

ORDINANCE NO. 2015-2

EAST BETHLEHEM TOWNSHIP,
WASHINGTON COUNTY, PA

AN ORDINANCE OF EAST BETHLEHEM TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA PROVIDING FOR THE VACATING, REMOVAL, REPAIR OR DEMOLITION OF ANY STRUCTURES DANGEROUS TO THE HEALTH, SAFETY AND WELFARE OF THE PEOPLE OF THE TOWNSHIP; AND SETTING FORTH THE PROCEDURE AND RULES FOR DETERMINING DANGEROUS STRUCTURES, AND TO AUTHORIZE THE DENIAL OF PERMITS AND APPROVALS IN ACCORDANCE WITH ACT NO. 90-2010 FOR THE SERIOUS CODE VIOLATIONS AND TO FURTHER AUTHORIZE THE RECOVERY OF COSTS AND PENALTIES, INCLUDING ATTORNEYS FEES OR FOR THE ABATEMENT OR PREVENTION OF SERIOUS CODE VIOLATION BY AN ACTION IN COURT TO THE FULL EXTENT ALLOWED BY THAT ACT WHILE PRESERVING ALL REMEDIES TO THE RECOVERY, PREVENTION, ABATEMENT OR RESTRAINT CODE VIOLATIONS UNDER OTHER STATUES AND ORDINANCES.

WHEREAS, the Township desires to regulate dilapidated, unsafe, dangerous and abandoned buildings which tend to constitute a public nuisance and fire hazards within East Bethlehem Township;

WHEREAS, the Township has determined that there is a particular problem within its borders regarding dilapidated buildings, houses and such other blight;

WHEREAS, in order to better protect the public health, safety and welfare of the citizens of the Township, the Board of Commissioners hereby adopts the within ordinance to incorporate the provisions of Act 90 within the East Bethlehem Township Code of Ordinances; and

NOW, THEREFORE, BE IT ORDERED AND ENACTED BY THE EAST BETHLEHEM TOWNSHIP BOARD OF COMMISSIONERS AS FOLLOWS:

SECTION 1 – SHORT TITLE

This Ordinance may be cited as the “East Bethlehem Township Neighborhood Blight Reclamation and Revitalization Ordinance”.

SECTION 2 – PURPOSE

This Ordinance is to identify those buildings or structures within the Township which present a danger to the public health, safety and welfare, and to implement in the Township of East Bethlehem as a result of neglect by their owners in violation of applicable State and municipal codes; and

These deteriorated and/or dangerous properties create public nuisances which have an impact on the crime and quality of life of our residents and require significant expenditures of public funds in order to abate and correct the nuisances; and

In order to address these situations, it is appropriate to deny certain governmental permits and approvals in order:

1. To 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. To reduce the likelihood that this municipality and other municipalities will have to address the owners' neglect and resulting deteriorated and/or dangerous properties; and
3. To sanction the owners for not adhering to their legal obligations to the Township of East Bethlehem, as well as to tenants, adjoining property owners and neighborhoods.

SECTION 3 – DEFINITIONS AND WORD USAGE

The following words and phrases when used in this [Part of Ordinances Added] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Act” – The act of October 27, 2010 (Act 90), 53 Pa.C.S. Ch. 61, known as the Neighborhood Blight Reclamation and Revitalization Act.

“Board” – Shall mean the existing elected or appointed members of the Township Board of Commissioners.

“Blighted Property” – Any of the following:

1. Premises which, because of physical condition or use, have been declared by a court of competent jurisdiction as a public nuisance at common law or have been declared a public nuisance in accordance with the local housing, building, plumbing, fire and related codes and ordinances, including nuisance and dangerous building ordinances.
2. Premises which, because of physical condition, use or occupancy, are considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures.
3. A dwelling which, because it is dilapidated, unsanitary, unsafe, vermin-infested or lacking in the facilities and equipment required under the housing code of the municipality, has been designated by the municipal department

responsible for enforcement of the code as unfit for human habitation.

4. A structure which is a fire hazard or is otherwise dangerous to the safety of persons or property.
5. A structure from which the utilities, plumbing, heating, water, sewage, or other facilities have been disconnected, destroyed, removed or rendered ineffective so that the property is unfit for its intended use.
6. A vacant or unimproved lot or parcel of ground in a predominantly built-up neighborhood which, by reason of neglect or lack of maintenance, has become a place for accumulation of trash and debris or a haven for rodents or other vermin.
7. An unoccupied property which has been tax delinquent and which has not been rehabilitated.
8. A property which is vacant but not tax delinquent and which has not been rehabilitated within one (1) year of the receipt of notice to rehabilitate from the appropriate code enforcement agency.

