

## **CHAPTER 4**

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## PART 1

### DANGEROUS STRUCTURES

#### §4-101. Definitions.

1. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

**BUILDING** - an independent structure having a roof supported by columns or walls resting on its own foundation and includes dwelling, garage, barn, stable, shed, greenhouse, mobile home, plant, factory, warehouse, school or similar structure.

**DANGEROUS BUILDING** - all buildings or structures which have any or all of the following defects shall be deemed dangerous buildings:

- A. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
- B. Those which, exclusive of the foundation, show damage or deterioration to 33% of the supporting member or members, or damage or deterioration of 50% of the nonsupporting enclosing or outside walls or coverings.
- C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
- D. Those which have been damaged by fire, wind or other causes so as to be dangerous to life, safety or the general health and welfare of the occupants or the public.
- E. Those which are so damaged, dilapidated, decayed, unsafe, unsanitary, vermin infested or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of those living therein.
- F. Those which have parts thereof which are so attached that they may fall and injure property or members of the public.
- G. Those which lack illumination, ventilation or sanitation facilities or because of another condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the occupants or the public.

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- H. Those which because of their condition and/or location are unsanitary, or otherwise dangerous to the health or safe of the occupants or the public.
- I. Those existing in violation of any provisions of the building code, fire prevention code, BOCA codes, Allegheny County Health Department regulations or other ordinances of the Borough of East McKeesport.

**DWELLING** - any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

**DWELLING UNIT** - any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living or sleeping by human occupants.

**EXTERMINATION** - control and elimination of insects, rodents or other pest by eliminating their harborage places, removing or making inaccessible materials that may serve as their food, poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods.

**GARBAGE** - animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

**INFESTATION** - presence, within or around a dwelling, of any insects, rodents or other pests.

**OWNER** - person who, alone or jointly or severally with others:

- A. Shall have legal title to any dwelling, or dwelling unit, with or without accompanying actual possession thereof.
- B. Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Part and with rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

**PERSON** - any individual, firm, corporation, association or partnership, or other legal entity.

**PROPERTY** - a piece, parcel, lot or tract of land.

**RUBBISH** - combustible and noncombustible waste materials, except garbage, including residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust.

**STRUCTURE** - anything constructed or erected with a fixed or ascertainable location on the ground or in water, whether or not affixed to the ground or anchored in the water, including buildings, walls, fences, platforms, docks, wharves, billboards, signs and walks.

2. Whenever the words "dwelling," "dwelling unit" or "premises" are used in this Part, they shall be construed as though they were followed by the words "or any part thereof."

*(Ord. 788, 6/12/1997, §1)*

**§4-102. Dangerous Buildings Declared Nuisances.**

All dangerous buildings within the terms of §4-101 of this Part are hereby declared to be public nuisances and shall be repaired, vacated or demolished as herein provided.

*(Ord. 788, 6/12/1997, §2)*

**§4-103. Standards for Repair, Vacation or Demolition.**

The following standards shall be followed in substance by the Enforcement Officer of the Borough of East McKeesport in ordering repair, vacation or demolition:

- A. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this Part, it shall be ordered to be repaired.
- B. If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, or the public and is so placarded, it shall be ordered to be vacated within such length of time, not exceeding 30 days, as is reasonable.
- C. No dwelling or dwelling unit which has been placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Enforcement Officer. The Enforcement Officer shall remove such placard whenever the defect or defects upon which the placarding action were based have been eliminated.
- D. If a dangerous building is 50% or more damaged or decayed, or deteriorated from its original condition; if a dangerous building cannot be repaired, so that it will no longer exist in violation of the terms of this Part; or if the owner of a building which is repairable fails to make the needed repairs within the allotted time period as provided in the notice to make said repairs from the

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Borough of East McKeesport; or if the dangerous building is a fire hazard existing or erected in violation of the terms of this Part or any ordinance of the Borough of East McKeesport or statute of the Commonwealth of Pennsylvania, it shall be ordered to be demolished; provided, the cost of repairs to rectify or remove the conditions constituting the nuisance exceed 50% of the market value of the building at the time demolition is proposed.

