

ORDINANCE NO. 15365

FILE OF CITY COUNCIL

BILL NO. 27 – 2017

Introduced by the Administration and City Council

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April 5, 2017

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AN ORDINANCE

Amending the General Offenses Code, creating Article 715 – Nuisance Abatement, by creating a progressive point system for recurring violations at properties used for business, commercial, or industrial purposes that create penalties, sanctions and the closure of operations after successive violations to protect the health, safety, and welfare of the people of the City of Allentown.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That Article 715, Nuisance Abatement of the Codified Ordinances of the City of Allentown be read as follows:

ARTICLE 715  
Nuisance Abatement

- 715.01 Legislative findings.
- 715.02 Public nuisance defined.
- 715.03 Assessment of points.
- 715.04 Conviction not required.
- 715.05 Powers of the Building Code Official with respect to public nuisances.
- 715.06 Notice.
- 715.07 Nuisance Abatement Board of Appeals.
- 715.08 Presumption of ownership.
- 715.09 Lack of knowledge not a defense.
- 715.10 Removal of points.
- 715.11 Transfer of ownership.
- 715.12 Nuisance Abatement Agreement.
- 715.13 Validity.
- 715.99 Violations; penalty

715.01 LEGISLATIVE FINDINGS.

- (a) The City Council finds that public nuisances exist in the City of Allentown in the use and operation of certain buildings, structures, and property used for business, commercial, or industrial purposes in flagrant and persistent violation of federal, state, and local laws and ordinances, which nuisances substantially and seriously interfere with the interest of the public in enhancing the quality of life and community environment in the City, and in fostering and facilitating commerce, maintaining and improving property values, and preserving and protecting the public health, safety, and welfare.
- (b) City Council further finds that the persistence of such activities and violations is detrimental to the health, safety, and welfare of the people of the City of Allentown.

- (c) Various code and statutory provisions, including, but not limited to, those found in the Commonwealth of Pennsylvania Crimes Code, the City of Allentown's Codified Ordinances pertaining to unreasonable noise, disorderly conduct, property maintenance, and litter and weeds, are enforced by the filing of charges and citations against the persons responsible for violations of the same.
- (d) Council finds that, in spite of enforcement efforts, recurring code and statutory violations on property can lead to the creation of public nuisances on said property. Therefore, it is necessary and desirable in the public interest to enact a public nuisance abatement law in order to: eliminate local public nuisances by removing parcels of real property in the City from a condition that consistently and repeatedly violates federal, state, or local law; make property owners vigilant in preventing public nuisances on or in their property; ensure that property owners are responsible for the use of their property by tenants, guests and occupants; provide locally enforceable remedies for violations of local ordinances; and otherwise deter public nuisances.
- (e) Council further finds that the sanctions and penalties that may be imposed by the Allentown Bureau of Building Standards and Safety pursuant to this Ordinance constitute an additional and appropriate law enforcement response to the proliferation of the above-described public nuisances.
- (f) The sanctions and penalties are reasonable and necessary in order to protect the health and safety of the people of the City and to promote the general welfare.

#### 715.02 PUBLIC NUISANCE DEFINED.

- (a) For purposes of this Article, a public nuisance shall be deemed to exist whenever, through violation of any of the following provisions resulting from separate documented incidents at a building, structure, property or place,
  - i. twelve (12) or more points are accumulated within a period of six (6) months, or
  - ii. eighteen (18) or more points are accumulated within a period of twelve (12) months,
 in accordance with the point system detailed in Section 715.03 below.
- (b) Where more than one (1) violation occurs during a single documented incident, the total points for the incident shall be the highest point value assigned to any single violation. For the purposes of this article, an incident will be defined as the execution of an enforcement action in response to a violation of the law.
- (c) This Article shall not be applicable to the properties within the City of Allentown used for residential purposes, nor for those parcels of property where an outdoor sports or entertainment venue is owned or maintained by a government entity or non-profit corporation such as a private parochial school.
- (d) In addition, any property that is determined to be blighted, as defined in the Pennsylvania Urban Redevelopment Law, 35 P.S. §1712.1(c) or the Eminent Domain Code, 26 Pa. C.S. § 205(b) is declared to be a nuisance.

