

TOWNSHIP OF ABINGTON

(2) CODE ENFORCEMENT AND LAND DEVELOPMENT COMMITTEE

June 1, 2015

7:00 P.M.

CALL TO ORDER

**ROLL CALL: SANCHEZ – MARKMAN – DiPLACIDO – MYERS
 GILLESPIE**

**Township Manager LEFEVRE
Assistant Township Manager WEHMEYER
Township Solicitor CLARKE
Director of Code Enforcement MATTEO
Township Engineer POWERS**

MINUTES:

Motion to approve the minutes of the May 4, 2015 Code Enforcement and Land Development Committee Meeting

CE1. Ordinance No. 2093 – Ordinance to Amend Section 801.N of the Zoning Ordinance Purpose to Regulate Seasonal Outdoor Sales within the Township

FOR INFORMATION ONLY

A Public Hearing will be held on Thursday, June 11, 2015, at 7:30 p.m. on Ordinance No. 2093. Purpose of the hearing is to amend the Abington Township Code, Chapter 162, entitled, Zoning, Article VIII, Supplemental District Regulations, Section 801.N, “Display and Storage of Goods.”

CE2. Ordinance No. 2095 – Ordinance to Amend (PB) Planned Business District Adding Paragraph 32 Student Apartment Housing Use (H-1)

FOR INFORMATON ONLY

A Public Hearing on Ordinance No. 2095 is set for Wednesday, June 24, 2015 at 7:00 PM. Purpose of the hearing is to amend the Zoning Ordinance to allow for Student Apartment Housing in the (PB) Planned Business District.

CE3. Ordinance No. 3000 – Ordinance to Amend (Chapter 98, Housing Standards, Section 98-2.A Amendments to Standards

Motion to adopt Ordinance No. 3000 to amend Chapter 98, Housing Standards, Section 98-2.A Amendments to Standards, Storage, parking, abandonment or keeping of any licensed or unlicensed motor vehicle, watercraft, trailer, or any parts shall not be permitted on any lawn, grass, or right of way area.

CE4. Ordinance No. 2098 – Ordinance enacting Chapter 49 – “Vacant Property Review Board”

Motion to advertise Ordinance No. 2098 enacting Chapter 49 – “Vacant Property Review Board” to be scheduled at the regularly scheduled meeting of the Board of Commissioners on July 9, 2015 at 7:30 p.m.

CE5. Ordinance No. 2097 – Real Estate Registry – Vacant Properties

Motion to advertise Ordinance No. 2097 – Real Estate Registry – Vacant Properties to be scheduled at the regularly scheduled meeting of the Board of Commissioners on July 9, 2015 at 7:30 p.m.

Code Enforcement and Land Development

BOARD ACTION REQUEST

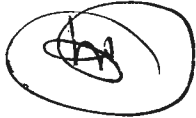
June 1, 2015

CEI

Agenda Item Number

CODE ENFORCEMENT

TOWNSHIP MANAGER



AGENDA ITEM

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Ordinance No. 2093

**Ordinance to Amend Section 801. N of the Zoning Ordinance
Purpose to Regulate Seasonal Outdoor Sales within the Township**

PREVIOUS ACTION

- Request from business owners to amend Section 801. N of the Zoning Ordinance, "Display and Storage of Goods" should be amended for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township.
 - Montgomery County Planning Commission on April 13, 2015 recommends approval of this amendment to the Zoning Code.
 - Abington Township Planning Commission on April 28, 2015, recommends that all outdoor sales vendors be prohibited that are not directly related to businesses that have permanent Use & Occupancy Certificate or are non-profit organizations.
 - The Abington Township Planning Commission also recommends if the Board of Commissioners elects to permit outdoor sales vendors, the Planning Commission recommends to increase the distance to 2,000 feet between the brick and mortar locations and the outdoor sales vendors.
 - The Planning Commission recommends that the Board of Commissioners require a separate permit fee be established that compensates the Township for vendors operating on weekends.
 - ***Public Hearing was continued to Thursday, June 11, 2015 at 7:30 PM.***
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RECOMMENDED BOARD ACTION

- A Public Hearing will be held on Thursday, June 11, at 7:30 pm. Purpose of the hearing is to amend the Abington Township Code, Chapter 162, entitled, Zoning, Article VIII, Supplemental District Regulations, Section 801.N, "Display and Storage of Goods."
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COMMENTS

This document was prepared by Solicitors Clarke and Gallagher.

**TOWNSHIP OF ABINGTON
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2093

**AN ORDINANCE AMENDING THE ABINGTON TOWNSHIP CODE AT
CHAPTER 162 – “ZONING”
ARTICLE VIII – “SUPPLEMENTAL DISTRICT REGULATIONS”
SECTION 801.N – “DISPLAY AND STORAGE OF GOODS”**

WHEREAS, the Township of Abington is a Township of the First Class, duly organized and existing pursuant to the applicable laws of the Commonwealth of Pennsylvania; and

WHEREAS, pursuant to section 1502.44 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56544, the Board of Commissioners has the authority to enact and amend provisions of the Abington Township Code (“Code”) at any time it deems necessary for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof; and

WHEREAS, the Board of Commissioners of the Township of Abington has determined that Chapter 162 – “Zoning,” Article VIII – “Supplemental District Regulations,” Section 801.N – “Display and Storage of Goods,” should be amended for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof.

