

**BOROUGH OF WEST NEWTON  
WESTMORELAND COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2025-5**

**ORDINANCE OF THE BOROUGH OF WEST NEWTON, COUNTY  
OF WESTMORELAND, COMMONWEALTH OF PENNSYLVANIA;  
ADOPTING AN ACT 90 ORDINANCE FOR USE WITHIN THE  
BOROUGH OF WEST NEWTON.**

**NOW THEREFORE, BE IT ORDAINED AND ENACTED** by the Council of the Borough of West Newton, Allegheny County, Pennsylvania, and it is hereby ordained and enacted by the authority of same as follows:

**Section 1. TITLE.**

This Article of the West Newton Borough Code of Ordinances shall be known as the "West Newton Borough Blight Reclamation and Revitalization Ordinance." All references to the "Act" herein shall refer to the Neighborhood Blight Reclamation and Revitalization Act, Title 53, Chapter 61.

**Section 2. PURPOSE.**

The Borough Council finds it to be the best interest of the residents of the Borough of West Newton to provide for certain protections and safeguards in order to address deteriorated properties, public nuisances, and properties in serious violation of state law and/or municipal codes. Such protections and safeguards include denial of permits, and actions at law and in equity to address deteriorated properties, which impact upon crime, quality of life of our residents and require expenditure of public funds to correct and/or abate nuisances, violations, and delinquent municipal service accounts.

**Section 3. DEFINITIONS.**

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise.

**Board**

The Zoning Hearing Board or other body granted jurisdiction to render decisions in accordance with the Municipalities Planning Code, the State Borough Code, the Code of the Borough of West Newton, or any board authorized to act in a similar manner by law.

**Borough**

The Borough of West Newton, County of Westmoreland, Commonwealth of Pennsylvania.

**Building**

A residential, commercial, or industrial building or structure and the land appurtenant to it.

**Code**

A building, housing, property maintenance, fire, health, or other public safety ordinance enacted by the Borough. The term does not include a subdivision and land development ordinance, or a zoning ordinance enacted by a municipality.

**Court**

The appropriate court of common pleas or magisterial district judge court.

**Mortgage Lender**

A business association defined as a "banking institution" or "mortgage lender" under 7 Pa.C.S.A. Ch. 61 (relating to mortgage loan industry licensing and consumer protection) that is in possession of or holds title to real property pursuant to, in enforcement of or to protect rights arising under a mortgage, mortgage note, deed of trust or other transaction that created a security interest in the real property.

### **Municipal Permits**

Privileges relating to real property granted by a municipality, including, but not limited to, building permits, exceptions to zoning ordinances and occupancy permits. The term includes approvals pursuant to land use ordinances other than decisions on the substantive validity of a zoning ordinance or map or the acceptance of a curative amendment.

### **Municipal Services**

Services provided at a cost by the Borough or other municipal entity, including water service, sanitary sewer service, refuse collection and parking allotments/facilities, which benefit individual properties and also serve to benefit the overall welfare, safety, and health of all residents of the Borough.

### **Municipality**

A city, borough, incorporated town, township or home rule, optional plan or optional charter municipality or municipal authority in this commonwealth.

**Owner**

A holder of the title to residential, commercial, or industrial real estate, other than a mortgage lender, who possesses and controls the real estate.

The term includes, but is not limited to, heirs, assigns, beneficiaries and lessees, provided this ownership interest is a matter of public record.

**Public Nuisance**

Property which, because of its physical condition or use, is regarded as a public nuisance at common law or has been declared by the appropriate official a public nuisance in accordance with a municipal code.

**Serious Violation**

A violation of a state law or a code that poses an imminent threat to the health and safety of a dwelling occupant, occupants in surrounding structures or passersby.

**State law**

A statute of the commonwealth or a regulation of an agency charged with the administration and enforcement of commonwealth law.

**Substantial Step**

An affirmative action as determined by a property code official or officer of the court on the part of a property owner or managing agent to remedy a serious violation of a state law or municipal code, including, but not limited to, physical improvements or repairs to the property, which affirmative action is subject to appeal in accordance with applicable law.

