

**EAST NORRITON TOWNSHIP,
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 577

AN ORDINANCE OF EAST NORRITON TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 190, USE AND OCCUPANCY PERMITS, OF THE EAST NORRITON TOWNSHIP CODE, TO ADD PROVISIONS FOR ISSUANCE OF TEMPORARY USE AND OCCUPANCY AND TEMPORARY ACCESS CERTIFICATES; REPEALING PRIOR INCONSISTENT ORDINANCES AND PARTS OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND CONTAINING AN EFFECTIVE DATE.

WHEREAS, the Board of Supervisors is vested with the authority to enact Ordinances for the maintenance of peace, good government, health and welfare of the Township and its citizens, trade, commerce and manufacturers, as set forth under Section 1506 of the Second Class Township Code, as amended, and found at 53 P.S. § 66506; and

WHEREAS, Section 1517 of the Second Class Township Code, as amended, and found at 53 P.S. § 66517, entitled “Building and Housing Regulations”, authorizes the Township Board of Supervisors to regulate the construction, alteration, repair, occupation, maintenance, sanitation, lighting, ventilation, water supply, toilet facilities, drainage, use and inspection of all buildings and housing constructed, erected, altered, designed or used for any use or occupancy and the sanitation and inspection of land; and

WHEREAS, the Board desires to amend The Code of Ordinances of East Norriton Township (the “Code”) by amending Chapter 190, Use and Occupancy Permits, to add provisions for the issuance of temporary use and occupancy and temporary access certificates; and

WHEREAS, the Board has determined that the health, safety, and general welfare of the residents of East Norriton Township will be served by enacting provisions related thereto.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED, by the Board of Supervisors that Chapter 190, Use and Occupancy Permits, shall be amended as follows:

I. AMENDMENT OF CODE

Chapter 190. Use and Occupancy Permits is hereby deleted in its entirety, and amended as follows:

Chapter 190: Use and Occupancy and Temporary Access Certificates

§ 190-1. Title.

This Chapter shall be known as “Use and Occupancy and Temporary Access Certificates”

§ 190-2. Purpose.

The purpose of this Chapter is to regulate the certification process of real property for use and occupancy in East Norriton Township.

§ 190-3. Definitions.

DATE OF PURCHASE. The 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.

PERSON. Individuals, corporations, and all other forms of entities, as the circumstances dictate.

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

TEMPORARY ACCESS CERTIFICATE. A certificate issued by the Township, as a result of an inspection of a property, incident to the resale of the property, that identifies at least one substantial violation. The purpose of the certificate is to authorize the purchaser to access the property for the purpose of correcting substantial violations, pursuant to the maintenance and repair provisions of this Chapter. No person may occupy a property during the term of a temporary access certificate, but the owner shall be permitted to store personalty that is related to the proposed use or occupancy of the property, or is needed to repair the substantial violations, during the time of the temporary access certificate.

TEMPORARY USE AND OCCUPANCY CERTIFICATE. A certificate issued by the Township as a result of an inspection of a property incident to the resale of the property, that reveals a violation, but no substantial violation. The purpose of the certificate is to authorize the purchaser to fully utilize or reside in the property, while correcting violations pursuant to the maintenance and repair provisions of this Chapter.

TOWNSHIP. East Norriton Township, Montgomery County, Pennsylvania.

UCC. Pennsylvania Uniform Construction Code (34 Pa.C.S., *et seq.*)

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 significant increase to the hazards of fire or accident; inadequate sanitary facilities; vermin infestation; or a condition of disrepair, dilapidation or structural defects, such that the cost of rehabilitation and repair, would exceed one-half of the agreed-upon purchase price of the property.

UNIT. Each separate area of a building, designed or intended to be used for one family dwelling, one commercial user, including business and professional users, or one industrial user.

USE AND OCCUPANCY CERTIFICATE. A certificate issued by the Township, stipulating that the property meets all ordinances and codes, and may be used or occupied as intended.

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

Any terms not herein defined, shall have the meanings given to them in the East Norriton Code (or, if not defined therein, the 2009 International Building Code, and the 2015 International Property Maintenance Code), unless the context plainly requires another meaning.

§ 190-4. Certificate Required.

- A. Resale. Certificates of use and occupancy shall be required for all properties, prior to sale. The owner of the property subject to the sale, shall notify the Township at least 30 days prior to the proposed transfer, and shall make all areas to be inspected, available to the Township, upon the Township's request. Purchasers of properties with known substantial violations must comply with the requirements of § 190-10.

