

**CITY OF WILKES-BARRE  
PENNSYLVANIA**



# **CITY COUNCIL AGENDA**

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**CITY COUNCIL**

**NOVEMBER 8, 2018**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**CONSENT AGENDA (RESOLUTIONS)**

**ORDINANCE**

**PRESENTATIONS BY COUNCIL MEMBERS**

**PUBLIC DISCUSSION**

**ADJOURNMENT**

CITY COUNCIL  
NOVEMBER 8, 2018

**CONSENT AGENDA (RESOLUTIONS)**

Congratulating Harry McCarthy on his retirement from the Fire Department.

Authorizing the sale of a vacant lot located at 447 South River Street to Nathan Summerlin for a purchase price of \$1,000.00.

Execute any and all project documents related to awarding the contract to the lowest responsible bidder for the Spruce Street Park and Weissman Park Improvement Projects.

Execute any and all project documents related to the purchase of playground equipment for the Spruce Street and Weissman Park Improvement Projects from Recreation Resource Center.

Apply for a Multimodal Transportation Fund Grant from the Pennsylvania Department of Transportation in the amount of \$250,000 for the repairs to the Strauss Lane Bridge.

Appointing Jay Delaney to the Housing Authority to fill the unexpired term of David Holloway.

Appoint Karen Komorek to the newly formed Parking Ticket Appeals Board.

Appoint Thomas Kosciolek to the Fire Civil Service Commission to replace Donald Fiorucci.

Reappoint Phillip Latinski to the Wyoming Valley Sanitary Authority.

Enter into an agreement with the Pennsylvania Department of Transportation and Alfred Benesch and Company of Hazleton to conduct Bridge Inspections of all City owned bridges from 2018 to 2022.

CITY COUNCIL  
NOVEMBER 8, 2018

**CONSENT AGENDA (RESOLUTIONS)**

**MINUTES**

Of the Traffic Committee of October 25, 2018.

Of the Planning Commission of October 17, 2018.

Of the Wyoming Valley Sanitary Authority of September 25, 2018.

Of the Parking Authority of September 18, 2018.

Of the Public Hearing of City Council of October 16, 2018.

Of the Regular Session of City Council of October 18, 2018.

CITY COUNCIL  
NOVEMBER 8, 2018

**ORDINANCE**

**FILE OF COUNCIL NO. 17 OF 2018** - AN ORDINANCE AMENDING ARTICLE X OF CHAPTER 7 OF THE WILKES-BARRE CITY CODE OF ORDINANCES ENTITLED "VACANT/ABADNONED REAL PROPERTY REGISTRATION AND INSPECTION PROCEDURE AND CONDEMNATION/REHABILITATION PROPERTY POLICY FOR PROPERTIES LOCATED WITHIN THE CITY." (FIRST READING)



*Resolution No.* \_\_\_\_\_

*Wilkes-Barre, PA* \_\_\_\_\_

*BE IT RESOLVED by the City Council of the City of Wilkes-Barre:*

That the City Council of the City of Wilkes-Barre hereby congratulates Harry McCarthy on his retirement from Wilkes-Barre Fire Department.

*Submitted by* \_\_\_\_\_

**ROLL CALL**



Resolution No. \_\_\_\_\_

Wilkes-Barre, PA \_\_\_\_\_

***BE IT RESOLVED by the City Council of the City of Wilkes-Barre:***

THAT the proper city officials are hereby authorized to sell the vacant lot located at 447 South River Street (H9SE4-023-013) to Nathan Summerlin (or his designee) for a purchase price of \$1,000.00.

Submitted by \_\_\_\_\_

**ROLL CALL**



Resolution No. \_\_\_\_\_

Wilkes-Barre, PA \_\_\_\_\_

*BE IT RESOLVED by the City Council of the City of Wilkes-Barre:*

**WHEREAS**, the City of Wilkes-Barre is advertising for proposals related to Contractor services for the Spruce Street Park and Weissman Park Improvement Projects.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Wilkes-Barre that the proper City officials are hereby authorized to execute any and all project documents related to awarding the contract to the lowest responsible bidder for the Spruce Street Park and Weissman Park Improvement Projects.