#### 715.03 ASSESSMENT OF POINTS.

- (a) The following violations shall be assigned a point value of twelve (12) points:
  - i. Corrupt Organizations Offenses under the Pennsylvania Crimes Code, 18 Pa. C.S. §§ 911, 5131
  - ii. Terrorism Related Offenses under the Pennsylvania Crimes Code, §§ 2714-2717, 3302-3303, 5516
  - iii. Human Trafficking Offenses under the Pennsylvania Crimes Code, 18 Pa. C.S. §§ 3001-3025, 4305
- (b) The following violations shall be assigned a point value of eight (8) points:
  - i. Kidnapping Offenses under the Pennsylvania Crimes Code, 18 Pa. C.S. §§ 2901-2910
  - ii. Sexual Assault Related Offenses under the Pennsylvania Crimes Code, 18 Pa. C.S. §§ 3101-3144, 6312, 6320-6321

- iii. Uniform Firearms Act of 1995 Offenses under the Pennsylvania Crimes Code, 18 Pa. C.S. §§ 6101 *et seq.*
  - iv. Felony violations of the Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. § 780-101, *et seq.*
  - v. Methamphetamine Related Offenses under the Pennsylvania Crimes Code, 18 Pa. C.S. §§ 3313, 7508.2
- (c) The following violations shall be assigned a point value of six (6) points:
- i. Gambling and Related Offenses under the Pennsylvania Crimes Code, 18 Pa. C.S. §§ 5512-5514
  - ii. Public Indecency Offenses under the Pennsylvania Crimes Code, 18 Pa. C.S. §§ 5510, 5901-5904
  - iii. Theft Related Offenses under the Pennsylvania Crimes Code, 18 Pa. C.S. §§ 3901-3935, 5111
  - iv. Forgery Related Offenses under the Pennsylvania Crimes Code, 18 Pa. C.S. §§ 4101-4120
  - v. Motor Vehicle Chop Shop and Illegally Obtained and Altered Property Act Offenses under the Pennsylvania Crimes Code, 18 Pa. C.S. §§ 7701-7708
  - vi. Criminal Mischief Offenses under the Pennsylvania Crimes Code, 18 Pa. C.S. § 3304
  - vii. Offenses Involving Minors under the Pennsylvania Crimes Code, 18 Pa. C.S. §§ 6301-6311, 6313-6319
  - viii. Offenses Involving Trade or Commerce under the Pennsylvania Crimes Code, 18 Pa. C.S. §§ 7301-7331, 7361-7365
  - ix. Prohibited Offensive Weapons Offenses under the Pennsylvania Crimes Code, 18 Pa. C.S. §§ 908, 908.1
  - x. Assault Offenses under the Pennsylvania Crimes Code, 18 Pa. C.S. §§ 2701-2713, 2718
  - xi. Riot Offenses under the Pennsylvania Crimes Code, 18 Pa. C.S. § 5501
  - xii. Endangering Welfare of Children Offenses, 18 Pa. C.S. § 4304
  - xiii. Failure to Comply with Registration of Sexual Offenders Requirements Offenses under the Pennsylvania Crimes Code, 18 Pa. C.S. § 4915.1
  - xiv. Obstructing Administration of Law or Other Governmental Function Offenses under the Pennsylvania Crimes Code, 18 Pa. C.S. §§ 4904-4906.1, 4910, 4913-4914, 5101-5102, 5105, 5107-5108
  - xv. Violations of the Pennsylvania Liquor Code, Title 47 of the Pennsylvania Statutes resulting in license suspension
  - xvi. Violations of the Sexual Offenders and Sexual Predators Residency Prohibition Ordinance of the City of Allentown General Offenses Code – Article 750 of the Codified Ordinances of the City of Allentown
- (d) The following violations shall be assigned a point value of four (4) points:
- i. Violations of the Federal Water Pollution Control Act as amended (Clean Water Act), Title 33 of the United States Code
  - ii. Violations of the Protection of Environment Regulations, Title 40 of the Code of Federal Regulations
  - iii. Violations of the Clean Streams Law, 35 P.S. § 691.1, *et seq.*
  - iv. Violations of the Environmental Protection Regulations, Title 25 of the Pennsylvania Code
  - v. Misdemeanor violations of the Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. § 780-101, *et seq.*
  - vi. Nuisance Offenses under the Pennsylvania Crimes Code, 18 Pa. C.S. §§ 6501-6505
  - vii. Cruelty to Animals Related Offenses under the Pennsylvania Crimes Code, 18 Pa. C.S. §§ 5511-5511.3, 7516
  - viii. Disorderly Conduct Related Offenses under the Pennsylvania Crimes Code, 18 Pa. C.S. §§ 5502-5503, 5505
  - ix. Violations of the Pennsylvania Dog Law, 3 P.S. §§ 459-101, *et seq.*
  - x. Violations of the Pennsylvania Liquor Code, Title 47 of the Pennsylvania Statutes resulting in fines greater than \$1,000
  - xi. Violations of the Noise Control Ordinance of the City of Allentown General Offenses Code – Article 710 of the Codified Ordinances of the City of Allentown
  - xii. Violations of the Disturbing the Peace Ordinance of the City of Allentown General Offenses Code – Article 730 of the Codified Ordinances of the City of Allentown

