

**BOROUGH OF NORTH EAST
ORDINANCE NO. 941**

**AN ORDINANCE OF THE BOROUGH OF NORTH EAST;
ERIE COUNTY, COMMONWEALTH OF PENNSYLVANIA
ESTABLISHING A FORECLOSED AND VACANT PROPERTY REGISTRY
PROGRAM, PROVIDING FOR ADMINISTRATION,
PENALTIES, ENFORCEMENT, AND REPEALING ALL
ORDINANCES INCONSISTENT HEREWITH.**

WHEREAS, the Borough of North East is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania and,

WHEREAS, the Borough of North East finds that foreclosed and vacant properties within certain zoning districts in the Borough contribute to blight, deterioration of neighborhoods, reduced property values, increased risks to public safety, and increased demands on Borough administration, code enforcement, police, fire, and emergency services.

WHEREAS, the Borough further finds that the registration, inspection, monitoring, and enforcement associated with foreclosed and vacant properties within certain zoning district of the Borough requires the expenditure of municipal resources and,

WHEREAS, the Borough Council deems it in the best interest of the Borough to adopt a Foreclosed and Vacant Property Registration Program.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY the corporate authorities of the Borough of North East, County of Erie, and Commonwealth of Pennsylvania and it is hereby enacted by the authority of the same as follows:

Section 1. Preamble. The caption and Preamble of this Ordinance set forth above are incorporated herein by reference.

Section 2. Title. This chapter may be referred to as "North East Borough Foreclosed and Vacant Property Registration Ordinance."

Section 3. Purpose. The purpose of this Chapter is to establish a procedure for the registration of foreclosed and vacant properties located within C-1 Commercial District and the M-1 Industrial District in the Borough so as to facilitate the protection of neighborhoods from the negative impacts and conditions that occur as a result of foreclosure, vacancy, absentee ownership, and lack of adequate maintenance and security, and to provide a method to expeditiously identify contact persons for each property responsible for this protection. It is not the intent of this Chapter to determine the rights and liabilities of persons under agreements to which North East Borough is not a party. This Chapter shall not be construed to alter the terms of any lease or other agreement between a landlord and a tenant or others relating to property that is the subject of this Chapter,

provided that no provision of any lease or other agreement shall be construed to excuse compliance with this chapter. Additionally, a violation of this Chapter shall not in and of itself create negligence per se standard or otherwise expand existing liability in tort for either a landlord or a tenant.

Section 4 Definitions. The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning. Terms that are undefined in this Chapter but are defined in other provisions of the Borough Code, such as the Zoning Ordinance, shall have the meaning ascribed to them in those provisions, except where the context clearly indicates a different meaning.

APPLICABLE CODES — Any state or local laws, ordinances, or regulations applicable to the use, ownership, or maintenance of real property in North East Borough, including, but not limited to, the Zoning Ordinance, the Property Maintenance Code, Unsafe Buildings and Structures, nuisance ordinances, and building and fire codes.

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 and/or dead vegetation; past due utility notices and/or disconnected utilities; accumulation of trash junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents; and/or the presence of boards over doors, windows or other openings in violation of applicable code.

FORECLOSURE — The legal process by which a Mortgagee, or other lien holder, terminates a property owner's equitable right of redemption to obtain legal and equitable title to the Real Property pledged as security for a debt or the Real Property subject to the lien. This definition shall include, but is not limited to, public notice of default, a deed-in-lieu of foreclosure, sale to the Mortgagee or lien holder, certificate of title and all other processes, activities and actions, by whatever name, associated with the described process. The process is not concluded until the Real Property obtained by the Mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

MORTGAGEE — Means the creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement, excluding government entities.

OWNER — Owner means any person, firm, corporation or other legal entity who, individually or jointly or severally with others, holds the legal or beneficial title to any building, facilities, equipment or premises subject to the provisions of this Chapter, including a Mortgagee which has initiated foreclosure proceedings on Real Property located within North East Borough.

REAL PROPERTY — Means any improved or unimproved industrial or commercial land, buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in North East Borough.

