

MUNICIPALITY OF NORRISTON
A HOME RULE MUNICIPALITY
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 21-01 of 2021

AN ORDINANCE OF THE MUNICIPALITY OF NORRISTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 239, ARTICLE III TITLED “ABANDONED REAL PROPERTY” OF THE NORRISTOWN CODE TO AMEND §§ 239-7 (RELATING TO DEFINITIONS), 239-8 (RELATING TO REGISTRY), AND 239-10 (RELATING TO VIOLATIONS AND PENALTIES); REPEALING ALL INCONSISTANT ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Municipality of Norristown is a Home Rule Municipality organized operating in accordance with the Charter of the Municipality of Norristown as permitted by the Home Rule Charter and Optional Plans Law, 53 Pa. C.S. 2901 *et seq.*

WHEREAS, the Municipality previously adopted an Abandoned Real Property Ordinance in or about 2016 for the reasons and purposes as set forth in the original ordinance, including to address the deterioration and blight of Municipality neighborhoods caused by abandoned, foreclosed or distressed real property and to identify, regulate, limit and reduce the number of abandoned properties; and

WHEREAS, since adoption and due to circumstances and events known, such as the COVID-19 and the potential impending mortgage foreclosure crisis, and unknown, the Municipality recognizes there exists a significant number of vacant and abandoned properties and that the number of such properties may increase; and

WHEREAS, the Municipality has a vested interest in protecting neighborhoods against decay caused by vacant and abandoned properties and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to amend its existing registration and certification requirements on abandoned and vacant properties located within the Municipality as recommended by the Municipal Codes Department; and

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the Norristown Municipal Council, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

SECTION I. Amendments to Chapter 239, Article III, § 239-7.

Chapter 239, Article III, § 239-7 titled “Definitions” is hereby amended in its entirety to state as follows:

§ 239-7 Definitions.

A. General definitions. The words, terms and phrases when used in this Article III shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning.

B. *Specific Definitions. The following words, terms and phrases shall have the following meanings:*

ABANDONED REAL PROPERTY

Any real property located in the Municipality, whether vacant or occupied, that either: (1) has a lis pendens filed against it by the Lender holding a mortgage on the property, (2) is subject to an ongoing foreclosure action by the Lender, or (3) has been transferred to the Lender under a deed in lieu of foreclosure. The designation of a property as "abandoned" shall remain in place until such time as the property is sold or transferred to a new owner, or the foreclosure action has been dismissed.

ACCESSIBLE PROPERTY/STRUCTURE

A property that is accessible through a comprised/breached gate, fence, wall, etc. or a structure that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

APPLICABLE CODES

Such federal, state and local laws, regulations and codes to include, but not be limited to, the Municipality's Zoning Code, the Municipality's General Laws of Norristown ("Municipality Code"), and the Norristown Property Maintenance Code.

BLIGHTED PROPERTY

(1) *Properties that have broken or severely damaged windows, doors, walls, or roofs which create hazardous conditions and encourage trespassing; or*

(2) *Properties whose maintenance is not in conformance with the maintenance of other neighboring properties causing a decrease in value of the neighboring properties; or*

(3) *Properties cited for a public nuisance pursuant to the Municipality Code; or*

(4) *Properties that endanger the public's health, safety, or welfare because the properties or improvements thereon are dilapidated, deteriorated, or violate minimum health and safety standards or lacks maintenance as required by the Municipality and Zoning Codes.*

DEFAULT

When a mortgage is not in compliance with or has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.

ENFORCEMENT OFFICER

Any law enforcement officer, building official, zoning inspector, housing inspector, code enforcement officer, code compliance inspector, fire inspector or

building inspector, or other person authorized by the Municipality to enforce the applicable code(s).

EVIDENCE OF VACANCY

Any condition that, on its own or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due Utility notices and/or disconnected Utilities; accumulation of trash junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents; and/or the presence of boards over doors, windows or other openings in violation of applicable code.

FORECLOSURE OR FORECLOSURE ACTION

The legal process by which a Mortgagee, or other lien holder, terminates or attempts to terminate a property Owner's equitable right of redemption to obtain legal and equitable title to the Real Property pledged as security for a debt or the Real Property subject to the lien. The legal process is not concluded until the property obtained by the Mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

MORTGAGEE

The creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement; or any other person or entity with the legal right to foreclose on the Real Property, excluding governmental entities.

OWNER

Any person, legal entity or other party having any ownership interest whether legal or equitable, in real property. This term shall also apply to any person, legal entity or agent responsible for the construction, maintenance or operation of the property involved.

PROPERTY MANAGEMENT COMPANY

A local property manager, property Maintenance Company or similar entity responsible for the maintenance of abandoned real property.