“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.¹ The term does not include a subdivision and land development ordinance or a zoning ordinance enacted by a municipality.

“Court” – The Court of Common Pleas of Washington County.

“Dangerous Buildings” – Shall mean all the buildings or structures which have any or all of the following defects, and all such buildings or structures shall be deemed “dangerous buildings” as:

1. Those which have been damaged by fire, wind or other cause so as to fail utterly to provide the amenities essential to decent living and are unfit for human habitation; or
2. Those which have been damaged by fire, wind or other cause so as to have become dangerous to the life and safety, morals or the general health and welfare to the occupant or the people of the Township; or
3. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living so that they are unfit for human habitation; or

4. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living and are likely to cause accidents, sickness or disease, so as to work injury to the health, morals, safety or general welfare of the people of the Township; or
5. Those which have parts thereof which are so attached that they might fall and injure members of the public or adjoining property; or
6. Those which because of their general condition are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the Township.

“Mortgage Lender” – A business association defined as a “banking institution” or “mortgage lender” under 7 Pa.C.S. 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” – A city, borough, incorporated town, township or home rule, optional plan or optional charter municipality or municipal authority⁴ in this Commonwealth and any entity formed pursuant to the act of Dec. 19, 1996 (P.L. 1158, No. 177), § 1, 53 Pa.C.S. Ch. 23 (relating to intergovernmental cooperation).

“Municipal Permits” – Privileges relating to real property granted by the Township of East Bethlehem that are building permits in accordance with applicable ordinances, Zoning Permits, Special Exceptions, Conditional Uses and Variances granted under the Township of East Bethlehem’s Zoning Ordinance, as well as any other ordinance authorizing a municipal permit affecting real property for which the municipality desires to deny permits under this Ordinance. The term does not include decisions on the substantive validity of a zoning ordinance or map such a validity variance 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 under leases for which a memorandum of lease is recorded in accordance with the act of June 2, 1959 (P.L. 254 (vol. 1), No. 86), 21 P.S. § 405.

“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 Township of East Bethlehem Code Enforcement Department a public nuisance in accordance with International Property Maintenance Code adopted by the Township of East Bethlehem, or by the Court.

“Remediation Plan” – A plan for the correction of violations of State law or Code that is part of an agreement between the owner and the municipality in which the real property containing the violations is located.

“Serious Violation” – A violation of a State law or a code that poses an imminent threat to the health and safety of a dwelling occupant, occupants in surrounding structures or a passerby, that is a building ordered vacated in accordance with the Department of Labor and Industry’s Regulations, 34 Pa. Code § 403.84, as amended, implementing Uniform Construction Code, the act of November 10, 1999 (P.L. 491, No. 45), as amended, 35 P.S. §§ 7210.101 to 7210.1103; a building placarded as unfit for human habitation so as to prevent its use under the Township of East Bethlehem’s Property Maintenance Code; or a vacant building whose exterior violates Section 304 of the 2009 ICC Property Maintenance Code, or any other successor statute, regulation or Property Maintenance Code.

“State Law” – A statute of the Commonwealth or a regulation of an agency charged with the administration and enforcement of the Commonwealth law.

“Substantial Step” – An affirmative action as determined by a property code 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 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:

1. The act of July 7, 1947 (P.L. 1368, No. 542), known as the Real Estate Tax Sale Law;
2. The act of May 16, 1923 (P.L. 207, No. 153), referred to as the Municipal Claim and Tax Lien Act; or
3. Any successor law to any of the above statutes.

“Uniform Construction Code” – The act of November 10, 1999 (P.L. 491, No. 45), as amended, 35 P.S. §§ 7210.101 to 7210.1103 as adopted and implemented by the Township of East Bethlehem.

“Shall” – As used in the Ordinance shall always mean that it is always mandatory and not merely directory.

“Township” – Shall mean East Bethlehem Township, Washington County, Pennsylvania.

Words used in the present text include the future and past, words in the plural number include the singular, words in the singular number include words in the plural and words whether feminine or masculine or neuter shall include words of the other two genders.

SECTION 4 – DANGEROUS BUILDINGS AS NUISANCES

All “Dangerous Buildings” are hereby declared to be public nuisances and shall be repaired, vacated or demolished.

