

## BARRETT TOWNSHIP, MONROE COUNTY

### ORDINANCE NO. 128

AN ORDINANCE OF THE TOWNSHIP OF BARRETT CREATING A VACANT PROPERTY REVIEW BOARD TO ESTABLISH PROCEDURES TO IMPLEMENT THE PROVISIONS OF THE URBAN REDEVELOPMENT LAW OF 1945, MAY 24, P.L. 991, AS AMENDED BY ACT 94 OF 1978, ACT 39 OF 1988 AND ACT 58 OF 1996, AND TO PROMOTE REUSE OF REDEVELOPMENT AREAS IN THE TOWNSHIP OF BARRETT.

#### SECTION I. SHORT TITLE

This Ordinance shall be known as the Vacant Property Review and Blighted Property Certification Ordinance of the Township of Barrett.

#### SECTION II. PURPOSE, INTENT AND AUTHORITY

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 Barrett 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.*

#### SECTION III. DEFINITIONS

- A. Authority or Redevelopment Authority - The Redevelopment Authority of the County of Monroe, a public body and a body corporate and politic created and organized in accordance with the provisions of the Urban Redevelopment Law.
- B. Blighted Property - Blighted property shall include:
  - 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 and 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 predominately 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, which has not been rehabilitated within one year of the receipt of notice to rehabilitate from a municipal code enforcement agency.
- C. Board of Commissioners - The Board of Commissioners of the County of Monroe.
- D. County - The County of Monroe.
- E. Municipal/Municipality - The Township of Barrett.
- F. Municipal Planning Commission - The Barrett Township Planning Commission.
- G. County Planning Commission - The Monroe County Planning Commission.
- H. Redevelopment Area - Any area, whether improved or unimproved, which the 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, as amended.
- I. 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.
- J. Residential and Related Use - Residential and related use shall include 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.

#### **SECTION IV. VACANT PROPERTY REVIEW BOARD**

##### **A. Creation and Composition of a Vacant Property Review Board**

The Board of Supervisors shall establish a Vacant Property Review Board ("Board") consisting of seven (7) members to be selected as follows:

1. One (1) member of the Board of Supervisors
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 Municipal Planning Commission
5. Three (3) members to be appointed by the Board of Supervisors

##### **B. Functions of the Board**

###### **1. Certification of Blight**

Pursuant to the terms and requirements of the Urban Development Act and this Ordinance, the Board shall make a determination, and certify to the Redevelopment Authority, that a particular property within the municipality is blighted.

###### **2. Rules and Regulations**

The Board 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 Board, and the procedures for certification of blighted properties to the Redevelopment Authority.

###### **3. Advisory Functions**

- A. The Board may advise at its discretion the Municipality, 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 Board.

- B. The Board may advise at its discretion the Municipality, the Planning Commissions and the Redevelopment Authority in matters relating to the provision of financial, advisory and technical rehabilitation assistance affecting reinvestment of properties acquired through the certification process of the Board.

## **SECTION V. 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 Board. 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 Board'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 Board 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 Municipal 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 Municipal 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 Municipality 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.

**SECTION VI. 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.

**SECTION VII. EFFECTIVE DATE**

This Ordinance shall be effective five (5) days from the date of enactment.

ORDAINED AND ENACTED by the Board of Supervisors of Barrett Township this  
11th day of October, 2000.

BARRETT TOWNSHIP  
BOARD OF SUPERVISORS

Brook Weiss  
Brook Weiss, Chairman

ATTEST:

[Signature]  
Secretary

[Signature]  
Ronald Christman, Vice Chairman

(Township Seal)

[Signature]  
Rick Scudato, Secretary/Treasurer

