Bill NO. 49 - 2010

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 1 ADMINISTRATION, PART 5 BOARDS DEPARTMENTS COMMISSIONS COMMITTEES AND COUNCILS, SECTION D BLIGHTED PROPERTY REVIEW COMMITTEE BY MODIFYING THE REMOVAL PROCESS FOR MEMBERS OF THE BLIGHTED PROPERTY REVIEW COMMITTEE

NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 1 Administration, Part 5 Boards, Departments, Commissions Committees and Councils, Section D Blighted Property Review Committee by modifying the removal process for members of the Blighted Property Review Committee as follows:

> **Removal of Members** - Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received fifteen days advance notice of the intent to take such vote. Failure of a member to attend three (3) consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

SECTION 2. All other parts of the Ordinance remain unchanged.

SECTION 3. This Ordinance shall be effective in ten (10) days, in accordance with Charter Section 219.

Adopted Aug 9, 2010

Council President

Attest:

City Clerk

Submitted to Mayor:

Date: 8/6/10

Received by the Mayor's Office:

Date: 8/10/10

Approved by Mayor:

Date: 8/10/10

Vetoed by Mayor: _____

Date: _____

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Ordinance passed by the Council of the City of Reading, on the 9th day of June A. D. 20 10. Witness my hand and seal of the said City this 10 day of June A. D. 20 10

CITY CLERK

D. Blighted Property Review Committee.[80]

§1-541. Short Title.
This Part 5D shall be known as and may be cited as the "Blighted Property Review Committee Ordinance."
(*Ord. 65-2006*, 10/23/2006, §2)

§1-542. Purpose.
The purpose of these provisions are to establish a Blighted Property Review Committee of the City of Reading to implement provisions of the Urban Redevelopment Law of 1945, as amended by Act 94 of 1978, further amended by Act 113 of 2002, promoting reuse and reinvestment in properties in the City of Reading.
(*Ord. 65-2006*, 10/23/2006, §2)

§1-543. Creation, Members, Duties, Term and Expenditures of the Blighted Property Review Committee.
There is hereby established a "Blighted Property Review Committee" (hereinafter "Committee").

A. **Duties.** The Committee will be responsible for the certification to the Redevelopment Authority of all properties deemed to be vacant or abandoned.

B. **Membership.** The Committee shall be composed of not less than four, and no more than seven members, who shall served without compensation. The Committee shall include at least one member of the Governing Body, a representative of the Redevelopment Authority, a representative of the Planning Commission, a representative to be designated by the Mayor, and citizen representatives of the City of Reading. Except for the member of the Governing Body, members shall be appointed by the Mayor. In the event mayoral appointment does not occur Council may appoint unfilled positions. In all cases members are approved by Council.

C. **Terms.** The term of each member shall be for a period of 2 years and until their successor is appointed. A member may be re-appointed upon expiration of their term. The position of any member of the Committee appointed in their capacity as a member of the governing body, representative of the Redevelopment Authority, representative of the Planning Commission, representative designated by the Mayor, who ceases to be so engaged shall be automatically considered vacant. An appointment to fill a vacancy shall be only for the unexpired portion of the term.

D. **Organization of the Committee.** The Committee shall establish its own by-laws, establish offices, and elect officers from its own membership. For the conduct of any meeting and the taking of any action, a quorum shall be not less than a majority of the Committee as a whole. For the purpose of this Part, the Committee will be able to begin holding meetings as soon as a majority of the members have been appointed and approved by Council. Any action taken at any meeting shall require the affirmative vote of a majority of the Committee as a whole. No member of the Committee shall be permitted to take part in the discussion or vote on any property in which said member has any financial interest, direct or indirect. The Committee

shall keep full public records of its business and shall submit a report of its activities to City Council at least once a year.

~~**E. Removal of Members.** Any Committee member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of City Council taken after the member has received 14 days advance notice of the intent to take such a vote~~.