Each day a nuisance in the form of a dangerous building continues after notice is given that said dangerous building is to be repaired, vacated and/or demolished, shall constitute a separate offense in violation of this Ordinance.

SECTION 5 – INVESTIGATION PROCEDURE

Whenever it is reported to the Township that any building or structure completed or in the process of construction or any portion thereof is in a dangerous condition, such person all report the same to the Township Board of Commissioners.

The Township Board of Commissioners shall designate a Township official or committee to conduct an investigation and examine the building or structure reported. If the official or committee making the investigation believes that the structure is a dangerous building, then a written report of the investigation specifying the condition of the structure shall be given to the Board of Commissioners and the Township Building Code Enforcement Officer or the Township Engineer, whichever the Board of Commissioners so directs. The Township Building Code Enforcement Officer or the Township Engineer shall report to the Board of commissioners and recommend whether the building can be repaired or whether it should be deemed a “dangerous building”.

SECTION 6 – HEARING PROCEDURE

The Township Board of Commissioners shall:

1. Upon receipt of a report in accordance with the investigation procedure provided in Section 5 of the within Ordinance, the Township shall give written notice via first class mail to the owner or owners of such dangerous buildings at their last known address as determined by the records of the Washington County Board of Assessment and Recorder of Deeds, or in the case where any owner(s) cannot be located, then notice shall be given by posting the subject property and by sending notice via first class mail to the occupant, mortgagee, lessee, agent or any other person and said notice shall inform the owner or other party to appear before the Board of Commissioners to show cause why the building or structure reported as a dangerous building should not be repaired, demolished or vacated, as determined appropriate by the Board of Commissioners; and
2. Within no less than ten (10) days nor more than sixty (60) days from the date of such notice, the Board of Commissioners shall hold a hearing as part of its regularly scheduled meeting to determine whether said building or structure constitutes a dangerous building; and

3. Within thirty (30) days of such hearing issue a written decision of the Board based on the information offered at the hearing make written findings from the information offered pursuant to the hearing as to the proper disposition of the building and/or structure.

SECTION 7 – STANDARDS FOR REPAIR, VACATION OR DEMOLITION

The following standards shall be followed in substance by the Board in ordering repair, vacation or demolition of a dangerous building:

1. If the dangerous building can be repaired as determined by the Board so that it will no longer exist in violation of the terms of this Ordinance, it shall be ordered repaired.
2. If the dangerous building is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, it shall be ordered to be vacated.
3. If the dangerous building cannot be reasonably repaired as determined by the Board of Commissioners, it shall be demolished.
4. If the dangerous building is a fire hazard or is existing or erected in violation of the terms of this Ordinance, any other Ordinance of the Township or any statute of the Commonwealth of Pennsylvania, it shall be demolished.

SECTION 8 – ENFORCEMENT PROCEDURES

If any structure is deemed to be a dangerous building within the standards of this Ordinance following a hearing as set forth in Section 6, then the Board shall within thirty (30) days following the hearing cause notice of its decision and/or order issued, demanding that the owner repair, demolish or vacate, be served upon the owner or owners of such dangerous buildings, any mortgagee, lessee, agent or any other person found to have a legal interest in said dangerous building.

The notice and/or order required by this section shall be served personally upon the owner or owners of a dangerous building if such owner(s) resides in the Township or personally upon his agent if such agent resides within the Township. If personal service required herein cannot be obtained, such notice shall be sent to the owner or owners of a dangerous building by certified mail at the last known address according to the records available in the Tax Assessment Office in and for Washington County in the Commonwealth of Pennsylvania. If any certified mail is returned, then said notice shall be sent via first class mail and if said mail is not returned for any reason then service is deemed proper.

The notice and/or order shall identify the alleged building or structure that shall have been deemed a “dangerous building” and contain a brief statement of the facts which make the building or structure a dangerous building and shall also include an order requiring the same to be remediated in accordance with the Order of the Township; provided further that where the notice prescribes the repair of any structure, the owner thereof shall have the option to remove such structure, in lieu of making repairs thereto within the time period prescribed.

The Board of Commissioners shall have the power to order than any “dangerous building” be vacated within any time period it deems appropriate while at all times prioritizing the public health, safety and welfare. All work to repair, vacate and demolish any building shall commence within ten (10) days of such notice and shall be completed by not more than sixty (60) days from the date of receipt of such notice.

