENDA Meeting

July 22, 2024 6:30 PM

Call To Order

Pledge of Allegiance & Moment of Silence

Citizens Public Comment. (Agenda Items)

1. Report on Enforcement action for 503 Depot St. (Dan & Chief)
2. City Sanitation Bid for 5 year contract 2026 to 2030.
3. M O U for Temporary Assignment for Officer Fink
4. Abandoned & Vacant property amendment to chapter 132 of City Code
5. Resolution amending credit card authorizations.

Citizens public comment. (General Comments)

Adjournment

2025 Res/Comm Sanitation Rates

City Expected Rate

All rates quartley for Residential	
Residential Bag	\$69.00
Residential Toter	\$85.00
Residential Recycle	Included in rate
All rates Monthly for Commercial	
Commercial Bag	\$25.17
Commercial Toter	\$27.85
2yd Dumpster	\$101.75
3yd Dumpster	\$117.81
4yd Dumpster	\$133.88
6yd Dumpster	\$176.72
6yd Compactor	\$396.27
8yd Dumspter	\$214.20
Extra Yardage Pick Up	\$14.70

2026 Expected Res/Comm Sanitation Rates

City Expected Rate

Increased by:

All rates quartley for Residential		
Residential Bag	\$129.00	\$60.00
Residential Toter	\$139.00	\$54.00
Residential Recycle	Included in rate	
All rates Monthly for Commercial		
Commercial Bag	\$46.90	\$21.73
Commercial Toter	\$26.74	-\$1.11
2yd Dumpster	\$99.61	-\$2.14
3yd Dumpster	-	
4yd Dumpster	\$143.68	\$9.80
6yd Dumpster	\$187.58	\$10.86
6yd Compactor	-	
8yd Dumspter	\$207.22	-\$6.98
Extra Yardage Pick Up	-	-

132-7 Definitions **VACANT**

Any building/structure that is not legally occupied. The definition shall not include properties that are subject to a valid building permit. A lawfully operated and duly registered student house shall not be considered **vacant** if unoccupied for the traditional summer break, from May 1 through September 1

[Added 9-12-2022 by Ord. No. 2022-6]

132-7 EVIDENCE OF VACANCY

Any condition that on its own, or combined with other conditions present would lead a reasonable person to believe that the property is **vacant**. Such conditions may include, but are not limited to, overgrown or dead vegetation, accumulation of abandoned personal property, extensive or pervasive damage of improvements to real property, broken or boarded up windows and/or doors, statements by neighbors, passerby, delivery agents or government agents that the property is **vacant**, the termination of one or more utilities serving the property, among other evidence that the property is **vacant**

132-1.1 INTENT AND PURPOSE

[Added 9-12-2022 by Ord. No. 2022-6]

A.

It is the intent of the City to establish minimum rules and regulations governing the condition and maintenance of all properties, buildings and structures, and to provide the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that properties, buildings and structures are safe, healthy,

sanitary and fit for occupancy and use, and to provide for the condemnation and demolition of buildings and structures unfit for human occupancy and use, including administration, permitting and penalties.

B.

It is also the City's intent to specifically establish a **vacant** or abandoned residential property program as a mechanism to protect the City from becoming blighted through the lack of adequate maintenance and security of abandoned properties

132-2 Amendments.

The Property Code herein adopted by reference in this chapter is amended to include the following new provisions:

A.

There shall be added to Part 2, Administration and Enforcement, the following sections:

104.7 Inspection of properties allegedly in violation of the Property Code, **vacant properties or abandoned properties; intent.**

The Code Officer, from time to time, may become aware of properties which are in violation of the Property Code, or are **vacant** or abandoned, and which may have Property Code violations that result in health and safety hazards to citizens of the community. These health and safety hazards include, but are not necessarily limited to, roof water leakage causing deterioration to the structural components which may result in ultimate collapse; infestation by vermin and other disease-carrying animals; deterioration of the electrical system

which may lead to a potential fire hazard; deterioration of the plumbing system which may lead to water leakage and other types of deterioration; and accumulation of garbage and debris by unintended occupants of the structure. For these reasons, an important component of the Property Code is the ability of the City, by and through its designee, to perform inspections based upon receipt of complaints from third parties.