- B. Rentals. Certificates of use and occupancy shall be required for all properties, upon their advertisement or offering for rent, with the exception of properties rented to relatives.
- (1) Such certificate shall be required upon leasing the property to each new tenant, or every two years, if rented continuously to the same tenant.
 - (2) The owner of the rental property shall notify the Township at least 30 days prior to the proposed rental, and shall make all areas to be inspected, available to the Township, upon the Township's request.
- C. Construction.
- (1) New Construction. Whenever pursuant to permits issued by the Township, a new dwelling unit, commercial unit, or industrial unit is constructed or created by any means, no such units shall be occupied, or used by the owner, or a tenant, or any other person, until a use and occupancy certificate has been issued by the Township, to the owner, or to his duly authorized agent.
 - a. No use and occupancy permit shall be issued, unless there shall be filed with the Township, a site plan that is accurate and to scale, showing to a scale of not smaller than one inch equals 40 feet, all as-built features. The plan at a minimum shall indicate the following:
 - i. The actual building envelope of the structure with dimensions;
 - ii. The actual dimensions from property lines (front, side, and rear) to the structure;
 - iii. Front and rear entry, accessory structures, porches, patios, and/or decks;
 - iv. Driveway location, dimensions and slopes;
 - v. Finished floor elevation of the garage and first floor to the building;
 - vi. Property lines, building setback lines and street locations, showing curbs, sidewalks, driveway aprons, etc.;
 - vii. Grades of the entire site, including spot elevations at the outside corners of each building, as well as a grading plan at one-foot contour intervals indicating contour lines;
 - viii. Definition and percent of slope and center line of drainage channels, diversion terraces, top of grate and invert elevations of stormwater facilities;
 - ix. The location of any retaining walls, tree wells, wingwalls or berms;
 - x. The location of individual trees or woodland masses and other natural features or man-made features, such as streams, roads or walkways;
 - xi. The location of street trees or site landscaping per the codes of the Township; and
 - xii. The plot plan shall show the lot area, the area of dwellings and structures, the area of driveways and parking areas, the area of other impervious coverage, the percent of building coverage and the percent of impervious coverage.
 - xiii. Foundation verification

- b. Exception. A certificate of use and occupancy shall not be required for new construction or dwelling units that receive a certificate of occupancy, pursuant to the UCC, and within one year of the issuance of such UCC certificate of use and occupancy.
- (2) Additions and Alterations. Such construction shall comply with all applicable provisions of the Code of East Norriton Township, the International Building Code, the International Property Maintenance Code, and the International Fire Code.
- D. No property shall be occupied in whole, or in part, until the issuance of a temporary certificate of occupancy, or a certificate of occupancy, by the Code Enforcement Office, stating that the structure conforms in all respects, to the requirement of this Chapter, the International Property Maintenance Code, the International Fire Code, and the Township's Zoning Code.
 - E. No certificate of use and occupancy shall be issued, unless and until, a fireplace certification is obtained, when applicable.
 - F. No certificate of use and occupancy shall be issued, unless and until, the property passes a sewer lateral inspection, to be obtained by the seller or transferor, from a licensed plumber.

§ 190-5. Responsibility for Obtaining Certificate.

- A. The use and occupancy certificate shall state the proposed use for the structure, building or dwelling unit. No transfer of, and no change in the use or ownership of any structure, building or dwelling unit shall be made, until a use and occupancy certificate has been issued in accordance with this Chapter. It shall be the duty of any person who shall sell or otherwise transfer ownership of any structure, building or dwelling unit to another person, to apply for and obtain the use and occupancy certificate required by this Chapter, prior to such transfer of ownership and/or any change in the use or occupancy of such premises.
- B. The failure on the part of such seller or transferor to obtain such certificate, shall not excuse the purchaser or transferee of such premises, from the requirements of this Chapter. Purchasers of properties with known substantial violations must comply with the requirements of § 190-10.

§ 190-6. Violations and Penalties.

- A. Any person who or which shall occupy or use any structure, building or dwelling unit without obtaining a use and occupancy certificate shall be in violation of this Chapter and shall, upon conviction thereof in a summary proceeding, be guilty of a summary offense, and subject to the payment of a fine of not more than \$1,000, and the costs of prosecution, including the attorneys' fees of the Township, and, in default thereof, to imprisonment in the Montgomery County prison as provided by law.
- B. Each and every day that occupancy or use of any structure, building or dwelling unit shall continue without the permits required by this Chapter, after notice to cease and desist such occupancy or use shall have been given, shall constitute a separate offense and be punishable as such.

§ 190-7. Issuance of Use and Occupancy Certificate.

The Township will issue a use and occupancy certificate in the following manner:

- A. If the inspection reveals no violations.

- B. If the inspection reveals at least one violation, but no substantial violations, the Township shall issue a temporary use and occupancy certificate.
- C. If the inspection reveals at least one substantial violation, the Township shall specifically note those items on the inspection report, and shall issue a temporary access certificate.

§ 190-8. Items to be Inspected.

The Township shall inspect all properties for compliance with the items set forth on the Township's Use & Occupancy Inspection Form¹ created in accordance with the International Property Maintenance Code as amended, and all local, state, and federal laws, before issuing use and occupancy certificates. These items may be amended from time to time, in accordance with the aforementioned laws.

§ 190-9. Revocation

Any use and occupancy certificate issued hereunder, may be revoked in the event that the structure, building or dwelling unit is subsequently determined to be unsafe or uninhabitable, or that a condition exists that is in violation of any applicable ordinance of the Township. In the event that a temporary access certificate or temporary use and occupancy certificate is issued, such certificates may be revoked, if the necessary repairs are not made within the time limit provided for at the time of issuance of such certificate.

