

**ORDINANCE NO. 432**

**AN ORDINANCE OF THE TOWNSHIP OF LOWER MAKEFIELD, BUCKS COUNTY, PENNSYLVANIA, AMENDING CHAPTER 152 OF ITS CODE OF ORDINANCE RELATIVE TO BLIGHTED AND VACANT PROPERTIES TO ESTABLISH REGULATIONS AND PROCEDURES FOR SECURING DAMAGE PROPERTIES, ESTABLISHING PROCEDURES FOR PROPERTY OWNERS TO REMEDIATE AND ESTABLISHING PROCEDURES FOR ACTIONS AGAINST PROPERTY OWNERS FOR FAILURE TO SECURE DAMAGED PROPERTIES, TO REPEAL ANY INCONSISTENT ORDINANCES OR REGULATIONS, AND TO ESTABLISH AN EFFECTIVE DATE THEREBY**

**WHEREAS**, the Township of Lower Makefield is a township of the second class, organized and operating in accordance with the laws of the Commonwealth of Pennsylvania; and

**WHEREAS**, pursuant to the Second Class Township Code of the Commonwealth of Pennsylvania, the Board of Supervisors of Lower Makefield Township (hereinafter referred to as the “Board of Supervisors”) has the authority to enact, amend and repeal the provisions of the Lower Makefield Township Code of Ordinances (hereinafter referred to as the “Code”); and

**WHEREAS**, the Board of Supervisors has determined that the Township’s Code shall be amended as related to Chapter 152, for blighted and damaged properties to establish procedures for securing damaged properties, establishing procedures for remediation of damage to such properties and to establish actions against property owners for failure to comply with securing and remediating damaged properties.

**NOW, THEREFORE**, be it and it is hereby resolved as follows:

**CHAPTER 152 ENTITLED BLIGHTED AND VACANT PROPERTIES SHALL BE AMENDED TO INCLUDE SECTION 152-4.A AS FOLLOWS:**

**152-4.A ACTIONS REQUIRED BY & AGAINST OWNERS FOR DAMAGED PROPERTIES**

**A. Procedures after damage to a property**

Where a building has been damaged by fire, explosion, collapse or other act of God so as to be incapable of being occupied or used, the owner of such building shall, within seventy-two (72) hours after such damage and/or occurrence, secure and seal the building against access by unauthorized persons and shall clear the site of debris incident to the occurrence.

**B. Notification of Intent**

Within two weeks after the damage and/or occurrence, the owner or his agent shall, in writing, notify the Township Building Code Official (BCO) of his or her intent to pursue one of the following courses of action relative to the remediation of the damaged building:

1. To demolish the building and not rebuild;
2. To demolish the building and rebuild a new building on a new foundation;
3. To demolish the building and rebuild a similar building on the same foundation within the same building footprint; or
4. To repair the building.

**C. Demolition of building and site clearance**

In the event the owner elects to demolish the building without any further building as listed above, the owner, within sixty (60) days of the damage or occurrence, shall submit and secure a demolition permit from the Township. The building shall be demolished and the site shall be cleared of all debris within thirty (30) days of the issuance of said permit, unless extended by written approval of the Township. Site clearance shall include the removal of all debris from the foundation and backfilling with clean inorganic fill.

**D. Demolition and rebuilding of structure**

In the event that the owner elects to demolish the building and rebuild pursuant to B.2 or B.3 listed above, the owner, within ninety (90) days of the damage or occurrence, shall submit and file building plans with the Township and shall apply for, and secure, a demolition permit and a building permit for the structure. The building shall be demolished and the site cleared of all debris within thirty (30) days of the issuance of the building permit.

**E. Repair of Building**

In the event that the owner elects to repair the building pursuant to Section B.4 above, the owner shall apply for a building permit, and shall submit any and all required building plans, within ninety (90) days of the occurrence and shall clear the site and begin construction within thirty (30) days of the issuance of the building permit.

