

Chapter 187. Property, Abandoned and Foreclosed

[HISTORY: Adopted by the Board of Commissioners of the Township of Bethlehem 9-6-2016 by Ord. No. 05-16.
Amendments noted where applicable.]

GENERAL REFERENCES

Alarm devices — See Ch. **80**.

Uniform construction codes — See Ch. **110**.

Property maintenance — See Ch. **186**.

Solid waste — See Ch. **212**.

Subdivision and land development — See Ch. **230**.

Weeds and noxious vegetation — See Ch. **265**.

§ 187-1. 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.

§ 187-2. 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 Building Code, the Township's Zoning Code, the International Property Maintenance Code, the Township's Code of Ordinances ("Township Code"), and the Pennsylvania Uniform Construction Code.

BLIGHTED PROPERTY

Properties that have broken or severely damaged windows, doors, walls, or roofs which create hazardous conditions and encourage trespassing; or 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.

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).

FORECLOSED PROPERTY

Any real property located in the Township, whether vacant or occupied, that is subject to an ongoing foreclosure action by the lender in the Court of Common Pleas of Northampton County, 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.

OWNER

Any person, legal entity or other party having any ownership interest, whether legal or equitable, in real property.

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.

§ 187-3. Applicability.

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

§ 187-4. Establishment of registry.

Pursuant to the provisions of § 187-5, the Township or its designee shall establish a registry cataloging each foreclosed or abandoned property within the Township, containing the information required by this chapter.

§ 187-5. Registration of foreclosed or abandoned real property.

- A. Upon the filing of a complaint in mortgage foreclosure on any real property located within the Township, the mortgagee (lender) who holds such mortgage shall perform an inspection of the property to determine vacancy or occupancy. The mortgagee shall, within 10 days of the inspection, register the property with the Township, 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 subject to a complaint in mortgage foreclosure, it shall be inspected by the mortgagee or its designee monthly until:
 - (1) The complaint in mortgage foreclosure is dismissed; 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 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 assignee of a mortgagee 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 Township 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; a 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-hour contact phone number of any property management company responsible for the security and maintenance of the property. If the property is vacant, the front door of the property shall be posted legibly and clearly with the name and twenty-four-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 nonrefundable annual registration fee shall accompany the registration form or website registration, the amount of which shall be set by resolution of the Board of Commissioners of the Township 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. 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 subject to a pending complaint in mortgage foreclosure. Once the property is no longer subject to a pending complaint in mortgage 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.
- H. Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within 10 days of the change.
- I. 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.

§ 187-6. Maintenance requirements.

- A. Properties subject to this chapter shall be compliant with all other applicable 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 be properly maintained and shall include, but not be limited to, cutting and mowing of required ground cover and/or maintain all landscape.
- 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, 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 applicable codes.

§ 187-7. 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 replacement 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.

§ 187-8. 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 the Township.

§ 187-9. Violations and penalties.

Any person who violates or permits a violation of this chapter, upon being found liable therefor in a civil enforcement proceeding, shall pay a fine of not less than \$400 and not more than \$600, plus all court costs, including reasonable attorney's fees incurred in the enforcement of this chapter. No judgement shall be imposed until the date of the determination of the violation by the District Justice and/or court. Each day a violation exists shall constitute a separate offense.

§ 187-10. 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 designated representative within 45 days for a final inspection report.

§ 187-11. Opposing or 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.

§ 187-12. 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.

§ 187-13. Exemptions.

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

§ 187-14. 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 chapter. It is hereby declared to be the intention of the Township Board of Commissioners that this chapter would have been adopted if such illegal, invalid or unconstitutional provisions had not been included herein.

RESOLUTION R063-18

A RESOLUTION AMENDING THE BETHLEHEM TOWNSHIP FEE SCHEDULE FOR ANNUAL REGISTRATION FEE PURSUANT TO ORDINANCE 05-16, ABANDONED AND FORECLOSED PROPERTY

WHEREAS, as required by law, Bethlehem Township performs services to the public regarding the administration and enforcement of the Pennsylvania Uniform Construction Code (UCC) and Bethlehem Township Construction Code; the Bethlehem Township Subdivision and Land Development Ordinance; and the Bethlehem Township Zoning ordinance, and other ordinances and permits enacted by law or the Board of Commissioners; and

WHEREAS, user fees for applications to the Bethlehem Township Planning, Zoning and Construction Departments and Police Department are assessed, imposed and collected by the Township to offset administrative, advertising, and other costs relating to the operations and execution of departmental, code and ordinance enforcement; and

WHEREAS, the Board of Commissioners adopted Ordinance 05-16 which establishes a process to address deterioration and blight of Township neighborhoods caused by an increasing amount of foreclosed and abandoned real property located within the Township; and

WHEREAS, Section 187-5.F. of Ordinance 05-16 requires the payment of a nonrefundable annual registration fee which registration fee is to be set by Resolution of the Board of Commissioners as part of the Township's Fee Schedule and this Resolution accomplishes that requirement; and

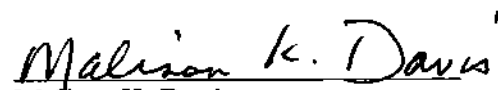
WHEREAS, the Board of Commissioners wishes to amend the Bethlehem Township Fee Schedule to set forth the annual registration fee for Ordinance 05-16.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED BY the Board of Commissioners of the Township of Bethlehem, County of Northampton, and Commonwealth of Pennsylvania, that the Bethlehem Township fee Schedule is hereby amended as follows:

1. The annual registration fee for Ordinance 05-16 is set at Five Hundred (\$500.00) Dollars.
2. The Bethlehem Township Board of Commissioners continues to reserve the right to amend or modify these Fee Schedules from time to time by Resolution.
3. This Resolution shall be effective upon the 6th day of August, 2018.

ADOPTED AND APPROVED this 6th day of August, 2018 at a regular public meeting.

**BOARD OF COMMISSIONERS
OF BETHLEHEM TOWNSHIP**


Malissa K. Davis,
Temporary President

ATTEST:


Doug Bruce
Township Manager/Secretary