NOW, THEREFORE, the Board of Commissioners of the Township of Abington does hereby **ENACT** and **ORDAIN** as follows:

1. Chapter 162 – “Zoning,” Article VIII – “Supplemental District Regulations,” Section 801.N – “Display and Storage of Goods,” shall be amended in its entirety as reflected in Exhibit “A” attached hereto, with the underlined text indicating the amended portions of the Code.
2. All other ordinances, portions of ordinances, or any section of the Code inconsistent with

this Ordinance are hereby repealed.

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

ORDAINED AND ENACTED this _____ day of _____, 2015.

TOWNSHIP OF ABINGTON
BOARD OF COMMISSIONERS

Attest:

Michael LeFevre, Secretary

By: _____
Wayne Luker, President

**Exhibit
“A”**

Section 801.N Display and storage of Goods

1. Subject to the requirements of this section, and upon the receipt of a Township issued permit, seasonal or temporary outdoor sales of articles, equipment or merchandise shall be permitted in the Town Commercial, Mixed Use, Special Commercial and Planned Business Districts. Seasonal or temporary sales of articles, equipment or merchandise shall also be permitted at any property occupied by a religious use, community service use or emergency services use in any District. However, the permanent storage or sale of articles, equipment, or merchandise shall not be permitted outside of a fully enclosed building in any district.
2. The issuance of any permit pursuant to this section shall be for a period of ninety (90) days or less. No more than two (2) such permits will be issued to any applicant for any calendar year.
3. Seasonal or temporary outdoor sales of any articles, equipment or merchandise shall not be permitted within 1,000 feet of any structure wherein the primary use of the building, storefront, or structure is the sale of such articles, equipment or merchandise.
4. The display or sale of products or merchandise that are concurrently offered for sale within the store or business area pursuant to a current Use and Occupancy permit in the Town Commercial, Mixed Use, Special Commercial and Planned Business Districts is permitted.
5. The temporary or seasonal display or sale of products or merchandise by a non-profit organization shall be permitted in the Town Commercial, Mixed Use, Special Commercial and Planned Business Districts, with the property owner’s consent and shall not require a permit.
6. Where permitted, outdoor display and sales of articles, equipment, and merchandise, must not be located on public sidewalk property or interfere with the minimal requirements for safe pedestrian access.
7. Vending machines and newspaper stands, where otherwise permitted, shall be erected such that they do not interfere with any pedestrian access, right of way or designated or required parking areas. The placement of all such vending machines or newspaper stands shall be a minimum of thirty (30) feet from any handicapped accessible parking spots, curb cuts, ramps, lifts, or other accessibility requirements of 42 U.S.C. §12101, et. seq., known as the “Americans with Disabilities Act.” For the purposes of this section, a vending machine shall be any machine that dispenses items such as snacks, beverages, movies, DVDs, games, lottery tickets, cologne, or any other products to customers automatically, after the customer inserts currency or credit into the machine. For purposes of this section, a newspaper stand shall be vending machine, box, or other structure utilized for the distribution or sale of newspapers, magazines, pamphlets or other written materials.
8. Where permitted, outside storage must be screened according to the provisions of this Ordinance.

Code Enforcement and Land Development

BOARD ACTION REQUEST

June 1, 2015

CE2

Agenda Item Number

CODE ENFORCEMENT

TOWNSHIP MANAGER



AGENDA ITEM

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**Ordinance No. 2095
Ordinance to Amend (PB) Planned Business District
Adding Paragraph 32 Student Apartment Housing Use (H-1)**

PREVIOUS ACTION

- Ordinance amendment as prepared by Penn State's attorney.
 - The propose text amendment would allow for Student Apartment Housing, propose Use H-1.A in the (PB) Zoning District.
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RECOMMENDED BOARD ACTION

- A Public Hearing is set for Wednesday, June 24, 2015, at 7:00 pm. Purpose of the hearing is to amend the Zoning Ordinance to allow for Student Apartment Housing in the (PB) Planned Business District.
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COMMENTS

**TOWNSHIP OF ABINGTON
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. #2095

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE
TOWNSHIP OF ABINGTON, BY PROVIDING REGULATIONS FOR
STUDENT APARTMENT HOUSING IN THE PLANNED BUSINESS
ZONING DISTRICTS**

WHEREAS, the Board of Commissioners of the Township of Abington has the authority pursuant to section 601 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10601; section 1502.1 of The First Class Township Code, 53 P.S. § 56502.1; and section 1300 of the Abington Township Zoning Ordinance to enact and amend ordinances; and

WHEREAS, the Township of Abington is home to highly respected educational institutions of higher learning which significantly contribute to and enhance the vibrancy, appeal, and culture of the Township; and

WHEREAS, the Zoning Ordinance of the Township of Abington does not presently provide for and regulate student apartment housing; and

WHEREAS, regulated student apartment housing would benefit both the educational institutions and the students attending educational institutions in the Township of Abington; and

WHEREAS, the Board of Commissioners has determined that the Zoning Ordinance should contain rules and regulations for student apartment housing.