104.8 Inspection initiated by complaint.

If the City shall receive a complaint from a third party which the City reasonably believes sets forth a Property Code violation or violations of the interior or exterior of an occupied or **vacant**/abandoned property (the "subject property"), which said violations are set forth in this chapter, then, and in that event, the City, by and through its designee, shall, based upon the City's reasonable belief of the existence of the violation, inspect the subject property. If the owner or occupant of such property refuses to grant permission for this inspection, or if the owner or occupant of such property cannot be located, then, and in that event, the City, by and through its designee, shall seek the right to inspect the subject property based upon the issuance of an administrative warrant for inspection by a neutral District Justice according to the procedures hereinafter set forth.

104.9 Procedure for issuance of administrative warrant for inspection.

The following procedure will be followed by the City, by and through its designee, for the issuance of an administrative warrant for inspection:

- 1 Inspection based upon third party complaint. If the owner or occupant of the subject property refuses to permit an inspection, or if an owner or occupant of the subject property cannot be located, the City, by and through its designee, may seek an administrative warrant for inspection and shall submit the following information, by affidavit, in support of the warrant:
 - (i) That the City reasonably believes that the subject property is in violation of the Property Code or is **vacant** and/or abandoned;
 - (ii) That the City has a valid ordinance provision authorizing the City to seek the inspection;
 - (iii) The date of the last inspection of the subject property, if any;
 - (iv) The attempts by the City to locate the owner and seek permission from the owner to make the inspection;
 - (v) The area(s) of the land and/or structure to be inspected; and
 - (vi) The purpose of the inspection which would be to determine if the property has code violations as described by the third party complaint and whether the property/structure is in compliance with the provisions of this chapter.

- 2 If the owner of a premises cannot be located, the administrative warrant for inspection shall provide for forcible entry by the least intrusive means possible.

104.10 Violation; correction for compliance.

In the event that the **vacant** or abandoned property is not in compliance with the then-existing housing standards code, any deficiencies shall be noted on an inspection form and provided to the last known owner, if the owner can be located, and posted on the property. The notice will advise the last known owner of the time by which to correct the violation(s), with a minimum time for correction being no less than seven days and the maximum time for correction being no more than 30 days.

- 1 If the subject property is not brought into compliance with this chapter within the specified time, then, and in that event, the City, by and through its designee, shall use reasonable means to attempt to contact the last known owner, if possible, and inform the last known owner that he, she or it must secure the violating structure situate upon the subject property according to the provisions of this chapter. If the owner does not so secure the structure as requested, then, and in that event, the City may take steps to secure the structure according to the provisions of this chapter with costs to be billed to the property owner, and, if not paid, to be liened against the property. If the City designee determines that the existing structure, or portion thereof is so substandard that the condition(s) pose a serious threat to the health,

safety and welfare to members of the community, then, and in that event, the City designee shall order that the structure be removed or demolished with costs of the same to be assessed against the property and billed to the last known owner, and liened against the property if unpaid. If the Code Officer determines that more immediate action is required because of a hazard to the general public's health and safety, or if there is actual imminent danger of failure or collapse of the building or structure or any part thereof when any structure or part thereof has fallen and life is endangered by occupation of the building structure, the code officer may enter an order for the immediate demolition of property. In the event that the property owner is unavailable or fails to take immediate action to demolish the property upon the issuance and receipt of this order, the Code Officer is authorized to proceed to cause the structure to be vacated, demolished, cleaned up, with the costs billed to the property owner and liened against the property if unpaid.

