

ORDINANCE NO 2019 - 12-5

MORRIS TOWNSHIP, CLEARFIELD COUNTY

Blight Reclamation and Revitalization

AN ORDINANCE OF THE TOWNSHIP OF MORRIS, CLEARFIELD COUNTY, PROVIDING FOR, REGULATING, AND REQUIRING CERTAIN ACTIONS OF PROPERTIES SUBJECT TO BLIGHT OR IN A DANGEROUS OR DETERIORATED CONDITION, INCLUDING: (1) DEFINITIONS; (2) ACTION BY THE TOWNSHIP; (3) ACTIONS BY PROPERTY OWNER, ASSOCIATIONS, AND TRUSTS; (4) PROVIDING FOR THE ATTACHMENT OF CERTAIN ASSETS; (5) ALLOWING FOR THE DISALLOWING OF CERTAIN PERMITS AND GRANTS; AND (6) PROVIDING FOR AND ASSESSING CERTAIN PENALTIES FOR VIOLATIONS THEREOF

§1-1. Title.

This chapter shall be known and may be cited as the "Morris Township Neighborhood Blight Reclamation and Revitalization Ordinance."

§1-2. Findings and purpose.

Consistent and consonant with the findings and purpose of Act 90 of 2010, the Morris Township Board of Supervisors finds:

- A. There are deteriorated properties located in the Township as a result of the direct neglect by the property owner's, which is in violation of applicable state laws and/or municipal codes.
 - B. These deteriorated properties create public nuisances which have an impact on crime and the quality of life of Township residents and require significant expenditures of public funds in order to abate and correct the nuisances.
 - C. In order to address these situations, it is appropriate to deny certain governmental permits and approvals in order to:
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(1) Prohibit property owners from further extending their financial commitments so as to render themselves unable to abate or correct the code, statutory and regulatory violations or tax delinquencies.

(2) Reduce the likelihood that other municipalities will have to address the owners' neglect and resulting deteriorated properties.

(3) Sanction the owners for not adhering to their legal obligations to the commonwealth and its municipalities, tenants, adjoining property owners and neighborhoods.

§1-3. Definitions.

The following words and phrases, when used in this chapter, shall have the meanings given to them in this section unless the context clearly indicates otherwise:

ACT

The Neighborhood Blight Reclamation and Revitalization Act, 53 Pa.C.S.A. §6101 *et seq.*, also known and referred to as "Act 90" and "Act 90 of 2010."

BUILDING

A residential, commercial or industrial building or structure, and the land appurtenant to it.

CODE

A building, housing, property maintenance, fire, health or other public safety ordinance enacted by a municipality. The term does not include a subdivision and land development ordinance or a zoning ordinance enacted by a municipality.

COURT

The appropriate Court of Common Pleas within the Commonwealth of Pennsylvania.

DETERIORATED PROPERTY

Any property in the Township which, as a result of neglect by its owners, is in violation of applicable state and Township statutes, codes, regulations, or ordinances, and which creates a public nuisance.

MORTGAGE LENDER

A business association defined as a "banking institution" or "mortgage lender" under 7 Pa.C.S.A. Ch. 61 (relating to mortgage loan industry licensing and consumer protection) that is in possession of or holds title to real property pursuant to, in enforcement of or to protect rights arising under a mortgage, mortgage note, deed of trust or other transaction that created a security interest in the real property.

MUNICIPALITY

Any municipality in the Commonwealth of Pennsylvania.

MUNICIPAL PERMITS

Privileges relating to real property granted by a municipality, including, but not limited to, building permits, exceptions to zoning ordinances and occupancy permits. The term includes approvals pursuant to land use ordinances other than decisions on the substantive validity of a zoning ordinance or map or the acceptance of a curative amendment.

OWNER

A holder of the title to residential, commercial or industrial real estate, other than a mortgage lender, who possesses and controls the real estate. The term includes, but is not limited to, heirs, assigns, beneficiaries and lessees, provided this ownership interest is a matter of public record.

PUBLIC NUISANCE

Property which, because of its physical condition or use, is regarded as a public nuisance at common law or has been declared by the appropriate official a public nuisance in accordance with a municipal ordinance or code.

SERIOUS VIOLATION

A violation of a state law or municipal code that poses an imminent threat to the health and safety of a dwelling occupant, occupants in surrounding structures or a passersby.

STATE LAW

A statute of the Commonwealth of Pennsylvania or a regulation of an agency charged with the administration and enforcement of commonwealth law.

SUBSTANTIAL STEP

An affirmative action as determined by a property code or code enforcement official or officer of the court on the part of a property owner or managing agent to remedy a serious violation of a state law or municipal ordinance or code, including, but not limited to, physical improvements or repairs to the property, which affirmative action is subject to appeal in accordance with applicable law.