E. Removal of Members. Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received fifteen days advance notice of the intent to take such vote. Failure of a member to attend three (3) consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position

F. **Expenditure for Services**. City Council may appropriate funds for legal, secretarial, clerk, consultant, and other technical assistance, and for the acquisition and maintenance of blighted properties, and any other such expenses incurred in the pursuit of achieving the aims of this Part.
(*Ord. 65-2006*, 10/23/2006, §2)

§1-544. Definitions.
For the purpose of this Part, all words used in present tense include the future tense. All words in the plural number include the singular number and all words in the singular number include the plural number, unless the natural construction of the word clearly indicates otherwise. The word "shall" is mandatory and not discretionary. The word "used" includes designated, intended, built, or arranged to be used."

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 the 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 of its dilapidated, unsanitary, unsafe, vermin-infested or lacking in the facilities and equipment required by the housing or building codes of the 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 utilities, plumbing, heating, sewerage 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 predominantly 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 unoccupied property which has been tax delinquent for a period of 2 years prior to the effective date of this act, and those in the future having a 2-year tax delinquency.

(8) Any property which is vacant, but not tax delinquent, which has not been rehabilitated within 1 year of the receipt of notice to rehabilitate from the appropriate 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 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 150% of the fair market value of the property as established by any body with legal authority to determine the taxable value of the property.

(c) The property has been declared abandoned by the owner, including, an estate that is in possession of the property.

City - the City of Reading.

City Council - the legislative body of the City of Reading, composed of Council President and six district representatives.

Code - the health, housing, building, fire, electrical, plumbing or other related code of the City of Reading.

Commission - the Reading Planning Commission.

Committee - the Blighted Property Review Committee.

Governing Body - the City Council of the City of Reading.

Public nuisance or **nuisance** - any condition or usage whatsoever in or about buildings, structures or land or the streets or private ways and places, or elsewhere, within the City, whether public or private, which is found to be detrimental to the public health as determined by the Committee or other appropriate City office or agency.

Redevelopment area - any area , whether improved or unimproved, which the Planning Commission may find to be blighted so as to require development.

Redevelopment area plan - a plan for the redevelopment of all or part of a redevelopment area made by a Planning Commission.

Redevelopment authority - Redevelopment Authority of the City of Reading.

Redevelopment proposal - a proposal, including a copy of the redevelopment area plan and supporting data, submitted for approval to the Governing Body by an authority for the redevelopment of all or part of a redevelopment area.

Residential and related use - shall include residential property for sale or rental and related uses including, but not limited to, park and recreation areas, neighborhood community services, and neighborhood parking lots.

Vacant - any unoccupied or unimproved lot or parcel of ground, which by reason or neglect or lack of maintenance shows to be unlikely habitable, implying abandonment on the part of the previous tenants or owner.
(*Ord. 65-2006*, 10/23/2006, §2)

§1-545. Blighted Property Removal.
Notwithstanding any other provision of law, the Redevelopment Authority shall have the power to acquire by purchase, gift, bequest, eminent domain or otherwise, any blighted property as defined herein, either within or outside of a redevelopment area and, further, shall have the power to hold, clear, manage, lease and/or dispose of said property for residential and related uses. This power shall be exercised in accord with the procedures set for hereinafter.

§1-546. Restrictions.
The Blighted Property Review Committee and the Planning Commission, upon making a determination that any property is blighted as defined in §1-544, above, 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 or abandoned.