- 2 Any person who shall violate a provision of this subchapter shall, upon conviction thereof, be subject to a fine of not less than \$25, nor more than \$1,000 and/or imprisonment for a term not to exceed 90 days, or both, at the discretion of the court. Each day that a violation continues to occur after due notice has been served shall be deemed a separate offense. In addition, the Code Officer or other City designee may seek such other relief as may be available in a civil action, or in equity, to address a

"Draft" Blight Committee Consultants

City of Latrobe

Abandoned & Vacant Property Registration Program

Program Introduction: The Abandoned & Vacant Property Registration Program is a new program to prevent, remediate, and eliminate blight within the City of Latrobe and is a recommended initiative for the City to implement. The content within this document will serve several purposes including the creation of;

- the content for inclusion within the Code of Latrobe containing ordinances and resolutions of the City,
- the Abandoned & Vacant Property Registration Program guidelines along with applications and forms, and
- print and digital informational material to educate property owners and individuals involved in real estate transactions.

Abandoned & Vacant Property Registration Program

Table of Contents

- Abandoned & Vacant Property Registration Program Description
- Abandoned & Vacant Property Registration Program Goals
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- Responsibility to Complete Repairs and Correct Code Violations
- Administration and Enforcement of the Abandoned & Vacant Property Registration Program
- Process to Inspect Abandoned & Vacant Properties
- Process for Submission of a Non-Consent to Abandoned & Vacant Property Registration
- Property Owner Appeal Process
- Exemptions to the Abandoned & Vacant Property Registration
- Program Documents

Abandoned & Vacant Property Registration Program Description:

It is unlawful for an owner of commercial or residential real estate to not register the property within 180 consecutive days from the start date of vacancy of the structure with the City of Latrobe Code Enforcement Department. Registration of an abandoned and vacant property will provide the City with ownership contact information, local contact information, and a plan to maintain the unoccupied structure until a time of approved occupancy occurs. The registration is valid for 12-months and must be annually renewed. The property owner will pay an abandoned & vacant property registration fee at the time of initial application and following a schedule set for sequential registrations.

The abandoned & vacant property registration program is a mechanism to protect the City from becoming blighted through the lack of adequate maintenance and security of abandoned and vacant properties. Vacancy of a structure means a structure built for commercial, industrial and residential use becomes unoccupied.

Evidence of vacancy is any condition of the real estate, or combined with other present conditions, that would lead a reasonable person to believe the property is vacant. Such conditions may include, but are not limited to, overgrown or dead vegetation, accumulation of abandoned personal property, extensive damage of improvements to real property, broken or boarded up windows and/or doors, statements by neighbors, passerby, delivery agents or government agents that the property is vacant, and the termination of one or more utilities serving the property.

Abandoned & Vacant Property Registration Program Goals:

The goals of the Abandoned & Vacant Property Registration Program are to implement a non-invasive, but comprehensive and consistent, registration program to protect the public health, safety, and welfare by collecting owner/representative contact information and establishing a maintenance plan ensuring the minimum standard of physical condition of commercial and residential properties that;

- Ensures a structure is safe and secure,
- Maintains and protects property values,
- Creates a mechanism to hold property owners accountable,
- Conserves and improves the aesthetic characteristics of the neighborhood, and
- Remediate failures of the structure and property classified as elements of blight.

Abandoned & Vacant Property Registration Program Intentions:

It is the intent of the City of Latrobe to implement a process to address the deterioration and blight of City neighborhoods due to the lack of adequate maintenance and security of abandoned and vacant properties and to identify, regulate, limit and reduce the number of abandoned and vacant properties. It is the City's further intent to establish a registration program as a mechanism to ensure commercial and residential properties meet the minimum requirements to provide a

reasonable level of health, safety, property protection, and general welfare insofar as each are affected by the continued occupancy and maintenance of structures and premises.

Existing commercial and residential structures that do not comply with established community standards shall be altered or repaired in a defined period of time to a reasonable minimum level of health, safety, property protection, and general welfare as required by the City Code.

Responsibility to Complete Repairs

The responsibility for completing the repairs or work necessary to correct any defective aspects of the property and structure, as stated in the code violation report, shall rest upon the person who is the owner of the real estate or the owner's agent. This responsibility may be shifted to a new owner by a written agreement in which that new owner assumes the responsibility, after having been given a copy of the conditional certificate of occupancy including the list of violations as part of the Pre-Sale Property Inspection Program. A signed copy of such an agreement shall be filed with the code enforcement officer stating the new owner's assumption of these responsibilities and releasing the previous owner from responsibility to the city.

