

ORDINANCE NO. 03-2016

AN ORDINANCE OF THE COUNTY OF BERKS AMENDING AND SUPPLEMENTING ORDINANCE NO. 09-2014 OF THE COUNTY OF BERKS, WHICH CREATED A BLIGHTED PROPERTY REVIEW COMMITTEE AND ALLOWED FOR THE ACQUISITION AND DISPOSITION OF REAL PROPERTY UNDER CERTAIN CONDITIONS, BY AMENDING AND SUPPLEMENTING THE DEFINITION OF BLIGHTED PROPERTY AS SET FORTH THEREIN

WHEREAS, on November 20, 2014 the County of Berks, Pennsylvania (“County”) enacted Ordinance No. 09-2014 creating the Berks County Blighted Property Review Committee and allowing for the acquisition and disposition of real property under certain conditions (“Ordinance”); and

WHEREAS, the legislature of the Commonwealth of Pennsylvania amended Section 205 of the Eminent Domain Law, 26 Pa. C.S. §205 (“Eminent Domain Law”), to further define and identify blighted properties; and

WHEREAS, it is deemed in the best interests of the citizens of the County to amend and supplement the definition of “Blighted Property” set forth in the Ordinance to include properties as set forth in Section 205 of the Eminent Domain Law, as amended;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Commissioners of the County of Berks, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

Section 1. Amendment. Subsection (b), entitled “Blighted Property”, of Section II, entitled “DEFINITIONS”, of Ordinance No. 09-2014 of the County of Berks, Pennsylvania is hereby amended in its entirety so as to hereafter read as follows:

“(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 local housing, building, plumbing, fire or 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 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.
5. Any structure which is a fire hazard or is otherwise dangerous to the safety of persons or property.
6. Any vacant or unimproved lot or parcel of ground, situated within or located in close proximity to a residential 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 two (2) years.
8. Any property which is vacant, which has not been rehabilitated within one (1) year of the receipt of notice to rehabilitate from a municipal code enforcement agency.
9. 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 (6) 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 one hundred fifty percent (150%) of the fair market value of the property as established by the Berks County Tax Assessment Office; or
 - c. It has been declared abandoned by the owner, including an estate that is in possession of the property.
10. Any property which has defective or unusual conditions of title or no known owners, rendering title unmarketable.
11. Any property which has environmentally hazardous conditions, solid waste pollution or contamination in a building or on the land which poses a direct and immediate threat to the health, safety and welfare of the community.
12. Any property having three (3) or more of the following characteristics:
 - a. It has unsafe or hazardous conditions that do not meet current use, occupancy or fire codes.
 - b. It has unsafe external and internal accessways.
 - c. It is being served by an unsafe public street or right-of-way.

- d. It violates the applicable property maintenance code adopted by a municipality and is an immediate threat to public health and safety.
- e. It is vacant.
- f. It is located in a redevelopment area with a density of at least one thousand (1,000) people per square mile or a redevelopment area with more than ninety percent (90%) of the units of property being nonresidential or a municipality with a density of at least two thousand five hundred (2,500) people per square mile.”

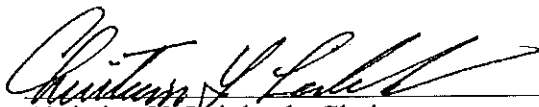
Section 2. Severability. If any provision, sentence, clause, section, subsection or portion of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, subsections or portions of this Ordinance. It is hereby declared as the intent of the Board of Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section, subsection or portion thereof not been included herein.

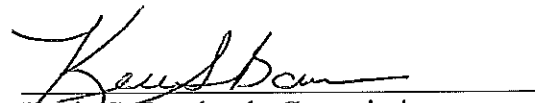
Section 3. Other Ordinances. All other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 4. Effective Date. This Ordinance shall become effective upon enactment.

DULY ENACTED AND ORDAINED this 15th day of September, 2016.

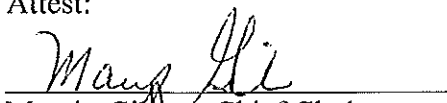
COUNTY OF BERKS


 Christian Y. Leinbach, Chair


 Kevin S. Barnhardt, Commissioner


 Mark C. Scott, Commissioner

Attest:


 Maryjo Gibson, Chief Clerk