



Lackawanna County

Commissioners
Jerry Notarianni Debi Domenick, Esq.
Chris Chermak



Lackawanna County Demolition Program Program Templates Ordinances- Letters - Notices

*Revised
02-18-2020*

Prepared by
Lackawanna County Department of Economic Development

**LACKAWANNA COUNTY
CLEARANCE AND DEMOLITION PROGRAM**

Templates

1. Sample Blight Ordinance
2. Sample Blight Certification Letter
3. Sample Blight Certification Letter – Second Notice
4. Sample Demolition Notice – Private Property
5. Sample Demolition Notice – Municipal Property
6. Sample Demolition Notice – Owner Not Known Property

Contact the Office of Economic Development for a Word document

SAMPLE BLIGHT ORDINANCE

Purpose

The purpose of this ordinance is to promote the public safety, health, and welfare of the citizens of ___(municipality)__. All abandoned structures defined herein are hereby declared to be a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare, and safety of the residents of ___(municipality)__. The International Property Maintenance Code (IPMC) will be the source guideline of for implementation. This ordinance is adopted pursuant to the council.

Definitions

The following words, terms, and phrases shall have the following meanings when used in this ordinance:

Abandoned Structure: For the purposes of this Ordinance, abandoned structures shall be defined in two (2) categories, one related to manufactured homes and the other related to all other building structures of this Ordinance.

Manufactured Home: A manufactured home shall be considered an abandoned structure if it is in a wrecked, scrapped, disassembled, unusable, cannibalized, burnt, or inoperable (not connected to an approved sewer system) condition and not occupied and is found to be a nuisance because it creates or fosters one (1) or more of the following conditions:

1. A breeding ground or harbor for mosquitoes, other insects, rats, or other pests;
2. A point of heavy growth of weeds or other noxious vegetation over eight (8") inches in height;
3. The collection of pools or ponds of water;
4. Concentrated quantities of gasoline, oil, or other flammable or explosive materials;
5. A source of danger for children because of the possibility of entrapment or injury from exposed sharp surfaces of metal, glass, or other rigid materials;
6. A source of danger from the home, or parts thereof, falling or turning over;
7. An accumulation of garbage, food waste, or any other rotten or putrefied matter of any kind;
8. Accumulation of sewage or animal waste;
9. Concentrated quantities of hazardous materials;
10. The presence of dead animals; or
11. Any manufactured home specifically declared a public health and safety hazard by the _____ Council.

Manufactured homes that are abandoned as defined herein shall be considered personal property and, if previously characterized as real property for tax or other purposes, shall forfeit that characterization.

Building Structure: A building structure shall be considered an abandoned structure if it is unoccupied and damaged or in disrepair to the point of being condemnable as defined in the

most current edition of the International Building Code as related to being structurally unsound, unable to support the design loads as determined by the ___ (municipality)___ Building Official and is found to be a nuisance because it creates or fosters one (1) or more of the following conditions:

1. A breeding ground or harbor for mosquitoes, other insects, rats, or other pests;
2. A point of heavy growth of weeds or other noxious vegetation over eight (8") inches in height;
3. The collection of pools or ponds of water;
4. Concentrated quantities of gasoline, oil, or other flammable or explosive materials;
5. A source of danger for children because of the possibility of entrapment or injury from exposed sharp surfaces of metal, glass, or other rigid materials;
6. A source of danger from the building structure, or parts thereof, falling or turning over;
7. An accumulation of garbage, food waste, or any other rotten or putrefied matter of any kind;
8. Accumulation of sewage or animal waste;
9. Concentrated quantities of hazardous materials;
10. The presence of dead animals; or
11. Any building structure specifically declared a public health and safety hazard by the ___(municipality)___ council.

Regulated Activities

Administration

- A. The ___(municipality)___ is responsible for the administration and enforcement of this ordinance.
- B. The ___(municipality)___ may secure, make safe, remove, store, and dispose of abandoned structures in compliance with this ordinance and applicable state laws.
- C. Nothing in this ordinance shall be construed to limit the legal authority or powers of officers or the employees of the ___(municipality)___ in enforcing other laws or in otherwise carrying out their duties with regard to abandoned manufactured homes or building structures.