**PAYMENT** to be made from OECD Budget and the Greenways, Trails, and Recreation Grant Program.

Submitted by \_\_\_\_\_

**ROLL CALL**



Resolution No. \_\_\_\_\_

Wilkes-Barre, PA \_\_\_\_\_

*BE IT RESOLVED by the City Council of the City of Wilkes-Barre:*

**WHEREAS**, the City of Wilkes-Barre is desirous to purchase Play Ground Equipment through the PA Costars contract, for the Spruce Street and Weissman Park Improvement Projects.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Wilkes-Barre that the proper City officials are hereby authorized to execute any and all project documents related to the purchase of playground equipment for the Spruce Street and Weissman Park Improvement Projects from Recreation Resource Center.

**PAYMENTS** to be made from OECD Budget and the Greenways, Trails, and Recreation Grant Program.

Submitted by \_\_\_\_\_

**ROLL CALL**





Resolution No. \_\_\_\_\_

Wilkes-Barre, PA \_\_\_\_\_

*BE IT RESOLVED by the City Council of the City of Wilkes-Barre:*

Authorizing the proper city officials to apply for a Multimodal Transportation Fund Grant from the Pennsylvania Department of Transportation in the amount of \$250,000.00 for the repairs to the Strauss Lane Bridge in the City of Wilkes-Barre; and

Further, that the remaining required funds for this project (\$107,142.85) will come from the Liquid Fuels account and or any other applicable grants as they become available.

Whereas, the total project cost is estimated at \$357,142.85.

Submitted by \_\_\_\_\_

**ROLL CALL**



Resolution No. \_\_\_\_\_ Wilkes-Barre, PA \_\_\_\_\_

*BE IT RESOLVED by the City Council of the City of Wilkes-Barre:*

WHEREAS, Section 5:08 of the City Charter of the City of Wilkes-Barre authorizes the Mayor, with the advice and consent of City Council, to appoint by members of Boards, Commissions and Authorities served by the City;

WHEREAS, it is the desire of the City of Wilkes-Barre to appoint the person referenced below to the Housing Authority of the City of Wilkes-Barre to fill the unexpired term of David Holloway who is retiring from the authority on November 12, 2018;

NOW, THEREFORE, BE IT RESOLVED, that the following person is hereby appointed as a member of the Housing Authority effective November 13, 2018:

Name

Term Expires

Jay Delaney  
275 Mayock Street  
Wilkes-Barre, PA 18705

September 10, 2019

Submitted by \_\_\_\_\_

**ROLL CALL**



Resolution No. \_\_\_\_\_

Wilkes-Barre, PA \_\_\_\_\_

*BE IT RESOLVED by the City Council of the City of Wilkes-Barre:*

WHEREAS, Section 5:08 of the City Charter of the City of Wilkes-Barre authorizes the Mayor, with the advice and consent of City Council, to appoint members of Boards, Commissions and Authorities served by the City;

WHEREAS, it is the desire of the City of Wilkes-Barre to appoint the persons referenced below as independent hearing officers to hear appeals related to parking violations;

NOW, THEREFORE, BE IT RESOLVED, that the following person is hereby appointed for the term referenced below as a member of the newly formed Parking Ticket Appeals Board:

<u>Name</u>	<u>Term Begins</u>	<u>Term Expires</u>
Karen Komorek 62 Catlin Avenue Wilkes-Barre, PA 18702	November 9, 2018	October 9, 2020

Submitted by \_\_\_\_\_

**ROLL CALL**



Resolution No. \_\_\_\_\_

Wilkes-Barre, PA \_\_\_\_\_

*BE IT RESOLVED by the City Council of the City of Wilkes-Barre:*

WHEREAS, Section 5:08 of the City Charter of the City of Wilkes-Barre authorizes the Mayor, with the advice and consent of City Council, to appoint by members of Boards, Commissions and Authorities served by the City;

WHEREAS, it is the desire of the City of Wilkes-Barre to appoint the person referenced below to the Fire Civil Service Commission of the City of Wilkes-Barre to replace Donald Fiorucci who recently retired;

NOW, THEREFORE, BE IT RESOLVED, that the following person is hereby appointed as a member of the Fire Civil Service Commission of the City of Wilkes-Barre:

