

**WEST NANTMEAL TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE NO. 2 - 2018**

AN ORDINANCE ADOPTING PROPERTY MAINTENANCE REGULATIONS, AND POLICIES AND PROCEDURES RELATED TO USE AND OCCUPANCY CERTIFICATES, IN ORDER TO PROTECT THE HEALTH, SAFETY AND WELFARE OF RESIDENTS OF WEST NANTMEAL TOWNSHIP.

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of West Nantmeal Township, as follows:

SECTION 1. TITLE.

This Ordinance shall be known as the "Property Maintenance and Certification of Occupancy Ordinance for West Nantmeal Township". This Ordinance shall replace and supersede Ordinance No. 110-2010 adopted on May 10, 2010.

SECTION 2. SCOPE AND PURPOSE.

A. The provisions of this Ordinance shall apply to all property and residential and nonresidential structures and buildings in the Township.

B. The purpose of this Ordinance is to require owners of property to maintain their property, structures and buildings in a manner which provides a minimum level of sanitation and safety and which does not create a nuisance or adverse impact on the public health, safety and welfare.

C. It is the intent of this Ordinance to comply with the provisions of the Municipal Code and Ordinance Compliance Act, 68 P.S. §§ 1081-1083 (the "Act") including definitions set forth therein, and as included below.

SECTION 3. DEFINITIONS.

The following terms shall for the purposes of this Ordinance have the meanings set forth herein:

DATE OF PURCHASE – The closing date on which title and right to possess the property transfers to the purchaser and 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.

EXTERIOR PROPERTY – The open space on the premises and on adjoining property under the control of owners or operators of such premises.

GARBAGE – The animal or vegetable waste resulting from the handling, preparation cooking and consumption of food.

INFESTATION – The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE – A vehicle which cannot be driven upon the public streets for reason including, but not limited to, being unlicensed, wrecked, abandoned, in a state of disrepair or incapable of being moved under its own power.

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

OWNER – Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the county as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON – An individual, corporation, partnership or any other group acting as a unit.

PREMISES – A lot, plot or parcel of land, easement or public way, including any structures thereon.

RUBBISH – Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

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 Township 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 Township 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 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.

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 as authorized by Section 1202.C(1) of the West Nantmeal Township Zoning Ordinance, as amended by Ordinance No. 114.

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 4. ADMINISTRATION.

A. The Township's Building Code Official shall administer and enforce the provisions of this Ordinance. The Building Code Official shall have the authority to render interpretations of this Ordinance and to adopt policies and procedures in order to clarify the application of its provisions.

B. The Building Code Official shall have the authority to make all required inspections that are necessary pursuant to this Ordinance.

C. Where it is necessary to conduct an inspection of a premises, structure or building located in the Township to enforce the provisions of this Ordinance or whenever the Building Code Official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this Ordinance, the Building Code Official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this Ordinance, provided that if such structure or premises is occupied, the Building Code Official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied the Building Code Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building Code Official shall have recourse to the remedies provided by law to secure entry.

SECTION 5. MAINTENANCE OF EXTERIOR PROPERTY AREAS.

A. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

B. All structures and exterior property shall be kept free from rodent harborage and infestation and shall be maintained in a manner which does not promote rodent harborage. Where rodents are found, they shall be promptly exterminated by processes which are not injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent infestation.

C. All exterior property and premises shall be free from the accumulation of rubbish or garbage.

D. The dumping of garbage and rubbish on public or private property shall be prohibited unless it is placed in a garbage disposal facility or garbage containers and such dumping is approved by the owner of such property.

E. No inoperable motor vehicle shall be parked, kept or stored in the front yard of any premises. An inoperable motor vehicle may be kept or stored in the side or rear yard of a premises provided that it (i) complies with the minimum setbacks in the West Nantmeal Township Zoning Ordinance; and (ii) is completely screened and cannot be seen from public rights of way and adjacent properties.

SECTION 6. CERTIFICATE OF USE AND OCCUPANCY REQUIRED UPON TRANSFER OR SALE OF PROPERTY AND CHANGE IN TENANTS FOR COMMERCIAL PROPERTIES.

