

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 3090

AN ORDINANCE OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING VACANT PROPERTY REGISTRATION; REPEALING ALL ORDINANCES OR PARTS THEREOF INCONSISTENT HERewith; AND PROVIDING A SEVERABILITY CLAUSE

WHEREAS, Upper Darby Township Council ("Council") recognizes an increase in the number of vacancies and abandoned properties located throughout the Township; and

WHEREAS, Council has concluded that it is necessary to enact a vacant property registration to ensure that owners of, and other interested parties related to, vacant properties are known to the Township and can be contacted, if necessary;

WHEREAS, the Council desires to ensure that owners of, and other interested parties related to, vacant properties are aware of the obligations of ownership under relevant codes and regulations; and that these individuals and meet minimum standards of maintenance of vacant properties; and

WHEREAS, the Vacant Property Registration is in the best interests of the health, safety, and general welfare of the residents of Upper Darby Township to ensure the proper maintenance of properties and assist with blight in the Township; and

NOW, THEREFORE, be it, and it is hereby ORDAINED by the Upper Darby Township Council, and it is hereby ENACTED and ORDAINED by authority of same as follows:

SECTION 1. Definitions

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

APPLICABLE CODES — To include, but not be limited to, the Township's Codified Ordinances ("Township Code") .

ENFORCEMENT OFFICER — Any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector or building inspector, or other person authorized by the Township to enforce the applicable code(s).

FORECLOSED REAL PROPERTY — Any real property located in the Township, that is in default on a mortgage, has had a lis pendens filed against it by the

mortgagee holding a mortgage on the property, is subject to an ongoing foreclosure action by the mortgagee, is subject to an application for a tax deed or pending tax assessors lien sale, or has been transferred to the mortgagee under a deed in lieu of foreclosure. The designation of a property as "foreclosed" shall remain in place until such time as the property is sold or transferred to a new owner, the foreclosure action has been dismissed and any default on the mortgage has been cured.

MORTGAGEE — The lender in a mortgage.

VACANT PROPERTY OWNER — An owner of any building or structure that is not legally occupied.

SECTION 2. Establishment of registry.

Pursuant to the provisions of this Part, the Township shall establish a registry cataloging each abandoned property within the Township, containing the information required within.

SECTION 3. Registration of foreclosed real property.

A. Mortgage Foreclosed Properties

1. Any mortgagee who holds a mortgage on real property located within Upper Darby Township shall perform an inspection of the property to determine vacancy or occupancy, upon default by the mortgagor. The mortgagee shall, within thirty (30) days of the inspection, register the property with the Department of License and Inspection on forms provided by the Township, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.
2. If the property is occupied but remains in default, it shall be inspected by the mortgagee or his designee monthly until: 1) the mortgagor or other party remedies the default; or 2) it is found to be vacant or shows evidence of vacancy at which time it is deemed vacant, and the mortgagee shall, within 10 days of that inspection, update the property registration to a vacancy status on forms provided by the Township.
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, and e-mail address for both parties, the folio 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, if applicable.

B. Tax Foreclosed Properties

1. Any owner of a property that is the subject of a tax foreclosure shall, within thirty (30) days of notice of the tax foreclosure action, register the property with the Department of License and Inspection on forms provided by the Township, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.
2. If the property is occupied but remains the subject of tax foreclosure, it shall be inspected by the owner or his/her designee every thirty (30) days until: 1) the owner or other party remedies the default; or 2) it is vacant, the owner shall, within ten (10) days of the vacancy, update the property registration to a vacancy status on forms or website address provided by the Township.
3. Registration pursuant to this section shall contain the name of the owner, and its agent, if applicable, the mailing address of the owner and the server, the contact name and telephone number for any and all responsible parties related to the property, and e-mail address for all parties, the folio 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, if applicable.

SECTION 4. Fees

- A. A nonrefundable annual registration fee shall be assessed as per the Upper Darby Township Fee Schedule and shall accompany the registration form. This fee shall be paid no later than January 31st of the year following the initial registration until the property is no longer considered Foreclosed as defined in this Part.
- B. 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 Township.
- C. 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.
- D. Properties subject to this Part shall remain under the annual registration requirements of this section and the inspection requirements of this Part.
- E. Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of said change.

- F. 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 Part is a violation of this Part and shall be subject to enforcement.

SECTION 5. Enforcement and Civil Penalties.

Any person, business or entity who shall violate any provision of this Ordinance shall be liable, upon conviction therefor, to fines and penalties of not less than \$500 nor more than \$1000 plus costs of prosecution, and any such fines and penalties as may be collected as provided by law.

SECTION 6. Maintenance requirements.

All abandoned real properties are subject to the requirements contained within the Township's Property Maintenance Ordinance.

SECTION 7. Inspections for violations.

Adherence to this Part does not relieve any person, legal entity or agent from any other obligations set forth in any applicable code(s), which may apply to the property.

SECTION 8. Effective immediately.

This ordinance shall become effective immediately after enactment according to law and shall remain in effect hereafter until revised, amended or revoked by action of Upper Darby Township.

SECTION 9. Repealer.

Any ordinance or part of an ordinance to the extent that it is inconsistent herewith is hereby repealed.

ENACTED AND ORDAINED this 17th day of February, 2021

BY: _____
LAURA A. WENTZ
President of Council

ATTEST: _____
MICHELLE BILLUPS
Secretary of Council

Ordinance No. 3090 is hereby approved this 17th day of February, 2021

BY: _____
BARBARANN KEFFER
Mayor

ATTEST: _____
VINCENT A. RONGIONE, ESQ.
Chief Administrative Officer