Name

Term Expires

Thomas Kosciolek  
275 Mayock Street  
Wilkes-Barre, PA 18705

December 31, 2020

Submitted by \_\_\_\_\_

**ROLL CALL**



Resolution No. \_\_\_\_\_

Wilkes-Barre, PA \_\_\_\_\_

*BE IT RESOLVED by the City Council of the City of Wilkes-Barre:*

WHEREAS, Section 5:08 of the City Charter of the City of Wilkes-Barre authorizes the Mayor, with the advice and consent of City Council, to appoint by members of Boards, Commissions and Authorities served by the City;

WHEREAS, it is the desire of the City of Wilkes-Barre to re-appoint the person referenced below to the Wyoming Valley Sanitary Authority upon the expiration of his current term which is set to expire on December 31, 2018;

NOW, THEREFORE, BE IT RESOLVED, that the following person is hereby re-appointed as a member to the Wyoming Valley Sanitary Authority:

Name

Term Expires

Phillip Latinski  
20 Brazil Street  
Wilkes-Barre, PA 18705

December 31, 2023

Submitted by \_\_\_\_\_

**ROLL CALL**



Resolution No. \_\_\_\_\_

Wilkes-Barre, PA \_\_\_\_\_

*BE IT RESOLVED by the City Council of the City of Wilkes-Barre:*

To hereby authorize the proper city officials to enter into an agreement with the Pennsylvania Department of Transportation and Alfred Benesch and Company of Hazleton to conduct Bridge Inspections of all City owned Bridges from 2018 through 2022. Alfred Benesch & Company was selected using the PennDOT ECMS Program. This contract also allows the City to use Alfred Benesch & Company in other Engineering capacities as needed by the City of Wilkes-Barre. See attached documentation regarding procurement procedures.

And further, the allocation of funds for this Program are 80% Federal and 20% local with the local share coming from the Liquid Fuels Account.

Submitted by \_\_\_\_\_

**ROLL CALL**

This is to certify that the following resolution was adopted by the City Council of the City of Wilkes-Barre:



March 9, 2018

**R0021-18**

*Wilkes-Barre, Pa.*

*Resolution No.*

*BE IT RESOLVED by the City Council of the City of Wilkes-Barre:*

To hereby authorize the proper city officials to enter into an agreement with the Pennsylvania Department of Transportation and Alfred Benesch and Company of Hazleton to conduct Bridge Inspections of all City owned Bridges from 2018 through 2022. Alfred Benesch & Company was selected using the Pendot ECMS Program. This contract also allows the City to use Alfred Benesch & Company in other Engineering capacities as needed by the City of Wilkes-Barre. See attached documentation regarding procurement procedures.

And further, the allocation of funds for this Program are 85% Federal and 15% local with the local share coming from the Liquid Fuels Account.

ATTEST:

A handwritten signature in black ink, appearing to read "Jim Ryan".

Jim Ryan, City Clerk

## FILE OF COUNCIL

Presented in City Council on \_\_\_\_\_, 2018

No. \_\_\_\_\_ of 2018

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**AN ORDINANCE AMENDING ARTICLE X OF CHAPTER 7 OF THE  
WILKES-BARRE CITY CODE OF ORDINANCES ENTITLED  
“VACANT/ABANDONED REAL PROPERTY REGISTRATION AND  
INSPECTION PROCEDURE AND CONDEMNATION/REHABILITATION  
PROPERTY POLICY FOR PROPERTIES LOCATED WITHIN THE CITY.”**

WHEREAS, it is the desire and intention of the City Council to pass legislation within the City of Wilkes-Barre by amending Article X of Chapter 7 of the Wilkes-Barre Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wilkes-Barre, and it is hereby ordained by the authority of the same that:

**ARTICLE X.           VACANT/ABANDONED REAL PROPERTY  
REGISTRATION AND INSPECTION PROCEDURE  
AND CONDEMNATION/REHABILITATION PROPERTY  
POLICY FOR PROPERTIES LOCATED WITHIN THE  
CITY**

**Section 7-351.           Definitions, word usage.**

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meanings given herein. The word “shall” is always mandatory and not merely directory. As used in this ordinance, the following words shall have the meanings indicated. If the word is not defined specifically herein, it shall have the meaning identified and outlined in the Wilkes-Barre City Code of Ordinances:

**Abandoned Real Property** – means any real property located in the City, whether vacant or occupied, that is in default on a mortgage, has had a lis pendens filed against it by the Lender holding a mortgage on the property, is subject to an ongoing foreclosure action by the Lender, is subject to an application for a tax deed or pending tax assessors lien sale, or has been transferred to the Lender under a deed in lieu of foreclosure. The designation of a property as “abandoned” shall remain in place until the property is sold or transferred to a new owner, the foreclosure action has been dismissed, and any default on the mortgage has been

**Board of Appeals.** The City of Wilkes-Barre Board of Appeals.



**Boarded.** Any building or structure with one (1) or more exterior doors, other than a storm door, and/or one (1) or more windows with a sheet or sheets of plywood or similar material covering the space of such doors or windows.