NOW, THEREFORE, the Board of Commissioners does hereby ENACT and ORDAIN as follows:

Section 1. Section 402.2.A of the Zoning Ordinance of the Township of Abington, which identifies those uses permitted by right in the Planned Business Districts, is amended by the addition of a new paragraph 29.1, which shall read as follows:

29.1. H-1.A. Student Apartment Housing

Section 2. Section 706.H of the Zoning Ordinance of the Township of Abington shall be amended by the addition of a new paragraph 1.1 to read as follows:

1.1. Use H-1.A: Student Apartment Housing: An apartment building or buildings owned and operated by an accredited college or university with educational facilities located in the Township of Abington, the primary purpose of which is to provide temporary living accommodations for students enrolled in the college or university and for individuals employed by or associated with the college or university. This use shall be subject to the following regulations, which shall supersede inconsistent regulations elsewhere in the Zoning Ordinance.

- a. Minimum Lot Size. The minimum lot size shall be two (2.0) acres.
- b. The Student Apartment Housing must be within 2 miles of the principal campus of the college or university which owns and operates the apartment building or buildings.
- c. The educational institution which owns and operates the Student Apartment Housing shall provide documentation to the Township confirming that the institution by its internal regulations will prohibit resident students from (1) parking personal motor vehicles on the property of the Student Apartment Housing during the academic year without first obtaining permission from the educational institution for reasons related to health, disability, or other exceptions expressly stated by the educational institution; and (2) parking personal vehicles overnight at

any location other than that designated by the educational institution, pursuant to permit procedures. The documentation referred to above shall include information regarding how the educational institution will make resident students aware of local ordinances, expectations for adhering to those ordinances, and, in general, standards of conduct which will enable the resident students to be good citizens within the Abington Township community.

- d. For the purposes of Student Apartment Housing, the term “apartment” shall mean a single habitable unit which is used or intended for use by not more than six persons.
- e. Apartments shall be occupied only by persons enrolled in, employed by, or guests of the institution that owns and operates the Student Apartment Housing.
- f. Access to each apartment must be from the interior of the building.
- g. Each apartment (excluding apartments for resident advisors and staff) must contain the following:
 - (i) One bed for each occupant. All beds must be located in bedrooms, with no more than two beds per bedroom.
 - (ii) One bathroom with two sinks, one toilet and one shower.
 - (iii) One kitchen.
 - (iv) One living/dining room or area.
 - (v) One coat/utility closet.
- h. Front yard setback. If the Student Apartment Housing facility fronts on Old York Road, the front yard setback may be reduced to ten (10) feet.

- i. Proximity to Rail Transportation. The Student Apartment Housing use must be located within two miles of a regional railway station.
- j. Density Requirements.
 - (i) Each apartment may be occupied by a maximum of six persons.
 - (ii) The total number of beds in Student Apartment Housing shall be limited to one bed per every two hundred and fifty (250) square feet of Gross Site Area.
- k. Residential Buffer. Along the side or rear property line of any yard adjoining a residential zoning district, a screen buffer of not less than twenty (20) feet shall be provided. Should the property line abut designated open space within a residential district, the screen buffer is not required.
- l. The green area dispersal requirements of section 402.4.K shall not apply where the parking areas are divided into areas containing a minimum of 10 parking spaces and those areas are separated by building or green area.

Section 3. Section 901.8 of the Zoning Ordinance of the Township of Abington, pertaining to parking requirements for residential uses, shall be amended by the addition of regulations for the H-1.A Student Apartment Housing use, to read as follows:

Use H-1.A: Student Apartment Housing: One parking space for every 5 beds in the Student Apartment Housing. Parking spaces for Student Apartment Housing shall be a minimum size of nine (9) feet by eighteen (18) feet and shall be separately marked with double line striping centered on the nine (9) foot width mark, notwithstanding the provisions of 902.1.A and B. The required number of parking spaces

may be reduced by a maximum of thirty percent (30%) if the college or university which owns and operates the Student Apartment Housing provides, or makes available the following:

- a. a regularly scheduled shuttle service between the Student Apartment Housing facility and the college or university's campus. Shuttle buses shall not be parked on site when not in service.
- b. a ride-share program;
- c. To the extent such programs are readily available, car-share services; and
- d. bike-share services.

The parking space reduction provided for by this section shall be in lieu of the parking space reduction factors provided for in section 902.4 of the Zoning Ordinance. The Student Apartment Housing use shall not be considered a "multiple use retail center" or "planned business complex" as those terms are used in section 902.2 of the Zoning Ordinance. Bus parking spaces are not required.

Section 4. The use table appearing after section 1404 of the Zoning Ordinance shall be amended by the addition of Use H-1.A Student Apartment Housing, to be permitted only in the Planned Business Districts.