(Ord. 788, 6/12/1997, §3)

### **§4-104. Duties of Enforcement Officer and Notice Requirements.**

1. The Enforcement Officer shall inspect on a regular basis dwellings, buildings and structures to determine whether any conditions exist which render such premises dangerous buildings within the terms of §4-101 above.
2. Whenever an inspection discloses that a dwelling, building or structure has become a public nuisance, the Enforcement Officer shall issue a written notice to the person or persons responsible thereof and to the Council of the Borough of East McKeesport. The notice:
  - A. Shall be in writing.
  - B. Shall include a statement of the reasons it is being issued.
  - C. Shall state a reasonable time to rectify the conditions constituting the nuisance or to remove and demolish the dwelling, building or structure.
  - D. Shall be served upon the owner, or his agent, or the occupant, as the case may require:
    - (1) Except in emergency cases or where the owner, occupant, lessee or mortgagee is absent from the Borough of East McKeesport, all notices shall be deemed to be properly served upon the owner, occupant or other person having an interest in the dangerous building, if a copy thereof is served upon him personally, or if a copy thereof is posted in a conspicuous place in or about the structure affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of the Commonwealth.
    - (2) Except emergency cases, in all other cases where the owner, occupant, lessee or mortgagee is absent from the Borough of East McKeesport, all notices or orders provided for herein shall be sent by registered mail to

the owner, occupant and all other persons having an interest in said building, as shown by the records of the County Recorder of Deeds, to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the dangerous building to which it relates. Such mailing and posting shall be deemed adequate service.

E. May contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Part and with the rules and regulations adopted pursuant thereto.

3. Appear at all hearings conducted by the Council of the Borough of East McKeesport and testify as to the condition of dangerous buildings.

(Ord. 788, 6/12/1997, §4)

#### **§4-105. Hearings.**

1. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Part, may request and shall be granted a hearing on the matter before the Council of the Borough of East McKeesport provided that such person shall file with the Borough Secretary a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within 10 days after the day the notice was served. Upon receipt of such petition, the Borough Secretary shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than 30 days after the day on which the petition was filed.
2. After such hearing the Council of the Borough of East McKeesport shall sustain, modify or withdraw the notice. If the Council of the Borough of East McKeesport sustains or modifies such notice, it shall be deemed to be in order. Any notice served pursuant to this Part shall automatically become an order if a written petition for hearing is not filed with the Borough Secretary within 10 days after such notice is served.
3. Any aggrieved party may appeal the final order to the Court of Common Pleas in accordance with the provisions of the Judicial Code, Title 42, Pa.C.S.A.

(Ord. 788, 6/12/1997, §5)

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### **§4-106. Removal of Notice Prohibited.**

No person shall remove or deface the notice of dangerous building, except as provided in §4-103(C).

*(Ord. 788, 6/12/1997, §6)*

### **§4-107. Emergency Cases.**

Whenever the Enforcement Officer finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as is necessary to meet the emergency. Notwithstanding the other provisions of this Part, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Enforcement Officer shall be afforded a hearing as soon as possible. After such hearing, depending upon the findings as to whether the provisions of this Part have been complied with, Enforcement Officer shall continue such order in effect or modify or revoke the costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided herein for other cases.

*(Ord. 788, 6/12/1997, §7)*

### **§4-108. Abatement by the Borough of East McKeesport.**

If the owner, occupant, mortgagee or lessee fails to comply with the order of the Enforcement Officer within the time specified in the notice issued by him and no petition for hearing is filed within 10 days thereafter, or following a hearing by the Council of the Borough of East McKeesport where the order is sustained thereby, the Enforcement Officer shall cause such building or structure to be repaired, vacated or demolished as determined by the Council of the Borough of East McKeesport in accordance with the standards hereinbefore provided. The Borough of East McKeesport may collect the cost of such repair, vacation or demolition together with a penalty of 10% of such cost, and attorney fees in the manner provided by law, or the Borough of East McKeesport may seek injunctive relief in a court of competent jurisdiction pursuant to the rules of civil procedure.

*(Ord. 788, 6/12/1997, §8)*



**§4-109. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense, and for each day that a violation continues beyond the date of conviction under this Part, an additional fine of \$100 shall be assessed.

(*Ord. 788, 6/12/1997, §9; as amended by Ord. 828, 6/12/2003, §1*)



**PART 2**

**DISPLAY OF STREET NUMBER OR ADDRESS**

**§4-201. Numbering of Buildings; Conspicuous and Prominent Display of Numbers Being Required.**

From and after the effective date of this Part, all property owners, tenants, or occupiers of residential, commercial or industrial properties in the Borough of East McKeesport, including apartment complexes, shall display the street number or address of such residential, commercial or industrial property in a conspicuous and prominent place which shall be visible from the street directly in front of said property and which numbers shall be at least 4 inches high and ½ inch wide and easily readable by passersby on said street.