If responsibility is assumed, the new owner shall comply with the requirements of the conditional certificate of occupancy within the time period required by the code enforcement officer.

Process to Register the Abandoned and Vacant Property

It is the responsibility of the owner, owner's representative, or manager of the abandoned and vacant commercial or residential property to request the Abandoned & Vacant Property Registration Program informational packet including the program guidelines, applications, and forms from the City of Latrobe Code Enforcement Office within 180 consecutive days of the date of vacancy of the real estate. The steps in the process include but are not limited to the following.

Step 1: Owner, owner's representative, or manager submits the Abandoned & Vacant Property Registration form to the code enforcement department.

Application for the Abandoned & Vacant Property Registration form shall be requested from the City Code Enforcement Department and completed in such manner as may be prescribed from time to time by the code enforcement officer. The city may charge a fee for this service as provided for under Chapter 3 Administration Code, 3-48 Fee Schedules.

Step 1A: Owner, owner's representative, or manager submits a Vacant Building Plan on the form provided by the code enforcement department for approval. The plan shall contain the following:

- A letter of written consent by the owner allowing city officials to enter and inspect the property for the period in which the vacant building plan is in effect,
- A layout of the structure including the basement and formerly occupied floors and areas, and
- A plan of action to secure, monitor, and maintain the building and premises thereof in accordance with city code.

Step 2: City of Latrobe Code Enforcement Office completes the inspection, approves the vacant building plan, and issues the report.

Within 21 days after application was made for registering the abandoned and vacant property, the code enforcement officer shall have completed the inspection, compiled a list of any items to be brought into compliance with city code and applicable provisions of the Fire Code, Zoning Code and other ordinances, and shall have issued a code violation report and letter to the owner. This period of time may be extended by the code enforcement officer if a delay is caused by any matter beyond the reasonable control of that official.

Step 3: Depending on the findings by the inspector during the initial inspection of the premise and structure, the owner, owner's representative or the manager shall complete repairs and improvements noted within the property inspection report if deficiencies or violations are identified.

Step 4: Depending on the physical condition of the structure, the code enforcement officer will issue a Conditional Certificate of Occupancy or a Temporary Access Certificate to the owner, owner's representative, or the manager restricting access to the structure.

Administration and Enforcement

Compliance with the Abandoned & Vacant Property Registration Program shall be overseen by the Code Enforcement Department, who shall be assisted in its implementation, administration and enforcement by the Code Enforcement Officer. They may be assisted as needed by other city staff, including but not limited to the City Solicitor and contracted third-party inspection firm.

The code enforcement officer assesses the physical condition of the property as it exists at the time of the inspection using the Physical Inspection Protocol, which includes the Property Condition Inspection Checklist, as the method of evaluation. The physical inspection should be considered a "snap-shot in time". An Inspector cannot change the inspection report if a deficiency is repaired in view of the inspector.

Inspector's Role:

- Perform objective, factual physical assessments
- Conduct inspections according to the City's Property Maintenance and Occupancy Code
- Ensure success by complying with City code

Following the Physical Inspection Protocol guarantees objectivity when gathering and analyzing physical assessment data. It is important that inspectors correctly and consistently adhere to the established inspection protocol to eliminate subjectivity from the inspection and promote consistent and comparable inspections across all properties under the City's oversight.

Abandoned & Vacant Property Registration Program Fees and Penalty Schedule

The city may charge a fee for this registration and inspection as provided for under Chapter 3 Administration Code, 3-48 Fee Schedules.

Recommended Disclaimer for Inclusion on Abandoned & Vacant Property Registration Program Documents

The City assumes no liability for the accuracy of the property inspection report and does not intend for it to replace or supplement a professional third-party inspection of the premises.

The issuance of the registration shall not and does not constitute a representation, guarantee, or warranty of any kind by the City of Latrobe or any official or employee of the city of the safety, soundness, habitability, or quality of the premises, or any part thereof, or any plumbing, heating, electrical or other equipment whatsoever therein, and the issuance of the registration shall create no liability upon the City of Latrobe or any of its officials or employees.