REGISTRABLE PROPERTY — Includes:

- A. Any Real Property located within the C-1 Commercial District and the M-1 Industrial District in North East Borough, whether vacant or occupied, that is encumbered by a mortgage in default, is subject to an ongoing foreclosure action by the Mortgagee or trustee, has been the subject of a foreclosure action by a Mortgagee or trustee and a judgment has been entered, or has 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. The designation of a "default/ foreclosure" property as "registrable" shall remain in place until such time as the property is sold to a non-related bona fide purchaser in an arm's length transaction or the foreclosure action has been dismissed and any default on the mortgage has been cured.
- B. Any Real Property located within the C-1 Commercial District and the M-1 Industrial District in North East Borough that is vacant for more than 60 days, that exhibits Evidence of Vacancy for more than 60 days, or that has any utility or service suspended, cancelled or disconnected, whichever occurs first.

VACANT — Any improved parcel of land in North East Borough that is not legally occupied. This definition shall not apply to real properties where the owner(s) or tenant(s) have not occupied their commercial, commercial/residential building or industrial property for over 60 days for reasons such as extended vacations, hospital care, nursing home care, temporary employment, provided that the Owner(s) or tenant(s) intend to return and have notified the Borough of their intentions.

Section 4. Establishment of Registry and Registration Requirements.

- A. North East Borough hereby establishes a Foreclosed and Vacant Property Registry which shall include all information pertaining to registrable properties as required in this Chapter.
- B. Registration required.
 - 1. All Registrable Properties shall be registered with the Borough within six (6) months of the date of the first action that requires registration. The date of first action that requires registration shall be determined by the Borough Code Enforcement Officer, the Borough Manager, or their designee.
 - 2. Properties subject to this Chapter shall remain under the semiannual registration requirements and the inspection requirements of this Chapter until the Real Property no longer qualifies as a Registrable Property.
 - 3. The date of the initial registration may be different than the date of the first action that required registration.

4. Any person or legal entity that has registered a property under this Chapter must report any change of information contained in the registration within (ten) 10 days of said change.
5. 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 Chapter is a violation of this Chapter and shall be subject to enforcement.

Section 5. Fees.

- A. A nonrefundable, semiannual registration fee shall be assessed for each Registerable Property and shall accompany the registration form. This fee shall be paid within ten (10) days of the expiration of the previous registration.
- B. Any applicable fees, including, but not limited to registration and appeal fees, shall be payable to the North East Borough, and shall be in such amount as may be established by resolution duly adopted by the Borough Council.
- C. All 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 or its designee.
- D. Use of Fees. Said fees shall be used to offset the costs of administration and enforcement of the Foreclosed and Vacant Property Registry Program. Costs include, but are not limited to, filing fees, postage, attorney's fees and costs, and any other reasonably related costs associated with administering and enforcing the provisions of this Chapter. Said fees shall be deposited to a special account in the Borough's department dedicated to the cost of implementation and enforcement of this Ordinance, and fulfilling the purpose and intent of this Ordinance.

Section 6. Inspection and Registration of Foreclosed Real Property.

- A. Any Mortgagee who initiates foreclosure proceedings against Real Property located within the C-1 Commercial District and the M-1 Industrial District in the North East Borough shall perform an inspection of the property to determine vacancy or occupancy, within 60 days of the initiation of said foreclosure proceedings. The Mortgagee shall, within ten (10) days of the inspection, register the property with the Code Enforcement Department, or its designee, on forms or other manner as directed, 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.
- B. Registration pursuant to this Section shall contain at a minimum the name, direct mailing address, a direct contact name, telephone number, and email address for the Mortgagee/trustee, and the mortgage servicer, and the name and twenty-four-hour contact phone number of the local property management company responsible for the security and maintenance of the property who has the authority to make decisions concerning the

abatement of nuisance conditions at the property, as well as any expenditure in connection therewith. The registration shall be submitted on a Borough form and shall contain any additional information as may be required by the Borough.

- C. Mortgagees who have existing Registrable Property on the effective date of this Ordinance have 60 calendar days from the effective date of this Ordinance to register the property with the Code Enforcement Department, or its designee, on forms or other manner as directed, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is vacant or occupied.
- D. If the servicing rights for a mortgage on a Registrable Property are sold or transferred, the registration must be updated to include all the new servicer information within ten (10) days of the servicing transfer.
- E. As long as the property is registrable, the Mortgagee, or designee, shall inspect the property on a monthly basis. If an inspection shows a change in the property's occupancy status the Mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property registration.
- F. Properties subject to this Section shall remain under the semiannual registration requirement, and the inspection, security and maintenance standards of this Section, and any other applicable Borough Codes, as long as they are registrable.
- G. 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 the change.
- H. Failure of the Mortgagee to properly register or to modify the registration information within ten (10) days of the action requiring the update to reflect a change of circumstances as required by this Section is a violation of this Chapter and shall be subject to enforcement and any resulting monetary penalties and/or property liens.
- I. Properties subject to this Chapter shall be maintained in accordance with the applicable code(s) of North East Borough.