B. No property shall be certified to the Redevelopment Authority unless the owner of the property or an agent designated by him for the receipt of service of notices has been served with notice of the determination that the property is blighted, together with an appropriate order to eliminate the conditions causing blight and notification that failure to do so may render the property subject to condemnation. The notice shall be served upon the owner or his agent. The owner or his agent shall have the right of appeal from the determination by filing an appeal with the City of Reading Building and Fire Board of Appeals within 20 days of the determination hearing: [*Ord. 42-2009*]

(1) **Procedure.** Whenever the Committee shall determine, after such examination, investigation or hearing as shall suffice to inform its judgment, that a public nuisance exists or is about to

exist, it may order the nuisance to be removed, abated, suspended, altered, or otherwise prevented or avoided. Notice of such order, bearing the official title of the Committee and the number of days for compliance therewith and the alternative remedy of the Committee in case of noncompliance, shall be served upon the person, if any, whom the Committee deems responsible therefore or concerned therein, and upon the owner or abutting owner of the land, premises or other places whereon such a nuisance is or is about to be, if any. In case no such party or parties can be discovered by the Committee, the order shall be served by posting a copy or copies thereof conspicuously upon the premises for a period of at least 10 days.

(2) **Contents of Notice.** The notice of the Committee's order shall clearly specify:

(a) The place and manner of the nuisance or anticipated nuisance as determined by the Committee.

(b) The nature or condition thereof.

(c) The Committee's order with respect to the nuisance or anticipated nuisance.

(d) The name of the persons found by the Committee to be responsible therefore or concerned therewith and the name of the owner, if any, of the land or premises involved; in the event the owner or contact cannot be determined, said notice shall reflect this.

(e) The date of the Committee's order and the number of days there from allowed for compliance with it.

(f) The alternative remedy of the Committee in case of noncompliance.

(g) Notice that the persons affected thereby may apply, within the time set for compliance with the order, to the Committee for a hearing, and may request such stay of execution or modification or rescission of the said order as they shall believe just and proper.

(h) The signature of the Chair of the Committee, attested by the Secretary.

(i) The right to appeal. [*Ord. 42-2009*]

(3) **Hearing and Disposition.**

(a) If any person affected thereby shall apply for a hearing within the time provided, the Committee shall promptly notify all interested parties of the time and place of the hearing.

(b) The Committee shall enter upon its minutes such facts and proofs as it may receive, and its proceedings on such hearing and thereafter may rescind, modify or reaffirm its order and require execution of the original or of a new or modified order, as it shall determine and direct. [*Ord. 42-2009*]

C. No blighted property shall be certified to the Redevelopment Authority on which more than ten dwelling units can be constructed under existing zoning regulations.

D. No blighted property shall be certified to the Redevelopment Authority until the time period for appeal has expired and no appeal has been taken, or, if taken, the appeal has been disposed of, and the owner or his agent has failed to comply with the order of the Blighted Property Review Committee.
(*Ord. 65-2006*, 10/23/2006, §2; as amended by *Ord. 42-2009*, 8/10/2009, §1)

§1-547. Reuse of Acquired Property.
1. Acquisition and disposition of blighted property shall not require preparation, adoption or approval of a redevelopment area plan or redevelopment proposal, but at least 30 days prior to acquisition of any property, the Redevelopment Authority shall transmit identification of the property to the Planning Commission and shall request a recommendation as to the appropriate reuse of the property. The Redevelopment Authority shall not acquire the property where the Planning Commission certifies that disposition for residential or related use would not be in accord with the Comprehensive Plan of the City of Reading.

2. Property disposed of within a redevelopment area shall be disposed of under a redevelopment contract in accordance with the provisions of the Urban Redevelopment Law.

3. Property disposed of outside a redevelopment area shall be disposed of by deed in accordance with the provisions set forth in applicable law.

4. Power of eminent domain shall be exercised pursuant to a resolution of the Redevelopment Authority and the procedures set forth in applicable law.
(*Ord. 65-2006*, 10/23/2006, §2)

§1-548. Conflict with Other Laws.
Should any provisions set forth in this Part be found to conflict with any law of the United States or the Commonwealth of Pennsylvania, such Federal and or State laws shall govern and this Part shall be construed accordingly. Such a conflict shall not affect the validity of this Part.
(*Ord. 65-2006*, 10/23/2006, §2)