Section 5. Repealer. All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

Section 6. Severability. In the event that any section, sentence, clause, or word of this ordinance shall be declared illegal, invalid, or unconstitutional by any court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose the validity of the remaining portions of this ordinance.

Section 7. Effective Date. This Ordinance shall be effective as of the date of enactment.

ENACTED and **ORDAINED** this _____ day of _____,
2015.

TOWNSHIP OF ABINGTON

Attest:

Michael LeFevre, Secretary

By: _____
Wayne C. Luker, President
Board of Commissioners

Code Enforcement and Land Development

BOARD ACTION REQUEST

June 1, 2015

CE3

Agenda Item Number

CODE ENFORCEMENT

TOWNSHIP MANAGER



AGENDA ITEM

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**Ordinance No. 3000
Ordinance to amend Chapter 98, Housing Standards, Section 98-2.A
Amendments to Standards**

PREVIOUS ACTION

- Request from Commissioner Carol Gillespie
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RECOMMENDED BOARD ACTION

- Motion to adopt Ordinance No. 3000 to amend Chapter 98, Housing Standards, Section 98-2.A Amendments to Standards, Storage, parking, abandonment or keeping of any licensed or unlicensed motor vehicle, watercraft, trailer, or any parts shall not be permitted on any lawn, grass, or right of way area.
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COMMENTS

This document was prepared by Solicitor Lauren Gallagher.

**TOWNSHIP OF ABINGTON
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 3000

**AN ORDINANCE OF THE TOWNSHIP OF ABINGTON AMENDING THE TOWNSHIP CODE OF
ORDINANCES AT CHAPTER 98, HOUSING STANDARDS, SECTION 98-2.A – AMENDMENTS TO
STANDARDS**

WHEREAS, the Township of Abington is a Township of the First Class, duly organized and existing pursuant to the applicable laws of the Commonwealth of Pennsylvania; and

WHEREAS, pursuant to section 1502.44 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56544, the Board of Commissioners has the authority to enact and amend provisions of the Abington Township Code (“Code”) at any time it deems necessary for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof; and

WHEREAS, pursuant to section 1502.10 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56510, the Board of Commissioners has the authority to take all needful means for securing the safety of persons or property within the Township; and

WHEREAS, pursuant to section 1502.49 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56549, the Board of Commissioners has the authority to regulate parking; and

WHEREAS, the Board of Commissioners enacted and ordained by adoption the BOCA National Property Maintenance Code/1993 (Fourth Edition), as amended from time to time, codified as Chapter 98 of the Code, entitled “Housing Standards;” and

WHEREAS, the Board of Commissioners has determined that Chapter 98 – “Housing Standards” Section 98-2.A - “Amendments to Standards” should be amended for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof.

NOW, THEREFORE, the Board of Commissioners of the Township of Abington does hereby **ENACT** and **ORDAIN** as follows:

1. The Board of Commissioners hereby amends portions of Chapter 98, Section 98-2.A of the Code, to add the following underlined text:

“**PM-303.8** Motor vehicles. No property is permitted to have any motor vehicle which is not currently registered, not currently inspected, not currently insured and is not capable of being legally operated on the public street in compliance with the Pennsylvania Motor Vehicle Code. Storage, parking, abandonment or keeping of any licensed or unlicensed motor vehicle, vehicle, watercraft, trailer, or any parts thereof shall not be permitted on any lawn, grass, or right of way area.

2. All other ordinances, portions of ordinances, or any section of the Code inconsistent with this Ordinance are hereby repealed

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

ORDAINED AND ENACTED this _____ day of _____, 2015.

TOWNSHIP OF ABINGTON
BOARD OF COMMISSIONERS

Attest:

Michael LeFevre, Secretary

By: _____
Wayne Luker, President

Code Enforcement and Land Development

BOARD ACTION REQUEST

June 1, 2015

CE4

Agenda Item Number

CODE ENFORCEMENT

TOWNSHIP MANAGER



AGENDA ITEM

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Ordinance No. 2098

Ordinance Enacting Chapter 49 – “Vacant Property Review Board”

PREVIOUS ACTION

- Chapter 49 – Vacant Property Review Board – should be enacted for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township.

RECOMMENDED BOARD ACTION

- Motion to advertise Ordinance No. 2098 Enacting Chapter 49 – “Vacant Property Review Board” for the Board of Commissioners consideration on Thursday, July 9, 2015 at 7:30 pm.

COMMENTS

- This ordinance is at the request of Commissioner Lori Schreiber and Township Staff.

**TOWNSHIP OF ABINGTON
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2098

AN ORDINANCE ENACTING CHAPTER 49 – “VACANT PROPERTY REVIEW BOARD”

WHEREAS, the Township of Abington is a Township of the First Class, duly organized and existing pursuant to the applicable laws of the Commonwealth of Pennsylvania; and

WHEREAS, pursuant to section 1502.44 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56544, the Board of Commissioners has the authority to enact and amend provisions of the Abington Township Code (“Code”) at any time it deems necessary for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof; and

WHEREAS, pursuant to section 1502.10 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56510, the Board of Commissioners has the authority to take all needful means for securing the safety of persons or property within the Township; and

WHEREAS, pursuant to 35 P.S. §1712.1, the Board of Commissioners is empowered to create a Blighted Property Review Board, and

WHEREAS, the Board of Commissioners of the Township of Abington has determined that Chapter 49 – “Vacant Property Review Board,” should be enacted for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof.