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 when the tenant changes in a commercial property, or upon written request from the owner of an existing building or structure, the Building Code Officer shall issue a certificate of use and occupancy in the manner as set forth in this Ordinance. It shall be the responsibility of the owner or owner's agent to request this inspection. Use and Occupancy Certificates shall not be required in the case of transfers relating to taking title to offset losses or foreclosures by financial institutions as specifically set forth and provided for in the Act - the *Municipal Code and Ordinance Compliance Act, 68 P.S. Section 1802.2*

SECTION 7. INSPECTION FEE AND INSPECTION ITEMS.

A. The inspection fee for the issuance of a certificate of use and occupancy shall be established by resolution of the Board of Supervisors, 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 Board of Supervisors. The initial fee must be paid at the Township Building at the time of

application and any subsequent reinspections that are required must be paid at the Township Building prior to reinspection appointment. Applications for a use and occupancy inspection shall be requested and occur at least 14 days prior to the scheduled transfer or settlement of said property.

B. West Nantmeal Township U & O Inspection Items. The following items shall be inspected prior to issuance of the Use and Occupancy Certificate as set forth in the above Section 6:

1. Handrails and guardrails.
 - (a) Handrails (exterior and interior) are to be on one side of the stairs with four or more risers, securely attached, and in good condition. If a handrail is to be replaced or installed, it must comply with current codes.
 - (b) Guardrails (exterior and interior) to be on both sides of open stairs or surfaces exceeding 30 inches above floor/grade, securely attached, and in good condition. If a guardrail is to be replaced or installed, it must comply with current codes.
2. Fuel-burning heating systems. Verification within the last 365 days that the oil or gas heating system has been serviced by a qualified service contractor. In lieu of such verification, a copy of the fuel-burning system section of a home inspector's report completed within the last 60 days which confirms that the fuel-burning heating system is in proper working order will suffice.
3. All hot-water heaters must have a blowoff pipe attached to the emergency relief valve. Said pipe must be extended to just above floor level.
4. An operable smoke detector shall be installed in each room used for sleeping purposes. In addition, one operable smoke detector shall be placed in the hallway adjacent to the sleeping areas and on each level of the property, including the basement. Carbon Monoxide alarms are required whenever there is a fossil fuel burning appliance or fireplace in the home. Alarms may be smoke/carbon monoxide combination units.
5. All dwellings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. Numbers shall be a minimum of four inches high with a minimum stroke width of 0.5 inch.
6. All blank spaces (if any) in the fuse box are to be properly filled.

7. All windows and doors shall operate as designed from inside each room without the use of keys or tools. (Ex. All windows when raised must remain in raised position.)
8. Garage doors shall operate properly with functioning safety cables and auto reverse sensors.
9. GFCI protected outlets, interior and exterior, shall be required when outlets are located within 6 feet of a water source or in a wet/damp location. All exterior and garage outlets must be GFCI protected.

SECTION 8. COMPLIANCE REQUIREMENT: BUILDINGS AND STRUCTURES.

Within twelve (12) months of the date of purchase, or longer subject to an agreement between the purchaser and the Township, any purchaser of any building, structure or part of a building or structure known to have one or more violations or one or more substantial violations of the Township municipal codes relating to building, housing, property maintenance or fire shall: (a) bring the building, structure or that part of a building or structure into compliance with those codes; or (b) demolish the building or structure, in the case of substantial violations, in accordance with the law.

SECTION 9. ISSUANCE OF USE AND OCCUPANCY CERTIFICATE

If the Township determines through an inspection that a property meets all ordinances and codes, and may be used or occupied as intended, the Township shall issue a Use and Occupancy Certificate.

SECTION 10. ISSUANCE OF TEMPORARY USE AND OCCUPANCY CERTIFICATE.