SECTION 9 – PENALTIES

Any owner, occupant or lessee who is in possession of any dangerous building who shall fail to comply with any notice or order to repair, vacate or demolish any dangerous building issued under Section 8 of this Ordinance or who violates any of the other provisions of this Ordinance, shall upon conviction before a District Judge, be subject to a fine of at least Three Hundred Dollars (\$300.00), but not more than One Thousand Dollars (\$1,000.00) plus costs, and may be incarcerated for a period of time not to exceed thirty (30) days. Each day of a violation shall be considered separate violations and offenses.

Any person having an interest in any building who fails to comply with any notice or order to repair, vacate or demolish any dangerous building within ninety (90) days of the receipt of such notice, by such failure does empower the Board of Commissioners to cause such building or structure to be repaired, vacated or demolished by the Township and to cause the costs of such repair, vacation or demolition together with all attorney’s fees and other costs incurred by the Township, and said amount shall be charged upon the land as a municipal lien, or alternatively to recover such costs and expenses in a suit at law against the owner or owners of the land upon which the “dangerous building” is situate. This subsection shall be separate from and in addition to any fine, penalty and costs which may be imposed by any other portion of this Ordinance.

SECTION 10 – EMERGENCY CASES

In all cases where the condition of any building or structure or part thereof constitutes an immediate threat to the health, safety and welfare of the public the Board shall have the power to cause the immediate repair, vacation or demolition of such dangerous building. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected as provided for in Section 9 of this Ordinance.

SECTION 11 – ACTIONS AGAINST OWNER OF PROPERTY WITH SERIOUS CODE VIOLATIONS

Actions

1. In addition to any other remedy available at law or in equity, the Township of East Bethlehem may institute the following actions against the owner of any real property that is in serious violation of a code or for failure to correct a condition which causes the property to be regarded as a public nuisance:
 - a. An in personam action may be initiated for a continuing violation for which the

owner takes no substantial step to correct within six (6) 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.

- b. As is authorized by the Act, the Township of East Bethlehem reserves the right to 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 municipality to remedy any code violation.

2. A proceeding in equity.

Asset Attachment

1. 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 part (1) within this Section.
2. Limitations under the Act – In proceedings under the Act, except as otherwise allowed by law, where the owner is an association or trust no lien shall be imposed upon the individual assets of any limited partner, shareholder, member or beneficiary of the owner.

Reservation of Rights and Remedies Under Law other than the Act

The Township of East Bethlehem reserves all rights and remedies existing under statutes other than the Act, its ordinances implementing them, and applicable case law to obtain recovery for the extent allowed by law from mortgage lender; trustees and members of liability companies, limited partners who provide property management services to the real property as well as general partners of owners; and officers, agents and operators that are in control of a property as an owner or otherwise hold them personally responsible for code violations as well as owners themselves. Such owners, mortgage lenders, partners, members of limited liability companies, trustees, officers, agents and operators in control of a real property with code violations shall be subject to all actions at law and in equity to the full extent authorized by such statutes, ordinances and applicable case law. Such action may be joined in one lawsuit against responsible parties with an action brought under the Act.

SECTION 12 – DENIAL OF PERMITS

Permit Application Form

1. In addition to the requirements set forth in the governing ordinance, regulations or rules for the specific municipal permit being applied for under the ordinances referenced in the definition of “municipal permit” in Section 3, all applications for a municipal permit shall include:

- a. If the owner is an individual, the home address of the owner.
 - b. If the owner is an entity, its registered office and principal place of business, type of entity, in what state it was formed, and whether the entity has qualified to do business as a foreign entity in Pennsylvania by filing with the Corporation Bureau of the Pennsylvania Department of Statue under title 15 of the Pennsylvania Consolidated Statutes. The home address of at least one (1) responsible officer, member, trustee, or partner shall also be included.
 - c. The applications shall also include a provision requiring the owner to disclose real properties owned by the owner of both inside of the Township of East Bethlehem as well as in all other municipalities of the Commonwealth:
 - (i) in which there is a serious violation of State law or a code and the owner has taken no substantial steps to correct the violation within six (6) months following notification of the violation; and
 - (ii) for which fines or other 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; and,
 - (iii) real property owned in the Commonwealth by the owner for which there is a final and unappealable tax, water, sewer or refuse collection delinquency on the account of the actions of the owner. This provision shall require the owner to disclose the street address, tax parcel number, municipality, and county of each such real property. The provision shall require the disclosure to be under penalty as provided in 18 Pa.C.S. § 4904(a) for an unsworn falsification to a government officer or employee (public servant) performing official functions.
2. All applicants for a municipal permit shall accurately complete the Permit Applicant Disclosure Form as from time-to-time adopted by Resolution of Board of Commissioners subject to a penalty as described in 18 Pa.C.S. § 4904.

