

**TOWNSHIP OF PALMER,
NORTHAMPTON COUNTY, PENNSYLVANIA
ORDINANCE NO. 2014- 429**

AN ORDINANCE OF PALMER TOWNSHIP CREATING CHAPTER 85 OF THE TOWNSHIP CODE OF ORDINANCES, TO BE ENTITLED "FORECLOSED AND ABANDONED REAL PROPERTY"; PROVIDING FOR PURPOSE, INTENT AND APPLICABILITY OF THE ORDINANCE; REQUIRING THE REGISTRATION AND MAINTENANCE OF CERTAIN REAL PROPERTY BY MORTGAGEES AND PROPERTY OWNERS; PROVIDING FOR PENALTIES AND ENFORCEMENT, AS WELL AS THE REGULATION, LIMITATION AND REDUCTION OF ABANDONED AND BLIGHTED PROPERTY WITHIN THE TOWNSHIP; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the present mortgage foreclosure crisis has serious negative implications for all communities trying to manage the consequences of property vacancies and abandoned real properties; and

WHEREAS, Palmer Township (hereinafter referred to as "Township") recognizes an increase in the number of property vacancies and abandoned properties located throughout the Township; and

WHEREAS, the Township is challenged to identify and locate owners or foreclosing parties who can maintain the properties that are in the foreclosure process or that have been abandoned; and

WHEREAS, the Township finds that the presence of foreclosed and abandoned properties can lead to a decline in property value, create attractive nuisances and lead to a general decrease in neighborhood and community aesthetic; and

WHEREAS, the Township has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

WHEREAS, the Township desires to amend the Township's Codes in order to establish a foreclosed and abandoned property registration process that will identify a contact person to address safety and aesthetic concerns to minimize the negative impacts and blighting conditions that occur as a result of the foreclosures or abandonments; and

WHEREAS, the Township has a vested interest in protecting neighborhoods against decay caused by foreclosed and abandoned properties and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose registration and certification requirements on foreclosed and abandoned properties located within the Township; and

WHEREAS, upon passage, duly noticed public hearings, as required by law, will have been held by the Township, at which public hearings all residents and interested persons were given an opportunity to be heard;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF PALMER TOWNSHIP:

1. That the foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon the adoption hereof.
2. That the Board of Supervisors does hereby amend The Township of Palmer Code, by creating Chapter 85, entitled "Foreclosed and Abandoned Real Property," as attached in Exhibit A.
3. That all ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistency only.
4. That if any section, paragraph, subsection, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof not declared invalid.
5. That it is the intention of the Board of Supervisors of Palmer Township, Pennsylvania, that the provisions of this Ordinance shall become and be made a part of the Township of Palmer Code of Ordinances; and that the sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.
6. That this ordinance shall become effective 5 days after its passage.

ENACTED AND ORDAINED into law by the Palmer Township Board of Supervisors this 25th day of February, 2014.

PALMER TOWNSHIP BOARD OF SUPERVISORS



DAVID COLVER, CHAIRMAN

ATTESTED BY:



CHRISTOPHER S. CHRISTMAN
SECRETARY TO THE BOARD OF SUPERVISORS

CHAPTER 85: FORECLOSED AND ABANDONED REAL PROPERTY

GENERAL REFERENCES

Building Code — See Ch. 55.

Fire prevention — See Ch. 81.

Nuisances — See Ch. 109.

Property maintenance — See Ch. 128.

Refuse disposal — See Ch. 138.

Weeds and right-of-way visual obstructions — See Ch. 186.

§ 85-1. Purpose and intent.

It is the purpose and intent of the Township to establish a process to address the deterioration and blight of Township neighborhoods caused by an increasing amount of foreclosed or abandoned, real property located within the Township, and to identify, regulate, limit and reduce the number of abandoned properties located within the Township. It is the Township's further intent to establish a registration program as a mechanism to protect neighborhoods from becoming blighted due to the lack of adequate maintenance and security of foreclosed and abandoned properties.

§ 85-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

ABANDONED PROPERTY – Any real property in the Township that has become both vacant and blighted.

ACCESSIBLE PROPERTY/STRUCTURE - A property or structure that is accessible through a compromised/breached gate, fence, wall, etc. or a structure that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

APPLICABLE CODES - To include, but not be limited to, the Township's Property Maintenance Code, the Township's Building Code, the Township's Zoning Code, the Township's Code of Ordinances ("Township Code"), and the Pennsylvania Uniform Construction Code.

