

ORDINANCE 2003- 1

AN ORDINANCE OF THE COUNTY OF CUMBERLAND AMENDING ORDINANCE 99-1 RENAMING THE CUMBERLAND COUNTY VACANT PROPERTY REINVESTMENT BOARD TO THE "CUMBERLAND COUNTY BLIGHTED PROPERTY REINVESTMENT BOARD," EXPANDING UPON THE DEFINITION OF A "BLIGHTED PROPERTY," AND DEFINING "VACANT PROPERTY."

BE IT ORDAINED BY THE COUNTY OF CUMBERLAND, as follows:

SECTION 1. PURPOSE. Ordinance 99-1 was adopted by the County of Cumberland on May 24, 1999, to establish the Cumberland County Vacant Property Reinvestment Board, to allow for the acquisition and disposition of real property under certain conditions. Ordinance 99-1 was adopted pursuant to the Urban Redevelopment Law of May 24, 1945, P.L. 991 (the "Act"), as amended by Act 94 of 1978, Act 39 of 1988, and Act 58 of 1996. The Urban Redevelopment Law has been further amended by Act 2002-113 which amended Section 12.1 of the Act. The purpose of these provisions is to amend Ordinance 99-1, so as to have it comply with the amendment, as aforesaid.

SECTION 2. NAME CHANGE.

- A. Any reference to the Cumberland County Vacant Property Reinvestment Board in Ordinance 99-1 shall be amended to mean the Cumberland County Blighted Property Reinvestment Board.

SECTION 3. DEFINITIONS.

- A. Section 3.B of Ordinance 99-1 is amended to state as follows:

"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 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 the Housing Code of any municipality, 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 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.
8. 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 Cumberland County Tax Assessment Office; or
 - c. The property has been declared abandoned by the owner, including an estate that is in possession of the property.

SECTION 4. CERTIFICATION. Section 5 of Ordinance 99-1 shall be amended to read as follows:

The Board, the Municipal Planning Commission, and the County Planning Commission, upon making a determination that any property is blighted within the terms of the Ordinance, must certify said blighted property to the Redevelopment Authority, except that:

- A. No property shall be certified to the Redevelopment Authority unless it is vacant. A property shall be considered vacant if:
 - 1. The property is unoccupied or its occupancy has not been authorized by the owner of the property;
 - 2. In the case of an unimproved lot or parcel of ground, a lien for the cost of demolition of any structure located on the property remains unpaid for a period of six months; or
 - 3. In the case of an unimproved lot or parcel of ground, the property has remained in violation of any provision of local building, property maintenance or related codes applicable to such lots or parcels, including licensing requirements, for a period of six months.
- 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 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. 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 for 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 and his agent has failed to comply with the order of the Board or the Court.

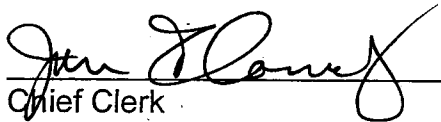
SECTION 5. All parts of ordinances inconsistent herewith are hereby repealed.

SECTION 6. This Ordinance shall be effective upon enactment.

ENACTED AND ORDAINED THIS 24th DAY OF February, 2003.

ATTEST:

BOARD OF COMMISSIONERS



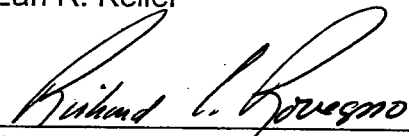
Chief Clerk

By 

Nancy A. Besch, Chairman

By 

Earl R. Keller

By 

Richard L. Rovegno