NOW, THEREFORE, the Board of Commissioners of the Township of Abington does hereby ENACT and ORDAIN as follows:

1. Chapter 49 – “Vacant Property Review Board” is hereby enacted as reflected in Exhibit “A” attached hereto.
2. All other ordinances, portions of ordinances, or any section of the Code inconsistent with this Ordinance are hereby repealed.
3. This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this _____ day of _____, 2015.

TOWNSHIP OF ABINGTON
BOARD OF COMMISSIONERS

Attest:

Michael LeFevre, Secretary

By: _____
Wayne Luker, President

Exhibit "A"

§49-1. Purpose.

The purpose and intent of this Ordinance is to establish a vacant property review board to investigate and examine vacant and derelict properties within the Township of Abington to determine if said properties should be certified as blighted properties as set forth in the Urban Redevelopment Law of 1945, as amended, 35 P.S. 1701 et seq.

§49-2. Definitions.

- A. "Authority" or "Redevelopment Authority" – The Redevelopment Authority of the County of Montgomery, a public body corporate and politic created and organized in accordance with the provisions of the Urban Redevelopment Law.

- B. "Blighted Property" – Any of the following:
 - 1. Any premises which because of physical condition or use is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with state or local housing, building, plumbing, fire and related codes.
 - 2. Any premises which because of physical condition, use or occupancy is considered an attractive nuisance to children, including but not limited to, abandoned wells, shafts, basements, excavations, and unsafe fences or structures.
 - 3. Any dwelling which because it is dilapidated, unsanitary, unsafe, vermin infested or lacking in the facilities or equipment required by any applicable housing or building code, has been designated by the department responsible for enforcement of the Code as unfit for human habitation.
 - 4. Any structure which is a fire hazard, or is otherwise dangerous to the safety of persons or property.
 - 5. Any structure from which the utilities, plumbing, heating, sewage, or other facilities have been disconnected, destroyed, removed or rendered ineffective so that the property is unfit for its intended use.
 - 6. Any 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. Any unoccupied property which has been tax delinquent for a period of at least two years.

8. Any property which is vacant but not tax delinquent, which has not been rehabilitated within one year of the receipt of notice to rehabilitate from the appropriate code enforcement agency.
9. Any abandoned property. A property shall be considered abandoned if:
 - a. it is a vacant or unimproved lot or parcel of ground on which a municipal lien for the cost of demolition of any structure located on the property remains unpaid for a period of six months;
 - b. it is a vacant property or vacant or unimproved lot or parcel of ground on which the total of municipal liens on the property for tax or any other type of claim of the municipality are in excess of 150% of the fair market value of the property as established by the Board of Revisions of Taxes or other body with legal authority to determine the taxable value of the property; or
 - c. the property has been declared abandoned by the owner, including an estate that is in possession of the property.

C. “Board of Commissioners” – The Board of Commissioners of Abington Township.

D. “County” – The County of Montgomery.

E. “Redevelopment Area” – Any area, whether improved or unimproved, which the Township or County Planning Commission or the Vacant Property Review Board created herein may find to be blighted because of the existence of the conditions enumerated herein, so as to require redevelopment under the provisions of the Urban Redevelopment Law.

F. “Redevelopment Contract” – A contract between the Authority and the redeveloper for the redevelopment of an area under the provisions of the Urban Redevelopment Law, as amended.

G. “Residential and Related Use” – Residential property for sale or rental and related uses, including but not limited to, park and recreation areas, neighborhood community service, and neighborhood parking lots.

H. “Township” – The Township of Abington, Montgomery County, Pennsylvania.

I. “VPRB” – Vacant Property Review Board.

§49-3. Vacant Property Review Board.

A. The Board of Commissioners hereby establishes a Vacant Property Review Board, consisting of seven (7) members to be selected as follows:

1. One (1) member of the Board of Commissioners;
2. The Executive Director of the Redevelopment Authority or his/her designee;
3. One (1) member of the County Planning Commission, as selected by the Executive Director of the Commission;
4. One (1) member of the Abington Township Planning Commission; and
5. Three (3) members to be appointed by the Board of Commissioners to staggered three-year terms. The initial appointment of members, shall be for a term of office to commence June 1, 2015, on the following staggered basis wherein the term of membership shall expire on the first Monday of January in the year indicated as follows:
 - a. One member to be appointed for a term expiring in the year of 2016.
 - b. One member to be appointed for a term expiring in the year of 2017.
 - c. One member to be appointed for a term expiring in the year of 2018.