BLIGHTED PROPERTY -

- a) Properties that have broken or severely damaged windows, doors, walls, or roofs which create hazardous conditions and encourage trespassing; or
- b) Properties cited for a public nuisance pursuant to the Township Codes; or
- d) Properties that endanger the public's health, safety, or welfare because the properties or improvements thereon are dilapidated, deteriorated, or violate minimum health and safety standards or lack maintenance as required by the Township Codes.

ENFORCEMENT OFFICER - Any building official, zoning officer, code enforcement officer, building inspector, fire inspector, law enforcement officer, or other person authorized by the Township to enforce the applicable code(s).

OWNER - Any person, legal entity or other party having any ownership interest whether legal or equitable, in real property. This term shall also apply to any person, legal entity or agent responsible for the construction, maintenance or operation of the property involved.

FORECLOSED PROPERTY - Any real property located in the Township, whether vacant or occupied, that is in default on a mortgage, has had a lis pendens filed against it by the lender holding a mortgage on the property, is subject to an ongoing foreclosure action by the lender, is subject to an application for a tax deed or pending tax assessors lien sale, or has been transferred to the lender under a deed in lieu of foreclosure. The designation of a property as "foreclosed" shall remain in place until such time as the property is sold or transferred to a new owner, the foreclosure action has been dismissed, and any default on the mortgage has been cured.

PROPERTY MANAGEMENT COMPANY - A local property manager, property maintenance company or similar entity responsible for the management and/or maintenance of real property.

VACANT PROPERTY - Any building or structure that is not legally occupied.

§ 85-3. Applicability.

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather be an additional remedy available to the Township above and beyond any other state, county or local provisions for same.

§ 85-4. Establishment of a registry.

Pursuant to the provisions of § 85-5, the Township or designee shall establish a registry cataloging each foreclosed or abandoned property within the Township, containing the information required by this Chapter.

§ 85-5. Registration of foreclosed or abandoned real property.

- A. Upon default by the mortgagor of the mortgage on any real property located within the Township of Palmer, the mortgagee (lender) who holds such mortgage shall perform an inspection of the property to determine vacancy or occupancy. The mortgagee shall, within ten (10) days of the inspection, register the property with the Codes Department, or its designee, on forms or a website provided by the Township, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.

- B. If the property is occupied but remains in mortgage default, it shall be inspected by the mortgagee or his designee monthly until:
- (1) The mortgagor or other party remedies the default, or
 - (2) The property is found to be vacant or shows evidence of vacancy, at which time it is deemed abandoned, and the mortgagee shall, within ten (10) days of that inspection, update the property registration to a vacancy status on forms or website access provided by the Township.
- C. This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.
- D. This section shall also apply to properties that have been identified by the Codes Department as being vacant and abandoned, through the investigation of code violations or blighted conditions on such properties.
- E. Registration pursuant to this section shall contain the name of the property owner, the mortgagee and the foreclosure process server or attorney; the direct mailing address of the owner, the mortgagee and the server or attorney; a direct contact name and telephone number for all parties; facsimile number and e-mail address for all parties; the Northampton County tax parcel identification number of the property; and the name and twenty-four (24) hour contact phone number of any property management company responsible for the security and maintenance of the property.
- (1) If the property is vacant, the front door of the property shall be posted legibly and clearly with the name and twenty-four (24) hour contact telephone of the owner, mortgagee or designated local agent. The posting shall contain the following language:
**THIS PROPERTY IS MANAGED BY:
TO REPORT ANY PROBLEMS OR CONCERNS, CALL:**
- F. A non-refundable annual registration fee shall accompany the registration form or website registration, the amount of which shall be set by resolution as part of the Township's fee schedule. The annual registration fee shall be valid for one calendar year and shall be due on the date of registration and every year thereafter until such property becomes legally occupied.
- G. All registration fees must be paid directly from the mortgagee, server, trustee, or owner. Third-party registration fees will not be accepted without the prior consent of the Township and/or its authorized designee.
- H. Properties subject to this section shall remain under the annual registration requirement, and the inspection, security and maintenance standards of this section as long as they remain vacant or in default. Once the property is no longer in foreclosure or is sold to a

person or entity other than the mortgagee, the mortgagee must provide proof of sale or written notice of termination of the foreclosure proceedings to the Township.