§ 190-10. Compliance Requirement for Purchasers of Properties with Known Substantial Violations.

- A. Within 12 months of the date of purchase, the purchaser of a property known to be in violation of a Township code or ordinance shall, at the purchaser's option, either:
 - (1) Bring the property into compliance with Township codes and/or ordinances; or
 - (2) Demolish the building or structure in accordance with law.
- B. Negotiation of longer time periods. At the request of the property owner, the Township may negotiate, at its discretion, longer time periods for maintenance and repair of the structure under a temporary certificate, but the time periods stated in subsection A may not be shortened.
- C. Reinspection of property. At the expiration of the time period set forth in subsection A, or before that time, if requested by the property owner, the Township shall reinspect the property for the purpose of determining compliance with the cited violations.
 - (1) If a temporary access certificate has been issued, and reinspection indicates that the noted substantial violations have been corrected, but other cited violations have not yet been corrected, the Township shall issue a temporary use and occupancy permit, to be valid for the time remaining on the original temporary access certificate.
 - (2) If the reinspection indicates that all noted violations have been corrected, the Township shall issue a use and occupancy certificate for the property.
- D. Penalty. Failure to comply with the requirements of subsection A shall result in:
 - (1) Revocation of the temporary certificate;

¹ The Township's Use & Occupancy Inspection Form is on file at the Township office, and may be examined there during regular business hours.

- (2) The purchaser being subject to § 190-6;
- (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. Not less than one-third of the fine imposed specifically for code violations, shall be used by the Township for low-income housing, in a manner determined by the Township.

§ 190-11. Applicability.

A. Financial Institutions

(1) Except as set forth in subsection B below, this Chapter does not require a certificate of occupancy, a temporary use and occupancy certificate, or a temporary access certificate, for a real estate transfer, including a residential or nonresidential transfer, as provided under 68 Pa.C.S. § 7103(b)(2), relating to any of the following, which take title to 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:

- a. Bank
- b. Savings association
- c. Credit union
- d. Mortgage lender
- e. Financial institution similar to an institution listed in paragraphs (a) through (d).
- f. Subsidiary of a financial institution listed in paragraphs (a) through (e).

(2) Exception. A financial institution not subject to this Chapter under subsection (1), may be required by the Township, to correct a substantial violation.

B. Exception. A violation of a Township code or ordinance, for which a fine, other penalty or a judgment to abate or correct, was imposed by a magisterial district judge or municipal court, or a judgment at law or in equity was imposed by the Court of Common Pleas of Montgomery County, prior to purchase, shall not be subject to the requirements of § 190-10.

C. § 190-10 shall not apply where the Township denies the certificate or permit pursuant to 53 Pa.C.S. Ch. 61 (relating to neighborhood blight reclamation and revitalization).

D. This Chapter shall not apply to the continuation of the existing lawful use and occupancy of an existing structure, building or dwelling unit; the lawful transfer of a structure, building or dwelling unit within one year from the effective date of this Chapter, where such transfer is pursuant to a legally binding agreement in force as of the effective date of this Chapter; and any transfer between husband and wife.

E. This Chapter shall not apply to transfers of real estate between relatives, if such a transfer would be exempt from realty transfer tax under the State Realty Transfer Tax Statute and Regulations. Transfers of real estate between parent and subsidiary corporations or between other entities having common ownership shall also be exempt from this Chapter.

II. REPEALER

Any and all terms, conditions, and provisions of any Ordinance or Resolution of East Norriton Township in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed to the extent of such conflict.

III. SEVERABILITY

It is hereby declared to be the legislative intent that if a court of competent jurisdiction, declares any provision of this Chapter to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Chapter shall continue to be separately and fully effective.

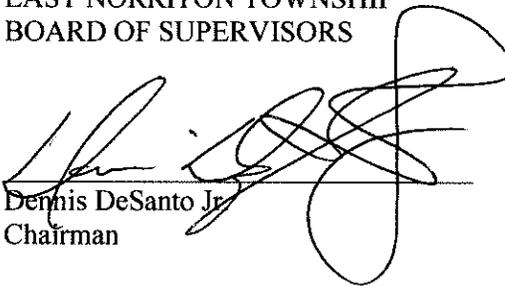
IV. EFFECTIVE DATE

This Ordinance shall be effective immediately upon adoption by the Board of Supervisors of East Norriton Township.

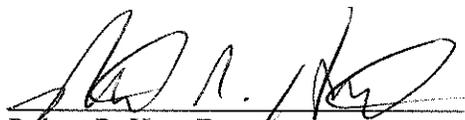
ORDAINED AND ENACTED, by the Board of Supervisors of East Norriton Township, Montgomery County, Commonwealth of Pennsylvania, this 27th day of March, 2018.



EAST NORRITON TOWNSHIP
BOARD OF SUPERVISORS


Dennis DeSanto Jr.
Chairman

ATTEST:


Robert R. Hart, Esq.
Secretary