**F. Review by Building Official**

On receipt of a written notification of the owner's intent to demolish and rebuild the damaged structure as required above, the Township Building Code Official (BCO) shall, within but not later than thirty days upon notification, review the permit applications and plans, as required, to determine if the permit can be issued, or whether zoning relief is required for any proposed construction, reconstruction or repair. If zoning relief is required as determined by the Township Building Code Official (BCO), the owner shall submit and apply for zoning relief, by submission of the required application and other necessary documents, within thirty (30) days of notice from the Township Building Code Official (BCO) of the need for zoning relief. In the interim, during the pendency of the zoning application, the property owner shall secure a demolition permit, if required, at the time of said application. Demolition shall be commenced on

issuance of the demolition permit and the site shall be cleared of all debris within thirty (30) days.

**G. Action against owner for failure to comply as determined by Board of Supervisors; cost to become a lien**

Where the owner shall not have notified the Building Code Official (BCO) as required by this Section, or where said owner shall not have taken action to secure necessary permits and undertaken demolition or repair pursuant to the appropriate section or sections of this Section, the BCO shall notify the Board of Supervisors of the owner's failure to comply with this Chapter. Upon receipt of the notice by the BCO, the Board of Supervisors shall review the matter, including the reports of the BCO and the appropriate fire safety official, at a public hearing to be scheduled within but not later than thirty days of notice to the Board. The owner shall be notified of the hearing to be scheduled by the Board, and shall be afforded the opportunity to attend and be heard at the hearing. If the owner fails to appear at the scheduled hearing, the Board shall proceed to review and make a finding as to whether a safety hazard of the building exists, and, in the event of such finding, the Board shall notify the property owner, in writing, of the Board's decision.

After the Board's decision and in the event that the property owner shall not have taken the required action(s) to secure permits pursuant to this Chapter within two weeks of notification of the Board's finding of safety hazard, the Township, without further notice to the owner, shall demolish the building or take such other action as may be necessary to secure compliance with this Chapter, and any and all costs incurred by the Township for the demolition, including interest charges and other assignable costs, such as legal and administrative costs, shall be paid by the owner and secured by special assessment and levy against the real property upon which the violation occurred, and the expense so assessed shall constitute a lien and charge on the real

property on which it is levied until paid or otherwise discharged and shall be collected in the same manner and at the same time as other Township charges.

**H. Reservation of rights and remedies under law other than the Act.**

The Township reserves all rights and remedies existing under statutes other than the Act, its ordinances implementing them, and applicable case law to obtain recovery for the costs of preventing and abatement of code violations and public nuisances to the fullest extent allowed by law from mortgage lenders; trustees, and members of liability companies, limited partners who provide property management services to the real property as well as general partners of owners; and officers, agents, and operators that are in control of a property as an owner or otherwise hold them personally responsible for code violations as well as owners themselves. Such owners, mortgage lenders, partners, members of limited liability companies, trustees, officers, agents and operators in control of a real property with code violations shall be subject to all actions at law and in equity to the full extent authorized by such statutes, ordinances and applicable case law. Such action may be joined in one lawsuit against responsible parties with an action brought under the Act.

**REPEALER**

All other ordinances, portions of ordinances, or any section of the Code inconsistent with this Ordinance, are hereby repealed.

**SEVERABILITY**

The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of

the Township Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence or part of a provision had not been included herein.

**OTHER ORDINANCES**

Nothing in this Ordinance or Chapter shall be interpreted to relieve any individual from compliance with all other ordinances, resolutions, laws and regulations of the Township of Lower Makefield, of the County of Bucks, of the Commonwealth of Pennsylvania, or of the United States.

**EFFECTIVE DATE**


This Ordinance shall be effective five (5) days after enactment, as provided by law.

**[INTENTIONALLY LEFT BLANK - SIGNATURES FOLLOW ON NEXT PAGE]**

ENACTED AND ORDAINED BY THE TOWNSHIP OF LOWER MAKEFIELD

THIS 17 DAY OF August, 2022.

BOARD OF SUPERVISORS  
TOWNSHIP OF LOWER MAKEFIELD

BY:   
Chairperson

ATTESTED TO:

  
Kenneth Coluzzi, Chief of Police/Interim Twp. Manager