

**Borough of Susquehanna Depot
Susquehanna County, Pennsylvania**

Ordinance No. 469

AN ORDINANCE REQUIRING ALL PURCHASERS OF ANY BUILDING OR STRUCTURE WITHIN THE BOROUGH OF SUSQUEHANNA DEPOT KNOWN TO HAVE ONE OR MORE BOROUGH CODE VIOLATION(S) TO BRING THAT BUILDING OR STRUCTURE INTO COMPLIANCE WITH THE BOROUGH CODE OR DEMOLISH THE BUILDING WITHIN EIGHTEEN (18) MONTHS OF THE DATE OF PURCHASE IN ACCORDANCE WITH ACT NO. 99-2000; REQUIRING THE PURCHASER OF REAL PROPERTY TO MAKE REASONABLE ATTEMPTS TO ABATE BOROUGH NUISANCE ORDINANCE VIOLATIONS RELATING TO MAINTENANCE, HEALTH OF SAFETY WITHIN TWELVE (12) MONTHS OF THE DATE OF PURCHASE OF REAL PROPERTY IN ACCORDANCE WITH ACT NO. 99-2000; AUTHORIZING THE IMPOSITION OF PENALTIES FOR FAILURE TO DO SO, WHILE PRESERVING ALL REMEDIES TO THE RECOVERY, PREVENTION, ABATEMENT OR RESTRAINT OF CODE VIOLATIONS UNDER OTHER STATUTES AND ORDINANCES.

The Council of the Borough of Susquehanna Depot, Susquehanna County, Commonwealth of Pennsylvania, hereby enacts and ordains as follows:

**SECTION 1
SHORT TITLE**

This Ordinance may be cited as the Borough of Susquehanna Depot Municipal Code and Ordinance Compliance Ordinance.

SECTION 2 PURPOSE

This Ordinance is to implement in the Borough of Susquehanna Depot the provisions of the act of December 20, 2000 (P.L. 724, No. 99), 68 P.S. Ch. 25, known as the Municipal Code and Ordinance Compliance Act.

The Council of the Borough of Susquehanna Depot finds that there exists deteriorated properties within the Borough as a result of neglect by their owners in violation of applicable State and municipal codes and municipal ordinances; and

The Council of the Borough of Susquehanna Depot finds that the deteriorated properties create public nuisances which have an impact on crime and the quality of life of the Borough's residents and require significant expenditures of public funds in order to abate and correct the nuisances; and

The Council of the Borough of Susquehanna Depot finds that the deteriorated properties are being sold and purchased with knowledge of the existing deteriorated conditions and no action is being taken by the sellers and/or purchasers to remedy the existing condition; and

The Council of the Borough of Susquehanna Depot finds that the sale and purchase of the deteriorated properties interferes with enforcement actions initiated by the Borough of Susquehanna Depot, causes the Borough of Susquehanna Depot to take unnecessary duplicative action and expend public funds unnecessarily in initiating enforcement actions against both sellers and purchasers, and allows the aforesaid buildings to remain in a deteriorated condition for a longer period of time; and

In order to protect the health, safety and welfare of the residents of the Borough of Susquehanna Depot, the Council of the Borough has determined it is appropriate to require purchasers of any such deteriorated properties and/or public nuisances to remedy the existing conditions within a reasonable amount of time of purchase or face penalties for failing to do so.

SECTION 3 DEFINITIONS

The following words and phrases when used in this Ordinance shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Act.” The act of December 20, 2000 (P.L. 724, No. 99), 68 P.S. Ch. 25, known as the Municipal Code and Ordinance Complaint Act.

“Borough.” The Borough of Susquehanna Depot.

“Constructive knowledge.” Knowledge of a violation listed on the seller's property disclosure statement made pursuant to the act of July 2, 1996 (P.L. 500, No. 84), known as the

Real Estate Seller Disclosure Act, a violation appearing on a buyer's notification certificate provided by a municipality or a violation that is a matter of public record.

"Council." The Council of the Borough of Susquehanna Depot.

"Date of purchase." The closing date or, in cases where the property is sold pursuant to the act of May 16, 1923 (P.L. 207, No. 153), referred to as the Municipal Claim and Tax Lien Law, the first day following the right of redemption period authorized under the Municipal Claim and Tax Lien Law.

"Known to have." Knowledge of a violation based on actual or constructive knowledge.

"Substantial violation." A violation of a building, housing, property maintenance or fire code, which violation posed a threat to health, safety or property but not a violation of such a code deemed by a court to be de minimis.

SECTION 4 COMPLIANCE REQUIREMENT: BUILDINGS AND STRUCTURES

Within eighteen (18) months of the date of purchase, or longer subject to an agreement between the purchaser and the Borough, any purchaser of any building, structure or part of a building or structure known to have one or more substantial violations of the Borough municipal codes relating to building, housing, property maintenance or fire shall:

- (a) bring the building, structure or that part of a building or structure into compliance with those codes; or
- (b) demolish the building or structure in accordance with the law.

SECTION 5 COMPLIANCE REQUIREMENT: LOTS AND PARCELS

Any purchaser of any lot or parcel of land known to have one or more substantial violations of Borough municipal nuisance ordinances relating to maintenance, health or safety is required to make a reasonable attempt to abate the nuisance within one (1) year of the date of purchase.

SECTION 6 ENFORCEMENT

- (a) Enforcement of this Ordinance shall be made by the filing of a criminal complaint, pursuant to Pennsylvania Rules of Criminal Procedure, in the appropriate Magisterial District Court. The Borough's Solicitor may assume charge of the prosecution without

the consent of the District Attorney, as required under Pennsylvania Rule of Criminal Procedure.

- (b) Violations of the property maintenance code or ordinance may also be enforced by the institution of appropriate actions or proceedings at law or in equity to prevent or restrain property maintenance provisions.

SECTION 7 PENALTIES

The violation of this Ordinance shall constitute a summary offense. Any purchaser failing to comply with the requirements of this Ordinance shall be held personally liable for the costs of repairs or demolition and a criminal fine of \$1,000 per violation or imprisonment, as allowed by law for the punishment of a summary offense, plus court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings. A separate violation shall arise for each day of the violation and for violation of each applicable section of this Ordinance.

SECTION 8 CONFLICT WITH OTHER LAWS

In the event of a conflict between the requirements of this Ordinance and Federal requirements applicable to demolition, disposition or redevelopment of buildings, structures or land owned by or held in trust for the Government of the United States and regulated pursuant to the United States Housing Act of 1937 (50 Stat. 888, 42 U.S.C. § 1437 et seq.) and the regulations promulgated thereunder, the Federal requirements shall prevail.

SECTION 9 MISCELLANEOUS

Nothing in this Ordinance shall be construed to abridge or alter the remedies now existing at common law, by statute or by ordinance, but the provisions of this Ordinance are in addition to such remedies.

SECTION 10 SEVERABILITY

The provisions of this Ordinance shall be severable and if any of its provisions are found to be unconstitutional or illegal the validity of any of the remaining provisions of this Ordinance shall not be affected thereby.

SECTION 11
EFFECTIVE DATE

This Ordinance shall take effect in accordance with the applicable law.

ENACTED AND ORDAINED this 14th day of October, 2015 by the Council of the Borough of Susquehanna Depot, Susquehanna County, Commonwealth of Pennsylvania in lawful session, duly assembled.

Council President
Borough of Susquehanna Depot

Honorable Mayor
Borough of Susquehanna Depot

Attest:

Borough Secretary
Borough of Susquehanna Depot