- I. Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.
- J. Failure of the mortgagee and/or owner to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this Chapter is a violation of the Chapter and shall be subject to enforcement.
- K. Pursuant to any administrative or judicial finding and determination that any property is in violation of this Chapter, the Township may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.

§ 85-6. Maintenance requirements.

- A. Properties subject to this chapter shall be compliant with all applicable Township codes. Failure of the mortgagee and/or owner to properly maintain the property may result in a violation of the applicable code(s) and issuance of a citation or Notice of Violation. Pursuant to a finding and determination by the Township Code Enforcement Officer, District Magistrate or a court of competent jurisdiction, the Township may take the necessary action to ensure compliance.
- B. Properties subject to this Chapter shall be kept free of trash, junk, or debris; building materials; unlicensed or junk vehicles; any accumulation of newspapers, circulars, flyers, printed material or notices, except those required by federal, state or local law; discarded personal items including, but not limited to, furniture, clothing, and appliances; and any other items that give the appearance that the property is abandoned.
- C. The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- D. Yard and/or landscape maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape. All sidewalks adjoining the property shall be kept clear of snow and ice.
- E. Yard and/or landscape material shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Acceptable yard and/or landscape material shall not include weeds, fallen trees or branches, gravel, broken concrete, asphalt or similar material.

- F. Pools, spas and other bodies of water, including ponds, shall be maintained in a clean and sanitary condition, and in good repair. Pools and spas shall be secured in accordance with Township code.

§ 85-7. Security requirements.

- A. Properties subject to this Chapter shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- B. A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a person to access the interior of the property or structure. Broken windows, doors, gates and other openings of such size that may allow a person to access the interior of the property or structure must be repaired. Broken windows shall be secured by reglazing of the window, not by placement of wood or other material.
- C. If the mortgage on a property is in default, and the property has become vacant or abandoned, a property manager shall be designated by the mortgagee to perform the work necessary to bring the property into compliance with the applicable code(s), and the property manager must perform regular inspections to verify compliance with the requirements of this Chapter, and any other applicable laws.

§ 85.8. Public nuisance.

All abandoned real property is hereby declared to be a public nuisance, the abatement of which, pursuant to the police power, is hereby declared to be necessary for the health, welfare and safety of the residents of Palmer Township.

§ 85.9. Penalties; schedule of civil penalties.

Any person who shall violate the provisions of this Chapter may be cited and fined as provided in Chapter 1 Article II of the Township of Palmer Code of Ordinances. The following table shows violations of these sections, as may be amended from time to time, which may be enforced pursuant to the provisions of this regulation; and the dollar amount of civil penalty for the violation of these sections as it may be amended. The descriptions of violations below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the Township Code sections, except to the extent that different types of violations of the Code section may carry different civil penalties. For each Code section listed in the schedule of civil penalties, the entirety of the section may be enforced by the mechanism provided in this section, regardless of whether all activities prescribed or required are described in the "Description of Violation" column. To determine whether a particular activity is prescribed or required by this Code, the relevant Township Code section(s) shall be examined.

Description of Violation	Civil Penalty
Failure to register abandoned or foreclosed real property on an annual basis and/or any violation of the sections stated within.	\$500.00

§ 85-10. Inspections for violations.

Adherence to this Chapter does not relieve any person, legal entity or agent from any other obligations set forth in any applicable code(s), which may apply to the property. Upon sale or transfer of title to the property, the owner shall be responsible for all violations of the applicable code(s) and the owner shall be responsible for meeting with the Township's Code Department within forty-five (45) days for a final inspection report.

§ 85-11. Opposing, obstructing enforcement officer; penalty.

Whoever opposes, obstructs or resists any enforcement officer or any person authorized by the enforcement office in the discharge of duties as provided in this chapter shall be punishable as provided in the applicable code(s) or a court of competent jurisdiction.

§85-13. Immunity of enforcement officer.

Any enforcement officer or any person authorized by the Township to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon real property while in the discharge of duties imposed by this Chapter.

§ 85-14. Exemptions.

The federal government, its instrumentalities, and agents shall be exempt from the payment of fees and fines under this Chapter.

§ 85-15. Severability.

If any section, sentence, clause or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect or impair any of the remaining portions of this Ordinance. It is hereby declared to be the intention of the Palmer Township Board of Supervisors that this article would have been adopted if such illegal, invalid or unconstitutional provisions had not been included herein.