- xiii. Violations of the Allentown Sewage Disposal Ordinance of the City of Allentown Streets, Utilities, Public Services Code – Article 940 of the Codified Ordinances of the City of Allentown
  - xiv. Violations of the Storm Sewer Ordinance of the City of Allentown Streets, Utilities, Public Services Code – Article 942 of the Codified Ordinances of the City of Allentown
  - xv. Violations of the Adult Arcades Ordinance of the City of Allentown Public Health Code – Article 1156 of the Codified Ordinances of the City of Allentown
  - xvi. Violations of the Land Development Controls Ordinance of the City of Allentown Land Development Code – Article 1385 of the Codified Ordinances of the City of Allentown
  - xvii. Violations of the Stormwater Management Ordinance of the City of Allentown Land Development Code – Article 1387 of the Codified Ordinances of the City of Allentown
  - xviii. Violations of the Flood Control Ordinance of the City of Allentown Special Districts Code – Article 1393 of the Codified Ordinances of the City of Allentown
- (e) The following violations shall be assigned a point value of three (3) points:
- i. Violations of the Pennsylvania Liquor Code, Title 47 of the Pennsylvania Statutes resulting in fines less than \$1,000
  - ii. Violations of the Nuisance Abatement Ordinance of the City of Allentown General Offensive Code - Article 715 of the Codified Ordinances of the City of Allentown
  - iii. Violations of the Animals Ordinance of the City of Allentown General Offenses Code – Article 700 of the Codified Ordinances of the City of Allentown
  - iv. Violations of the Neighborhood Improvement Ordinance of the City of Allentown General Offenses Code – Section 720.09 of the Codified Ordinances of the City of Allentown
  - v. Violations of the Abandoned Refrigerators Ordinance of the City of Allentown General Offenses Code – Article 721 of the Codified Ordinances of the City of Allentown
  - vi. Violations of the Street and Sidewalk Regulations Ordinance of the City of Allentown General Offenses Code – Article 741 of the Codified Ordinances of the City of Allentown
  - vii. Violations of the Refuse or Solid Waste Collection and Disposal Ordinance of the City of Allentown Public Health Code – Article 1131 of the Codified Ordinances of the City of Allentown
  - viii. Violations of the Residential Recycling Ordinance of the City of Allentown Public Health Code – Article 1137 of the Codified Ordinances of the City of Allentown
  - ix. Violations of the Commercial Recycling Ordinance of the City of Allentown Public Health Code – Article 1139 of the Codified Ordinances of the City of Allentown
  - x. Violations of the Weeds Ordinance of the City of Allentown Public Health Code – Article 1151 of the Codified Ordinances of the City of Allentown
  - xi. Violations of the Cockroach and Vermin Control Ordinance of the City of Allentown Public Health Code – Article 1155 of the Codified Ordinances of the City of Allentown
  - xii. Violations of the Incinerators Ordinance of the City of Allentown Building and Housing Local Regulations – Article 1721 of the Codified Ordinances of the City of Allentown
  - xiii. Violations of the Trailer Parks and Trailers Ordinance of the City of Allentown Building and Housing Local Regulations – Article 1727 of the Codified Ordinances of the City of Allentown
  - xiv. Violations of the City of Allentown Property Rehabilitation and Maintenance Code:
    - a. Article 1741 of the Codified Ordinances of the City of Allentown - Administration and Enforcement
    - b. Article 1752 of the Codified Ordinances of the City of Allentown – Vacant Buildings
    - c. Article 1753 of the Codified Ordinances of the City of Allentown – Nonresidential Standards Environmental Requirements