Notice, Hearing, Appeal, Lien on Property

- A. Upon determining that a violation of this ordinance exists, the ___(municipality)___ shall issue a written notice, in accordance with Section “**Enforcement**” of this Ordinance, to:
 - (1) the registered owner or person(s) entitled to possession of the abandoned structure;
 - (2) the registered owner, lessee, or person(s) entitled to the land on which the abandoned structure is located; and
 - (3) the occupant of the abandoned structure.
- B. The notice shall be provided by hand delivery, service of process, or certified mail.
- C. The notice shall:
 - (1) identify the property and describe the abandoned structure located thereon to be removed, abated, or remedied;
 - (2) direct that the abandoned structure be removed, abated, or remedied;
 - (3) advise that the property must comply within _____ (___) days;
 - (4) state that the municipality may enter the property to remove, abate, or remedy the abandoned structure if appropriate action is not taken during the time period provided;
 - (5) state that the costs incurred by the municipality to remove, abate, or remedy the abandoned structure, if not paid by the violator(s), shall be a lien upon the abandoned structure, the abandoned structure owner’s real or personal property upon which it is located and shall be collectable as unpaid taxes; and
 - (6) notify the violator(s) of a right to appeal the basis of the notice to the ___(municipality)___, provided the appeal is made within _____ (___) calendar days of receipt of the notice.

- (7) If the owner of the real property on which the abandoned structure is located can demonstrate that the cost of removal, abatement or remediation would create an undue financial hardship, the county may assume responsibility for removal of the abandoned structure by a licensed and/or bonded contractor.

D. If the name or whereabouts of the owner, tenant, possessor, or occupant cannot, after due diligence, be discovered, the notice shall, in addition to the above, include the date, time, and location for a hearing before the ___(municipality)___ Council on the matter. The notice shall be considered properly and adequately served if a copy thereof is conspicuously posted on the property in question at least ten (___) days prior to the hearing and a notice of the hearing is published in a newspaper having general circulation in the county at least once not later than (1) one week prior to the hearing.

E. The owner, tenant, possessor, occupant, or agent of the owner may appeal a notice by the ___(municipality)___ Zoning Board for decision by the ___(municipality)___ Council. The owner or his/her agent may either rely on written materials or appear before the Zoning Board for a hearing at which he/she shall be heard in person or by counsel and may present arguments and evidence pertaining to the matter. The only issues for appeal are:

- (1) whether the person is actually entitled to the notice; or
- (2) whether the action or condition that serves as the basis of the notice is dangerous or prejudicial to public health or safety. In the case of, The fact that an owner did not bring the manufactured home to the property or does not have a possessory interest in the condition creating the abandoned structure is not a defense.

F. The ___(municipality)___ Council shall within thirty (30) days of the date of the hearing or the date of the written appeal if a hearing is not requested, issue an order either canceling the notice or directing the violator(s) to remove, abate, or remedy the identified structure. The owner, tenant, possessor, or occupant may appeal decisions of the Planning Board to ___(municipality)___ Council within fifteen (15) days of the decision.

G. If the property is not removed, abated or remedied within _____ (___) days of the initial notice and an appeal has not been filed, the Zoning Board shall issue a second notice. The notice shall:

- (1) identify the property and describe the abandoned structure located thereon to be removed, abated or remedied;
- (2) direct that the abandoned structure be removed, abated or remedied;
- (3) advise that the property must comply by a specific date, such date not to be less than ten (10) days nor more than _____ (___) days from date of the second notice;
- (4) state that the municipality may enter the property to remove, abate, or remedy the abandoned structure if appropriate action is not taken before the date provided;
- (5) state that the cost incurred by the municipality to remove, abate, or remedy the abandoned structure, if not paid by the violator(s) and any unpaid civil penalties, shall be a lien upon the abandoned structure, the abandoned structure owners real or personal property upon which it is located and shall be collectable as unpaid taxes;
- (6) advise that civil penalties, in accordance with Section **“Penalties A”**, are being assessed daily as of the date of the second notice; and
- (7) advise that in addition to any and remedies above, the municipality may request criminal penalties in accordance with Section **“Penalties C”**.

H. If the property is not removed, abated or remedied before the date provided in the second notice, the Zoning Board shall present the case to the ___(municipality)___ Council with a

recommendation of action based on severity, location and available resources. The ___(municipality)___ Council shall then direct the Zoning Board of their desired action. The Zoning Board shall base their recommendation on a point system. The ___(municipality)___ Council shall consider the recommendation(s) of the Zoning Board, the structure's score and available resources, but is not obligated to adopt the Resolution.

I. Any person who removes an abandoned structure pursuant to this Ordinance shall not be held liable for damages for the removal of the abandoned structure to the owner, lien holder, or other person legally entitled to the possession of the abandoned structure removed; however, any person who intentionally or negligently inflicts injury upon any person or real property in the removal of such abandoned structure, may be held liable for damages.