*(Ord. 914, 8/8/2013)*

**§4-202. Enforcement.**

The Code Enforcement Officer and the Police Department of the Borough of East McKeesport shall have concurrent jurisdiction in enforcing the provisions of this Part. All property owners, tenants, occupiers of residential, commercial or industrial properties in the Borough failing to prominently display the street number or address as required shall receive a written notice from the Borough to comply with this Part after 30 days of receipt of the notice. The Code Enforcement Officer or any police officer of the Borough shall have sufficient authority to prosecute said property owner, tenant or occupier of residential, commercial or industrial properties for failure to comply with the notice and to file a complaint for violation of this Part before the magisterial district justice's office.

*(Ord. 914, 8/8/2013)*

**§4-203. Violations and Penalties.**

Any property owner, tenant, occupier of any residential, commercial or industrial property or building within the Borough of East McKeesport or any person, firm or corporation who is owner of said property and who shall violate any of the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$250 and the cost of prosecution. Each day that such offense shall continue shall constitute a separate violation of this Part.

*(Ord. 914, 8/8/2013)*



**PART 3**

**ABANDONED REAL PROPERTY**

**§4-301. Purpose and Intent.**

It is the purpose and intent of East McKeesport to establish a process to address the deterioration and blight of East McKeesport neighborhoods caused by an increasing amount of abandoned, foreclosed or distressed real property located within East McKeesport, and to identify, regulate, limit and reduce the number of abandoned properties located within the East McKeesport. It is East McKeesport's further intent to establish a registration program as a mechanism to protect neighborhoods from becoming blighted due to the lack of adequate maintenance and security of abandoned and foreclosed properties.

*(Ord. 925, 3/12/2015)*

**§4-302. 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.

**ABANDONED REAL PROPERTY** - means any real property located in East McKeesport, 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 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.

**ACCESSIBLE PROPERTY/STRUCTURE** - means a property that IS accessible through a comprised/breached gate, fence, wall, etc. or a structure that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

**APPLICABLE CODES** - means to include, but not be limited to, East McKeesport's Zoning Code, East McKeesport's Code of Ordinances ("East McKeesport Code"), and the Pennsylvania Building Code.

**BLIGHTED PROPERTY** - means:

- A. Properties that have broken or severely damaged windows, doors, walls, or roofs which create hazardous conditions and encourage trespassing; or
- B. Properties whose maintenance is not in conformance with the maintenance of other neighboring properties causing a decrease in value of the neighboring properties; or

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- C. Properties cited for a public nuisance pursuant to East McKeesport Code; or
- D. Properties that endanger the public's health, safety, or welfare because the properties or improvements thereon are dilapidated, deteriorated, or violate minimum health and safety standards or lacks maintenance as required by East McKeesport and Zoning Codes.

**ENFORCEMENT OFFICER** - means any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector or building inspector, or other person authorized by East McKeesport to enforce the applicable code(s).

**OWNER** - means any person, legal entity or other party having any ownership interest whether legal or equitable, in real property. This term shall also apply to any person, legal entity or agent responsible for the construction, maintenance or operation of the property involved.

**PROPERTY MANAGEMENT COMPANY** - means a local property manager, property maintenance company or similar entity responsible for the maintenance of abandoned real property.

**VACANT** - means any building or structure that is not legally occupied.

*(Ord. 925, 3/12/2015)*

### **§4-303. Applicability.**

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather be an additional remedy available to East McKeesport above and beyond any other state, county or local provisions for same.

*(Ord. 925, 3/12/2015)*

### **§4-304. Establishment of a Registry.**

Pursuant to the provisions of §4-301, East McKeesport or designee shall establish a registry cataloging each abandoned property within East McKeesport, containing the information required by this part.

*(Ord. 925, 3/12/2015)*

### **§4-305. Registration of Abandoned Real Property.**

1. Any mortgagee who holds a mortgage on real property located within East McKeesport shall perform an inspection of the property to determine vacancy or occupancy, upon default by the mortgagor. The mortgagee shall, within ten days of the inspection, register the property with

the Division of Code Enforcement, or designee, on forms or website access provided by East McKeesport, 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:
  - A. The mortgagor or other party remedies the default, or
  - B. It is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, and the mortgagee shall, within ten days of that inspection, update the property registration to a vacancy status on forms provided by East McKeesport.
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, facsimile number and e-mail address for both parties, the folio or tax number, and the name and 24-hour contact phone number of the property management company responsible for the security and maintenance of the property.
4. A non-refundable annual registration fee in the amount of \$200 per property, shall accompany the registration form or website registration.
5. 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 East McKeesport and/or its authorized designee.
6. 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.
7. Properties subject to this section shall remain under the annual registration requirement, and the inspection, security and maintenance standards of this section as long as they remain vacant or in default.
8. 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 days of the change.
9. 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 the part and shall be subject to enforcement.
10. Pursuant to any administrative or judicial finding and determination that any property is in violation of this Part, East McKeesport 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.