Municipal Permit Denials and Appeals

1. Permit Denial

- a. The Code Enforcement Officer, or the Zoning Hearing Board under subsection 5, may deny issuing to an applicant a municipal permit if the applicant owns real property in any municipality for which there exists on the real property:
 - (i) a final an unappealable tax, water, sewer, or refuse collection delinquency

on account of the actions of the owner; or

- (ii) a serious violation of State law or a code and the owner has taken no substantial steps to correct the violation within six (6) 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 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 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 stay or supersedeas expires as otherwise provided by law. Where a stay or supersedeas is in effect, the property owner shall so advise the municipality seeking to deny a municipal permit.
- b. The Code Enforcement Officer 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, provided all other conditions for the issuance of a municipal permit have been met.
 - c. 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 administration process.
 - d. In issuing a denial of municipal permit based on an applicant's delinquency in real property taxes or municipal charges or for failure to abate a serious Commonwealth, the Code Enforcement Officer or board shall issue the denial in writing and 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 the Act. The denial shall be delivered by U.S. Certified, Registered, or Express mail, Return Receipt Requested and such receipt is obtained or delivery refused; personal service in manner provided by the Pennsylvania Rules of Court for Civil Procedure for original process; hand delivery by a member of the codes enforcement staff; or a private delivery service that provides for a receipt and such receipt is obtained or delivery refused.
 - e. The information on the real property forming the basis for a municipal permit may be obtained by the Code Enforcement Officer, or other employee or agent of the Township of East Bethlehem from the information disclosed by the owner in accordance with governmental systems online or through direct contact with the office maintaining the systems such as the court docket systems maintained by the Administrative Office of the Pennsylvania Courts, county/township department of records, offices of the recorder of deeds, municipal and county tax collectors and

treasurers, county tax claim bureaus, Prothonotary and clerk of court, private online fee based search services, and free searches on the Internet. Prior to making a determination on whether to deny a municipal permit, the Code Enforcement Officer or Zoning Hearing board using the services of the Zoning Administrator or other municipal staff or contracted service provider may conduct a search using the sources described in subsection 5.

f. Zoning Hearing Board

(i) Municipal permits may be denied by a board in accordance with the requirements of this section to the extent that approval of the municipal permit is within the jurisdiction of the board. For purposes of this section, “board” shall mean the Township of East Bethlehem Zoning Hearing Board granted jurisdiction to render decisions in accordance with the act of July 31, 1968 (P.L. 805, No. 247), known as the Pennsylvania Municipalities Planning Code.

(ii) In any proceeding before a board other than the governing body of the municipality, the municipality may appear to present evidence that the applicant is subject to a denial by the board in accordance with this section.

(iii) For purposes of this subsection, a municipal permit may only be denied to an applicant other than the owner if

(a) the applicant is acting under the direction or within the permission of an owner; and

(b) the owner owns real property satisfying the conditions of subsection 5.

2. Applicability of Other Law – A denial of a municipal permit shall be subject to the provisions of 2 Pa.C.S. Chs. 5 Subch. B (relating to practice and procedure of local agencies) and 7 Subch. B (relating to judicial review of local agency action) or the Pennsylvania Municipalities Planning Code for details subject to the act.

a. The Code Enforcement Officer or Zoning Hearing Board shall review the Disclosure Form and the searches, if any, in accordance with subsection 5 prior to any plan or construction reviews or inspections to determine if such a review or inspection is unnecessary due to a municipal permit being denied right under this subsection 5.

b. Right of Appeal – The owner shall have a right to appeal the denial of a municipal permit in accordance with the applicable law governing such municipal permit. In the case of a denial by the Code Enforcement Officer, the appeal shall be made within thirty (30) days of the denial to the Board of Appeals established under the Uniform Construction Code unless the owner has submitted to the Board of Appeals proof before the expiration of the thirty (30) days that the

owner is seeking proof of compliance under subsection 5, in which case the municipal permit and the denial shall be held in abeyance until the forty-five (45) day period for obtaining proof of compliance under subsection 5 has expired. In a case of a denial by the Township of East Bethlehem Zoning Hearing Board, the appeal shall be to the court of common pleas.