**City.** The City of Wilkes-Barre, Pennsylvania.

**Condemned Property.** Any building or structure, whether residential or commercial, which has been lawfully deemed by the appropriate City of Wilkes-Barre Code Enforcement Official or Employee to be uninhabitable, unsafe, dilapidated, a public nuisance and/or in substantial disrepair, and in which notice has been provided to the owner in accordance with the Wilkes-Barre City Code of Ordinances applicable to such properties.

**Occupied.** Any building or structure with one (1) or more persons actually conducting a lawful business and/or residing in all or part of the building as the licensed business-occupant, or as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, non-transient basis, or a combination of the same.

(For purpose of this section, evidence offered to prove that a building is so occupied may include, but shall not be limited to: the consistent receipt of regular mail delivery through the U.S. Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services; a valid city business license; or the most recent, federal, state, or city tax statements indicating that the subject property is the official business or residence address of the person or business claiming occupancy, or proof of pre-rental lease.)

**Open.** A building or structure deemed to have one (1) or more exterior doors, other than a storm door, broken, open and/or closed, but without a properly functioning lock, or if one (1) or more windows are broken or not capable of being locked and secured from intrusion, or any combination of the same.

**Owner.** The owner shall be the individual, corporation, partnership, trust, estate or other entity which is the party listed on the deed to the referenced property.

**Premises.** All lands, structures, places, and the equipment and appurtenances connected or used therewith in any business, and any personal property which is either affixed to or is otherwise used in connection with any such business conducted on such premises.

**Semi-Annual Registration** shall mean six (6) months from the date of the first action that requires registration, as determined by the Code Enforcement Official, or its designee, and every subsequent six (6) months the property is Registrable. The date of the initial registration may be different than the date of the first action that required registration.

**Vacant.** A building, structure or parcel deemed to have no person or persons actually conducting a lawful business or lawfully residing in or on any part thereof in a permanent, non-transient basis, and/or does not have a valid certificate of occupancy issued by the City of Wilkes-Barre Office of Code Enforcement.

**Sec. 7-352. Semi-Annual registration of vacant buildings and parcels.**

- (a) The purpose of requiring registration of all abandoned real property/vacant buildings, including dwellings, and the payment of registration fees is to:
  - (1) Assist the City, specifically including, but not limited to, the Office of Code Enforcement, in protecting the public health, safety, and welfare of the residents;
  - (2) Monitor the number of abandoned real property/vacant buildings and land in the City;
  - (3) Assess the effects of the condition of those buildings on nearby businesses and the neighborhoods in which they are located, particularly considering fire safety hazards and unlawful, temporary occupancy by transients, including illicit drug users and traffickers, reduction in property values and the long-term stability of the neighborhoods; and
  - (4) Promote substantial efforts to rehabilitate such abandoned real property/vacant properties.
- (b) The provisions of this article are applicable to the owners of such abandoned real property/vacant buildings and parcels as set forth herein and are in addition to and not in lieu of any and all other applicable provisions of the City of Wilkes-Barre Code of Ordinances, and any other applicable ordinances and/or regulations of the City.
- (c) Any mortgagee who holds a mortgage on real property located within the City of Wilkes-Barre shall perform an inspection of the property to determine vacancy or occupancy, upon default by the mortgagor. The mortgagee shall, within ten (10) days of the inspection, register the property with the Office of Code Enforcement, or designee, on forms or website access provided by the City, and indicate whether the property is vacant or occupied.
- (d) 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 abandoned, and the mortgagee shall, within ten (10) days of that inspection, update the property registration to a vacancy status on forms provided by the City.
- (e) 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.