Enforcement

A. Enforcement of this Ordinance shall rest with those governmental agencies and personnel authorized to exercise police powers to include the ___(municipality)___ Zoning Commission.

B. The provisions of this Ordinance shall be enforced by the inspection of property and by observation of persons who are engaged in or responsible for a violation of an action or condition that is prejudicial to public health or safety. Enforcement personnel are empowered to issue citations, warning citations, or letters of warning when any of the provisions of this Ordinance have been violated based on the IPMC. Citations shall be delivered by enforcement officials in person to the alleged violator or delivered by registered mail return receipt requested to the person so charged. Any citation of violation so delivered or mailed shall direct the alleged violator to appear in district court on or before a specific day or hour named in the citation. The period so specified shall not be less than seventy-two (72) hours after its delivery to the violator.

C. Where enforcement personnel determine that a violation is a first offense for the person charged, a written letter or warning citation shall be issued. Such warning letter or warning citation shall state therein the nature of the violation, the corrective measures to be taken, and the time and date when corrections are to be completed. Failure to comply with the corrective measures stated in such warning notices shall be just cause for enforcement personnel to issue a citation for violation of this Ordinance.

D. All citation forms shall be serially numbered and accounted for and copies forwarded to Lackawanna County DCED.

Penalties

A. Civil penalty: The municipality may assess a civil penalty _____ and 00/100 (\$ _____) dollars, which amount may be recovered by the county in a civil action in the nature of a debt. Each day in which the violation occurs, or continues, shall constitute a separate offense. No civil penalty shall be assessed prior to notice of violation by citation or letter.

B. Injunction and order of abatement: The provisions of this Ordinance may be enforced by injunction and order of abatement.

C. Criminal penalties: In addition to other remedies cited in this Ordinance, any person violating the provisions of this Ordinance shall be guilty of a Class 3 Misdemeanor and shall be subject to fines. A fine of not more than _____ and 00/100 (\$_____.00) dollars for the first offense, _____ and 00/100 (\$_____.00) dollars for the second offense, and _____ and 00/100 (\$_____.00) dollars for each subsequent offense, is hereby established. Each day in which the violation occurs or continues shall constitute a separate offense.

Ordinance Cumulative

Procedures set forth in this ordinance shall be in addition to any other remedies that may exist under law or ordinance for the abatement of public nuisances or for the removal of abandoned structures.

Administration

Severability

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, the declaration shall not affect the validity of this Ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

Conflict with Other Laws

Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted statutes, rules, regulations or ordinances, the most restrictive or that imposing higher standards shall govern.

Effective Date

This Ordinance shall take effect and be in force this the ____ day of _____, 20__.

APPROVED and ADOPTED this the ____ day of _____, 20__.

____Municipality____ Council

_____, Chairman

ATTESTED BY:

_____, Clerk to the Board

___Municipality Letterhead___

BLIGHT CERTIFICATION LETTER

_____, 20__

TIME SENSITIVE

Owner Name
Address
City, State, Zip

Re: Blight Certification Letter
Property Address
City State Zip
Map ID:

To Whom It May Concern,

PLEASE READ THIS CAREFULLY. IF YOU DO NOT UNDERSTAND ITS CONTENTS PLEASE DO NOT HESITATE TO CONTACT _____(municipality)_____, PENNSYLVANIA IMMEDIATELY. MY CONTACT INFORMATION IS NOTED _____(letterhead/footnote/signature)_____.

After review of the above-mentioned property, it has been determined that the property is in violation of ___(municipality’s ordinances)___ and International Property Maintenance Code (IPMC).
Violations Include:
___list___
___list___

Please see the attached citation for a list of deficiencies and costs.

The building constitutes a danger to the life, health, and safety to the public and surrounding structures. You are well aware that vacant structures are an attractive nuisance to children, a potential fire hazard and a harborage for rodents and insects along with being a potential home for vagrants. Vacant buildings also create a blighting influence within the community and devalue surrounding properties.

If you have any objections to the determination of this office, you may appeal this matter by requesting a hearing before the _____(municipality)___ (department)_____ by contacting the _____(municipality)_____ stating grounds for the appeal within 30 days from the date of this letter.

You may contact the office of licensing, permits, and zoning to set up a schedule to rectify the deficiencies within 30 days from the date of this letter.

If you should have any questions, please feel free to contact me at (570) ___-_____.

