

**BOROUGH OF APOLLO**  
**COUNTY OF ARMSTRONG**  
**COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO. 271-16

AN ORDINANCE OF THE BOROUGH OF APOLLO (HEREINAFTER "THE BOROUGH"), ARMSTRONG COUNTY, PENNSYLVANIA, ESTABLISHING REQUIREMENTS FOR PROPERTY OWNERS TO OBTAIN USE AND OCCUPANCY PERMITS FOR SPECIFIC TYPES OF PROPERTY USE AND OWNERSHIP CHANGES WITHIN THE BOROUGH.

WHEREAS the Borough has determined it is reasonable and necessary to document for the occupancy classification and intended use of the property within the Borough and that all property to be occupied within the Borough is compliant with all Borough Zoning Ordinances, the Pennsylvania Uniform Construction Code (UCC), all laws of the Commonwealth of Pennsylvania and all Ordinances of the Borough of Apollo; and

WHEREAS the Borough has determined that it is reasonable and necessary to establish a compliance program effective upon the sale or conveyance of any real estate located within the Borough of Apollo; and,

WHEREAS the Borough has determined that such regulations as adopted herein are reasonable and necessary for the health, safety, and welfare of the Borough, and its residents; and

WHEREAS the Borough has determined that the procedures, fees, and penalties provided by this Ordinance are necessary to achieve the purposes of this Ordinance.

NOW, THEREFORE, it is hereby enacted and ordained as follows:

**ARTICLE 1: TITLE**

- a) This ordinance shall be known as the **BOROUGH OF APOLLO "USE AND OCCUPANCY ORDINANCE."**

**ARTICLE 2: DEFINITIONS**

- a) When used herein, the following words shall have the following meanings:

Borough: The Borough of Apollo, Armstrong County, Pennsylvania.

Borough Council: The Borough Council of the Borough of Apollo.

Ordinance Compliance Officer: The Borough Zoning/Code Enforcement Officer or other agent of the Borough designated by the Borough to enforce this instant Ordinance in conjunction with the use of any and all properly credentialed plumbers.

Person: This term person shall include within limitation any person, partnership, association, authority, syndicate, firm, corporation, or other entity having ownership rights for or in any real property.

Property: Real property located within the Borough upon which a structure or improvements exists.

Structure: constructed objects. For purposes of this Ordinance, the term includes, but is not limited to, structures, sheds, garages, swimming pools and recreational facilities.

### **ARTICLE 3: ENFORCMENT**

- a) It shall be the responsibility of the Ordinance Compliance Officer to set standards for the issuance of such certificates for use and occupancy and to publish such standards by resolution.
- b) Applications for certificates of use and occupancy shall be completed in full on forms provided by the Borough.
- c) The Ordinance Compliance Officer is to perform such inspections as are needed to issue the certificate of use and occupancy.

### **ARTICLE 4: INSPECTION AUTHORIZED: ACCESS**

- a) The Ordinance Compliance Officer is authorized and directed to make inspections to determine whether structures, dwellings, dwelling units, rooming units, and premises located within the Borough conform to the requirements of this ordinance.
- b) For the purpose of making such inspections, the Ordinance Compliance Officer is authorized to enter, examine and survey at all reasonable times all structures, dwellings, dwelling units, rooming units, and premises.
- c) The owner or occupant of every dwelling, dwelling unit, rooming unit, and its premises shall give the Ordinance Compliance Officer free access thereto at all reasonable times for the purpose of such inspection, examination and survey.

### **ARTICLE 5: OCCUPANCY PERMIT REQUIRED**

- a) New Structures: No structure hereafter erected shall be used or occupied in whole or in part until a Certificate of Use and Occupancy has been issued by the Ordinance Compliance Officer.

- b) Existing Structures: No structure hereafter changing ownership shall be occupied or used without the current owner first securing a Certificate of Use and Occupancy from the Ordinance Compliance Officer. For structures not changing occupancy subsequent to change in ownership, the new owner shall obtain a Certificate of Use and Occupancy within thirty (30) days of the date of settlement
- c) Structures Hereafter Altered: No structures hereafter enlarged, extended or altered to change from one use group to another, in whole or in part, and no structure hereafter altered for which a Certificate of Use and Occupancy has not been heretofore issued, shall be occupied or used until a Certificate of Use and Occupancy shall have been issued by the Ordinance Compliance Officer certifying that the work has been completed in accordance with the provisions of the approved permit.
- d) Changes in Use and Occupancy: After a change of use has been made in a building, the reestablishment of a prior use that would have been legal in a new structure of the same type of construction is prohibited unless the applicable provisions of the Borough Zoning Ordinances, the Pennsylvania Uniform Construction Code (UCC), all laws of the Commonwealth of Pennsylvania and all Ordinances of the Borough of Apollo have been followed.
- e) Temporary Occupancy: Upon the request of a holder of a permit, the Ordinance Compliance Officer may issue a temporary Certificate of Use and Occupancy for a structure or part thereof, before the entire work covered by the permit has been completed, provided such portion or portions may be occupied safely prior to full completion of the structure without endangering life or public welfare.
- f) It shall be unlawful for any person to knowingly make any false statement in his application for an occupancy permit including but not limited to the names, ages, relationship or number of occupants who will occupy the premises.

#### ARTICLE 6: TRANSFER OF OWNERSHIP

- a) Each and every owner of any property located within the Borough of Apollo shall, prior to the transfer of ownership of said property, obtain from the Ordinance Compliance Officer a certificate of occupancy. This certificate of occupancy shall indicate that the property satisfies the applicable ordinances of the Borough of Apollo, applicable zoning ordinances of the Borough of Apollo, Pennsylvania Uniform Construction Code (UCC) and the laws of the Commonwealth of Pennsylvania.