B. Functions of the Vacant Property Review Board.

1. Certification of Blight. Pursuant to the terms and requirements of the Urban Development Act and this Ordinance, the VPRB shall make a determination, and certify to the Redevelopment Authority, that a particular property within the municipality is blighted.
2. Rules and Regulations. The VPRB shall establish rules and regulations consistent with the Urban Redevelopment Act, this Ordinance, and any other applicable local, state or federal laws or regulations, to govern the business of the VPRB, and the procedures for certification of blighted properties to the Redevelopment Authority.
3. Advisory Functions. The VPRB may advise the Township, the Planning Commissions, and the Redevelopment Authority in matters relating to the acquisition, disposition, and reinvestment of properties acquired through the certification process of the VPRB.

§49-4. Requirements for Certification of Blight

- A. No property shall be certified to the Redevelopment Authority unless it is vacant.
- B. No property shall be certified to the Redevelopment Authority unless the owner of the property or an agent designated by him for receipt of service of notices within the County has been served with notice of the determination that the property is blighted, together with an appropriate order to eliminate the conditions causing the blight and notification that failure to do so may render the property subject to condemnation under this Ordinance. The notice shall be served upon the owner or his agent in accord with rules and regulations established by the VPRB. The owner or his agent shall have the right of appeal from the determination that the property is blighted.
- C. No blighted property shall be certified to the Redevelopment Authority until the time period of appeal, as provided in the VPRB's Rules and Regulations, has expired and no appeal has been taken, or, if taken, the appeal has been disposed of and the owner or his agent has failed to comply with the order of the VPRB or the Court.
- D. Acquisition and disposition of blighted property under this Ordinance shall not require preparation, adoption or approval of a Redevelopment Area Plan or Redevelopment Proposal, as those terms are defined in the Urban Redevelopment Law, as amended, but at least thirty (30) days prior to the acquisition of any property, the Redevelopment Authority shall transmit identification of the property to the Township Planning Commission and the County Planning Commission and shall request a recommendation as to the appropriate reuse of the property. The Redevelopment Authority shall not acquire the property where the Township Planning Commission and the County Planning Commission certify the disposition for residential or related use or commercial or industrial reuse would not be in accord with the Comprehensive Plan of the Township or the County.
- E. Property disposed of within a Redevelopment Area should be disposed of under a Redevelopment Contract in accordance with the provisions of the Urban Redevelopment Law, as amended.
- F. Property disposed of outside an urban renewal project area shall be disposed of by deed in accordance with the provisions set forth in applicable law.

§49-5. Repealer and Severability.

- A. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.
- B. To the extent that any federal or state agency with jurisdiction shall impose, modify or terminate controls in any area pertinent to this Ordinance, this Ordinance shall be construed as not to conflict therewith while it is in the process of amendment or repeal, as the Township may elect.

C. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a final decision of any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions hereof.

Code Enforcement and Land Development

BOARD ACTION REQUEST

June 1, 2015

CE5

Agenda Item Number

CODE ENFORCEMENT

TOWNSHIP MANAGER



AGENDA ITEM

me

**Ordinance No. 2097
Ordinance Enacting Chapter 126 – “Real Estate Registry
Vacant Properties”**

PREVIOUS ACTION

- Chapter 126 – Real Estate Registry - Vacant Properties – should be enacted for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township.

RECOMMENDED BOARD ACTION

- Motion to advertise Ordinance 2097, Enacting Chapter 126 - Real Estate Registry Vacant Properties for the Board of Commissioners consideration on Thursday, July 9, 2015 at 7:30 pm.

COMMENTS

- This ordinance is at the request of Commissioner Lori Schreiber and Township Staff.

**TOWNSHIP OF ABINGTON
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2097

**AN ORDINANCE ENACTING CHAPTER 126 – “REAL ESTATE REGISTRY –
VACANT PROPERTIES”**

WHEREAS, the Township of Abington is a Township of the First Class, duly organized and existing pursuant to the applicable laws of the Commonwealth of Pennsylvania; and

WHEREAS, pursuant to section 1502.44 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56544, the Board of Commissioners has the authority to enact and amend provisions of the Abington Township Code (“Code”) at any time it deems necessary for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof; and

WHEREAS, pursuant to section 1502.10 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56510, the Board of Commissioners has the authority to take all needful means for securing the safety of persons or property within the Township; and

WHEREAS, the Board of Commissioners of the Township of Abington has determined that Chapter 126 – “Real Estate Registry – Vacant Properties,” should be enacted for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof.

NOW, THEREFORE, the Board of Commissioners of the Township of Abington does hereby **ENACT** and **ORDAIN** as follows:

1. Chapter 126 – “Real Estate Registry – Vacant Properties” is hereby enacted as reflected in Exhibit “A” attached hereto.
2. All other ordinances, portions of ordinances, or any section of the Code inconsistent with

this Ordinance are hereby repealed.

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

ORDAINED AND ENACTED this _____ day of _____, 2015.

TOWNSHIP OF ABINGTON
BOARD OF COMMISSIONERS

Attest:

Michael LeFevre, Secretary

By: _____
Wayne Luker, President

Exhibit "A"

§126-1. Purpose.