Sincerely,

___(Licensing, Inspection, Permits)___

____Municipality Letterhead____

BLIGHT CERTIFICATION NOTICE
SECOND NOTICE

_____, 20____

TIME SENSITIVE

Owner Name
Address
City, State, Zip

Re: SECOND NOTICE Blight Certification Letter
Property Address
City State Zip
Map ID:

To Whom It May Concern,

THIS IS THE SECOND NOTICE.
PLEASE READ THIS CAREFULLY. IF YOU DO NOT UNDERSTAND ITS CONTENTS
PLEASE DO NOT HESITATE TO CONTACT _____(municipality)_____,
PENNSYLVANIA IMMEDIATELY. MY CONTACT INFORMATION IS NOTED
_____(letterhead/footnote/signature)_____.

The first Blight Certification Notice was sent to you on _____, 20____, from which you had 30 days to either appeal or rectify the deficiencies on this property or contact the _____(municipality's)_____ office of _____(licensing, permits and zoning)_____ to set up a schedule to do so.

After review of the above-mentioned property, it has been determined that the property is still in violation of _____(municipality's ordinances)_____ and International Property Maintenance Code (IPMC).

Violations Include:
____list____
____list____

Please see the attached citation for a list of deficiencies and costs.

The building constitutes a danger to the life, health, and safety to the public and surrounding structures. You are well aware that vacant structures are an attractive nuisance to children, a potential fire hazard and a harborage for rodents and insects along with being a potential home for vagrants. Vacant buildings also create a blighting influence within the community and devalue surrounding properties.

If you have any objections to the determination of this office, you may appeal this matter by requesting a hearing before the _____(municipality)_____(department)_____ by contacting the _____(municipality)_____ stating grounds for the appeal within 30 days from the date of this letter.

You may contact the office of licensing, permits, and zoning to set up a schedule to rectify the deficiencies within 30 days from the date of this letter.

If you should have any questions, please feel free to contact me at (570) ____-_____.

Sincerely,

____(Licensing, Inspection, Permits)_____

Notice of Demolition of Private Property

LEGAL NOTICE ___(municipality)___, ___(municipality's)___ HOUSING CODE, ADHERING TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE, REQUIRING DEMOLITION of Estates of ___(owner name)___, whose address is _____, ___(municipality)___, ___(state, zip)___, and the unknown heirs, devisees, legatees, executors, administrators, spouses and assigns, all of whose residences are unknown and cannot by reasonable diligence be ascertained, and to all other mortgage holders, lien holders, debtors, creditors or other interested parties known or unknown and who cannot by reasonable diligence be ascertained **SHALL TAKE NOTICE** that ___(owner name)___ hereby warrants that he/she is the owner in fee simple of all of the land and the sole owner of the building(s) or structure(s) located on said property being described as follows and hereinafter referred to as "Structure(s)" and that demolition of said Structure(s) is desired by ___(owner name)___: The real estate is located at ___(address)___, ___(municipality)___, ___(state, zip)___, parcel no. _____, and further described as: ___(lot description taken from deed)___ recorded in Book _____, page _____, Lackawanna County, Pennsylvania records. The ___(building official)___ of ___(municipality)___ has determined, based on an exterior and interior inspection performed on ___day___, ___(month/date)___, 20___, that the structure is at least ___% damaged, decayed and deteriorated from its original value or structure. Pursuant to Section(s)_____deemed by ___(building official)___ and ___(municipality)___ the structure shall be razed by Lackawanna County OBO ___(municipality)___ with the cost of demolition being assessed as a tax lien and you will be obligated to pay any and all costs and expenses incurred in the demolition of said structure per 2 CFR 200.316. The unknown heirs, devisees, legatees, executors, administrators, spouses and assigns of ___(owner name)___, as well as all other mortgage holders, lien holders, debtors, creditors or other interested parties have the right to appeal this decision to ___(municipality)___ Housing Appeals Board by filing an appeal with the ___(municipality)___, Housing Code Enforcement Office, ___(address)___, ___(municipality)___, ___(state, zip)___ within thirty (30) days after publication.

___(municipality)___ Housing Code Enforcement ___(address)___, ___(municipality)___, ___(state, zip)___, ___(phone)___

Publication Date: ___(month___day)___, 20__

Notice of Demolition of Municipal Property

LEGAL NOTICE ___(municipality)____, ___(municipality)____ HOUSING CODE ADHERING TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE REQUIRING DEMOLITION of Estates address ___(address)____,

___(municipality)____, ___(state, zip)____, and the unknown heirs, devisees, legatees, executors, administrators, spouses and assigns, all of whose residences are unknown and cannot by reasonable diligence be ascertained, and to all other mortgage holders, lien holders, debtors, creditors or other interested parties known or unknown and who cannot by reasonable diligence be ascertained **SHALL TAKE NOTICE** that

