

BOROUGH OF WILKINSBURG
COUNTY OF ALLEGHENY, PENNSYLVANIA

ORDINANCE No. 22-002

AN ORDINANCE OF THE BOROUGH OF WILKINSBURG, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING THE COUNCIL PRESIDENT ON BEHALF OF THE BOROUGH OF WILKINSBURG TO FORM AND ESTABLISH A LAND BANK TO BE KNOWN AS THE WILKINSBURG LAND BANK.

WHEREAS, the Borough of Wilkinsburg is aware that vacant, abandoned, and tax-delinquent properties adversely affect the economic and social vitality of the Borough by imposing significant costs on taxpayers, neighborhoods and communities throughout the Borough of Wilkinsburg by lowering property values, increasing fire and police protection costs, decreasing tax revenues, and undermining community cohesion;

WHEREAS, the Borough of Wilkinsburg desires to address blight and transition abandoned properties to productive use using a predictable and transparent process in order to revitalize neighborhoods, strengthen the tax base and maintain affordability;

WHEREAS, the Land Bank Act, Act 153 of 2012, enacted by the Pennsylvania General Assembly and signed into law by the Governor on October 24, 2012, as amended, and codified at 68 Pa.C.S. Section 2101 et seq. (the "Act") authorizes the Borough of Wilkinsburg to create a land bank; and,

WHEREAS, a municipality may enter into an intergovernmental cooperation agreement with other taxing jurisdictions upon passage of an ordinance by its governing body pursuant to the Act.

SECTION 1. PURPOSE AND AUTHORITY

- A. It is the purpose of this Ordinance to create and establish the Wilkinsburg Land Bank as the land bank for Borough of Wilkinsburg pursuant to the authority granted under the Pennsylvania Land Bank Law, 68 Pa. C.S. §2104(a).
- B. The Borough of Wilkinsburg is establishing the Wilkinsburg Land Bank in order to mitigate blight, encourage the redevelopment of vacant, abandoned, and tax-delinquent properties, foster economic development of these properties, and improve the quality of life of neighborhoods affected by these properties.

SECTION 2. DEFINITIONS

As used in the Ordinance, the following terms shall have the following meanings:

- A. "Act." The Act of October 24, 2012, P.L. 1239, No. 153, codified at 68 Pa. C.S. § 2101 et seq.
- B. "Land Bank." The Wilkinsburg Land Bank.
- C. "Land Bank Activities." Any and all activities, operations, actions and functions undertaken by the Authority pursuant to the Land Bank Law and this Ordinance.
- D. "Land Bank Law." The act of October 24, 2012, P.L. 1239, No. 153, codified at 68 Pa. C.S. §§ 2102-2120 and any amendments thereto.
- E. "Land bank jurisdiction." A county, a city, a borough, a township and an incorporated town with a population of more than 10,000.

- F. "Owner-Occupant." A natural person with a legal or equitable ownership in the property which was the primary residence of the person for at least three consecutive months at any point in the year preceding the date of the initial delinquency.
- G. "Person." A corporation, partnership, limited liability company, business trust, other association, government entity (other than the Commonwealth of Pennsylvania), estate, trust or natural person.
- H. "Policies." The rules, policies and procedures adopted by the Wilkinsburg Land Bank pursuant to this Ordinance and the Land Bank Law.
- I. "Real Property." Land and all structures and fixtures thereon and all estates and interests in land, including easements, covenants and leases, tax claims and liens.

SECTION 3. POWERS OF THE LAND BANK

The Land Bank shall have all the powers conferred under the Land Bank Law, including but not limited to § 2107.

SECTION 4. REPRESENTATION ON THE BOARD OF THE LAND BANK

The Board of the Wilkinsburg Land Bank Board shall have nine (9) voting members, consisting of the following:

- A. Wilkinsburg Borough Council President, or its designee;
- B. Wilkinsburg Borough School District President, or its designee;
- C. Allegheny County Representative as designated by the County Executive;
- D. Three (3) residents of the Borough of Wilkinsburg, one (1) from each Ward;
 - a. Of the resident members, one (1) shall not be a public official or municipal employee, and shall maintain membership with a recognized civic organization within the jurisdiction of the Borough of Wilkinsburg;
- E. Three (3) qualified professionals, such as but not limited to, lawyers, engineers, licensed real estate agents, planners and accountants.

Any person may submit recommendations to the Wilkinsburg Land Bank regarding membership of the Land Bank's Board and appointments thereto. Vacancies will be filled by submitting a written application to the Wilkinsburg Land Bank and voted on by the Board. The initial Board will consist of the following: TBD.

SECTION 5. ACTION TAKEN BY BOARD OF THE LAND BANK

All action taken by the Board of the Land Bank must be done in compliance with §2105(h) of the Land Bank Law.

SECTION 6. ACQUISITION OF REAL PROPERTY

- A. The Land Bank shall hold title in its own name to all Real Property it acquires.
- B. The Land Bank may acquire Real Property by any legal means, on terms and conditions and in a manner the Land Bank considers proper.
- C. If the Land Bank acquires a residential property occupied by Owner-Occupants, it shall be the Land Bank's policy to show a preference for keeping the Owner-Occupants within their homes.
- D. The Land Bank shall acquire, hold and dispose of Real Property in accordance with the Land Bank Law.

- E. Any person may submit recommendations to the Land Bank concerning Real Property that could be acquired and the proposed uses for which such property could be redeveloped.

SECTION 7. POLICIES

- A. The Land Bank shall develop Policies which are consistent with the Land Bank Law and with this Ordinance.
- B. After the adoption of the Policies by the Land Bank, the Policies shall be reviewed at least annually by the Land Bank with the opportunity for public input and comment. The Policies shall be published on the Land Bank's website.
- C. The Policies adopted by the Land Bank shall include ethical standards, financial disclosure standards and conflict of interest guidelines consistent with § 2115 of the Land Bank Law and all other applicable state and local laws.

SECTION 8. FINANCIAL PROVISIONS

- A. The Land Bank shall finance Land Bank Activities through any means authorized under the Land Bank Law or any other applicable law.
- B. Finances of the Land Bank shall be retained and accounted for separately from any other entity and shall be subject to the annual auditing and reporting requirements of § 2119 of the Land Bank Law.

SECTION 9. REVOCATION OF THE DESIGNATION

The designation of the Land Bank may be revoked in the same manner as the dissolution of a land bank under § 2114 of the Land Bank Law.

SECTION 10. AMENDMENT BY RESOLUTION

This Ordinance may be amended or modified from time to time by majority vote of Wilkinsburg Borough Council.

SECTION 11. SEVERABILITY

If any article, section, subsection, provisions, regulation, limitations, restriction, sentence, clause, phrase or word in this Ordinance is, for any reason, declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provisions, regulation, limitations, restriction, sentence, clause, phrase, word or remaining portion of the Ordinance herein.

SECTION 12. FILING OF THE ORDINANCE

Upon adoption of this Ordinance, the BOROUGH OF WILKINSBURG shall file a copy of the Ordinance with the Pennsylvania Department of State and provide a copy to the Pennsylvania Department of Community and Economic Development.

SECTION 13. EFFECTIVE DATE

This ordinance shall be effective as of _____.