- d. Article 1754 of the Codified Ordinances of the City of Allentown – Exterior of Structure
  - e. Article 1755 of the Codified Ordinances of the City of Allentown – Interior of Structure
  - f. Article 1756 of the Codified Ordinances of the City of Allentown – Space, Sanitary and Occupancy Requirements
  - g. Article 1757 of the Codified Ordinances of the City of Allentown – Fire Safety
- (f) Points shall also be assessed when charges are filed on the federal level instead of the state or local level for any of the activities or violations listed.
- (g) Points may be assessed against a property, owner or tenant if the nuisance behavior occurs on the surrounding sidewalk, street, or other property and is traceable to the property, owner or tenant.
- (h) No points shall be assessed against a property, owner, or tenant for noise violations should a special events permit be obtained for the property and event occurring giving rise to any alleged noise violation.
- (i) No points shall be assessed against a property, owner, or tenant if the violation was discovered as a result of a legitimate request for emergency assistance by the owner, tenant, or guest (which does not include a paying customer, nor business invitee or licensee), if the contact was made based upon the reasonable belief of the person making the contact that intervention or emergency assistance was necessary to prevent the perpetration or escalation of the abuse, crime or emergency or if the intervention or emergency assistance was actually needed in response to the emergency. For the purposes of this Article, “emergency” shall mean threats to life, physical and personal safety, or damage to real property and vehicles.

#### 715.04 CONVICTION NOT REQUIRED.

For purposes of this section, a conviction for an offense in a court of competent jurisdiction shall not be required to establish that a specified violation of law has occurred at a building, erection, dwelling or place. Instead, the City shall be required to prove a specified violation by a preponderance of the evidence. However, a conviction in any court of competent jurisdiction shall constitute conclusive proof of such a violation of law. Conviction of an attempt to commit a violation of any of the specified provisions shall be equivalent to a conviction for a violation of the specified provision.

#### 715.05 POWERS OF THE BUILDING CODE OFFICIAL WITH RESPECT TO PUBLIC NUISANCES.

- (a) Upon information of a violation enumerated in Section 715.03 above by an issuing official, the Director of Building Standards and Safety, or his/ her designee shall serve a Notice of Assessment of Points in accordance with Section 715.06.
- (b) Upon information of a violation enumerated in Section 715.03 above by an issuing official that puts a property over a threshold enumerated in Section 715.02(a), the Director of Building Standards and Safety, or his/ her designee shall serve a Notice of Determination of Public Nuisance in accordance with Section 715.06.
- (c) In addition to any other enforcement procedures established elsewhere in federal, state or local law, upon a Determination of Public Nuisance, the Director of the Bureau of Building Standards and Safety or his/ her designee shall be authorized to seek a court ordered injunction to have the property be closed immediately.
- (d) Upon one of the following events occurring: i) a court ordering the closing and/or securing of any building, structure, erection, property or place in order to abate the nuisance; ii) the expiration of the time to appeal a Notice of Determination of Public Nuisance and no appeal being filed; iii) the failure to remit the required bond along with such appeal; or iv) such appeal is unsuccessful, the Director of Building Standards and Safety or his/ her designee will cause the revocation of a Certificate of Occupancy and/ or any City of Allentown issued license.

