

**TOWNSHIP OF ROBINSON, WASHINGTON COUNTY
ORDINANCE NO. 2-2019**

AN ORDINANCE OF THE TOWNSHIP OF ROBINSON, WASHINGTON COUNTY, PENNSYLVANIA, PROVIDING FOR REMEDIES, ENFORCEMENT, AND PENALTIES AGAINST DETERIORATED PROPERTIES AS ESTABLISHED IN THE NEIGHBORHOOD REVITALIZATION ACT (No. 90 of 2010); PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Board of Supervisors of the Township of Robinson, Washington County, Pennsylvania ("**Township**") has been vested with the power and authority to make and adopt ordinances, bylaws, rules, and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth, as is expedient or necessary for the proper management, care, and control of, *inter alia*, the Township's finances, the maintenance of peace, good government, safety, and welfare of the Township, its trade, commerce, and manufacturers; and

WHEREAS, the Pennsylvania General Assembly has enacted the Neighborhood Blight Reclamation and Revitalization Act (53 Pa.C.S.A. § 6101, *et seq*) to help municipalities identify and remediate the effects of blighted properties; and

WHEREAS, the Township recognizes the impact of blighted properties on the crime rate and quality of life across the Commonwealth and within the geographic limits of the Township; and

WHEREAS, the Township desires to specifically and separately regulate enforcement options against blighted properties in an effort to avoid nuisances and provide for and protect the public health, safety and welfare for the residents within the geographic limits of the Township.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Robinson Township, Washington County, Pennsylvania, that:

Section 1. Short Title.

This Ordinance shall be known as the Robinson Township Neighborhood Blight Protection and Enforcement Ordinance.

Section 2. Purpose and Intent.

There are deteriorated properties located within the Township as a result of neglect by their owners in violation of applicable State and municipal codes. These deteriorated properties create public nuisances which have an impact on crime and the quality of life of our residents and require significant expenditures of public funds in order to abate and correct the nuisances. The purpose of this Ordinance is to provide for certain protections and safeguards in order to address deteriorated properties, public nuisances, and properties in serious violation of State law and/or municipal codes and to protect the public health, safety, and well-being of the general public.

Section 3. Definitions.

THE ACT -- The Neighborhood Blight Reclamation and Revitalization Act (53 Pa.C.S.A. § 6101, *et seq*)

BOARD – The Zoning Hearing Board or other body granted jurisdiction to render decisions in accordance with the Pennsylvania Municipalities Planning Code, the State Borough Code, the Robinson Township Code of Ordinances or a board authorized to act in a similar manner by law.

BUILDING – A residential, commercial or industrial building or structure and the land appurtenant thereto, including a vacant lot on which a building has been demolished.

MUNICIPAL PERMITS – Privileges related to real property granted by a municipality, including but not limited to building permits, parking permits, occupancy permits, and relief granted by from the Robinson Township Zoning Ordinance. The terms also includes approval pursuant to land use ordinance other than decisions on the substantive validity of a zoning ordinance or map or the acceptance of a curative amendment.

MUNICIPAL SERVICES – Services provided at a cost by the Township or other municipal entity, including water service, sanitary sewer service, refuse collection and parking allotments/facilities, which benefit individual properties and also serve to benefit the overall welfare, safety, and health of all residents of the Township.

OWNER -- The holder or holders of title to, or of a legal or equitable interest in, a residential, commercial or industrial building. The term shall include an heir, assignee, trustee, beneficiary and lessee provided the ownership interest is a matter of public record.

PUBLIC NUISANCE -- A property that, because of physical condition or use, has been declared by the appropriate official a public nuisance in accordance with the local housing, building, health, fire or related code or is determined to be a public nuisance by the court.

SERIOUS VIOLATION – A violation of State Law or Township Code (as both terms are defined herein) or other applicable code that poses an imminent threat to the health and safety of the dwelling occupant, occupants in surrounding structures, or passersby. Property found to be a Public Nuisance is also considered to be a Serious Violation.

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 Township Official or officer of the court, on the part of the property owner or managing agent to remedy a serious violation of state or local law including, but not limited to, physical improvements or repairs to the property.

TAX DELINQUENT PROPERTY – Tax delinquent real property as defined under the Real Estate Tax Sale Law (72 P.S. § 5860.101, *et seq*), the Municipal Claim and Tax Lien Law (16 P.S. §

3108.1, *et seq*) or the laws governing the Second Class City Treasurer's Sale and Collection Act located in any municipality in this Commonwealth.

TOWNSHIP – Township of Robinson, Washington County, Pennsylvania, its Board of Supervisors, agents, and employees.

TOWNSHIP CODE – A building, housing, property maintenance, fire, health or other public safety ordinance enacted or adopted by the Township, including those ordinances, regulations and resolutions which establish and assess fees for municipal services and privileges such as sewer, water, refuse collection, and parking/parking arrangements. For purposes of this Ordinance, the term does not include subdivision and land development ordinance or a zoning ordinance enacted by the Township.

Section 4. Legal Action to be Taken against Owners.

