

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 All other ordinances, portions of ordinances, or any section of the Code inconsistent with this Ordinance are hereby repealed.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

