

ORDINANCE NO. 448

AN ORDINANCE OF THE BOROUGH OF SPRING CITY, CHESTER COUNTY, PENNSYLVANIA, AMENDING AN ORDINANCE KNOWN AS THE BOCA NATIONAL PROPERTY MAINTENANCE CODE, FOURTH EDITION, 1993 (ORDINANCE NO. 412, ADOPTED AUGUST 7, 1995, AS AMENDED) BY ADDING THERETO SECTION PM112, PROPERTY TRANSFER USE AND OCCUPANCY CERTIFICATE, ESTABLISHING THE REQUIREMENTS TO BE MET BEFORE THE ISSUANCE OF SAID PROPERTY TRANSFER USE AND OCCUPANCY CERTIFICATE; ESTABLISHING THE FEES TO BE PAID FOR THE ISSUANCE OF SUCH CERTIFICATE; AND ESTABLISHING PENALTIES FOR FAILURE TO COMPLY.

BE IT ENACTED by the Borough Council of Spring City, Pennsylvania, and it is hereby ordained by the same as follows:

**SECTION ONE:** Section 3 of the Ordinance known as Property Maintenance Code Ordinance (Ordinance No. 412, Adopted August 7, 1995, as amended) is hereby amended by adding the following:

The following sections are hereby added as follows:

**Section PM112.1. Property Transfer Use & Occupancy Certificate:** No existing multiple family dwelling or single family dwelling shall be occupied by a tenant or new owner after the transfer of title by deed or other legal means, until an inspection has been completed by the Borough Code Enforcement Officer and a Use & Occupancy Permit issued.

**Section PM112.2. Issuance of Use & Occupancy Permit:** A Use & Occupancy Permit shall be issued in accordance with the following standards and procedures:

**Section PM112.2.1. Application:** Applications for issuance of a Use & Occupancy Permit shall be filed with the Spring City Borough Code Enforcement Officer by the seller, buyer, or agent for the seller or buyer of the property, no later than twenty (20) business days prior to settlement and/or transfer of ownership between buyer and seller. Applications shall contain such information as the Code

Enforcement Officer may require.

**Section PM112.2.2. Fees:** A fee may be charged for each property inspected and said fee must accompany the application form when it is submitted. The initial fee shall be Fifty Dollars (\$50.00) for each single family residential dwelling unit and Twenty-Five Dollars (\$25.00) for each unit of any multiple family dwelling. This fee schedule may be revised by resolution of Borough Council.

**Section PM112.2.3. Inspection Procedure:** Upon receipt of a completed application, the Code Enforcement Officer shall, within ten (10) business days, conduct an inspection of the property to determine compliance with minimum standards and requirements as follows:

- Each dwelling unit must have a smoke detector installed on each floor level and in the bedroom area(s);
- An existing acceptable 60 ampere service, or a minimum 100 ampere three (3) wire electric service, must be installed for the dwelling;
- All kitchen countertop receptacles and bathroom receptacles must be ground fault circuit interrupter protected;
- All sidewalks and curbs must be in good repair free of large cracks and crevices, missing bricks and tripping hazards;
- All properties must be supplied with numbers outside the property, in clear view of the street, designating the street number of the property;

- The property must be in compliance with all other aspects of the BOCA National Property Maintenance Code.

All hazardous building, safety, fire, plumbing and electrical violations cited at the time of inspection by the Code Enforcement Officer shall be corrected in the time specified by the Code Enforcement Officer.

**Section PM112.2.4. Reinspection Procedure:** Upon correction of all violations, the applicant shall notify the Borough in writing for a follow-up inspection, which shall be conducted within ten (10) business days from notification. If, following the follow-up inspection, the property is determined to be in compliance with the standards, a Use & Occupancy Permit will be issued to the applicant. If additional follow-up inspections are required due to the fact that the applicant did not comply with the violation report, the applicant will be charged an additional Twenty-Five Dollars (\$25.00) for each subsequent follow-up inspection. The fee schedule for reinspection(s) may be revised by resolution of Borough Council.

**Section PM112.2.5. Miscellaneous:** The validity of the Use & Occupancy Permit is contingent upon compliance with applicable Borough Ordinances and it is revokable upon violation of those Ordinances. The Use & Occupancy Permit does not warrant or guarantee on the part of the Borough or any officer, agent or employee of the Borough, the soundness, fitness, safety or adequacy of the facilities inspected. The Use & Occupancy Permit shall not be deemed to give rise to any

liability on the part of the Borough or any officer, agent, employee or designee thereof. All such liability, and any remedy therefor, shall remain that of the seller or transferor of any structure covered hereby.

**Section PM112.2.6. Violations and Penalties:** Failure to obtain a Use & Occupancy Permit when required by this Ordinance shall subject the property owner to penalties as set forth in Section PM-106.2 of the Spring City Ordinance No. 412, as amended, as well as all enforcement procedures, including procedures in law and equity.

**Section PM112.3. Applicability:** This Ordinance shall have no application to a valid Agreement of Sale for real estate entered into and dated prior to the effective date of this Ordinance.

**SECTION TWO:** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION THREE:** This Ordinance shall take effect immediately.

ORDAINED AND ENACTED THIS 7th DAY OF May, 2001.

Attest:

BOROUGH OF SPRING CITY

By:   
Ralph G. Trego, III, President  
Spring City Borough Council

  
Dennis Rittenhouse, Administrator

EXAMINED AND APPROVED THIS 7th DAY OF May, 2001.

  
Mark R. Emery, Mayor