## **Tax Delinquent Property**

Tax delinquent real property as defined under the act of July 7, 1947 (P.L. 1368, No. 542), known as the Real Estate Tax Sale Law; the act of May 16, 1923 (P.L. 207, No. 153), referred to as the Municipal Claim and Tax Lien Law; or the act of October 11, 1984 (P.L. 876, No. 171) known as the Second Class City Treasurer's Sale and Collection Act, located in any municipality in this commonwealth.

### **Section 4. ACTIONS AGAINST PROPERTY OWNERS AND RESPONSIBLE PARTIES.**

In addition to any other remedy available at law or in equity, the Borough may institute the following actions against the owner of any real property that is in serious violation of a code or for failure to correct a condition which causes the property to be regarded as a public nuisance:

- A. An in-person action may be initiated for a continuing violation for which the owner takes no substantial step to correct within six months following receipt of an order to correct the violation unless the order is subject to a pending appeal before the administrative agency or court.
- B. Notwithstanding any law limiting the form of action for the recovery of penalties by a municipality for the violation of a code, the Borough may recover, in a single action under this section, an amount equal to any penalties imposed against the owner and any costs of remediation lawfully incurred by or on behalf of the Borough to remedy any code violation.

- C. A proceeding in equity.
- D. A lien may be placed against the assets of an owner of real property that is in serious violation of a code or is regarded as a public nuisance after a judgment, decree or order is entered by a court of competent jurisdiction against the owner of the property for an adjudication under § 6111 of the Act (relating to actions). Nothing in this section shall be construed to authorize, in the case of an owner that is an association or trust, a lien on the individual assets of the general partner or trustee, except as otherwise allowed by law, limited partner, shareholder, member or beneficiary of the association or trust.

**Section 5. OUT-OF-STATE OWNERS; SERVICE OF PROCESS UPON ASSOCIATION AND TRUSTS.**

- A. A person who lives or has a principal place of residence outside this commonwealth, who owns property in this commonwealth against which code violations have been cited and the person is charged under 18 Pa.C.S.A. (relating to crimes and offenses), and who has been properly notified of the violations may be extradited to this commonwealth to face criminal prosecution to the full extent allowed, and in the manner authorized, by 42 Pa.C.S.A. Chapter 91 (relating to detainers and extradition).
- B. Where, after reasonable efforts, service of process for a notice or citation for any code violation for any real property owned by an

association or trust cannot be accomplished by handing a copy of the notice or citation to an executive officer, partner or trustee of the association or trust or to the manager, trustee or clerk in charge of the property, the delivery of the notice or citation may occur by registered, certified or United States Express Mail, accompanied by a delivery confirmation to the registered office of the association or citation trust. Where the association or trust does not have a registered office, notice may occur by registered, certified or United States Express Mail, to the mailing address used for real estate tax collection purposes, if accompanied by the posting of a conspicuous notice to the property and by handing a copy of the notice or citation to the person in charge of the property at that time.

#### Section 6. MUNICIPAL PERMIT DENIALS.

- A. The Borough or a Board may deny issuing an applicant a municipal permit if the applicant owns real property in any municipality for which there exists on the real property:
- 1) Tax and/or municipal services delinquencies on account of the actions of the owner; or
  - 2) A serious violation and the owner has taken no substantial step to correct the serious violation within six months following notification of the violation and for which fines or other penalties or a judgment to abate or correct were

imposed by a Magisterial District Judge or Municipal Court, or a judgment at law or in equity was imposed by a Court of Common Pleas. However, no denial shall be permitted on the basis of a property for which the judgment, order or decree is subject to a stay or supersedeas by an order of a court of competent jurisdiction or automatically allowed by statute or rule of court until the stay or supersedeas is lifted by the Court or a higher court or the stay or supersedeas expires as otherwise provided by law. Where a stay or supersedeas is in effect, the property owner shall so advise the Borough or Board seeking to deny a municipal permit. The Borough or Board shall not deny a municipal permit to an applicant if the municipal permit is necessary to correct a violation of state law or a code.