If the Township determines through an inspection that a property has at least one violation, the Township shall issue a Temporary Use and Occupancy Certificate. The Township shall reinspect the property for the purposes of determining compliance with the Township Code. Provided however, the property owner may request an early inspection and the Township may conduct said reinspection consistent with the business of the Township. In the event that the violations are corrected within twelve (12) months, the Township shall issue a Use and Occupancy Certificate. In the event that the violations are not corrected within twelve (12) months, the Township shall revoke the Temporary Use and Occupancy Certificate and avail itself of any remedies available at law.

SECTION 11. ISSUANCE OF TEMPORARY ACCESS CERTIFICATE.

If the Township determines through an inspection that a property has at least one substantial violation, the Township shall issue a Temporary Access Certificate solely for the purpose of correcting substantial violations. No person shall occupy a property during the term of the Temporary Access Certificate. The Township shall reinspect the property

for the purposes of determining compliance with the Township Code. Provided however, the property owner may request an early inspection and the Township may conduct said reinspection consistent with the business of the Township. In the event that the substantial violations are not corrected within twelve (12) months, the Township shall revoke the Temporary Access Certificate and avail itself of any remedies available at law. In the event that the substantial violations are corrected within twelve (12) months, the Township shall issue a Use and Occupancy Certificate.

SECTION 12. VIOLATIONS AND PENALTIES

A. It shall be unlawful for any person, firm or corporation to violate any of the provisions of this Ordinance.

B. Those provisions and procedures set forth above in Sections 6 through 11 related to Certificates of Use and Occupancy shall be the initial manner in which inspections shall be conducted, and certificates shall be issued. For violations that exceed the 12-month period set forth in Section 8, the Township may proceed under this Section 12 and in any other manner permitted by law.

C. If the Building Code Official determines that a person, firm or corporation is in violation of any provisions of this Ordinance, he shall serve a written notice of violation which includes the following:

1. Name of the property owner;
2. Description of the property;
3. Statement of the violation or violations and why the notice is being issued;
4. A correction order allowing a reasonable time to bring the property into compliance with the provisions of this Ordinance; and
5. A statement of the Township's intent to enforce the provisions of this Ordinance through the imposition of fines or other equitable relief.

D. The written notice of violation shall be delivered personally, sent by certified or first-class mail addressed to the last known address of the property owner. If the notice is returned showing that the letter was not delivered, a copy shall be posted in a conspicuous place in or about the structure affected by the notice.

E. Any person who violates or permits the violation of any provision of this Ordinance shall, upon conviction thereof in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be subject to the payment of a fine of not less than \$100 and not more than \$1,000, plus the costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days. Each section of this Ordinance violated shall constitute a separate offense, and each day or portion thereof in which a violation of this Ordinance is found to exist shall constitute a separate offense, each of which violations shall be punishable by a

separate fine imposed by the District Justice of not less than \$100 and not more than \$1,000, plus the costs of prosecution or, upon default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days. All fines and penalties collected for the violation of this Ordinance shall be paid to the Township Treasurer.

F. If the property owner fails to abate the violation(s) listed in the notice of violation within the time prescribed in the notice, the Township may institute the appropriate proceeding at law or in equity to restrain, correct or abate the violation(s). All costs incurred by the Township shall be reimbursed by the property owner and until they are repaid shall be a lien against the premises.

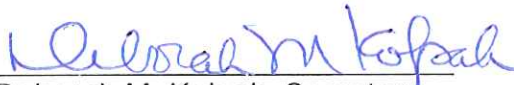
SECTION 13. SEVERABILITY. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors of West Nantmeal Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 14. REPEALER. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 15. EFFECTIVE DATE. This Ordinance shall become effective five days after its enactment as law provides.

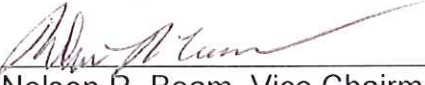
ENACTED AND ORDAINED this 9th day of June, 2018.


ATTEST:


Deborah M. Kolpak, Secretary

WEST NANTMEAL TOWNSHIP
BOARD OF SUPERVISORS


Gary C. Eiston, Chairman


Nelson R. Beam, Vice Chairman


Frank V. Daniel, Jr., Member