TAX DELINQUENT PROPERTY

Tax delinquent real property as defined under:

- A. The act of July 7, 1947 (P.L. 1368, No. 542), known as the "Real Estate Tax Sale Law;
- B. The act of May 16, 1923 (P.L. 207, No. 153), referred to as the "Municipal Claim and Tax Lien Law"; or
- C. The act of October 11, 1984 (P.L. 876, No. 171) known as the "Second Class City Treasurer's Sale and Collection Act," located in any municipality in this commonwealth.

TOWNSHIP

Morris Township, Clearfield County, Pennsylvania, with principal business office located at 1189 Oak Grove Road, Morrisdale, Pennsylvania 16858.

TOWNSHIP OFFICIAL

The Township's Board of Supervisors, duly appointed Codes Enforcement Officer, or any other representative of the Township duly appointed or designated by the Township's Board of Supervisors for the purpose of enforcement of this ordinance specifically or any other Township ordinance generally.

§1-4. Deteriorated properties, public nuisances, and serious ordinance violations prohibited.

It shall be a violation of this chapter for any real property in the Township to be, become, or remain a deteriorated property, a public nuisance, or in serious violation of any code of the Township, as those terms are defined in this chapter. Such determination or declaration shall be made by an appropriate Township Official as defined in this chapter.

§1-5. Actions by Township.

In addition to any other remedy available at law or in equity, the Township may institute the following actions against the owner of any real property that is in serious violation of a Township code, or for failure to correct a condition which causes the property to be regarded as deteriorated or a public nuisance:

A. An *in personam* action.

(1) An in personam action may be initiated for a continuing violation for which the owner takes no substantial step to correct within six months following receipt of an order to correct the violation, unless the order is subject to a pending appeal before the administrative agency or court.

(2) Notwithstanding any law limiting the form of action for the recovery of penalties by the Township for the violation of a code, the Township may recover, in a single action under this section, an amount equal to any penalties imposed against the owner and any costs of remediation lawfully incurred by or on behalf of the Township to remedy any code violation.

Any proceeding in equity.

§1-6. Asset attachment.

A. General rule. A lien may be placed against the assets of an owner of real property that is in serious violation of a code or is regarded as a public nuisance after a judgment, decree, or order is entered by a court of competent jurisdiction

against the owner of the property for an adjudication under §1-5, relating to actions.

B. Construction. Nothing in this section shall be construed to authorize, in the case of an owner that is an association or trust, a lien on the individual assets of the general partner or trustee (except as otherwise allowed by law), limited partner, shareholder, member or beneficiary of the association or trust.

§1-7. Extradition of out-of-state property owners.

The provisions of §6113 of Act 90 of 2010, 53 Pa.C.S. §6113, regarding extradition of any person who lives or has a principal place of residence outside this commonwealth, who owns property in this commonwealth against which code violations have been cited, shall apply to violators of this chapter.

§1-8. Duty of association and trust owners.

Where, after reasonable efforts, service of process for a notice or citation for any code violation for any real property owned by an association or trust cannot be accomplished by handing a copy of the notice or citation to an executive officer, partner or trustee of the association or trust or to the manager, trustee or clerk in charge of the property, the delivery of the notice or citation may occur by registered, certified or United States express mail, accompanied by a delivery confirmation:

A. To the registered office of the association or trust.

B. Where the association or trust does not have a registered office, to the mailing address used for real estate tax collection purposes, if accompanied by the posting of a conspicuous notice to the property and by handing a copy of the notice or citation to the person in charge of the property at that time.

§1-9. Township permit denial.

A. Denial.

(1) Subject to the requirements of Subsection C of this section, the Township may deny issuing to an applicant a municipal permit if the applicant owns real property in any municipality in the

Commonwealth, including the Township, for which there exists on the real property:

- (a) A final and unappealable tax, water, sewer or refuse collection delinquency on account of the actions of the owner; or
 - (b) A serious violation of state law or a code, and the owner has taken no substantial steps to correct the violation within six months following notification of the violation, and for which fines or other penalties or a judgment to abate or correct were imposed by a Magisterial District Judge (previously a District Justice) or municipal court, or a judgment at law or in equity was imposed by a court of common pleas. However, no denial shall be permitted on the basis of a property for which the judgment, order or decree is subject to a stay or supersedeas by an order of a court of competent jurisdiction or automatically allowed by statute or rule of court until the stay or supersedeas is lifted by the court or a higher court, or the stay or supersedeas expires as otherwise provided by law. Where a stay or supersedeas is in effect, the property owner shall so advise the Township.
- (2) The Township shall not deny a municipal permit to an applicant if the municipal permit is necessary to correct a violation of state law or a code.
 - (3) The municipal permit denial shall not apply to an applicant's delinquency on taxes, water, sewer or refuse collection charges that are under appeal or otherwise contested through a court or administrative process.
 - (4) In issuing a denial of a permit based on an applicant's delinquency in real property taxes or municipal charges or for failure to abate a serious violation of state law or a code on real property that the applicant owns in this commonwealth, the Township or board shall indicate the street address, municipal corporation and county in which the property is located, and the court and docket number for each parcel cited as a basis for the

denial. The denial shall also state that the applicant may request a letter of compliance from the appropriate state agency, municipality or school district, in a form specified by such entity as provided in this section.

