

**BOROUGH OF PENNSBURY VILLAGE  
ORDINANCE NO. \_\_\_\_ OF 2022**

**AN ORDINANCE OF THE BOROUGH OF PENNSBURY  
VILLAGE, COUNTY OF ALLEGHENY AND  
COMMONWEALTH OF PENNSYLVANIA, REQUIRING  
AN INSPECTION AND A CERTIFICATE AT TIME OF  
SALE OF ANY PROPERTY AND IMPOSING AN  
OBLIGATION ON PURCHASER TO BRING PROPERTY  
INTO COMPLIANCE WITH CODE REQUIREMENTS**

**WHEREAS**, the Borough of Pennsbury Village (the “Borough”) is a local municipal government governed by the Borough Code, 8 Pa.C.S. 101 *et seq.*, and has authority thereunder to enact ordinances to protect the health, safety and welfare of the public; and

**WHEREAS**, the Borough has identified a need to protect the public and assure that the housing stock and commercial structures and other properties of any nature in the Borough are safe for their intended purposes and in compliance with all relevant codes, including zoning and other codes of the Borough in addition to safety codes enacted by the Commonwealth and applicable to the circumstances; and

**WHEREAS**, the Borough has identified the time of sale as an appropriate time to assure that such housing stock, commercial structures, and property of any nature in the Borough is safe for its intended purposes, safe to be sold and that the intended use is consistent with the controlling zoning regulations - and that the property can be certified to the foregoing through the procedure of obtaining a Use and Occupancy Certificate; and

**WHEREAS**, the Pennsylvania legislature has enacted Act 133 of 2016, effective on January 2, 2017, which contains provisions governing the issuance of certificates of use and occupancy with which all municipalities must comply; and

**NOW, THEREFORE**, the Council of the Borough of Pennsbury Village hereby ordains as follows:

**Section 1. Definitions.**

**BOROUGH**

Shall mean the Borough of Pennsbury Village.

**DATE OF PURCHASE**

The closing date on which title and right to possess the property transfers to the purchaser or, in cases where the property is sold pursuant to the act of May 16, 1923 (P.L. 207, No. 153), referred to as the Municipal Claim and Tax Lien Law, the first day following the right of redemption period authorized under the Municipal Claim and Tax Lien Law.

## **INSPECTION**

An examination of a property by a code enforcement officer to determine if the property complies with the Pennsylvania Uniform Construction Code, the International Property Maintenance Code or any other applicable housing, building, plumbing, electrical, safety or fire prevention ordinances or regulations and, if not, which portions of the property are not in compliance with such codes, ordinances or regulations. The definition of "inspection" includes the inspection of owner-occupied property and rental units.

## **OCCUPANCY**

The purpose for which a building or portion thereof is utilized or occupied.

## **OWNER**

One or more persons, jointly or severally, in whom is/are vested all or part of the legal title to the premises, or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgage holder in possession of a regulated rental unit.

## **PERSON**

An individual, firm, partnership, corporation, or other entity, or agent for a person, firm, partnership, corporation, or other entity.

## **RENTAL UNIT**

A dwelling unit within the Borough, including single-family homes, single-family homes converted to multifamily use, rental apartments and similar living accommodations which are leased or rented and not owner-occupied.

## **RESIDENTIAL PROPERTY**

Any property that is used primarily as a single-family or multifamily dwelling and which is owner-occupied.

## **SUBSTANTIAL VIOLATION**

A violation of an adopted building, housing, property maintenance or fire code or maintenance, health or safety nuisance ordinance that makes a building, structure or any part thereof unfit for human habitation and is discovered during the course of a municipal inspection of a property and disclosed to the record owner or prospective purchaser of the property through issuance of a municipal report.

## **TEMPORARY ACCESS CERTIFICATE**

A certificate issued by the Borough as a result of the municipal inspection of a property incident to the resale of the property that identifies at least one substantial violation, and the purpose of the certificate is to authorize the purchaser to access the property for the purpose of correcting substantial violations.

#### **TEMPORARY USE AND OCCUPANCY CERTIFICATE**

A certificate issued by the Borough as a result of the municipal inspection of a property incident to the resale of the property that reveals a violation but no substantial violation, and the purpose of the certificate is to authorize the purchaser to fully utilize or reside in the property while correcting violations.