Need for Reinspection

After the issuance of a Deficiencies of City Code report, the city code enforcement officer will complete a reinspection of the real estate to verify correction of violations stated in the report. Failure by the property owner to either complete repairs within the time period of the report and/or complete repairs to standards contained in the UCC and Property Maintenance Code will result in additional inspections of the real estate to ensure compliance with the notice of violation. The city may charge a fee for additional inspections as provided for under Chapter 3 Administration Code, 3-48 Fee Schedules.

Courtesy Registration of an Abandoned & Vacant Property

The owner or the owner's agent should submit an abandoned and vacant property registration when the structure that serves as a primary residence in which the owner is away for an extended period of time for work, vacation, military, or a medical reason. When these reasons exist, the code enforcement officer has the discretion to waive the registration fee, the inspection, or property maintenance plan. The intent of the courtesy registration is to collect the contact information for the property owner or the owner's agent should an issue or event occur while the owner is away from the property. Note: a courtesy registration of an abandoned and vacant property doesn't remove the responsibility for the maintenance of the building and property by the owner.

Non-Consent to Abandoned & Vacant Property Registration

In addition to any other remedy provided by law, if the owner, representative, or agent thereof does not consent to the proposed registration and inspection, the code enforcement officer may appear before any judge in a court of competent jurisdiction and seek an administrative search warrant to allow an inspection. Any such application shall be made within ten (10) calendar days after the nonconsent. The application for the warrant shall specify the basis upon which the warrant is being sought and shall include a statement that the inspection will be limited to a determination whether there are violations of the code provisions identified in the Property Inspection Protocol, or any other zoning, housing, or building code under the jurisdiction of the code enforcement officer.

The court may consider any of the following factors along with such other matters as it deems pertinent in its decision as to whether a warrant shall be issued;

- Eyewitness account of a violation,
- Citizen complaints,
- Tenant complaints,
- Plain view violations,
- Violations apparent from city records,
- Property deterioration,
- Nature of alleged violation,
- Passage of time since last inspection, and
- Previous violations on the property.

Property Owner Appeal Process

Any person aggrieved by a decision or order of the code enforcement department shall have the right to appeal that matter to the City of Latrobe Code Enforcement Hearing Board. To do this, a printed or typed written notice of appeal must be signed by that person and filed with the office of the City Manager within 14 days after the date of the issuance of the property inspection report and the notice of violation of city code.

Exemptions to the Abandoned & Vacant Property Registration Program

Real estate can be exempt from the requirements of the Abandoned & Vacant Property Registration Program when specific circumstances are met including, but not limited to, the following.

- Structures that are used as residential rentals and have active residential rental permits in accordance with the Rental Property Registration Program.
- Office, industrial, or general commercial use buildings actively for sale or lease with a licensed real estate company or managed by a licensed property management company.
- Structures that have multiple units in which at least one unit is occupied.
- Accessory structures not designed for occupancy.
- Structures that serve as a primary residence in which the owner is away for an extended period of time for work, vacation, military, or a medical reason. Building and property must be maintained to minimum code. Note: structures unoccupied for an extended period of time requires a Courtesy Registration.
- Foreclosure by a mortgage holder.
- Owned by a governmental agency
- Other Reasons for an Exemption?

What if the property is determined to be in very poor condition as a result of the Abandoned & Vacant Property Registration?

Should the code enforcement department adopt a Temporary Access Certificate for a property that is determined to be in very poor condition – or possessing a substantial code violation or is Unfit for Human Habitation? This certificate would be in addition to a Conditional Certificate of Occupancy and a Certificate of Occupancy as referred to in this program document.

“Temporary Access Certificate” – This is a certificate issued by the city as a result of the code enforcement officer inspection of a property that identifies at least one substantial violation, and the purpose of the certificate is to authorize the owner to access the property for the purpose of correcting substantial violations within the pursuant to all applicable laws, ordinances, and regulations of the City of Latrobe and the Commonwealth of Pennsylvania, including the Property Maintenance Code.