In addition to any other remedy available at law, including those remedies available under the Act, remedies available in equity or other remedies as provided for in the Township Code, the Township may institute the following actions against the Owner of any property that is in Serious Violation of the Township Code or for failure to correct a condition which causes the property to be regarded as a Public Nuisance:

- A. (i) An in personam action may be initiated for a continuing violation for which the Owner takes no Substantial Step to correct within the six (6) months following receipt of an order by the Township to correct the violation, unless the order is subject to a pending appeal before an administrative agency or court.
- (ii) Notwithstanding any law limiting the form of action for the recovery of penalties by a municipality for the violation of a Township Code, the Township may recover, in a single action under this section, an amount equal to the penalties imposed against the Owner and any costs of remediation lawfully incurred by, or on behalf of, the Township to remedy any code violation.
- B. A proceeding in equity.
- C. A lien may be placed against the assets of an Owner of real property that is in Serious Violation of the Township 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 either an in personam action or a proceeding in equity as set forth above. In the case of an Owner that is an association or trust, this does not authorize a lien to be placed upon 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.

Section 5. Out-of-State Owners, Service of Process upon Association and Trusts.

- A. A person who lives or has a principal place of residence outside this Commonwealth, who

owns property in this Commonwealth against which Township Code or other applicable code violations have been cited and the person is charged under 18 Pa.C.S. (relating to crimes and offenses), and who has been properly notified of the violations may be extradited to this Commonwealth to face criminal prosecution to the full extent allowed and in the manner authorized by 42 Pa.C.S. Ch. 91 (relating to detainers and extradition).

- B. Where, after reasonable efforts, service of process for a notice or citation for any code violations 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 office, 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:
 - (i) To the registered office of the association or trust;
 - (ii) Where the association or trust does not have registered office, to the mailing address used for real estate tax collection purposes, if accompanied by the posting of a conspicuous notice on the property and by handing a copy of the notice or citation to the person in charge of the property at that time.
 - (iii) In the case of a corporation, notice shall be sent to the registered office on file with the Department of State.

Section 6. Permit Denials.

- A. The Township or a Board may deny issuing to an applicant a Municipal Permit if the applicant owns real property in any municipality in this Commonwealth for which there exists on the real property:
 - (i) Tax and/or Municipal Services delinquencies on account of the actions of the Owner; or
 - (ii) A Serious Violation and the Owner has taken no Substantial Step to correct the Serious Violation within six (6) months following notification of the violation and for which fines, penalties or a judgment to abate or correct were imposed by a magisterial district judge or municipal court or a judgment at law or in equity was imposed by a court of common pleas. No denial shall be permitted if a judgment is subject to a stay or superseded by order of court, or if the Municipal Permit is necessary to correct a violation of State Law or Township Code.
- B. The Municipal Permit denial as above described shall not apply to an applicant's delinquency on taxes and/or Municipal Services charges that are under appeal or otherwise contested through a court or administrative process.
- C. In issuing a denial of a Municipal Permit, the Township or the Board shall indicate the street address, the municipality, 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 the form specified by such entity.

- D. All Municipal Permits denied in accordance with this section may be withheld by the Township until an applicant obtains a letter of compliance from the appropriate State agency, municipality or school district indicating the following:
- (i) The property in question has no tax or Municipal Services delinquencies;
 - (ii) The property in question is now in compliance with State Law, Township Code, or other applicable codes; or
 - (iii) The Owner of the property has presented and the appropriate entity has accepted a plan to begin remediation of a Serious Violation of State Law, Township Code, or other applicable codes. Acceptance of the plan may be contingent on:
 - (a) Beginning the remediation plan within no fewer than 30 days following acceptance of the plan or sooner, if mutually agreeable to both the Owner and the Township.
 - (b) Completing the remediation plan within no fewer than 90 days following commencement of the plan or sooner, if mutually agreeable to both the Owner and the Township.
- E. If a letter of compliance or a letter of non-compliance, as the case may be, is not issued within 45 days of the request, the property shall be deemed to be in compliance for the purposes of this section. The appropriate State agency, municipality, or school district shall specify the form in which the request for a compliance letter shall be made. Such letters shall be verified by the appropriate municipal officials before issuing to the applicant a Municipal Permit.
- F. Boards, including the Township Zoning Hearing Board, may deny approval of Municipal Permits, which includes special exception approval and variance relief, if warranted as set forth above to the extent that approval of such a Municipal Permit is within the jurisdiction of the Board.
- G. The Township may appear to present evidence that the applicant is subject to denial by a Board in accordance with this section.
- H. A Municipal Permit may only be denied to an applicant other than an Owner if the applicant is acting under the direction or with the permission of the Owner and that Owner owns real property that is subject to denial as set forth herein above.

Section 7. Conflict with Certain Law.

In the event of a conflict between the requirements of this Ordinance 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.

Section 8. Construction.

Nothing in this Ordinance 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.

Section 9. Inherited Property Relief.

Where property 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 with the Township to avoid subjecting the devisee's or heir's other properties to asset attachment or denial of Municipal Permits and approvals on other properties owned by the devisee or heir. Such opportunity shall be given at the Township's discretion and subject to the revocation upon the devisee or heir's failure to proceed with a payment plan, or to progress forward and complete a remediation plan.

Section 10. Severability.

The provisions of this Ordinance are declared to be severable, and if any provision of this Ordinance shall for any reason be held to be invalid, such invalidity shall not affect the Ordinance as a whole or any other part or part thereof.

Section 11. Repealer.

Any and all Ordinances and/or Resolutions, or parts thereof, conflicted herewith are repealed insofar as the matters herein are affected.

Section 12. Effective Date.

This ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this 8 day of July, 2019.

ATTEST:

TOWNSHIP OF ROBINSON,
WASHINGTON COUNTY,
BOARD OF SUPERVISORS

Cystal Bidun

Rodger Kendall
Rodger Kendall, Chair

Mary Donaldson
Mary Donaldson, Vice-Chair

David Foley
David Foley, Supervisor