

Chapter 84

PROPERTY, VACANT, BLIGHTED AND ABANDONED

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[HISTORY: Adopted by the Borough Council of the Borough of Curwensville 7-13-2020 by Ord. No. 490. Amendments noted where applicable.]

§ 84-1. Declarations.

It is hereby declared:

- A. It is the policy of the Borough to protect and promote the health, safety, and welfare of the residents of the Borough by eliminating deterioration of neighborhoods through the elimination of blighted and abandoned properties within these neighborhoods.
- B. The elimination of such blight and deterioration and the preparation of such properties for sale or lease, for development, or for redevelopment constitute a public use and purpose for which public money may be expended and private property acquired and these are governmental functions in the interest of the health, safety, and welfare of the residents of the Borough.
- C. The necessity in the public interest for the provisions enacted herein is hereby declared to be a legislative determination.

§ 84-2. Definitions.

For purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

ABANDONED PROPERTY-A property having its maintenance discontinued and/or being unused for a total of 12 months within an eighteen-month period.

BLIGHTED PROPERTY - A vacant structure or vacant or unimproved lot or parcel of ground in a predominantly built-up neighborhood which:

- A. Is, because of physical condition or use, regarded as a public nuisance at common law;
- B. Is considered an attractive nuisance to children by reason of structures and appurtenances therein or thereon, including but not limited to abandoned wells, shafts, basements, excavations, or the unsafe condition of any structures or fences thereon;

- C. Is dilapidated, unsanitary, unsafe, vermin infested, or is lacking in the facilities and equipment required by the Borough's housing or maintenance codes, has been designated by the Code/Zoning Officer as being unfit for human habitation;
- D. Is a fire hazard or is otherwise dangerous to the safety of persons or property;
- E. Has had the utilities, plumbing, heating, sewerage, or other facilities disconnected therefrom, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use;
- F. Has by reason of neglect or lack of maintenance become a place for the accumulation of trash and debris, or a haven for rodents or other vermin; or
- G. Has not been rehabilitated within the time constraints placed upon the owner by the appropriate code enforcement agency.

COMMERCIAL AND CONFORMING USE - Commercial property for sale or rental or any conforming use in accordance with the Curwensville Borough Zoning Ordinance, including, but not limited to, activities involving the production, processing, manufacturing, or sale of goods or services for financial gain, including uses that provide merchandise to the general public.

NON-CONFORMING VACANT - See section 84-5

REDEVELOPMENT - The planning or replanning, design or redesign, acquisition, clearance, development, or disposal of a property in the preparation of such property for uses as may be appropriate or necessary for the zone within which the property is located.

RESIDENTIAL AND CONFORMING USE - Residential property for sale or rent or any conforming use in accordance with the Curwensville Borough Zoning Ordinance, including, but not limited to, park and recreation areas, neighborhood community service, and neighborhood parking lots.

VACANT PROPERTY - Any building, structure or property that is not legally occupied on or before December 31st will need to register property for the following year.

PROPERTY REVIEW BOARD - The Board established by this chapter to review vacant, blighted, and abandoned properties and to make a written determination of blight and deterioration.

§ 84-3. Registration of vacant property.

- A. Every owner or responsible agent of a vacant property shall register the vacant property with the Borough on a form provided by the Borough by January 31 of each year.
- B. If an owner fails to register, fails to respond to notices, or cannot be located, the property will be considered abandoned and will be presented to Borough officials as such.

§ 84-4. Fee Schedule.

Fees should be in an amount as established from time to time by resolution of the Borough Council per year to be paid at the time of registration and each subsequent annual renewal.

A. Registration Type

1. Vacant
2. Non-conforming
Vacant
3. Blighted
4. Abandoned

§ 84-5. Owner's duties.

It shall be the duty of every owner or responsible agent of any vacant property to be a vacant, if these are not met than it is a non-conforming vacant determined by Zoning Officer according to the following checklist

A. Keep and maintain the property in compliance with all applicable codes, ordinances, and provisions of all applicable local and state laws and regulations, including but not limited to the International Property Maintenance Code and the codes of the Borough of Curwensville.