___(municipality)____ hereby warrants that the municipality is the owner in fee simple of all of the land and the sole owner of the building(s) or structure(s) located on said property being described as follows and hereinafter referred to as "Structure(s)" and that demolition of said Structure(s) is desired by Municipality: The real estate is located at ___(address)____, ___(municipality)____, ___(state, zip)____, parcel no. _____, and further described as: ___(lot description taken from deed)____ recorded in Book _____, page _____, Lackawanna County, Pennsylvania records. The ___(building official)____ of ___(municipality)____ has determined, based on an exterior and interior inspection performed on ___day____, ___(month/date)____, 20____, that the structure is at least ___% damaged, decayed and deteriorated from its original value or structure.

Pursuant to Section(s)_____deemed by ___(building official)____ and ___(municipality)____ the structure shall be razed by Lackawanna County OBO ___(municipality)____ with the cost of demolition being assessed as a tax lien any and all costs and expenses incurred in the demolition of said structure per 2 CFR 200.316.

The unknown heirs, devisees, legatees, executors, administrators, spouses and assigns, as well as all other mortgage holders, lien holders, debtors, creditors or other interested parties have the right to appeal this decision to ___(municipality)____ Housing Appeals Board by filing an appeal with the ___(municipality)____, Housing Code Enforcement Office, ___(address)____, ___(municipality)____, ___(state, zip)____ within thirty (30) days after publication.

___(municipality)____ Housing Code Enforcement ___(address)____, ___municipality____, ___(state, zip)____, ___(phone)____

Publication Date: ___(month)____(day)____, 20____

Notice of Demolition of Condemned Property
OWNER NOT KNOWN

LEGAL NOTICE ___(municipality)___ NOTICE OF VIOLATION OF ___(municipality)___ HOUSING CODE, ADHERING TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE REQUIRING DEMOLITION of Estates of ___(last known owner name)___, last known owner, possibly deceased, whose last known address is ___(address)___, ___(municipality)___, ___(state, zip)___, and the unknown heirs, devisees, legatees, executors, administrators, spouses and assigns, all of whose residences are unknown and cannot by reasonable diligence be ascertained, and to all other mortgage holders, lien holders, debtors, creditors or other interested parties known or unknown and who cannot by reasonable diligence be ascertained **SHALL TAKE NOTICE** that on the ___th day of _____, 20___, ___(municipality)___, Housing Code Enforcement, posted the property at ___(address)___, ___(municipality)___, ___(state, zip)___, Condemned and Requiring Demolition under ___(municipality's)___ Housing Code Section(s) _____. The real estate is located at ___address___, ___(municipality)___, ___(state, zip)___, parcel no. _____, and further described as: _____(lot description taken from deed)_____ recorded in Book ___, page ___, Lackawanna County, Pennsylvania records. Pursuant to Section(s) _____ of the ___(municipality)___ Housing Code, the dwelling located on the above described real estate has been declared to be a public nuisance by the Code Enforcement Officer because it has become so dilapidated, decayed, unsafe, unsanitary, or vermin infested and so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or use or is so likely to cause sickness or disease that its condition constitutes a serious hazard to the health, morals, safety, or general welfare of the occupants or other residents of ___(municipality)___ in violation of Section(s) _____ of the ___(municipality)___ Housing Code. The dwelling was condemned on _____, 20___. The ___(building official)___ of ___(municipality)___ has determined, based on an exterior and interior inspection performed on ___day___, ___(month/date)___, 20__, that the structure is at least ___% damaged, decayed and deteriorated from its original value or structure. Pursuant to Section(s) _____ deemed by ___(building official)___ and ___(municipality)___ the structure shall be razed by Lackawanna County OBO ___(municipality)___ with the cost of demolition being assessed as a tax lien and you will be obligated to pay any and all costs and expenses incurred in the demolition of said structure per 2 CFR 200.316. The unknown heirs, devisees, legatees, executors, administrators, spouses and assigns of ___(last known owner name)___, last known owner, possibly deceased, as well as all other mortgage holders, lien holders, debtors, creditors or other interested parties have the right to appeal this decision to ___(municipality)___ Housing Appeals Board by filing an appeal with the ___(municipality)___, Housing Code Enforcement Office, ___(address)___, ___(municipality)___, ___(state, zip)___ within thirty (30) days after publication. ___(municipality)___ Housing Code Enforcement ___(address)___, ___(municipality)___, ___(state, zip)___, ___(phone)___

Publication Date: ___(month___day)___, 20_