- (f) Properties subject to this section shall remain under the semi-annual registration requirement, and the inspection, security and maintenance standards of this section as long as they remain vacant or in default.
- (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 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 article is a violation of the article and shall be subject to enforcement.
- (i) Pursuant to any administrative or judicial finding and determination that any property is in violation of this Article, the City 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.

**Sec. 7-353.     Applicability.**

- (a) The requirements of this article shall be applicable to each owner of any commercial or residential building or parcel that is not an individual dwelling unit that is vacant for more than forty-five (45) consecutive days, and to each owner of a residential property consisting of one (1) or more vacant dwellings that shall have been vacant for more than forty-five (45) days.
- (b) This shall also be applicable to any building or structure, whether it be residential or commercial, which does not have a current and valid certificate of occupancy issued by the office of code enforcement for the City of Wilkes-Barre.
- (c) Registration shall be required for all vacant buildings and parcels, whether vacant and secure, vacant and open, or vacant and boarded, and shall be required whenever any building has remained vacant for forty-five (45) consecutive days or more.

**Section 7-354.         Registration Statement.**

- (a) Registration statement. Each such owner shall cause to be filed a registration

which shall include the street address and parcel number of each vacant building and/or parcel, the names, addresses, phone numbers and email addresses of all owners, as hereinafter described, and any other information deemed necessary by the City.

- (i) One (1) registration statement must be filed for each vacant building or parcel that the owner is registering.
- (ii) If the status of the registration information changes during any registration period, it is the responsibility of the owner, responsible party and/or agent for the same to update the registration information within ten (10) days.

(b) Local agent. If none of the persons listed on the registration are at an address within the Commonwealth of Pennsylvania, the registration statement also shall provide the name and address of a person who resides within twenty (20) miles of the City of Wilkes-Barre and who is authorized to accept service of process on behalf of the owners and who shall be designated as responsible local party or agent, both for purposes of notification in the event of an emergency affecting the public health, safety or welfare and for purposes of service of any and all notices or registrations as herein authorized and in connection herewith.

(c) Fee Schedule. The owner of the vacant property shall be responsible for the payment of the nonrefundable registration fee. Properties subject to this section shall remain under the semi-annual registration requirement, and the inspection, security, and maintenance standards of the City code as long as they remain vacant or defaulted. A semi-annual registration fee shall be due in the amount of Three hundred (\$300.00) dollars per property. All registration fees must be paid directly from the Mortgagee, Servicer, Trustee or Owner.

(d) Each individual property on the Registry that has been registered for twelve (12) months or more prior to the Effective Date shall have thirty (30) days to renew the registration and pay the Three hundred (\$300.00) dollar semi-annual registration fee. Properties registered less than twelve (12) months prior the Effective date shall renew the registration every six (6) months from the expiration of the original registration renewal date and shall pay the Three hundred (\$300.00) dollars.

(e) If the defaulted property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the semi-annual registration fee shall be charged for every thirty (30) day period, or portion thereof, the property is not registered and shall be due and payable with the registration.

(f) Delinquent registration fees as a lien. After the owner is given notice of the amount of the registration fee due, except for those owners that have properly perfected a waiver pursuant to section 7-355 herein, and the owner fails to pay the amount due each registration period, or within sixty (60) days of the property becoming vacant, said amount shall constitute a debt due and owing to the City of Wilkes-Barre and

the City may commence a civil action to collect such unpaid debt. Further, a municipal lien shall be filed against said property in the Luzerne County Court of Common Pleas.

(g) Penalties. Failure to register any abandoned real property or vacant property on a semi-annual basis and/or any violation of the section stated within will result in a civil penalty of Five hundred (\$500.00) dollars.

**Sec. 7-356. Maintenance Requirements.**

- (a) Plywood or other wood-type covering. In the event a residential or commercial property is vacant, the owner may only secure the property with plywood or other similar type of wood covering on the exterior of the property for a period of not more than one (1) year from the date the property becomes vacant. After one (1) year has expired, the owner may be cited by the City of Wilkes-Barre as the plywood or other wood-type covering on the exterior of the property or which is visible from the sidewalk, shall be deemed a de facto nuisance punishable by a fine of not less than Twenty-five (\$25.00) dollars and not more than One hundred (\$100.00) dollars. Each day in which the nuisance is not abated shall be considered a separate offense.
- (b) Properties subject to this chapter shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state or local law discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.
- (c) The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- (d) Front, side and rear yards, including landscaping, shall be maintained in accordance with the applicable code(s) at the time registration was required.
- (e) Yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
- (f) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.