Section 7. Inspection and Registration of Vacant Real Property.

- A. Any Owner of Vacant property located within the Borough shall register the property with Foreclosed and Vacant Property Registry within ten (10) days after the property becomes Vacant.
- B. Initial registration pursuant to this Section shall contain at a minimum the name of the Owner, the mailing address of the Owner, email address, and telephone number of the Owner, and if applicable, the name and telephone number of the property manager and said person's address, email address, and telephone number. The registration shall be submitted on a Borough form and shall contain any additional information as may be required by the Borough.
- C. If the property is sold or transferred, the new Owner is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Owner shall register the Vacant

property or update the existing registration. The previous Owner(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Owner's involvement with the Vacant property.

- D. Properties subject to this Section shall remain subject to the semiannual registration requirement, and the inspection, security, and maintenance standards of this Section as long as the property is Vacant.
- E. Failure of the Owner to properly register or to modify the registration to reflect a change of circumstances as required by this chapter is a violation of this chapter and shall be subject to enforcement by any of the enforcement means available to the Borough.
- F. If any property is in violation of this chapter the Borough may take the necessary action to ensure compliance with and place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.

Section 8. Enforcement, violations and penalties.

A. Enforcement.

1. Any person who violates any provision of this Chapter shall be liable to proceedings for enforcement of this Chapter in accordance with the Borough Code, as may be amended, and the Pennsylvania Rules of Criminal Procedure governing enforcement of summary offenses.
2. This Chapter shall be enforced and administered by the Code Enforcement Officer as appointed by the Borough, which shall include any appointed Assistant Code Enforcement Officers, as well as the Borough Manager. The Borough Department of Code Enforcement, the Borough Police Department and other code enforcement personnel designated by the Borough Council shall have authority to investigate alleged violations and enforce the provisions of this Chapter.
3. Notice of Violation. Upon the determination by the Code Enforcement Officer that a violation of this Ordinance has occurred or has grounds to believe that a violation has occurred, written notice shall be given in the manner set forth in this Section to the Mortgagee, Owner, or the Mortgagee'/Owner's authorized agent, for the violation as specified in this Ordinance.
4. Form of Notice. Such notice shall be in accordance with all of the following:
 - a. Be in writing.
 - b. Include a description of the real estate sufficient for identification.
 - c. Include a statement of the violation or violations and why the notice is being issued.
 - d. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the property and/or structure into compliance with the provisions of this Ordinance.
 - e. Inform the Mortgagee, the Owner and/or Mortgagee's/Owner's authorized agent

of the right to appeal.

5. Method of Service. Notice shall be deemed to be properly served where a copy thereof is served in accordance with one of the following methods:
 - a. A copy is delivered personally.
 - b. A copy is sent by certified or registered mail addressed to the Mortgagee or the Owner at the last known address with the return receipt requested.
 - c. A copy is delivered in any other manner as prescribed by local law.

If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing matter upon the Mortgagee's or Owner's agent or upon the person responsible for the property shall constitute service of notice upon the Mortgagee or the Owner.

6. Compliance. The Mortgagee and/or Owner shall correct any and all noted deficiencies within such period of time as may be specified in the notice. Extension of such specified period of time may be granted by the Code Enforcement Officer, in their sole discretion upon good cause shown.
7. If after an Owner or Mortgagee fails to timely remedy violations identified in a Notice of Violation, the Borough may commence an enforcement action with the appropriate Magisterial District Court having jurisdiction in accordance with rules governing summary criminal offenses seeking fines and penalties..
8. Pursuant to any administrative or judicial finding and determination that any registerable property is in violation of this Chapter, North East Borough may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance. person responsible for the structure shall constitute service of notice upon the Mortgagee or Owner.