- i. The Director or his/ her designee is authorized to cause the premises to be closed and/or secured by the City or by contract or arrangement with private persons.
  - ii. The costs of closing and/or securing the premises, including any reasonable administrative fees, shall be charged against the real estate upon which the structure is located and shall be a lien upon said real estate.
- (e) If the property is a multi-unit building, the Director or his/ her designee shall only secure the offending unit or units and not the entire building.
- (f) The Director or designee shall maintain on the City website and/or in written form, available for public view, a current list of all properties against which points have been assessed, the dates that points were assessed, the number of points against the property, an indication of points that are under review for reconsideration or under appeal to the Board of Appeals, and the appropriate office to contact for detailed information on the alleged violations.
- (g) The length of time that the premises are closed and/or secured pursuant to this Section shall be for one year unless otherwise determined by court order. Upon expiration of the time period for closure, owner or tenant must reobtain all necessary certificates and licenses before reopening, which may include any and all necessary inspections.
- (h) If a building, structure, erection, property or place is ordered closed and/or secured pursuant to this Section, such order shall be posted at the building, structure, erection, property or place where the public nuisance exists. If the property is a multi-unit building, such order shall be posted on the offending unit or units. The order shall also be served upon the property owner pursuant to Section 715.06.
- (i) Points shall continue to accrue for violations listed in Section 715.03 even if the property has been ordered closed pursuant to this Section.

#### 715.06 NOTICE.

- (a) Points become officially assessed against a property when the City serves a Notice of Assessment of Points as provided in subsection (c) to the property owner and/ or tenant.
- (b) Whenever the Director of the Bureau of Building Standards and Safety or his/ her designee is informed that there exists a violation of law enumerated in Section 715.03 above, or that a property or premises has accumulated enough points to be determined a public nuisance as defined herein, he/she shall serve Notice as provided in subsection (c) below.
- i. The Notice shall specify the type of nuisance being maintained or permitted on the premises, summarize the evidence, including
    - a. advising the property owner and any lessees of the violation(s) that are alleged to have occurred on the property and the date of the violation(s),
    - b. the points that were assessed to the property as a result of the violation(s),
    - c. the total amount of points accumulated in the past eighteen (18) months,
    - d. inform the owner and any lessees that failure to abate the violation(s) may subsequently lead to the closure and securing of the property,
    - e. if enough points are accumulated, the property is determined to be a public nuisance and the City of Allentown will begin the process to close the property to abate such public nuisance, and
    - f. inform the owner and any lessees of his/her/ their right(s) to appeal such Notice of Assessment of Points or Notice of Determination of Public Nuisance to the Nuisance Abatement Board of Appeals.
  - ii. In addition, with respect to any appeal, the Notice shall advise the owner that, should the owner take all reasonable and available steps to terminate the public nuisance activity, including immediately repairing the property if the property is in violation of any local or state codes or commencing an eviction action to terminate the lease of any tenant who is permitting or maintaining the public nuisance activity on the property, the City and the Nuisance Abatement Board of Appeals will positively consider such remedies taken by the owner when determining whether to remove the initial assessment of points from the property.
- (c) Method of Service: Such Notice shall be deemed to be properly served if a copy is:



- i. Delivered personally;
  - ii. Sent by certified and/ or first-class mail addressed to the last known address; or
  - iii. If personal service cannot be achieved and the Notices are returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in, on or about the structure affected by such notice.
- (d) A property owner or tenant may, within ten (10) business days of the date of the Notice of Assessment of Points or Notice of Determination of Public Nuisance, appeal in writing to the Nuisance Abatement Board of Appeals challenging the assessment of points. The written appeal shall be mailed or delivered to:

City of Allentown Nuisance Abatement Board of Appeals  
 c/o Director of Building Standards and Safety  
 435 Hamilton Street  
 Allentown, PA 18101

- (e) If an appeal is taken of a Notice of Determination of Public Nuisance, the property may remain open upon the posting of a \$5,000 bond with the City of Allentown Treasury Department.

