

CODE OF THE BOROUGH OF NORTHUMBERLAND

CHAPTER 30 – HOUSING: PROPERTY MAINTENANCE

[HISTORY: Adopted by the Council of the Borough of Northumberland March 10, 1977 as Ord. No 331; Amended December 16, 1997 by Ord. No. 452; Amended April 15, 2003 by Ord. No. 2003-2; Amended May 4, 2004 by Ord. No. 2004-1; Amended March 3, 2020 by Ord. No. 2020-2.]

ARTICLE I – ESTABLISHMENT

30.1.01 Adoption of the International Property Maintenance Code. (30-1)

The International Property Maintenance Code, latest edition, as published by the Building Officials Code Administrators International, and any subsequent amendments, revisions or recodifications thereof or thereto, are hereby adopted as the Property Maintenance Code of the Borough of Northumberland, Pennsylvania, and each and all of the provisions of said code and any subsequent amendments, revisions or recodifications thereof, except such provisions as are by this chapter deleted, modified or amended, are hereby referred to, adopted and made a party hereof as if fully set out by this chapter.

30.1.02 Additions, insertions and changes. (30-2)

The sections of “The International Property Maintenance Code” latest edition, set forth below are revised as follows:

- **Section PM-101.1.**

The words “...Property Maintenance Code of [NAME OF JURISDICTION]...” are delete and the following is substituted therefore:

“Northumberland Borough Property Maintenance Code”

- **Section PM-106.4. Violation Penalties.**

Any officer or employee of the Borough designated for the purpose of enforcing this Ordinance (“Enforcement Officer”), is hereby authorized to give notice, by personal service or by mail, to the owner or occupant, as the case may be, of any premises found to be in violation of this Chapter and/or the Northumberland Borough Property Maintenance Code, directing and requiring such owner or occupant to remediate the violation within an established reasonable period of time, given the violation and circumstances. Should any person, firm or corporation neglect, fail or refuse to comply with such notice within the period of time stated therein, the Borough Enforcement Officer shall be empowered to issue a quality of life ticket to said individual assessing a fine of \$25.00 due to be paid to the Borough within ten (10) days. Each day a violation remains unremedied following the expiration of the period of time stated in the notice shall constitute a separate and independent violation for which a quality of life ticket may be issued. Northumberland Borough Council may designate any Enforcement Officer charged with enforcement of this provision by resolution. Any person, firm or corporation fail to pay any quality of life ticket or appeal said ticket in the manner set forth in Section 30.1.06, upon conviction thereon, shall be sentenced to pay a fine of not less than \$50.00 nor more than \$300.00 for each violation, plus costs of prosecution, with each day’s violation constituting a separate offense, and notice to the offender of subsequent violations shall not be necessary in order to constitute an offense. Borough

Chapter 30 – Housing: Property Maintenance

Council may amend the fines and penalties established herein by resolution. [Amended by Ord. No. 2020-2]

- **Section PM-111.2. Membership of the board.**

The board of appeals shall consist of three (3) members. Appointed by Borough Council as follows: one (1) for three (3) years, one (1) for two (2) years, one (1) for one (1) year. Thereafter, each new member shall serve for three (3) years or until a successor has been appointed.”

- **Section PM-111.5.** The word “five” is deleted, and the word “three” is substituted therefore.

- **Section PM-111.6.** The word “three” is deleted, and the word “two” is substituted therefore.

- **Section PM-304.15.** The words “During the period from [DATE] to [DATE]...” are deleted and the following is substituted therefore.

“During the period from June 1 to October 15...”

- **Section PM-602.2.1.** The words “...during the period from [DATE] to [DATE]...” are deleted and the following is substituted therefore:

“...during the period from September 1 to May 15...”

- **Section PM-602.3.** The words “...during the period from [DATE] to [DATE]...” are deleted and the following is substituted therefore:

“...during the period from September 1 to May 15...”

30.1.03 Inconsistent ordinances repealed. (30.3)

Those ordinances of the Borough of Northumberland adopting an earlier edition of The International Property Maintenance Code and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

30.1.04 Saving clause. (30-4)

Nothing in this Ordinance or in The International Property Maintenance Code, latest edition, hereby adopted shall be construed to affect any suit or proceeding impending in any Court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed as cited in this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

30.1.05 Date of effect. (30-5)

That the Borough Secretary shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take full force from and after its approval as required by law.