REAL PROPERTY

Any residential or commercial land and/or buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in the boundaries of the Municipality of Norristown.

SEMI-ANNUAL REGISTRATION

Six (6) months from the date of the first action that requires registration, as determined by the Municipality or its designee, and every subsequent six (6) months. The date of the initial registration may be different than the date of the first action that required registration.

UTILITIES and SERVICES

Any utility and/or service that is essential for a building to be habitable and/or perform a service necessary to comply with all Municipal codes. This includes, but is not limited to, electrical, gas, water, sewer, lawn maintenance, pool maintenance, and snow removal.

VACANT

Any parcel of land in the Municipality that contains any building or structure that is not legally occupied.

SECTION II. Amendments to Chapter 239, Article III, § 239-8.

Chapter 239, Article III, § 239-8.B titled “Registration of Abandoned Real Property” is hereby amended in its entirety to state as follows:

B. Registration of Abandoned Real Property.

(1) Any mortgagee who holds a mortgage on real property located within the Municipality of Norristown shall perform an inspection of the property to determine vacancy or occupancy, upon default by the mortgagor, as evidence by a foreclosure filing. The mortgagee shall, within ten (10) days of the inspection, register the property with the Division of Code Enforcement, or designee, on forms or website access provided by the Municipality, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.

(2) If the property is occupied but remains in foreclosure, it shall be inspected by the mortgagee or his designee monthly until (1) the mortgagor or other party remedies the foreclosure, or (2) it is found to be vacant or shows evidence of vacancy at which time the mortgagee shall, within ten (10) days of that inspection, update the property registration to a vacancy status on forms provided by the Municipality.

(3) Registration pursuant to this section shall contain the name of the mortgagee and the server, the direct mailing address of the mortgagee and the server, a direct contact name and telephone number for both parties, facsimile number and e-mail address for both parties, the folio or tax number, and the name and twenty-four (24) hour contact phone number of the property management company responsible for the security and maintenance of the property.

(4) *A non-refundable semi-annual registration fee in the amount of \$400.00 per property, shall accompany the registration form or website registration.*

(5) *Each individual property on the Registry that has been registered for twelve (12) months or more prior to the Effective Date shall have thirty (30) days to renew the registration and pay the \$400.00 Semi-Annual Registration fee. Properties registered less than twelve (12) months prior to the Effective Date shall renew the registration every six (6) months from the original registration date and shall pay the \$400.00 Semi-Annual Registration fee.*

(6) *If the Foreclosure Property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the Semi-Annual Registration fee shall be charged for every thirty-day period (30), or portion thereof, the property is not registered and shall be due and payable with the registration.*

(7) *If the Foreclosure mortgage and/or servicing on a property is sold or transferred, the new Mortgagee is subject to all the terms of this Article. Within ten (10) days of the transfer, the new Mortgagee shall register the property or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Defaulted Property.*

(8) *This Article and the registration requirements contained herein shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.*

(9) *Properties subject to this section shall remain under the semi-annual registration requirement, and the inspection, security and maintenance standards of this section as long as they remain vacant or in default.*

(10) *Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.*

(11) *Failure of the mortgagee and/or owner to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this article is a violation of the article and shall be subject to enforcement.*

(12) Pursuant to any administrative or judicial finding and determination that any property is in violation of this article, the Municipality may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.

SECTION III. Amendments to Chapter 239, Article III, § 239-10.

The amount of the civil penalty as set forth under Chapter 239, Article III, §239-10 titled "Violations and Penalties; Schedule of Civil Penalties" shall be increased from \$500.00 to \$600.00.

SECTION IV: SEVERABILITY

In the event that any section, sentence, clause, or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose the validity of the remaining portions of this Ordinance.

SECTION V: REPEALER

All ordinances or resolutions or parts thereof inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specially repealed.

SECTION VI: EFFECTIVE DATE

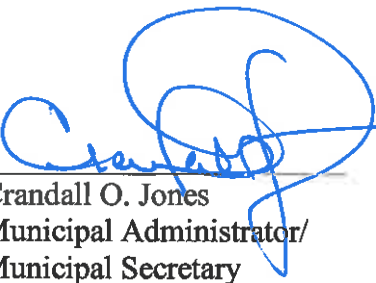
This Ordinance shall take effect and be in force five (5) days after its legal enactment in accordance with the Charter of the Municipality of Norristown.

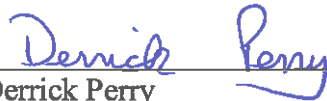
ENACTED AND ORDAINED this 2nd day of February 2021.

Seal:

**Municipality of Norristown
Municipal Council**

Attest:


Crandall O. Jones
Municipal Administrator/
Municipal Secretary

By: 
Derrick Perry
Council President