B. Submit a registration for each property.

C. Include on the registration form the following:

- (1) Whether or not the property has a mortgage.
- (2) Proof of insurance.
- (3) Proof of services (water, sewer, electric, gas, etc.).
- (4) Liens against property
- (5) Taxes are paid to current year

D. Are permitted with all required permits for type of work actively working and making positive progress.

E. Vacant quality can be established from time to time by resolution of the Borough Council

§ 84-6. Inspections.

A. It shall be the duty of all owners to provide access to the Borough officials to all properties subject to inspections hereunder, and failure to permit such access shall be deemed a violation of this chapter.

B. For purposes of enforcing this chapter, the Code Enforcement/Zoning Officer or his designee may seek to obtain an administrative warrant issued by a competent authority for the purpose of compelling an inspection of a property.

C. If requested, the Code Enforcement/Zoning Officer or They authorized representative shall

disclose proper credentials of their respective offices for the purpose of inspecting any and all structures and property in the performance of their duties under this chapter.

- D. In addition to the inspections referenced above, the Code Enforcement/Zoning Officer shall also checklist properties upon any of the following occurrences:
- (1) Prior to the initial occupancy of substantially rehabilitated properties; or
 - (2) Prior to the sale of any vacant property.

§ 84-7. Property Review Board.

- A. There is hereby established and created a Property Review Board ("the Board") for the Borough of Curwensville. The Board shall be composed of five members and up to two alternates who shall be appointed by the Council President with the approval of the Borough Council. Members of the Board shall consist of the Code/Zoning Officer Supervisor, one member of Borough Council, one member of the Planning Commission, and two residents of the Borough. Members shall serve for terms of three years and until their successors are duly appointed and qualified, except that the members first appointed shall be so appointed that the term of one member shall expire annually thereafter. Vacancies shall be filled in the same manner as regular appointments and for the unexpired term of the vacancy. Members shall serve without pay.

First resident member 2 years then 3 years

Second resident member 3 years then 3 years

Planning Commission Member the term appointed for

Borough Council Member for their term elected for

Zoning Officer Supervisor Member for their term

Anybody that leaves before the end of their term the person appointed to fill out their position will finish out that term

- B. Conflict of interest. No person whose position on the board could be deemed a conflict of interest such as someone who owns or has a close relation who owns property(s) that fall into the categories listed herein shall serve on this Board.
- C. The Board shall be charged with the duty of determining whether a property within Borough limits is blighted or abandoned in accordance with the definition of those terms as hereinabove set forth and of carrying out the substantive and procedural directives associated with that determination as herein set forth.
- D. The Board shall conduct its business at meetings scheduled and held in conformity with the requirements of the Pennsylvania Open Meetings Act.² Meetings shall be called by the Board when and as necessary to consider properties alleged by the Code/Zoning Officer to be blighted or abandoned within the meaning of this chapter.

§ 84-8. Procedures

- A. When the Curwensville Borough Code/Zoning Officer considers any property within the Borough to be non-conforming vacant, the Officer shall give to the owner of the property a notice and order setting forth the conditions of the property which are in violation of local codes or law and a time period by which to correct and abate such conditions. Such notice and order shall further state that the property is deemed to be blighted or abandoned within the meaning of this chapter and that the failure to make correction and abatement within the time period set forth will result in the referral of the matter to the Property Review Board for further proceedings in conformity with this chapter.
- B. If the conditions set forth in the Code/Zoning Officer's notice and order are not in full corrected and abated within the time period therein set forth, the Inspector shall:
 - (1) Contact the Chairman of the Planning and Zoning Commission for determination of whether the reuse of the property for residential or commercial and conforming uses is in keeping with the Borough's comprehensive plan and zoning ordinances;
 - (2) If the Planning Chairman & Zoning Commissioner determines that the reuse of the property for conforming uses is in keeping with the Borough's comprehensive plan and zoning ordinances, the Code/Zoning Officer shall notify the Property Review Board for the purpose of that body's consideration of whether the property is blighted or abandoned. The Borough Secretary shall notify the owner of the time, date, and location of the meeting and advertise the meeting as may be required by applicable law.
- C. If, after consideration of the evidence presented before it at such meeting, the Board shall, by a preponderance of the evidence, find that the property is vacant and blighted or abandoned within the meaning of this chapter, the Board shall notify the owner of the property or a designated agent that a determination of blight or abandonment has

2. Editor's Note: See 65 Pa.C.S.A. § 701 et seq.

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been made and that failure to eliminate the conditions causing same shall render the property subject to condemnation by the Borough. Such notice shall describe the conditions that render the property blighted or abandoned and shall demand correction and abatement of the conditions within 90 days of the receipt of such notice. An extension of the ninety-day period may be granted by the Board if it is demonstrated to the satisfaction of the Board that such period is insufficient to correct the conditions cited in the notice.