The purpose of this Ordinance requiring registration of all vacant non-residential buildings is to assist the Township, and in particular the Code Enforcement Department, in protecting the public health, safety and welfare by monitoring the number of vacant non-residential buildings in the Township, to assess the effects of the condition of those buildings on nearby businesses and on the neighborhoods in which they are located, particularly in light of fire safety hazards and to promote substantial efforts to rehabilitate, rent or sell such vacant buildings. The provisions of this Ordinance are applicable to the owners of such vacant buildings as set forth herein and are in addition to and not in lieu of any and all other applicable provisions of the Township of Abington Code.

§126-2. Definitions.

As used in this ordinance, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

- A. "Boarded" – A building or structure, if in place of one or more exterior doors, other than a storm door, or of one or more windows, there is a sheet or sheets of plywood or similar material covering the space for such door or window.
- B. "Exterior and Major Systems Maintenance" – The safe and lawful maintenance of the façade, windows, doors, roof and all other parts of the exterior of the building and the maintenance of its major systems consisting of the roof, the electrical and plumbing systems, the water supply system, the sewer system, and the sidewalk, driveway, if any, and/or area of the lot, as applicable, in a manner consistent with the requirements of the codes of the Township of Abington, including, without limitation, the 1996 BOCA Property Maintenance Code.
- C. "Occupied" – As applied to a building or structure subject to the provisions of this Ordinance, where one or more persons actually conducts a lawful business or resides in all or any part of the building as the licensed business occupant, or as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, non-transient basis, or any combination of the same. For purposes of this Ordinance, evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services; a valid Township of Abington business license, or the most recent federal, state or Township of Abington income tax statements indicating that the subject property is the official business or residence address of the person or business claiming occupancy.
- D. "Open" – A building, structure or dwelling unit subject to the provisions of this Ordinance that has one or more exterior doors, other than a storm door, broken or open, or that lack properly functioning locks to secure them; and/or a building, structure or dwelling unit

subject to the provisions of this Ordinance that has one or more broken windows, or one or more windows that are not able to be locked and secured from intrusion, or any combination of the foregoing.

- E. "Owner" – Any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the County of Montgomery or the Township of Abington as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
- F. "Vacant" – A building or structure subject to the provisions of this Ordinance in which no person or persons actually, currently conducts a lawfully licensed business, or lawfully resides or lives in any part of the building as the legal or equitable owner(s) or tenant-occupant(s) or owner-occupant(s), or tenant(s) on a permanent non-transient basis. For purposes of this Chapter, properties or buildings that can accommodate more than one use shall not be considered vacant if 60% or more of the available square footage of the building is occupied.

§126-3. Applicability.

The requirements of this Ordinance shall be applicable to the owner of any non-residential building that has been vacant for more than 45 consecutive days. Each such owner shall cause to be filed a registration statement as outlined herein.

§126-4. Registration Statement and Fees; Local Agent

A. Registration Statement.

The owner of any building that has been vacant for more than 45 consecutive days shall file a registration statement with the Abington Township Code Enforcement Department. The registration statement shall include the street address and tax map parcel number of each such vacant building, the names and addresses of all owners, working telephone numbers, and any other information deemed necessary by the Code Enforcement Department. All owners and/or agents are required to supply a point of contact or an emergency contact person(s) and a working telephone number that has service 24 hours a day and 7 days a week.

1. For purposes of this Ordinance, the following shall also be applicable:
 - i. If the owner is a corporation, the registration statement shall provide the names and resident addresses of all officers and directors of the corporation and shall be accompanied by a copy of the most recent relevant filing with the secretary of state;
 - ii. If the owner is an estate, the registration statement shall provide the name and business address of the executor of the estate;

- iii. If the owner is a trust, the registration statement shall provide the name and business address of all trustees, grantors and beneficiaries;
 - iv. If the owner is a partnership, the registration statement shall provide the names and residence addresses of all partners with an ownership interest in the property of ten percent or greater;
 - v. If the owner is any other form of unincorporated association, the registration statement shall provide the names and residence addresses of all partners with an ownership interest in the property of ten percent or greater;
 - vi. If the owner is an individual, the registration statement shall provide the name and residence address of that person.
2. Registration shall be required for all vacant buildings, whether vacant and secure, vacant and open, or vacant and boarded, and shall be required whenever any building has remained vacant for 45 consecutive days or more. In no instance shall the registration of a vacant building be construed to exonerate the owner, agent or responsible party from responsibility for compliance with any other building code or housing code requirement. One registration statement may be filed to include all vacant buildings of the owner so registering, but the payment of all fees described herein are required for each property so registered.
 3. Each registration statement shall be valid for a period of one (1) year. If the property remains vacant upon the expiration of the registration statement, the owner of the building shall be required to submit a new registration statement to the Code Enforcement Department.

B. Local Agent.

If none of the persons identified in the registration statement as an owner or agent thereof is shown on the registration statement to have an address within the Commonwealth of Pennsylvania, the registration statement shall also provide the name and address of a person who resides within the Commonwealth of Pennsylvania who is authorized to accept service of process on behalf of the owners and who shall be designated as a responsible local party or agent, both for purposes of notification in the event of an emergency affecting the public health, safety or welfare, and for purposes of service of any and all notices or registration statements as herein authorized and in connection herewith.