*(Ord. 925, 3/12/2015)*

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### **§4-306. Maintenance Requirements.**

1. 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.
2. 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.
3. Front, side, and rear yards, including landscaping, shall be maintained in accordance with the applicable code(s) at the time registration was required.
4. 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.
5. Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.
6. 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).
7. 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 East McKeesport's Code of Ordinances. Pursuant to a finding and determination by East McKeesport's Code Enforcement Officer/Board, Hearing Officer/Special Magistrate or a court of competent jurisdiction, East McKeesport may take the necessary action to ensure compliance with this section.
8. In addition to the above, the property is required to be maintained in accordance with the applicable code(s).

*(Ord. 925, 3/12/2015)*

### **§4-307. Security Requirements.**

1. Properties subject to these sections shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
2. A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates and other openings of such size that may



allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by reglazing of the window.

3. If a mortgage on a property is in default, and the property has become vacant or abandoned, a property manager shall be designated by the mortgagee to perform the work necessary to bring the property into compliance with the applicable code(s), and the property manager must perform regular inspections to verify compliance with the requirements of this article, and any other applicable laws.

*(Ord. 925, 3/12/2015)*

**§4-308. Public Nuisance.**

All abandoned real property is hereby declared to be a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare and safety of the residents of East McKeesport.

*(Ord. 925, 3/12/2015)*

**§4-309. Inspections for Violations.**

Adherence to this article 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. Upon sale or transfer of title to the property, the owner shall be responsible for all violations of the applicable code(s) and the owner shall be responsible for meeting with East McKeesport's Code Enforcement Division within 45 days for a final courtesy inspection report.

*(Ord. 925, 3/12/2015)*

**§4-310. Additional Authority.**

1. If the enforcement officer has reason to believe that a property subject to the provisions of this Part is posing a serious threat to the public health safety and welfare, the Code Enforcement Officer may temporarily secure the property at the expense of the mortgagee and/or owner, and may bring the violations before East McKeesport's Code Enforcement Board or Code Enforcement Special Magistrate as soon as possible to address the conditions of the property.
2. The Code Enforcement Board or Hearing Officer/Special Magistrate shall have the authority to require the mortgagee and/or owner of record of any property affected by this section, to implement additional maintenance and/or security measure including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.

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3. If there is a finding that the condition of the property is posing a serious threat to the public health, safety and welfare, then the Code Enforcement Board or Special Magistrate may direct East McKeesport to abate the violations and charge the mortgagee with the cost of the abatement.
4. If the mortgagee does not reimburse East McKeesport for the cost of temporarily securing the property, or of any abatement directed by the Code Enforcement Board or Special Magistrate, within 30 days of East McKeesport sending the mortgagee the invoice then East McKeesport may lien the property with such cost, along with an administrative fee of \$500 to recover the administrative personnel services.

*(Ord. 925, 3/12/2015)*

### **§4-311. Opposing, Obstructing Enforcement Officer; Penalty.**

Whoever opposes, obstructs or resists any enforcement officer or any person authorized by the enforcement office in the discharge of duties as provided in this chapter shall be punishable as provided in the applicable code(s) or a court of competent jurisdiction.

*(Ord. 925, 3/12/2015)*

### **§4-312. Immunity of Enforcement Officer.**

Any enforcement officer or any person authorized by East McKeesport to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon real property while in the discharge of duties imposed by this part.

*(Ord. 925, 3/12/2015)*

### **§4-313. Penalties; Schedule of Civil Penalties.**

Any person who shall violate the provisions of this part may be cited and fined as provided in the East McKeesport Code of Ordinances and Pennsylvania Statutes. The following table shows violations of these sections, as may be amended from time to time, which may be enforced pursuant to the provisions of this regulation; and the dollar amount of civil penalty for the violation of these sections as it may be amended. The descriptions of violations below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of East McKeesport Code sections, except to the extent that different types of violations of the Code section may carry different civil penalties. For each Code section listed in the schedule of civil penalties, the entirety of the section may be enforced by the mechanism provided in this section, regardless of whether all activities prescribed or required are described in the "Description of Violation" column.

To determine whether a particular activity is prescribed or required by this Code, the relevant East McKeesport Code section(s) shall be examined.

<i>Description of Violation</i>	<i>Civil Penalty</i>
Failure to register abandoned real property on annual basis and/or any violation of the sections stated within.	\$500.00

(Ord. 925, 3/12/2015)