#### **UNFIT FOR HUMAN HABITATION**

A condition which renders a building or structure, or any part thereof, dangerous or injurious to the health, safety or physical welfare of an occupant or the occupants of neighboring dwellings. The condition may include substantial violations of a property that show evidence of: a) a significant increase to the hazards of fire or accident; b) inadequate sanitary facilities; vermin infestation; or c) a condition of disrepair, dilapidation or structural defects such that the cost of rehabilitation and repair would exceed 50% of the agreed-upon purchase price of the property.

#### **USE AND OCCUPANCY CERTIFICATE**

A certificate issued by the Borough stipulating that the property meets all ordinances and codes and may be used or occupied as intended.

#### **VIOLATION**

A violation of a properly adopted building, housing, property maintenance or fire code or maintenance, health or safety nuisance ordinance that does not rise to the level of a substantial violation and is discovered during the course of a municipal inspection of a property and disclosed to the record owner or prospective purchaser of the property through issuance of a municipal report.

### **Section 2. Certificates Required for Sale of Property.**

- A. It shall be unlawful for any person to sell any residential dwelling or commercial or industrial building within the Borough without first obtaining a use and occupancy certificate, temporary use and occupancy certificate, or temporary access certificate.
- B. This requirement shall not apply to real estate transfers to any bank, savings association, credit union, mortgage lender, or any similar financial institution or subsidiary thereof, which takes title to the property for the purpose of holding the property for sale to offset losses incurred on a loan or other obligation in default secured by a mortgage, deed of trust or other lien on the property.

### Section 3. Applications and Inspections

- A. Whenever there is a change in ownership, or transfer of title to an existing building or structure requiring an occupancy permit for its use, or upon written request from the owner of an existing building or structure, the Building Code Official shall issue the appropriate certificate of use and occupancy in the manner as set forth in this Ordinance.
- B. All requests for certificates of occupancy must be made to the Borough on the application form supplied by the Borough. All required fees must be paid at the time of application. An inspection will be conducted within thirty (30) days of application. The owner, owner's agent, or applicant must be present at the time of inspection.
- C. Upon receipt of a properly completed application for a use and occupancy certificate and payment of the required fee, the Borough shall inspect the residential dwelling or commercial or industrial building which is the subject of the application to determine if the building conforms to all items identified in this Ordinance.
- D. Fees. The inspection fee for the issuance of a certificate of use and occupancy shall be established by resolution of the Borough Council, as may be amended from time to time. The inspection fee shall cover the initial inspection. Each subsequent follow-up reinspection will be charged at a rate to be determined by resolution of the Borough Council. The initial fee must be paid at the Borough offices at the time of application, and any subsequent re-inspections that are required must be paid prior to the reinspection appointment.
- E. Use and Occupancy Inspection Items. The following items shall be inspected prior to issuance of the use and occupancy certificate. Some of these items may require the owner to report applicable maintenance issues to the Condominium Association and to work with the Condominium Association, the Code Enforcement Officer and, if necessary, the Borough of Pennsbury Village to resolve all ordinance/regulation violation issues:
  - 1. Each dwelling unit must have a working smoke detector installed on each floor level and in the bedroom area(s);
  - 2. Each room used for sleeping purpose must have a working smoke detector installed;
  - 3. Each dwelling unit must have a working carbon monoxide detector installed;
  - 4. An existing, acceptable, sixty-ampere service, or a minimum one-hundred-ampere, three-wire electric service, must be installed for the dwelling;

5. All kitchen countertop receptacles and bathroom receptacles must be ground-fault circuit interrupter (GFCI) protected;
6. All sidewalks and curbs must be in good repair, free of large cracks (covering more than 50% of the surface area or greater than 1/4 inch in width) and crevices, missing bricks and tripping hazards (greater than 1/2 inch), and in compliance with the Borough's sidewalk specifications;
7. The property must be supplied with clearly identifiable numbers (minimum of four inches tall) outside the property, in clear view of the street, designating the street number of the property;
8. The property must not have any illegal sewer connections, as defined under the Borough's applicable current sewer inspection policies;
9. Other standards of the UCC, the current ICC Property Maintenance Code, and all other applicable housing, building, plumbing, electrical, safety or fire prevention ordinances or regulations relating to the rental unit or residential property.