B. Violations and penalties.

1. Any person, who violates or permits a violation of the provisions of this Ordinance shall, upon conviction in a summary proceeding, pay a fine in an amount not to exceed \$1,000 per violation plus all court costs and reasonable attorney's fees incurred by the Borough in the enforcement proceedings, and/or be imprisoned to the extent allowed by law for the punishment of summary offenses. Further, the appropriate officers or agents of the Borough are hereby authorized to seek equitable relief, including injunction to enforce compliance with this Ordinance. All fines, penalties, costs and reasonable attorney's fees collected for the violation of this Chapter shall be paid to the Borough for its use in administering and enforcing the Foreclosed and Vacant Property Registry Program.
2. A person found to have violated this Ordinance shall be responsible for payment of all attorneys' fees incurred in the matter by the Borough, including all appeals taken

by the violator.

3. The Borough Council does not prescribe imprisonment for punishment of violations of this Chapter.
4. Each violation of this Chapter shall constitute a separate offense. Each day a violation occurs shall constitute a separate offense and subject the violator to the prescribed fines for each violation and for each day of violation.

Section 9. Owners jointly and severally responsible. If the registerable property is owned by more than one owner, all co-owners of the premises shall be cited in all notices and proceedings and such persons be jointly and severally liable for the violation, fine and all costs, fees and other charges due as a consequence of such violation and all proceedings related thereto.

Section 10. Appeals.

- A. Appeals of a written determination of the Code Enforcement Officer, the Assistant Code Enforcement Officers, or the Borough Manager under this Chapter, shall be filed with the Borough Council within 30 days of the date of the determination. An appeal shall be processed as follows:
 1. Only the Owner or Mortgagee of the premises or a person or entity that has a direct interest in the matter shall have standing to file an appeal. The person or entity filing the appeal shall be designated the appellant.
 2. All appeals shall be in writing and signed by the appellant on forms prescribed by the Borough, and shall be accompanied by a fee, the amount of which shall be established by the Borough Council by resolution, which may include notice and advertising costs, and necessary administrative overhead in relation to the hearing.
 3. Each appeal shall fully set forth the determination appealed from, a detailed reason or basis for the appeal, and the relief sought. Every appeal shall refer to the specific provision of circumstances of the case.
- B. Hearings. The Borough Council shall conduct hearings and make decisions pursuant to the Local Agency Law, 2 Pa. C.S.A. §§ 105, 551-555, 751-754, and in accordance with the following requirements:
 1. Written notice shall be given to the appellant, the Chief Code Enforcement Officer, the Assistant Code Enforcement Officers, or the Borough Manager, and to any person who has made timely request for same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Borough Council, but not less than 15 days' prior to the hearing.
 2. The hearing shall be held within 60 days from the date the appeal is filed, unless the appellant has agreed in writing to an extension of time.
 3. The hearings shall be conducted by the Borough Council. The decision or, where no

decision is called for, the findings shall be in writing by the Borough Council within 45 days after the conclusion of the hearing, unless the appellant has agreed in writing to an extension of time, and shall be communicated to the appellant and any other parties who have entered their written appearance and requested a copy of the decisions, at the addresses provided by them either by personal delivery or by United States First Class mail postage prepaid.

4. The President of the Borough Council or Acting Chairman of the Board who presides at the hearing shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by parties.
5. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
6. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
7. The Borough Council may, but is not required to, make a stenographic record of the proceedings. In the event a stenographic record of the proceedings is not provided by the Borough, a stenographic record shall be made and kept at the request of any party agreeing to pay the costs thereof. Any party or other person desiring a copy of the stenographic record shall order the copy directly from the stenographer who prepared the same and shall pay the cost imposed by the stenographer for the copy directly to the stenographer.
8. Court review. All appeals from all decisions rendered pursuant to this Section shall be taken to the Court of Common Pleas of Erie County and shall be filed within 30 days after entry of the decision as provided in 42 Pa.C.S.A. § 5572 (relating to time of entry of order).

Section 11. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person(s) or circumstances is for any reason held to be invalid or unconstitutional by any court, such holding(s) shall not be construed to affect the validity of any of the remaining provisions of the Ordinance. It is hereby declared the legislative intent that this Ordinance would have been adopted had such invalid or unconstitutional provision or its application not be included herein.

Section 12. Repealer. Any other Ordinance or parts thereof inconsistent with this Ordinance shall be and are hereby expressly repealed.

Section 13. Effective Date. This ordinance shall become effective immediately.

ENACTED INTO AN ORDINANCE THIS ___ DAY OF MARCH 2026.

BOROUGH OF NORTH EAST

Amber Belson
President of Borough Council

ATTEST:

PATRICK J. GEHRLEIN
Borough Manager

APPROVED THIS ___ DAY OF MARCH 2026

Bobbi Jo Morey
Mayor