- b) It shall be unlawful for the owner of any dwelling or dwelling unit upon whom a notice of violation or compliance order has been served to sell, transfer, mortgage, lease or otherwise dispose of the dwelling to another until the provisions of the notice of violation or compliance order have been complied with, or until such owner shall first furnish to the grantee, lessee or mortgagee a true copy of any notice of violation or compliance order issued by the Ordinance Compliance Officer. A transferee, lessee or mortgagee who has received actual or constructive notice of the existence of a notice of violation or compliance order shall be bound by such notice as of the date of the transfer without further service or notice upon him.
- c) The owner to whom a dwelling or dwelling unit has been transferred may consent to make repairs which have been required by a notice of violation from the Ordinance Compliance Officer, by signing an agreement with the Borough agreeing to make the repairs required by the violation notice on or before a date as determined by the Ordinance Compliance Officer. Upon receipt of such agreement, the Ordinance Compliance Officer may issue an occupancy permit to be held by the Borough until such time as the repairs are completed by the new owner of the dwelling or dwelling unit. The form of this agreement shall contain the following:
  - (1) Identity of the owner.
  - (2) Description and location of the dwelling or dwelling unit.
  - (3) List of all required repairs.
  - (4) The date upon which repairs will be completed.
  - (5) Executed and notarized signatures by both the new owner and the Ordinance Compliance Officer.
- d) The agreement referred to in Article 6(c) shall be in a form capable of being recorded in the Office of the Recorder of Deeds, and may be recorded by the Borough as it deems necessary. The cost of recording the agreement shall be the responsibility of the purchaser and applicant.

#### **ARTICLE 7: CERTIFICATE OF COMPLIANCE**

- a) If the inspected premises meet all current Borough ordinances, Borough zoning ordinances, the Pennsylvania Uniform Construction Code (UCC) and the laws of the Commonwealth, a certificate of compliance shall be issued.
- b) The certificate shall be valid until the structure dwelling, dwelling units, rooming units, and premises are transferred or sold, or subsequent inspection reveals lack of compliance with the above.

#### **ARTICLE 8: FEES**

- a) A fee for the issuance of the Certificate of Use and Occupancy shall be charged pursuant to the fee schedule authorized by the Borough. The fees may be changed by resolution of the Borough Council.

## **ARTICLE 9: NOTICE OF VIOLATION**

- a) Whenever the Ordinance Compliance Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, he/she shall give notice of such alleged violation to the person responsible therefor which shall:
  - 1) Be in writing;
  - 2) Contain a statement of the reason why it is being issued;
  - 3) Allow a reasonable time for the performance of any act it requires (30 days maximum);
  - 4) Contain an outline of remedial action which if taken will effect compliance with the provisions of this chapter;
  - 5) Be served upon the owner or his agent, or the occupant, as the case may require.
- b) Such notice shall be deemed to be properly served upon such owner or agent, or on any such occupant, if a copy thereof is:
  - 1) Served upon him personally;
  - 2) Sent by certified mail to his last known address; or
  - 3) Posted in a conspicuous place in or about the dwelling affected by the notice.

## **ARTICLE 10: APPLICATION FOR ISSUANCE OF CERTIFICATE**

- a) An application for issuance of a Certificate of Use and Occupancy shall be submitted to the Borough at least twenty-one (21) days prior to the date of settlement or the commencement of the lease.
- b) The application shall include the name of the seller or landlord and the address of the property as well as a description of the current and intended uses of the property or leasehold.

## **ARTICLE 11: EFFECT ON GENERAL POLICE POWERS**

- a) Nothing in this Ordinance shall limit in any fashion whatsoever the Borough's right to enforce its ordinances or the laws of the Commonwealth including the Pennsylvania Uniform Construction Code (UCC).
- b) Nothing in this Ordinance shall be a defense to any citation issued by any municipal corporation or the Commonwealth pursuant to any law or ordinance.

**ARTICLE 12: VIOLATIONS AND PENALTIES**

- a) Any person, including any owner, violating any provisions of this Ordinance shall, upon conviction before a District Justice, be fined not less than \$300 nor more than \$1,000 for each violation, plus costs of prosecution.
- b) Once a person is notified of a violation of this Ordinance, each day that such violation occurs or continues shall constitute a separate violation.
- c) In addition to and not in lieu of the foregoing, the Borough may seek equitable and legal relief to compel compliance with this Ordinance.

**ARTICLE 13: PROVISIONS OF THIS ORDINANCE**

- a) The provisions of this Ordinance are severable, and if any section, sentence, clause or phrase shall be held to be illegal, invalid, or unconstitutional, the remaining portions of this Ordinance shall not be affected or impaired thereby.

**ARTICLE 14: REPEALER**

- a) Any and all prior Ordinances and/or any portion of prior Ordinances that are in conflict with this Ordinance are hereby repealed to the extent of such conflict. The remaining Ordinances and/or portions of prior Ordinances, not modified herein, shall remain the same.

ORDAINED and ENACTED by the Borough Council of the Borough of Apollo in lawful session duly assembled this JUNE 23, 2016.

ATTEST:

BOROUGH OF APOLLO

Cynthia Madenatt  
Borough Secretary

By: John L. Kautz  
John Kautz, President  
Apollo Borough Council

Examined and approved this 23<sup>rd</sup> day of JUNE, 2016.

Jeffrey A. Held  
Hon. Jeffrey Held, Mayor