#### **Section 4. Property in Compliance**

- A. Issuance of Use and Occupancy Certificate. If the Borough determines through an inspection that a property complies with all applicable ordinances and codes and may be used or occupied as intended, the Borough shall issue a use and occupancy certificate.

#### **Section 5. Property not in Compliance**

- A. Issuance of Temporary Use and Occupancy Certificate. If the Borough determines through an inspection that a property has at least one violation, but no substantial violations, then the Borough shall refuse to issue a use and occupancy and occupancy and shall instead issue a temporary use and occupancy certificate and shall promptly notify the applicant, in writing, of the refusal and the specific reasons therefor, with references of the specific sections and subsections of the laws, ordinances, and regulations being violated.
- B. Issuance of Temporary Access Certificate. If the Borough determines after an inspection that a property has at least one substantial violation, the Borough shall refuse to issue a use and occupancy certificate or a temporary use and occupancy certificate and shall instead issue a temporary access certificate and shall promptly notify the applicant, in writing, of the refusal and the specific reasons therefor, with references of the specific sections and subsections of the laws, ordinances and regulations being violated. . No person shall occupy a property during the term of the temporary access certificate.

## **Section 6. Compliance Requirements and Reinspection**

- A. Within twelve (12) months of the date of purchase, or longer subject to an agreement between the purchaser and the Borough, any purchaser of any building, structure or part of a building or structure known to have one or more violations or one or more violations of this Ordinance and the applicable codes relating to building, housing, property maintenance or fire shall:
  - 1. Bring the building, structure or that part of a building or structure into compliance with those codes;
  - 2. Demolish the building or structure, in the case of substantial violations, but only as permitted and in accordance with the law.
- B. At the expiration of the twelve (12)-month period set forth in the above, the Borough shall reinspect the property for the purposes of determining compliance with the cited violations; provided however, the property owner may request an early inspection and the Borough may conduct said reinspection consistent with the business of the Borough. If a temporary access certificate has been issued and reinspection indicates that the noted substantial violations have been corrected but other cited violations remain, the Borough shall issue a temporary use and occupancy certificate to be valid for the time remaining on the original temporary access certificate. If reinspection indicates that all noted violations have been corrected, the Borough shall issue a certificate of use and occupancy.

## **Section 7. Violations and Penalties.**

- A. Failure to comply with this Ordinance shall result in:
  - 1. Revocation of the issued temporary access or temporary use certificate;
  - 2. The purchaser being subject to any municipal ordinances or codes and regulations relating to the occupation of the property without a certificate of use and occupancy;
  - 3. The purchaser being personally liable for the costs of maintenance, repairs or demolition sufficient to correct the cited violations, and a fine of not less than \$1,000 and not more than \$10,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. If the penalty is not paid, the Borough may initiate a civil action for collection in accordance with the Pennsylvania Rules of Civil Procedure.
  - 4. Each day a violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Allegheny County.

- B. This section shall not apply for the violation of a municipal code or ordinance for which a fine, other penalty or a judgement to abate or correct was imposed by a Magisterial District Judge or municipal court, or a judgement at law or in equity was imposed by a court of common pleas prior to purchase, or where the Borough denies the certificate pursuant to 53 Pa. C.S.A. Ch. 61 (relating to neighborhood blight reclamation and revitalization).

**Section 8. Repealer.** As of the effective date of this Ordinance, all ordinances currently in existence are repealed to the extent that such ordinances are inconsistent with the provisions of this Ordinance.

**Section 9. Severability.** If any of the provisions of this Ordinance shall be held invalid for any reason whatsoever, then unless such provision or term is material to this Ordinance as to render this Ordinance impracticable to perform, such provision or term shall be deemed severable from the remaining provisions or terms of this Ordinance and shall in no way affect the validity or enforceability of any other provisions hereof.

**Section 10. Effective Date.** This Ordinance shall become effective upon adoption.

**ORDAINED and ENACTED** into law by the Borough Council of the Borough of Pennsbury Village, Allegheny County, Pennsylvania, this \_\_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

BOROUGH OF PENNSBURY VILLAGE

\_\_\_\_\_  
Rae Carol Wolff  
Borough Manager

\_\_\_\_\_  
Steven Stecko, President  
Pennsbury Village  
Borough Council

Examined and approved this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Lucy Harper, Mayor

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