30.1.06 Appeal from Quality of Life Ticket

Any person, firm or corporation to which the Borough Enforcement Officer issues a quality of life ticket for violation of this Chapter may appeal the ticket and finding of violation by submitting a written request to appeal to the Borough Manager within ten (10) days of the date of violation ticket, stating their reasons for appeal, and accompanied by the fine amount. The Board of appeals shall meet within fifteen (15) days of the filing of an appeal to consider the merits of the appeal. The meeting shall be public and the appellants, his representatives, the enforcing officer and any other person whose interests may be affected by the matter shall be heard. Within thirty (30) days of the submission of the appeal, Northumberland Borough, through a determination made by the Board of Appeals appointed by Borough Council pursuant to Chapter 30 of the Code of the Borough of Northumberland, may decide to uphold the appeal, deny the appeal, or may modify the violation ticket and/or any associated costs, fines, or penalty amounts as deemed appropriate, and shall issue written notice of its decision along with any refunds applicable. **Failure to timely appeal the violation**

Chapter 30 – Housing: Property Maintenance

ticket will be deemed an admission of liability for the violation and shall render the violation ticket final. An appeal from the violation ticket and/or notice of violation issued under this Chapter shall act as an automatic stay of the violation appealed. Any person, firm or corporation aggrieved by the final decision of the Board of Appeals following a timely appeal may obtain judicial review by filing with the Court of Common Pleas of Northumberland County, within 30 days from the date of the Board of Appeal's determination, a petition praying that the decision be set aside in whole or in part. The stay provided in this section shall remain in effect during the pendency of the appeal before the Board of Appeals and during the pendency of any subsequent appeals from the Board of Appeal's decision to the courts of this commonwealth. [Amended by Ord. No. 2020-2]

ARTICLE II – NEIGHBORHOOD BLIGHT PROTECTIONS AND ENFORCEMENT

[Adopted 9-3-2013 as Ord. No. 2013-2]

30.2.01 Purpose

The Borough Council finds it to be in the best interests of the residents of the Borough of Northumberland, Northumberland County, Pennsylvania to provide for certain protections and safeguards in order to address deteriorated properties, public nuisances and properties in serious violation of State law or municipal codes. Such protections and safeguards include denial of permits, and actions at law and in equity in order to address deteriorated properties which have an impact upon crime, the quality of life of our residents and require expenditures of public funds in order to abate and correct nuisances, violations and delinquent municipal services accounts.

30.2.02 Definitions

For the purpose of this chapter, the following terms shall have the meanings indicated:

Board shall mean a Zoning Hearing Board or other body granted jurisdiction to render decisions in accordance with the Pennsylvania Municipalities Planning Code, the State Borough Code, the Code of the Borough of Northumberland or a board authorized to act in a similar manner by law.

Borough The Borough of Northumberland, Northumberland County, Pennsylvania.

Building A residential, commercial or industrial building or structure and the land appurtenant to it.

Borough Property Code(S) A building, housing, property maintenance, fire, health or other public safety ordinance enacted or adopted by the Borough, including those ordinances, regulations and resolutions which establish and assess fees for municipal services and privileges such as sewer, water, refuse collection and parking/parking arrangements. For purposes of this Part 30.2, the term does not include a subdivision and land development ordinance or a zoning ordinance enacted by the Borough.

Municipal Permit(s) Privileges related to real property granted by a municipality such as the Borough, including, but not limited to, building permits, parking permits, occupancy permits, and special exceptions or variances from zoning ordinances. The term includes approvals pursuant to land use ordinances other than decisions on the substantive validity of a zoning ordinance or map or the acceptance of a curative amendment.

Municipal Service(s) services provided at a cost by the Borough or other municipal entity, including water service, sanitary sewer service, refuse collection and parking allotments/facilities, which benefit individual properties and also serve to benefit the overall welfare, safety and health of all residents of the Borough.

Chapter 30 – Housing: Property Maintenance

Owner A holder of title to residential, commercial or industrial real estate who possesses and controls the real estate. The term includes, but is not limited to, heirs, assigns, beneficiaries and lessees, provided this ownership interest is a matter of public record

Public Nuisance Property which, because of its physical condition or use, is regarded as a public nuisance at common law or has been declared by the appropriate Borough official a public nuisance in accordance with the Code of the Borough of Northumberland, as amended.

Serious Violation A violation of a State Law or Borough Property Code (as the terms are defined herein) or other applicable code that poses an imminent threat to the health and safety of the dwelling occupant, occupants in surrounding structures or passersby. Property found to be a Public Nuisance is also considered to be a Serious Violation.

State Law A statute of the Commonwealth or a regulation of an agency charged with the administration and enforcement of Commonwealth law.

Substantial Step An affirmative action as determined by a Borough official or officer of the court on the part of the property owner or managing agent to remedy a Serious Violation of State Law or Borough Property Code including, but not limited to, physical improvements or repairs to the property.

Tax Delinquent Property Tax delinquent real property as defined under the Real Estate Tax Sale Law (P.L.1368, No.542), the Municipal Claim and Tax Lien Law (P.L. 207, No.153) or the Second Class City Treasurers' Sale and Collection Act (P.L.876, No.171) located in any municipality in this Commonwealth.