#### 715.07 NUISANCE ABATEMENT BOARD OF APPEALS.

- (a) There is hereby established a Nuisance Abatement Board of Appeals.
- i. The Nuisance Abatement Board of Appeals shall consist of five (5) members- a member of City Council, a City employee from the Department of Community and Economic Development, a City employee from the Allentown Police Department, a private citizen owning a business with the City of Allentown, and a private citizen residing within the City of Allentown -who are nominated by the Mayor and the nominations are confirmed by the City Council.
  - ii. The initial terms of the members of the Nuisance Abatement Board of Appeals are as follows:
    - a. City employee in the Department of Community and Economic Development- 4 years
    - b. Member of City Council- 3 years
    - c. City employee of the Allentown Police Department- 3 years
    - d. Private citizens business owner- 2 years
    - e. Private citizen resident- 2 years
  - iii. After the initial terms have expired, members of the Nuisance Abatement Board of Appeals shall be appointed for terms of four (4) years.
  - iv. After all members have been appointed, the Nuisance Abatement Board of Appeals shall hold an organizational meeting within thirty (30) days to appoint a Chair and Vice-Chair.
  - v. Thereafter, an organizational meeting shall be held annually.
- (b) It shall be the responsibility of the Nuisance Abatement Board of Appeals to hold hearings to review all appeals of assessments of points or determinations of public nuisance for properties.
- (c) Hearings shall occur at monthly public meetings. Monthly meetings may be cancelled if there are no pending appeals as of ten (10) days prior to the scheduled meeting.
- i. All hearings for appeals of determinations of public nuisance shall occur within forty- five (45) days of the date of service of the appeal.
  - ii. All hearings for appeals of assessment of points shall occur within ninety (90) days of the date of service of the appeal.
  - iii. Notice of the date, time and place of the hearing shall be served upon the Appellant and the Bureau of Building Standards and Safety pursuant to Section 715.05(c) above.
- (d) The Nuisance Board of Assessment Appeals shall issue its decision to either grant or deny the appeal within five (5) business days of the date of the hearing. Notice of the decision shall be served upon the Appellant and the Bureau of Building Standards and Safety pursuant to Section 715.05(c) above.

- (e) Failure to hold an appeal hearing and/ or issue a decision within the allotted time shall result in the appeal being granted.
- (f) All hearings shall be conducted pursuant to the requirements of the Local Agency Law (Subchapter B of Chapter 5 and Subchapter B of Chapter 7 of Title 2 of the Pennsylvania Consolidated Statutes).
  - i. At its first and annual organizational meetings, the Nuisance Abatement Board of Appeals shall decide whether to engage stenographic services to record hearings for the ensuing year.
  - ii. An appellant has the right to retain the services of a court reporter or stenographer for the hearing at the appellant's sole cost should such service not be provided by the Nuisance Abatement Board of Appeals.
- (g) Any Appellant whose appeal of a notice of determination of public nuisance is denied by the Nuisance Abatement Board of Appeals may continue to remain open during a pendency of appeal with the Lehigh County Court of Common Pleas by posting a second bond of \$5,000.
- (h) Any and all posted bond money shall be returned to the Appellant upon the completion of the appeal to the Nuisance Abatement Board of Appeals and any appeal to the Lehigh County Court of Common Pleas so long as no further enumerated violations occur during the appeal period. Should a violation occur during the appeal period, any posted bond money shall be forfeited to the City of Allentown.

#### 715.08 PRESUMPTION OF OWNERSHIP.

The owner of the property affected by the orders hereunder shall be presumed to be the person in whose name title real estate is recorded in the Office of the Recorder of Deeds in and for Lehigh County, Pennsylvania.

