

LAW

FILE OF THE COUNCIL NO. 92

2007

AN ORDINANCE  
(AS AMENDED)

AMENDING FILE OF COUNCIL NO.74, 1993, (AS AMENDED), ENTITLED."THE ZONING ORDINANCE FOR THE CITY OF SCRANTON", BY CHANGING CERTAIN SECTIONS TO ALLOW FOR THE IMPROVED ADMINISTRATION OF THE ORDINANCE. SPECIFICALLY SECTIONS 806.B.1 AND SECTIONS 806.E.1 AND 806.E.3,

WHEREAS, The City Planning Commission in conjunction with the Zoning Enforcement Office has reviewed the Zoning Ordinance and has determined that the following Amendments will aid in the enforcement and administration of the Zoning Ordinance; and

WHEREAS, The Planning Commission of the City of Scranton has recommended such Amendments.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SCRANTON AND IT IS HEREBY ORDAINED BY AND WITH THE AUTHORITY OF THE SAME THAT File of the Council No. 74, 1993, as Amended, is further Amended as follows:

**SECTION 806.B.1**

It shall be the responsibility of a party asserting a nonconformity to provide evidence that the nonconformity was lawfully created and was and continues to be in compliance with all city laws, regulations and codes in effect at the time it was created and thereafter. With respect to nonconforming dwelling units, in addition to the above requirements, evidence must be provided to show the use is in compliance with the Rental Registration Ordinance (File of Council #88, 2001) or any successor ordinance and the dwelling units are in compliance with all building codes.

Failure to properly register the property in accordance with the said Rental Registration Ordinance or any successor ordinance, the failure to maintain said registration, or the failure to maintain the premises in compliance with all building codes shall be considered both an intent to

Introduced in Council on above date and referred to Committee on May 3, 2007

Rules  
*Kay Harvey*  
City Clerk

Scranton, Pa. July 14, 2007  
Committee on Rules reports favorably on the within ordinance.

*Judy Galleli*  
Chairman

Fifth Order:  
June 7, 2007

**CERTIFIED COPY**  
*Kay Harvey*  
City Clerk

abandon the nonconforming use and an actual abandonment of such nonconforming use and shall make any subsequent nonconforming use illegal.

A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence as stated above. The Zoning Officer may, but is not required to, prepare a partial or complete list of existing non-conformities.

**SECTION 806.E.1**

If a nonconforming use of a building or land is discontinued for a period of 6 months or more, or is discontinued for a period of 12 or more months in any 2 year period the use is considered abandoned, except:

- a. as provided for in the "Damaged or Destroyed Nonconformities" section (§ 806.D) or
- b. if a nonconforming off-premise junkyard, outside storage area or similar nonconforming use of open land is discontinued for 30 days or more, the nonconforming use shall not be continued, repaired or reconstructed.

Regarding residential properties, failure to properly register the property in accordance with the Rental Registration Ordinance (File of Council #88, 2001, as Amended) or any successor ordinance, maintain said registration and maintain the premises in conformance with City building codes shall be considered intent to abandon the nonconforming use.

**SECTION 806.E.3**

Any future use of such building or land shall be in full conformity with the provisions of this Ordinance.

**SECTION 1.** In all other respects, File of Council No. 74, 1993, as amended, shall remain in full force and effect.

**SECTION 2.** If any section, clause, provision or portion of this ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this ordinance or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and intent of this ordinance, and the effective administration thereof.

**SECTION 3.** This Ordinance will take effect immediately upon passage.

**SECTION 4.** This Ordinance is enacted by the Council of the City of Scranton under the authority of the Act of Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Optional Plans Law" and any other applicable law arising under the laws of the State of Pennsylvania.

**Passed by The Council**

July 12, 2007

receiving the affirmative votes of Council Persons

Evans, Fanucci, McGoff, Courtright, Gatelli

Negative None

*Judy Gatelli*

President

Approved

7-13-07

*[Signature]*

Mayor

*[Signature]*

ASST.  
City Clerk

Certified Copy