B. Proof of compliance.

- (1) All Township permits denied in accordance with this subsection may be withheld until an applicant obtains a letter from the appropriate state agency, municipality or school district indicating the following:

- (a) The property in question has no final and unappealable tax, water, sewer or refuse delinquencies;

- (b) The property in question is now in state law and code compliance; or

- (c) The owner of the property has presented, and the appropriate state agency or municipality has accepted, a plan to begin remediation of a serious violation of state law or a code. Acceptance of the plan may be contingent on:

- [1] Beginning the remediation plan within no fewer than 30 days following acceptance of the plan or sooner, if mutually agreeable to both the property owner and the municipality.

- [2] Completing the remediation plan within no fewer than 90 days following commencement of the plan or sooner, if mutually agreeable to both the property owner and the municipality.

- (2) In the event that the appropriate state agency, municipality or school district fails to issue a letter indicating tax, water, sewer, refuse, state law or code compliance or noncompliance, as the case may be, within 45 days of the request, the property in question shall be deemed to be in compliance for the purpose

of this section. The Township shall specify the form in which the request for a compliance letter shall be made.

- (3) Letters required under this section shall be verified by the appropriate Township officials before issuing the permit to the applicant.
- (4) Powers of Zoning Hearing Board and other boards.
 - (a) Township permits or approvals may be denied by a board in accordance with the requirements of this section to the extent that approval of the municipal permit or approval is within the jurisdiction of the board. For purposes of this section, "board" shall mean the Township's Zoning Hearing Board.
 - (b) In any proceeding before a board other than the Township's Board of Supervisors, the Township may appear to present evidence that the applicant is subject to a denial by the board in accordance with this section.
 - (c) For purposes of this subsection, a Township permit may only be denied to an applicant other than an owner if:

[1] The applicant is acting under the direction or with the permission of an owner; and

[2] The owner owns real property satisfying the conditions of Subsection A.

- C. Applicability of other laws. A denial of a permit shall be subject to the provisions of 2 Pa.C.S. Chapter 5, Subchapter B (relating to practice and procedure of local agencies), and Chapter 7, Subchapter B (relating to judicial review of local agency action), or the Pennsylvania Municipalities Planning Code, for denials subject to Act 90 of 2010 or this chapter.

§1-10. Conflict with other laws.

In the event of a conflict between the requirements of Act 90 of 2010 or this chapter and federal requirements applicable to demolition, disposition or

redevelopment of buildings, structures or land owned by or held in trust for the government of the United States and regulated pursuant to the United States Housing Act of 1937 (50 Stat. 888, 42 U.S.C. § 1437 *et seq.*) and the regulations promulgated thereunder, the federal requirements shall prevail.

§1-11. Relief for inherited property.

Where property located in the Township is inherited by will or intestacy, the devisee or heir shall be given the opportunity to make payments on reasonable terms to correct code violations or to enter into a remediation agreement under § 6131(b)(1)(iii) of Act 90 of 2010 (relating to municipal permit denial) and §1-9B(1)(c) of this chapter with the Township to avoid subjecting the devisee's or heir's other properties to asset attachment or denial of permits and approvals on other properties owned by the devisee or heir.

§1-12. Construction.

Nothing in this chapter shall be construed to abridge or alter the remedies now existing at common law or by statute, but the provisions of this chapter are in addition to such remedies.

§1-13. Violations and penalties.

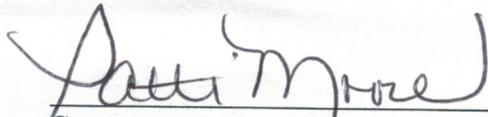
In addition to any penalties, permit denials, or legal actions otherwise authorized in this chapter, any owner as defined in this chapter who has violated or permitted the violation of any of the provisions of this chapter for any property within the Township shall, upon conviction thereof in a summary proceeding before a Magisterial District Judge (formerly District Justice), be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00), plus costs, and may be imprisoned for a period not to exceed ninety (90) days. Each day that this chapter is violated

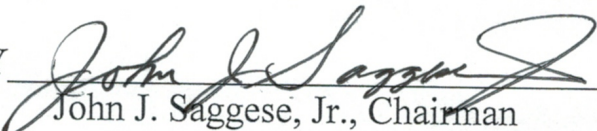
shall constitute a separate and distinct offense, and shall be subject to separate and distinct penalties as set forth in this section.


ORDAINED AND ENACTED THIS 5 day of December, 2019.

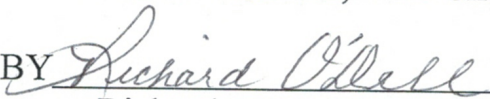
ATTEST:
TOWNSHIP

BOARD OF SUPERVISORS OF MORRIS:


Secretary

BY 
John J. Saggese, Jr., Chairman

BY 
James Williams, Vice Chairman

BY 
Richard O'Dell, Supervisor