#### 715.09 LACK OF KNOWLEDGE NOT A DEFENSE.

The lack of knowledge of acquiescence or participation in or responsibility for a public nuisance or violation of a closure under this Article on the part of the owners, lessors, lessees, mortgagees and all those persons in possession or having charge of the property as agent or otherwise, or having any interest in the property, real or personal used in conducting or maintaining the public nuisance, shall not be a defense by such owners, lessors and lessees, mortgagees, and such other persons. Owners, lessors and lessees, mortgagees, and such other persons are responsible for their guests, invitees, licensees, and customers.

#### 715.10 REMOVAL OF POINTS.

Points shall be removed from a property twelve (12) months after violation occurred.

#### 715.11 TRANSFER OF OWNERSHIP.

- (a) It shall be unlawful for the owner of any building, structure, dwelling, erection or place that has points currently assessed to it pursuant to this article to sell, transfer, mortgage, lease or otherwise dispose of the premises to another individual or entity until the owner has furnished the grantee, transferee, mortgagee or lessee with a true copy of any Notices of Assessment of Points or Notices of Determination of Public Nuisance issued by the City pursuant to this Article within the last two years, and with any written decisions issued by the Board within the last two years declaring the premises to be a public nuisance.
- (b) The owner shall furnish to the Bureau of Building Standards and Safety a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notices of points assessments, notices of closure, or Board decisions and fully accepting the responsibility without condition for making the necessary repairs or taking such necessary actions so as to prevent the premises from becoming or remaining a public nuisance.



- (c) Within thirty (30) days of the date of Agreement of Sale, the prospective buyer may appeal to the Nuisance Abatement Board of Appeals to have the property reopened or to have points removed from the property upon good cause shown. A hearing shall be held within sixty (60) days of such petition.

#### 715.12 NUISANCE ABATEMENT AGREEMENT.

At any time and at the City's discretion, the City may enter into a written Nuisance Abatement Agreement with the property owner wherein the property owner agrees to take specific actions, as approved by the City, to abate, terminate or eliminate the public nuisance activity on the property in exchange for the City of Allentown reserving its rights and agreeing not to initiate any of its enforcement remedies pursuant to Section 715.05 of this article against the property during the term of the Agreement, provided that the property owner complies with the terms and conditions of the Nuisance Abatement Agreement and the conditions or violations causing the public nuisance activity on the property are abated, terminated or eliminated.

#### 715.13 VALIDITY.

If any provision of this section or the application thereof to any person or circumstances is held invalid, the remainder of this section and the application of such provisions to other persons and circumstances shall not be rendered invalid thereby.

#### 715.99 VIOLATIONS; PENALTY.

- (a) In addition to any other remedy provided by state, federal or local law, it shall be a violation of this article for any person to use or occupy any building, erection, dwelling or place, or portion thereof, which has been closed or secured pursuant to Section 715.05 above. Each date of use or occupancy shall be considered a separate offense.
- (b) It shall be a violation of this article for any owner to permit or fail to prevent any person from using or occupying any building, erection, dwelling, place or portion thereof, which has been closed or secured pursuant to Section 715.05 above. Each date of use or occupancy shall be considered a separate offense.
- (c) It shall be a violation of this article for any person to mutilate or remove a posted order provided hereunder.
- (d) Any person who is found to be in violation of this Section shall be sentenced to pay a fine of not less than one thousand dollars (\$1000.00) per offense nor more than two thousand five hundred dollars (\$2,500) per offense, plus costs of prosecution, or to imprisonment for not more than ninety (90) days, or both.

SECTION TWO: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

SECTION THREE: The provisions of this legislation are severable and if any provisions are held unconstitutional or illegal, the remaining provisions shall in no way be affected or impaired.

SECTION FOUR: That this Ordinance will take effect on May 22, 2017.

	Yea	Nay
Candida Affa	X	
Julio A. Guridy	X	
Daryl Hendricks, VP	X	
Roger MacLean	X	
David K. McGuire	X	
Cynthia Y. Mota	X	
Ray O'Connell, Pres.	X	
TOTAL	7	0

**I hereby certify that the foregoing Ordinance was passed by City Council on April 19, 2017 and signed by the Mayor on April 20, 2017.**

  
 CITY CLERK