- (g) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- (h) Failure of the mortgagee and/or owner to properly maintain the property may result in a violation of the applicable code(s) and issuance of a citation or Notice of Violation in accordance with the applicable code of the City. Pursuant to a finding and determination by the City's Code Enforcement Officer, City's Health Department Officer, Magistrate or a court of competent jurisdiction, the City may take the necessary action to ensure compliance with this section.
- (i) In addition to the above, the property is required to be maintained in accordance with the applicable code(s).

**Sec. 7-357. – Condemnation for demolition property policy.**

- (a) Property security. All condemned properties, identified for demolition by the building code official and/or his or her designee, located within the City of Wilkes-Barre shall be required to be addressed, in accordance with this article, by the property owner within thirty (30) days of the property being deemed condemned by the City of Wilkes-Barre.
  - (1) The term “addressed” shall mean taking any and all proper and legal measures to ensure that the condemned property is safe and secure and not in danger of causing bodily harm or property damage, including, but not limited to, being boarded up with plywood and/or being forcibly secured to prevent transient access or other prohibited access by any non-owner. “Secure” shall be determined by the building code official or the designee in accordance with the Uniform Construction Code, as amended.
- (b) Permits required before commencement of work. No owner shall commence any work on any condemned property without first complying with the vacant property registration set forth in this article and obtaining any and all permits required by the office of code enforcement.
- (c) Performance bond requirement. Before commencing any work, other than to address the condemned property as set forth in section 7-357 (a) (1) of this article, the owner of the condemned property shall post with the City of Wilkes-Barre a performance bond or cashier's check, acceptable to the City of Wilkes-Barre, in an amount sufficient to cover any and all costs necessary for the City to demolish the condemned property in the event the condemned property is not issued a certificate of occupancy within the time frame

represented by the owner and agreed to by the City, or a reasonable extension granted as permitted in this article (the “rehab timeframe”). The performance bond or cashiers check shall be held by the City of Wilkes-Barre until the certificate of occupancy is issued or until the rehab timeframe has expired, whichever is earlier. If the certificate of occupancy is issued, then the performance bond or cashiers check shall be returned to the owner. IF the rehab timeframe expires prior to the issuance of the certificate of occupancy, the City of Wilkes-Barre may immediately accept public bids to demolish the condemned property and use the cashiers check or proceeds from the performance bond, whichever may be applicable, to cover the costs of the demolition. No person or entity will be permitted to commence any work on any condemned property unless and until the proper performance bond or cashiers check is presented to the City.

- (1) Determination of amount of bond or check. The City of Wilkes-Barre reserves the right to consult with and/or seek an estimate from a qualified demolition contractor, who is currently licensed by the City of Wilkes-Barre, to confirm the proper and required amount of the performance bond or cashiers check. The City of Wilkes-Barre has the right to determine amount of the performance bond or cashiers check. Any costs associated with the estimate(s) shall be borne by the owner.
- (2) Appeal of amount of bond or check. In the event the owner does not agree with the amount of the performance bond or cashiers check, the owner shall be permitted to appeal the matter to the City’s Housing Board of Appeals within ten (10) business days of the owner being notified of the amount due. In the event the appeal is not filed within ten (10) business days, the amount of the performance bond or cashiers check shall be conclusive. In order for the appeal of the amount of the performance bond or cashiers check to be valid, the owner must post the amount not in dispute and commence work in accordance with this article and with the requirements set forth in the Wilkes-Barre Code of Ordinances, generally.
- (3) No automatic stay during appeal period. Any appeal by the owner shall not postpone, or act as a stay to the requirement that the owner commence work on the condemned property in question in accordance with this article or with the Wilkes-Barre City Code of Ordinances, generally.
- (4) Cost for appeal. Any appeal made hereunder shall require a fee of One hundred (\$100.00) dollars unless the owner claims in Jona pauperis status, which shall require the completion of a financial statement and

affidavit verifying that the owner does not have the means to make the One hundred (\$100.00) dollar appeal fee, at which time, if verified, the said fee shall be waived.