- D. If the correction and abatement in full shall not have been completed within such period of time as the Board shall have determined as above set forth, the Board shall certify to the Curwensville Borough Council that the property is blighted or abandoned. Such certification shall further set forth the Board's determination that:
- (1) The owner of the property or designated agent has been sent a notice and order by the Code/Zoning Officer to eliminate the conditions which are in violation of local codes or law within a time certain; that such notice and order further set forth that the property is deemed to be blighted or abandoned within the meaning of this chapter; and that the failure to make correction and abatement would result in the matter being referred to the Property Review Board for further proceedings in conformity with this chapter;
 - (2) The conditions set forth in the notice and order were not corrected and abated within the time period therein set forth;
 - (3) The property is vacant, blighted, or and abandoned;
 - (4) The Board has notified the property owner or designated agent that the property has been determined to be blighted or abandoned and the time period for correction of such condition granted by the Board has expired and the property owner or agent has failed to comply with the notice; and
 - (5) The Planning Commission and Zoning Chairman has determined that the reuse of the property for conforming use is in keeping with the Borough's comprehensive plan and zoning ordinances.
- E. The certification and filings required by this section shall be in writing signed by the Chairperson of the Board and included in the Board's report to the Borough Council.
- F. Notice which may be, or is required to be, given under the terms of this chapter shall be in writing and sent via first class mail, sufficient postage prepaid, and certified, return receipt requested, and a copy of any such notice shall further be posted in a conspicuous place on the property affected. Unless the owner of the property in question shall have notified the Code/Zoning Officer otherwise, the identity of the owner and the owner's mailing address shall be conclusively presumed to be as appear as such in the records maintained in the office of the Clearfield County Tax Assessment Office. Notice given in accordance with the foregoing shall be deemed effective on the date of receipt; provided, however, that same shall conclusively be deemed to have been received not later than the fifth business day following the date when same was delivered to the post office.

§ 84-9. Eminent domain proceedings.

- A. The Borough Council may institute eminent domain proceedings in accordance with the provisions of PA State Code Title 26² against any property and may through such proceedings acquire any property which has been certified as blighted or abandoned by the Board if it finds:
- (1) That the property has been abandoned to such an extent as to constitute a serious and growing menace to the public health, safety, and welfare;
 - (2) That such property is likely to continue to deteriorate unless corrected;
 - (3) That the continued deterioration of such property may contribute to the blighting or deterioration of the area immediately surrounding the property; and
 - (4) That the owner of such property has failed to correct the deterioration of the property.
- B. The findings required as above set forth shall be included in any order of the Council authorizing the institution of eminent domain proceedings.

§ 84-10. Use of property by Borough.

The Borough, following its acquisition by eminent domain of a blighted or abandoned property in accordance with the foregoing provisions, shall have the power to hold, clear, manage, or dispose of the property so acquired according to its conforming use.

§ 84-11. Miscellaneous.

- A. Code violations. Nothing in this chapter shall preclude or prohibit the Code/Zoning Officer or his designee from identifying any violations of the codes and taking lawful action in connection therewith.
- B. Registration with the Borough is not a representation by the Borough that a property, building, or structure is in compliance with the Curwensville Borough Code.
- C. It is the right of every resident to report any alleged violation of Borough codes to the appropriate Borough official. A property owner shall not seek retaliation for the reporting of alleged code violations.

§ 84-12. Severability.

In the event any provision, section, sentence, clause or part of this chapter shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this chapter; it being the intent of the Borough of Curwensville that the remainder of the chapter shall be and shall remain in full force and effect.

2. Editor's Note: See 65 Pa.C.S.A. § 701 et seq.

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§ 84-13. Fee Schedule

A. Registration Type

- | | |
|-------------------|--|
| 1. Vacant | \$25.00 |
| 2. Non-Conforming | \$100.00 |
| 3. Blighted | \$250.00 |
| 4. Abandoned | \$500.00 plus legal and other expenses |