

**BOROUGH OF MOUNT PENN
BERKS COUNTY, PENNSYLVANIA**

ORDINANCE NO. 749

AN ORDINANCE OF THE BOROUGH OF MOUNT PENN, BERKS COUNTY, PENNSYLVANIA, PROVIDING FOR THE ISSUANCE OF 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 AND ORDAINED by the Borough Council of the Borough of Mount Penn, Berks County, Pennsylvania, and it is hereby **ENACTED AND ORDAINED** by authority of the same, as follows:

Definitions. Whenever the following words and phrases appear in this Ordinance they shall be attributed the following meaning:

DWELLING UNIT – A building or portion thereof providing one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single house keeping unit, and having no cooking or sanitary facilities in common with any other unit.

SINGLE FAMILY DWELLING – A building arranged, intended or designed to be occupied exclusively as a residence for one (1) family and having no common wall with an adjacent building. Types of such buildings shall include mobile homes and modular units.

MULTIPLE FAMILY DWELLING – A building arranged, designed and intended to provide two (2) or more dwelling units. Individual dwelling units may share party walls with other units and either have common outside access areas or have individual outside access areas. Types of such buildings shall include townhouses, apartments and/or condominiums.

BOROUGH – The Borough of Mt. Penn, Berks County, Pennsylvania.

Section 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 or other designated agent of the Borough and a Use & Occupancy Permit issued.

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

Section 3. **Application:** Applications for issuance of a Use & Occupancy Permit shall Be filed with the Borough of Mt. Penn Code Enforcement Officer by the seller, buyer, or agent for the seller or buyer of the property, no later than thirty (30) business days prior to settlement and/or transfer of ownership between buyer and seller. Applications shall contain such information as the Code Enforcement Officer or

other designated agent of the Borough may require.

Section 4. **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 Seventy-Five Dollars (\$75.00) for each single family dwelling and Fifty Dollars (\$50.00) for each unit of any multiple family dwelling. This fee schedule may be revised by resolution of the Borough Council of Mt. Penn.

Section 5. **Inspection Procedure:** Upon receipt of a completed application, the Code Enforcement Officer or other designated agent of the Borough shall, within fifteen (15) 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 International Property Maintenance Code adopted by the Borough.

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

Section 6. **Reinspection Procedure:**

A. Upon correction of all violations, the applicant shall notify the Borough in writing for a follow-up inspection, which shall be conducted within fifteen (15) 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 Fifty Dollars (\$50.00) for each subsequent follow-up inspection. The fee schedule for reinspection(s) may be revised by resolution of the Borough Council of Mt. Penn.

B. All rental properties, not otherwise inspected under Section A aforesaid or under Section 5 shall be reinspected every two (2) years for compliance with applicable Borough Ordinances.

Section 7. **Miscellaneous:** The validity of the Use & Occupancy Permit is contingent upon compliance with applicable Borough Ordinances and it is revocable 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 therefore, shall remain that of the seller or transferor of any structure covered hereby.

Section 8. **Violations and Penalties:** Any person, firm or corporation who or which shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay not less than \$100.00, but not more than \$1,000.00 and costs of prosecution or, in default of payment of such fine and costs, to undergo imprisonment for not more than thirty (30) days, provided that each day's violation shall constitute a separate offense and notice to the offender shall not be necessary in order to constitute an offense.

Section 9. **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 10. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 11. This Ordinance shall take effect immediately.

DULY ENACTED AND ORDAINED by the Council of the Borough of Mount Penn, Berks County, Pennsylvania, this 27th day of September, 2005.

BOROUGH OF MOUNT PENN
Berks County, Pennsylvania

By: Thomas A. Stover
President

Attest:

A. O. Storki
Secretary

APPROVED this 27th day of September, A.D., 2005.

D. Regina Brincley
Mayor