30.2.03 Legal Action to be Taken Against Owners

In addition to any other remedy available at law, including those remedies available under the Neighborhood Blight Reclamation and Revitalization Act (Act 90 of 2010), remedies available in equity or other remedies as provided for in the Code of the Borough of Northumberland, the Borough may institute the following actions against the Owner of any property that is in Serious Violation of a Borough Property Code or for failure to correct a condition which causes the property to be regarded as a Public Nuisance:

- A. An In Personam action may be initiated for a continuing violation for which the Owner takes no Substantial Step to correct within the six months following receipt of an order by the Borough to correct the violation, unless the order is subject to a pending appeal before an administrative agency or court. Notwithstanding any law limiting the form of action for the recovery of penalties by a municipality for the violation of a Borough Property Code, the Borough may recover, in a single action under this section, an amount equal to the penalties imposed against the Owner and any costs of remediation lawfully incurred by, or on behalf of, the Borough to remedy any code violation.
- B. A proceeding in equity.
- C. A lien may be placed against the assets of an Owner of real property that is in Serious Violation of Borough Property Code or is regarded as a Public Nuisance after a judgment, decree or order is entered by a court of competent jurisdiction against the Owner of the property for an adjudication under either an In Personam action or a proceeding in equity as set forth above. In the case of an Owner that is an association or trust, this does not authorize a lien to be placed upon the individual assets of the general partner, trustee, limited partner, shareholder, member or beneficiary of the association or trust except as otherwise allowed by law.

30.2.04 Out-of-State Owners, Service of Process upon Associations and Trusts

- A. A person who lives or has a principal place of residence outside this Commonwealth, who owns property in this Commonwealth against which Borough Property Code or other applicable code violations have been cited and the person is charged under 18 Pa. C.S. (relating to crimes and offenses), and who has been properly notified of the violations may be extradited to this Commonwealth to face criminal

Chapter 30 – Housing: Property Maintenance

prosecution to the full extent allowed and in the manner authorized by 42 Pa. C.S. CH. 91 (relating to detainers and extradition).

- B. Where, after reasonable efforts, service of process for a notice or citation for any Borough Property Code or other applicable code violations for any real property owned by an association or trust cannot be accomplished by handing a copy of the notice or citation to an executive office, partner, or trustee of the association or trust or to the manager, trustee or clerk in charge of the property, the delivery of the notice or citation may occur by registered, certified or United States express mail, accompanied by a delivery confirmation:
1. to the registered office of the association or trust.
 2. where the association or trust does not have registered office, to the mailing address used for real estate tax collection purposes, if accompanied by the posting of a conspicuous notice on the property and by handing a copy of the notice or citation to the person in charge of the property at that time.

30.2.05 Permit Denials

- A. The Borough or a Board may deny issuing to an applicant a Municipal Permit if the applicant owns real property in any municipality in this Commonwealth for which there exists on the real property:
1. Tax and/or Municipal Services delinquencies on account of the actions of the Owner; or
 2. A Serious Violation and the Owner has taken no Substantial Step to correct the Serious Violation within six months following notification of the violation and for which fines, penalties or a judgment to abate or correct were imposed by a magisterial district judge or municipal court or a judgment at law or in equity was imposed by a court of common pleas. No denial shall be permitted if a judgment is subject to a stay or supersedes by order of court, or if the Municipal Permit is necessary to correct a violation of State Law or Borough Property Code.
- B. The Municipal Permit denial as above described shall not apply to an applicant's delinquency on taxes and/or Municipal Services charges that are under appeal or otherwise contested through a court or administrative process.
- C. In issuing a denial of a Municipal Permit, the Borough or the Board shall indicate the street address, the municipality and county in which the property is located and the court and docket number for each parcel cited as a basis for the denial. The denial shall also state that the applicant may request a letter of compliance from the appropriate state agency, municipality or school district in the form specified by such entity.
- D. All Municipal Permits denied in accordance with this section may be withheld by the Borough until an applicant obtains a letter of compliance from the appropriate State agency, municipality or school district indicating the following:
1. the property in question has no tax or Municipal Services delinquencies;
 2. the property in question is now in compliance with State Law, Borough Property Code or other applicable codes; or
 3. the Owner of the property has presented and the appropriate entity has accepted a plan to begin remediation of a Serious Violation of State Law, Borough Property Code or other applicable codes.
- E. If a letter of compliance or a letter of non-compliance, as the case may be, is not issued with 45 days of the request, the property shall be deemed to be in compliance for the purposes of this section. The appropriate State agency, municipality or school district shall specify the form in which the request for a

Chapter 30 – Housing: Property Maintenance

compliance letter shall be made. Such letters shall be verified by the appropriate municipal officials before issuing to the applicant a Municipal Permit.

- F. Boards, including the Borough Zoning Hearing Board, may deny approval of Municipal Permits - which includes special exception approval and variance relief — if warranted as set forth above to the extent that approval of such a Municipal Permit is within the jurisdiction of the Board.
- G. The Borough may appear to present evidence that the applicant is subject to denial by a Board in accordance with this section.
- H. A Municipal Permit may only be denied to an applicant other than an Owner if the applicant is acting under the direction or with the permission of the Owner and that Owner owns real property that is subject to denial as set forth herein above.

30.2.06 *Inherited Property Relief*

Where property is inherited by will or intestacy, the devisee or heir shall be given the opportunity to make payments on reasonable terms to correct code violations or to enter into a remediation agreement with the Borough to avoid subjecting the devisee's or heir's other properties to asset attachment or denial of Municipal Permits and approvals on other properties owned by the devisee or heir. Such opportunity shall be given at the Borough's discretion and subject to the revocation upon the devisee or heir's failure to proceed with a payment plan, or to progress forward and complete a remediation plan.