- B. The municipal permit denial shall not apply to an applicant's delinquency on taxes, water, sewer, or refuse collection charges that are under appeal or otherwise contested through a court or administrative process.
- C. In issuing a denial of a municipal permit based on an applicant's delinquency in real property taxes or municipal charges or for failure to abate a serious violation of state law or a code on real property that the applicant owns in this commonwealth, the Borough or Board shall indicate the street address, municipal

corporation, and county in which the property is located and the court and docket number for each parcel cited as a basis for the denial. The denial shall also state that the applicant may request a letter of compliance from the appropriate state agency, municipality, or school district, in a form specified by such entity as provided in this section.

- D. All municipal permits denied in accordance with this subsection may be withheld until an applicant obtains a letter from the appropriate state agency, municipality or school district indicating the following:
- 1) The property in question has no final and unappealable tax, water, sewer, or refuse delinquencies;
  - 2) The property in question is now in state law and code compliance; or
  - 3) The owner of the property has presented, and the appropriate state agency or municipality has accepted a plan to begin remediation of a serious violation of state law or a code. Acceptance of the plan may be contingent on:
    - a) Beginning the remediation plan within no fewer than 30 days following acceptance of the plan or sooner, if mutually agreeable to both the property owner and the municipality.

- b) Completing the remediation plan within no fewer than 90 days following commencement of the plan or sooner, if mutually agreeable to both the property owner and the municipality.
- E. In the event that the appropriate state agency, municipality, or school district fails to issue a letter indicating tax, water, sewer, refuse, state law or code compliance or noncompliance, as the case may be, within 45 days of the request, the property in question shall be deemed to be in compliance for the purpose of this section. The appropriate state agency, municipality or school district shall specify the form in which the request for a compliance letter shall be made. Letters required under this section shall be verified by the appropriate municipal officials before issuing to the applicant a Municipal Permit.
- F. Boards, including the Borough Zoning Hearing Board, may deny approval of municipal permits, which includes special exception approval and variance relief, if warranted as set forth above to the extent that approval of such a municipal permit is within the jurisdiction of the Board.
- G. In any proceeding before a Board other than the governing body of the Borough, the Borough may appear to present evidence that the applicant is subject to a denial by the board in accordance with this section.

- H. For purposes of this subsection, a municipal permit may only be denied to an applicant other than an owner if the applicant is acting under the direction or with the permission of an owner, and the owner owns real property that is subject to denial as set forth above.
- I. A denial of a municipal permit shall be subject to the provisions of 2 Pa.C.S.A. Ch. 5, Sub. Ch. B (relating to practice and procedure of local agencies) and Ch. 7, Sub. Ch. B (relating to judicial review of local agency action) or the Pennsylvania Municipalities Planning Code, for denials subject to the act.

#### Section 7. CONFLICT WITH OTHER LAW.

In the event of a conflict between the requirements of this article and federal requirements applicable to demolition, disposition or redevelopment of buildings, structures or land owned by or held in trust for the Government of the United States and regulated pursuant to the United States Housing Act of 1937 (50 Stat. 888, 42 U.S.C. § 1437 et seq.) and the regulations promulgated thereunder, the federal requirements shall prevail.

#### Section 8. RELIEF FOR INHERITED PROPERTY.

Where property is inherited by will or intestacy, the devisee or heir shall be given the opportunity to make payments on reasonable terms to correct code violations or to enter into a remediation agreement under Section 6131(b)(1)(iii) (relating to municipal permit denial) with a municipality to avoid subjecting the devisee's or

heir's other properties to asset attachment or denial of permits and approvals on other properties owned by the devisee or heir.

Section 9. CONSTRUCTION.

Nothing in this article shall be construed to abridge or alter the remedies now existing at common law or by statute, but the provisions of this article are in addition to such remedies.

**DULY ORDAINED AND ENACTED** this 15th day of July, by the Council of the Borough of West Newton, Westmoreland County, Pennsylvania, in lawful session duly assembled.

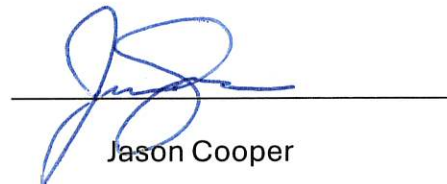
**ATTEST:**



Ashley Pergola

Borough Secretary

**BOROUGH OF WEST NEWTON**



Jason Cooper

Council President

Examined and approved this 15th day of July 2025

BY: 

Mayor Mary Popovich