- (d) Full payment of applicable real estate taxes and sanitary/recycling fees. Prior to the issuance of any permits for the rehabilitation of any condemned property, the owner must show proof that all outstanding real estate taxes, for the City of Wilkes-Barre, County of Luzerne and Wilkes-Barre Area School District, are paid in full. Additionally, the owner shall show proof that all Wilkes-Barre City and Wyoming Valley Sanitary Authority sewer and recycling fees are paid in full.
- (e) Licensed contractors and compliance with the Uniform Construction Code. All contractors performing work on the condemned property shall be licensed in the City of Wilkes-Barre consistent with all applicable requirements in the City's Code of Ordinances. Additionally, all work must be in compliance with and inspected according to the Uniform Construction Code and the applicable building, rental and construction codes in effect at the same time. The owner and contractor shall be jointly and severally responsible and liable for notifying the City of Wilkes-Barre for all inspections and, ultimately, for the issuance of certificate of occupancy.
- (f) Extension of time to complete rehabilitation of condemned property. In the event that the rehabilitation of the condemned property exceeds one (1) year from the date the property is deemed a "condemned property", the code enforcement office may grant the owner an additional four (4) months in which to complete the rehabilitation. After that four-month extension, all future extensions may only be granted with approval of city council. City council may seek guidance and/or a recommendation from any third party, if necessary or desired, including, but not limited to, the City's engineers, the code officers, or the director of operations.
- (g) Form to be completed. Prior to the issuance of permits for the rehabilitation of the condemned property, the owner shall complete the form available in the City's code enforcement office which shall state, inter alia, the following:
  - (1) Name of the owner of the property;
  - (2) Address of the owner of the property;
  - (3) Name and address of responsible person (if owner is not an individual);



- (4) Contact phone number and email address for owner and responsible person;
  - (5) Location of the property, including PIN number and street address;
  - (6) Deed book and page number for the condemned property;
  - (7) Timeline for completion of the rehabilitation of the condemned property;
  - (8) Name, address and phone number of contractor(s) performing work on the condemned property.
- (h) Documents to be provided. Prior to the issuance of permits for the rehabilitation of the condemned property, the owner shall provide the City with the following documentation:
- (1) Copy of deed to the condemned property;
  - (2) Verification of payment for all applicable taxes, sewer and recycling fees;
  - (3) Performance bond or certified check.
  - (4) Final inspection/issuance of certificate of occupancy. Upon completion of the foregoing requirements and the construction/rehabilitation of the condemned property within the rehab timeframe, the owner and contractor shall notify the City of Wilkes-Barre and final inspection shall be conducted at the condemned property. If the condemned property passes the final inspection, the condemned property shall be removed from "condemned property" status and the performance bond or cashier's check shall be immediately returned to the owner, and a valid certificate of occupancy issued. If the final inspection results in a failure, the City's inspector shall provide the owner and the contractor with a list of items which need to be corrected in accordance with the City's applicable property inspection ordinances. IF, in the opinion of the office of code enforcement, after a consultation with and report from a structural engineer, the condemned property cannot be safely removed from the condemned property status, or if the completion of the work cannot be completed within the rehab timeframe, or after any reasonable extension, the code officer shall provide certified, written notice to the owner of the City's intent to demolish the condemned property and the

use of the performance bond or certified check. The owner may appeal this determination within ten (10) days of the receipt of the notice in accordance with and along the same procedures set up in section 7-357 © (2). The demolition, unless the condemned property is in immediate danger of collapse, a serious threat to public safety or to property, shall only occur after the exhaustion of all appeals.

- (i) Appeals. All appeals concerning any matter in this section shall be appealed to the Housing Board of Appeals of the City of Wilkes-Barre, consistent with the terms and conditions of the Housing Board of Appeals outlined in Section 7-140.7.

#### SEVERABILITY.

The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Council of the City of Wilkes-Barre that this ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

#### REPEALER.

All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed. All ordinances not specifically amended hereby remain in full force and effect.

Passed finally by the Council of the City of Wilkes-Barre on \_\_\_\_\_

\_\_\_\_\_, 2018.

This ordinance shall become effective ten (10) days after final passage by the Council of the City of Wilkes-Barre.

Attest:

\_\_\_\_\_  
Jim Ryan, City Clerk