The property owner cannot operate, occupy, or reside within the structure during the term of a Temporary Access Certificate. However, the owner shall be permitted to store personal items that is related to the proposed use or occupancy of the property or is needed to repair the substantial violations during the time of the “Temporary Access Certificate.”

What is classified as a “Substantial Violation”? – A substantial violation can be classified as a violation of a building, housing, property maintenance or fire code or maintenance, health or safety nuisance ordinance that makes a building, structure or any part thereof unfit for human habitation.

What is the definition of “Unfit for Human Habitation”? – A building or structure that is determined to be Unfit for Human Habitation has deficiencies which renders a building or structure, or any part thereof, dangerous or injurious to the health, safety or physical welfare of an occupant or the occupants of neighboring dwellings. The deficiencies may include substantial violations of a property that show evidence of a significant increase to the hazards of fire or accident; inadequate sanitary facilities; vermin infestation; or a condition of disrepair, dilapidation or structural defects.

Program Documents

- Abandoned & Vacant Property Registration Program Guidelines
- Application for Abandoned & Vacant Property Registration Program
- Property Inspection Protocol and Checklist
- Abandoned & Vacant Property Registration Program Informational Brochure for Property Owners

Workload:

How much time is required to complete the administrative processes & inspection?

Administrative Processes

- 1-Hour: Entering Data and Completing Other Administrative Processes

Inspection Processes (contracted third-party inspection firms removes this cost)

- 30-minutes: Travel
- 1-hour for Single Family: Inspection
- 20-minute for each Rental/Office Unit: Inspection

Budget:

What is the financial impact of the Abandoned & Vacant Property Registration Program on the annual budget?

Revenue Sources:

Application Fees (TBD)

Code Violation Fines & Penalties (TBD)

Expense Sources:

City of Latrobe Administrative Cost (TBD)

Staff Time

Printing & Postage

Contracted Third Party Firm Inspection Fee (TBD)

Implementation Schedule for the Abandoned & Vacant Property Registration Program:

The Blight Task Force should follow the below noted steps to develop and implement the Abandoned & Vacant Property Registration Program.

- Develop the Abandoned & Vacant Property Registration Program
- Seek input from the Community Real Estate Panel
- Create the program guidelines, application, forms and certification documents
- Create the community education/information documents
- Create the content for the City Code of Ordinances & Resolutions
- Create the proposal & resolution for approval by the City of Latrobe Council
- Launch the Abandoned & Vacant Property Registration Program – January 1, 2025

Resolution No. 2024-

APPROVAL FOR ADJUSTMENT OF CREDIT CARD USE

NOW, THEREFORE, BE IT RESOLVED by Council of the City of Latrobe, in regular meeting assembled and by authority of the same:

SECTION 1. The attached (Attachment "A") are authorized users of the First Commonwealth Bank credit card with the assigned credit limits.

SECTION 2. The City Manager is authorized to make any changes to the credit card account with First Commonwealth Bank.

SECTION 3. Robert Derk, Officer in Charge, is to be removed as an authorized user.

RESOLVED IN COUNCIL this 12th day of August 2024.

Attest:

COUNCIL OF THE CITY OF LATROBE

Karen Meholic, Secretary

Eric Bartels, Mayor

ATTACHMENT A

COMPANY CARD APPENDIX

Borrower: City of Latrobe

Total Credit Limit: \$25,000.00

Persons authorized to be issued cards (including new users for existing accounts)
("Authorized Cardholders")

<u>Name</u>	<u>Credit Limit</u>
Terry Carcella	\$10,000.00
Karen Meholic	\$5,000.00
Scott Wajdic	\$5,000.00
Richard Bosco	\$5,000.00

The hereby designate the following individuals as Program Administrators and delegates authority to such Program Administrators to add or remove Authorized Cardholders:

<u>Name</u>	<u>Phone No.</u>	<u>Email Address</u>
Terry Carcella	724-388-2043 (cell)	<u>tcarcella@cityoflatrobe.org</u>
Karen Meholic	724-539-8548, x1002	<u>kmeholic@cityoflatrobe.org</u>

Delete User(s), Limit Change(s)

Robert Derk, Officer in Charge