

**BOROUGH OF DARBY  
COMMONWEALTH OF PENNSYLVANIA  
ORDINANCE NO. 778**

**AN ORDINANCE SETTING FORTH VACANT PROPERTY REQUIREMENTS, THE  
REGISTRATION THEREOF, AND TERMS OF A VACANT PROPERTY MAINTENANCE PLAN**

Whereas, the Borough of Darby wishes to establish a registration process for vacant properties so as to provide requirements for responsible parties to implement the required Vacant Property Maintenance Plan for such properties which will protect public health, safety, and general welfare of the citizens and prevent neighborhood blight and decay, ensure properties are secured, prevent deterioration, and protect values and neighborhood integrity.

Therefore, the Council of the Borough of Darby does adopt and enact this Ordinance which shall apply to all existing properties, buildings and tanks in the borough.

**SECTION I DEFINITIONS**

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

“Accessible property” real property that is accessible to the public, either, in general or through an open and unsecured door, window, gate, fence, wall or other such openings.

“Evidence of Vacant” any condition that is on its own, or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to, overgrown or dead vegetation, accumulation of newspapers, junk or debris, the absence of window covering such as curtains, blinds, or shutters, the absence of furnishings or personal items consistent with residential habitation, statements by neighbors, passersby, delivery agents, or government employees that that property is vacant.

“Vacant” any building, structure, tank or real property that is, or has been unoccupied or occupied by a person without legal right of occupancy.

## SECTION II Registration of Vacant Property Required

Owners and /or owner's agents of real property are required to register all vacant property within thirty (30) days of the vacancy or of the effective date of this ordinance whichever is later. Registration pursuant to this section shall be renewed every six (6) months. Registration required by this ordinance shall include the following information and requisite fees and documents:

1. Name, address and contact number of the owner
2. Names, address and contact number of the local agent or representative for the property
3. Name, address and contact number of the management company assigned to the property for the security and maintenance of the property
4. Common address and tax parcel identification of the property
5. The date on which the property became vacant
6. Affirmation of utility connections or disconnections
7. Signed Maintenance Plan Agreement as required by the Ordinances
8. Evidence of the posting of a sign with the name, address and telephone number of the current owner in a conspicuous location on the building property or tank.
9. A \$50.00 registration fee each time a residential building or tank is registered
10. A \$100.00 registration fee each time a commercial or industrial building is registered
11. Proof of "Liability Insurance coverage in the following amounts:
  1. \$3000,000.00 minimum liability policy for a residential building
  2. \$1,000,000.00 minimum liability policy for a commercial, industrial building or tank.

## SECTION III Vacant Property Maintenance Plan

It is declared a public nuisance for any owner to cause, permit or maintain any property condition contrary to the provisions of this Ordinance. The owner or owner's agent must adhere to the Vacant Property Maintenance Plan as contained in this section and the time schedule requirements on the registration.

1. The owner or owner's agent will perform regular weekly inspections to assure compliance with the requirements of this section.
2. The owner or owner's agent shall allow access by the Borough Code Inspectors and/or Fire Marshall for the purpose of inspection and in case of emergency.
3. Utilities must be properly disconnected or connected and in proper working order
4. All doors, windows and other openings shall be secured as required by Section IV
5. Weeds shall be removed from landscape beds, the perimeter of buildings, along fence lines and in parking lot joints and cracks
6. Grass height shall be maintained no higher than (4) inches and the trimmings removed from the property
7. Exterior properties shall be kept free of junk and debris, including, but not limited to, newspapers, flyers, circulars, furniture, appliances, containers, equipment, vehicle parts, garbage, clothing, inoperable vehicles, boats and campers, tires, drums, or any other items that give the appearance that the property is vacant.
8. Building appurtenances must be securely attached so as not to cause a blighting condition, including but not limited to gutters, downspouts, shutters, railing guards, steps, awnings, canopies, signs, light fixtures, and fire escapes.
9. Detached signs and lighting systems shall be structurally sound, and maintained so as not to cause a blighting condition, or removed
10. Property fencing and retaining walls shall be maintained structurally sound. Any fence or wall with broken or hanging components shall be repaired, straightened, or removed.
11. The property shall be free of graffiti or similar markings by removal or painting over with a color that matches the exterior of the structure
12. Perishables shall be removed from the interior of the structures
13. Interior of all structures must be clear of all trash, debris, flammable liquids, vehicles, chemicals, any and all threats to human life.
14. Any back driveway or alleyway part of the property shall be maintained structurally sound.

#### SECTION 4 Security Requirements

Properties subject to this Ordinance shall be maintained in a secure manner so as not to be accessible to unauthorized person. Secure manner includes, but is not limited to, closing and locking of windows, doors, and any other opening that may allow access to the interior of any structure on the property. Broken glass shall be replaced. Boarding over windows can only be for a ninety (90) day period after which the window will be repaired and glass replaced.

#### SECTION 5 Penalties

Failure to register a vacant property in accordance with this Ordinance shall result in a fine being levied by the borough against the owner and the property in the sum of \$ 500.00 (five hundred dollars).


Failure to comply with the terms of a Vacant Property Maintenance Plan under this Ordinance shall result in a fine being levied by the borough against the owner and the property in the amount of \$1,000.00 (one thousand dollars) and revocation of the registration as a vacant property under this Ordinance.

SECTION 6 All Borough officials are authorized to take all action necessary to ensure implementation of and effect the purpose hereof.

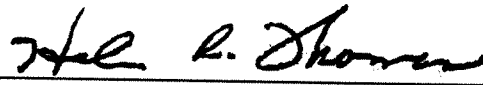
SECTION 7 The provisions of this Ordinance are severable, and if any clause, sentence, subsection or section hereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder but shall be confined in its operation and application to the clause, sentence, subsection or section rendered. It is hereby declared the intent of the Borough Council that this ordinance would have been adopted if such illegal, invalid, or unconstitutional clause, sentence, subsection, or section had not been included therein.

SECTION 8 This is effective immediately upon enactment according to law, and shall remain in effect hereafter until revised, amended, or revoked by action of the Council of the Borough of Darby.

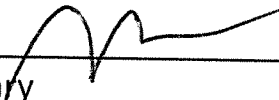
ADOPTED by the Borough Council, this 18<sup>th</sup> day of November, 2015.

  
Council President

APPROVED by the Mayor, this 18<sup>th</sup> day of November, 2015.

  
Mayor

ENACTED this 18<sup>th</sup> day of November, 2015.

  
Secretary