- (i) With respect to a denial under the grounds authorized by the Act, the denial may only be reversed for the following reasons:
 - (a) an authentic proof of compliance letter in accordance with subsection 5.
 - (b) evidence of substantial steps taken to remedy a serious violation set forth on the denial confirmed by an order of the Court or the Code Enforcement Officer.
 - (c) evidence of an approved remedial plan to address a serious violation set forth on the denial.
 - (d) evidence of a timely appeal or administrative contest of a tax, water, sewer or refuse collection delinquency.
 - (e) a failure of a state agency, school district or municipality to issue a proof of compliance within forty-five (45) days of a request.
 - (f) a failure of a state agency or municipality to provide the relief required under section 6144 of the Act to an heir or devisee.
 - (g) any other verifiable evidence that establishes by a preponderance of the evidence that a serious violation or collection delinquency of tax, water, sewer or refuse accounts does not exist.
- (ii) With respect to denials for reasons other than those authorized by the Act, the provisions of the Uniform Construction Code or applicable zoning law shall govern.

3. Proof of Compliance

- a. All municipal permits denied in accordance with this subsection shall be withheld until an applicant obtains a letter from the appropriate State agency, municipality or school district indicating the following:
 - (i) The property in question has no final and unappealable tax, water, sewer or refuse delinquencies;
 - (ii) The property in question is now in State law and code compliance; or

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

- (a) Beginning the remediation plan within no fewer than ninety (90) days following acceptance of the plan or sooner, if mutually agreeable to both the property owner and the municipality.
- b. In the event that the appropriate state agency, municipality or school district fails to issue a letter including tax, water, sewer, refuse, State law or code compliance or noncompliance, as the case may be, within forty-five (45) days of the request, the property in question shall be deemed to be in compliance for the purpose of this section [provided a copy of the request has been delivered to the municipality where the municipal permit has been applied for in accordance with subsection 5]. The appropriate State agency, municipality or school district shall specify the form in which the request for a compliance letter shall be made.
- c. Letters required under this section shall be verified by the appropriate municipal officials before issuing to the applicant a municipal permit.
- d. An owner seeking to obtain a proof of compliance in order to obtain a municipal permit that would otherwise be denied shall submit a copy of the owner's request for proof of compliance within five (5) days of the date that request is sent to the appropriate State agency, municipality or school district, to the municipality from which a municipal permit is sought or submit the copy of the request with the application for the municipal permit if such application is made at a later date.

SECTION 13 – MISCELLANEOUS

Conflict with Other 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.

Relief for Inherited Property

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 plan in accordance with Section 6131(b)(1)(iii) of the Act and Subsection 5 (relating to municipal permit denial) with the Township of East Bethlehem 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.

SECTION 14 – REPEALER

All ordinances or parts of ordinances in conflict herewith be and are hereby repealed, except any ordinance or parts of ordinances that authorize greater remedies than this Ordinance are preserved.

SECTION 15 – SEVERABILITY


The provisions of this Ordinance shall be severable and if any of its provisions are found to be unconstitutional or illegal the validity of any of the remaining provisions of this ordinance shall not be affected thereby.

SECTION 16 – EFFECTIVE DATE

This Ordinance shall be effective within five (5) days after adoption by the East Bethlehem Township Board of Commissioners.

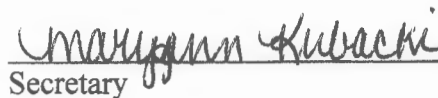
Adopted this 13th day of May, 2015

East Bethlehem Township Board of Commissioners



Board President

Attest:



Secretary

Ord # 2015-2

adv 4/29/15

adopt 5/13/15



NOTICE

The East Bethlehem Township Board of Commissioners intends to adopt an Ordinance providing for the vacating, removal, repair or demolition of any structure dangerous to the health, safety and welfare of the people of the Township. The proposed ordinance can be viewed in its entirety at the East Bethlehem Township Municipal Office, 36 Water Street, Fredericktown PA 15333. Comments on the proposed Ordinance will be heard by the board at their regular meeting on Wednesday, May 13, 2015 prior to the Ordinance being presented for adoption. The meeting will be held at 7:00PM at the Sewage Authority Meeting Room, 522 Front Street, Fredericktown PA.

Maryann Kubacki, Township Secretary