C. Registration Fees

1. There shall be no registration fee imposed for any registration filed within forty-five (45) days of the property first becoming vacant.
2. A non-refundable fee of Five Hundred Dollars (\$500.00) shall be imposed for any building registered more than forty-five (45) days after first becoming vacant, regardless of whether the owner voluntarily registers such property or the vacancy is discovered by the Township.
3. A non-refundable fee of One Thousand Dollars (\$1,000.00) shall be imposed for any building that has been vacant for at least six (6) months, regardless of whether the owner voluntarily registers such property or the vacancy is discovered by the Township. This fee shall apply regardless of whether the owner of the building registered the property and paid the applicable fee as indicated in Section C(2) above.
4. A non-refundable fee of One Thousand Five Hundred Dollars (\$1,500.00) shall be imposed for any building that has been vacant for at least one (1) year, regardless of whether the owner voluntarily registers such property or the vacancy is discovered by the Township. This fee shall apply regardless of whether the owner of the building registered the property and paid the applicable fees as indicated in Sections C(2) and C(3) above.
5. For each successive six (6) month period that a building remains vacant, an additional fee of Five Hundred Dollars (\$500.00) shall be imposed, regardless of whether the owner voluntarily registers such property or the vacancy is discovered by the Township. This fee shall apply regardless of whether the owner of the building registered the property and paid the applicable fees as indicated in Sections C(2), C(3) and C(4) above.

D. Waiver of Registration Fee.

1. Upon written application of the owner and upon satisfaction of the requirements set forth below, the Board of Commissioners may grant a one-time waiver of the Five Hundred Dollar (\$500.00) registration fee referenced in paragraph C(2) above. The waiver shall automatically expire after six (6) months from the date the property first becomes vacant. Upon expiration of the waiver, all provisions of this Chapter shall apply. The waiver shall be granted if the owner satisfactorily demonstrates the following:
 - i. The owner is in the process of demolition, rehabilitation, or other substantial repair of the vacant building; and
 - ii. The anticipated length of time for the demolition, rehabilitation or other substantial repair of the vacant building; and

- iii. The owner is actively attempting to sell or lease the property at reasonable terms, including price, during the vacancy period; and
 - iv. All past due vacant registration fees, if any, and all other financial obligations and/or debts owed to the Township in connection with the vacant property have been paid.
 2. The Board of Commissioners shall consider the fee waiver request within sixty (60) days of the date of receipt of the written application.
 3. At all times, the burden of proof shall remain upon the owner of the building to demonstrate that the waiver is appropriate in light of the above factors. It is recommended that the owner submit any available photos, plot plan, layout plan, price, agent and information with the application for fee waiver to demonstrate the active marketing of the property.
- E. Inspection. At the time of registration, the Township shall conduct an inspection of the premises, and advise the owner of any conditions that violate the Township property maintenance code or similar codes, and shall advise the owner of the actions necessary to abate such violation or violations.

§126-5. Appeal Rights.

Upon notification from the Code Enforcement Department that a property is vacant and requires registration, the owner shall have the right to appeal the imposition of the registration fees to the Board of Commissioners, upon filing an application in writing accompanied by a Fifty Dollar (\$50.00) non-refundable filing fee to the Code Enforcement Department no later than thirty (30) calendar days from the date of the notice. On appeal, the owner shall bear the burden of providing satisfactory objective proof that the property is occupied, per the definition of the term "occupied" set forth in Section 2(c).

§126-6. Delinquent Registration Fee as a Lien.

After the owner is given notice that the registration fee(s) referenced in §126-4 above is due, and the owner fails to pay the amount due, said amount shall constitute a debt due and owing to the Township, and the Township may file a municipal lien against the property as provided for by law, as well as take all other available legal action in order to collect such debt.

§126-8. Duty to Amend Registration Statement.

If the status of the registration information changes during the course of any calendar year, it is the responsibility of the owner, or the responsible person or agent of the owner, to contact the Code Enforcement Department within thirty (30) days of the change and advise the department in writing of those changes.

§126-9. Exceptions.

This section shall not apply to any building owned by the United States, the Commonwealth, the Township, nor any of their respective agencies or political subdivisions.

§126-10. Violations and Penalties.

The failure or refusal for any reason of any owner, or agent of an owner acting on behalf of the owner, to register a vacant building or to pay the registration fee(s) required in this Chapter, or to otherwise fail to comply with the provisions of this Chapter shall constitute a summary offense punishable upon conviction thereof by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each failure or refusal to register, or for each failure or refusal to pay a required vacant building fee, as applicable. This penalty shall be in addition to the Five Hundred Dollar (\$500.00) Registration fee.

§126-11. Repealer.

All prior ordinances or parts of prior ordinances which are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

§126-12. Severability.

In the event that any section, sentence, clause or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose the validity of the remaining portions of this Ordinance.