

**BOROUGH OF TRAPPE**

**MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ESTABLISHING REQUIREMENTS FOR  
THE ISSUANCE OF OCCUPANCY CERTIFICATES AND  
TEMPORARY ACCESS CERTIFICATES, INSPECTIONS  
RELATING THERETO, APPLICATION FEES AND  
PENALTIES.**

Be it **ORDAINED** and **ENACTED** by the Borough Council, Borough of Trappe, Montgomery County, Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by the authority of same as follows:

**SECTION 1.** The Code of the Borough of Trappe is hereby amended by adding the following new Chapter 225:

**Chapter 225: OCCUPANCY CERTIFICATES**

**225-1 Definitions.**

As used in this Chapter, the following terms shall have the meanings indicated:

**OCCUPANCY CERTIFICATE**

A certificate issued by the Borough stipulating that the property meets all applicable laws, ordinances and regulations of the Borough of Trappe and the Commonwealth of Pennsylvania, including the Property Maintenance Code, and may be used or occupied as intended.

**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 Borough inspection of a property and disclosed to the record owner or prospective purchaser of the property through issuance of a Borough report.

#### **TEMPORARY ACCESS CERTIFICATE**

A certificate issued by the Borough as a result of the inspection of the property by the Borough 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 pursuant to all applicable laws, ordinances and regulations of the Borough of Trappe and the Commonwealth of Pennsylvania, including the Property Maintenance Code. 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 OCCUPANCY CERTIFICATE**

A certificate issued by the Borough as a result of the Borough 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 pursuant to all applicable laws, ordinances and regulations of the Borough of Trappe and the Commonwealth of Pennsylvania, including the Property Maintenance Code.

#### **225-2 Changing Occupancy Without Certificate.**

From and after the effective date of this Chapter, it shall be unlawful for any person, firm or corporation to change the occupancy of any residential dwelling unit or commercial or industrial building within the Borough of Trappe, or permit such a change, without first obtaining an occupancy certificate or temporary occupancy certificate. This provision shall not apply to properties for which a valid residential rental license has been issued pursuant to Chapter 253 of the Code of the Borough of

Trappe.

### **225-3 Obtaining a Certificate Required.**

It shall be unlawful for any person, firm or corporation to occupy any residential dwelling unit or commercial or industrial building within the Borough of Trappe when an occupancy certificate or temporary occupancy certificate is required by this Chapter without first obtaining such a certificate or to continue to occupy any such unit or building with an expired certificate.

### **225-4 Requirements Upon Sale.**

It shall be unlawful for any person, firm or corporation to sell any residential dwelling unit or commercial or industrial building within the Borough of Trappe without first obtaining an occupancy certificate, temporary occupancy certificate, or temporary access certificate, regardless of whether or not there is a change in occupancy at the time of such sale. This requirement shall not apply to real estate transfers to any bank, savings association, credit union, mortgage lender, or any similar financial institution or subsidiary thereof, which takes title to the 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.

### **225-5 Applications.**

Applications for occupancy certificates shall be made to the Borough of Trappe on forms provided for that purpose.

### **225-6 Receipt of Completed Applications.**

Upon receipt of a properly completed application for an occupancy certificate and payment of the required fee, the Borough of Trappe shall promptly inspect the residential dwelling unit or commercial or industrial building which is the subject of the application to determine if the building conforms to all applicable laws, ordinances and regulations of the Borough of Trappe and the Commonwealth of Pennsylvania, including the Property Maintenance Code.

### **225-7 Inspection in Compliance.**

If, upon inspection, the Borough shall determine that the residential dwelling unit or commercial or industrial building is in compliance with all applicable laws, ordinances and regulations, then the Borough shall forthwith issue an occupancy certificate to the applicant.

### **225-8 Inspection Not in Compliance.**

1. If, upon inspection, the Borough of Trappe shall determine that the residential dwelling unit or commercial or industrial building is not in compliance with all applicable laws, ordinances and regulations, then the Borough shall refuse to issue an occupancy certificate and shall promptly notify the applicant, in writing, of the refusal and the specific reasons therefor, with citations of the specific sections and subsections of the laws, ordinances and regulations being violated. Upon notification by the applicant that the residential dwelling unit or commercial or industrial building has been brought into compliance, the Borough shall conduct a reinspection and, upon a determination that the unit or building is in compliance, shall issue an occupancy certificate to the applicant.

2. If Borough inspection of a property incident to the resale of the property reveals a violation but no substantial violation(s), the Borough shall refuse to issue an occupancy certificate and instead shall issue a temporary occupancy certificate and shall promptly notify the applicant, in writing, of the refusal and the specific reasons therefor, with citations of the specific sections and subsections of the laws, ordinances and regulations being violated.

3. If Borough inspection of a property incident to the resale of the property reveals at least one substantial violation, the Borough shall refuse to issue an occupancy certificate and instead shall issue a temporary access certificate and shall promptly notify the applicant, in writing, of the refusal and the specific reasons therefor, with citations of the specific sections and subsections of the laws, ordinances and regulations being violated.

### **225-9 Compliance Requirement and Reinspection.**

#### **A. Substantial Violations**

1. Any purchaser of property with a known substantial

violation of any applicable laws, ordinances and regulations must bring the property into compliance in accordance with the law within 12 months of the date of purchase. At the request of the property owner, the Borough may, at its discretion, negotiate for a longer period of time for maintenance and repair of the structure under a temporary certificate.

2. At the expiration of the twelve-month period, or before that time if requested by the property owner, the Borough shall reinspect the property for the purpose of determining compliance with the cited violations. If a temporary access certificate has been issued and reinspection indicates that the noted substantial violations have been corrected but other cited violations remain, the Borough shall issue a temporary occupancy certificate to be valid for the time remaining on the original temporary access certificate. If reinspection indicates that all noted violations have been corrected, the Borough shall issue an occupancy certificate for the property.

3. Should the property owner fail to bring the property into compliance as required hereinabove, the said property owner shall demolish the building or structure and shall be subject to the penalties set forth in Section 225-11.

#### **B. Non-Substantial Violations**

1. Any purchaser of property with a known violation of any applicable laws, ordinances and regulations which is not a substantial violation, must bring the property into compliance in accordance with the laws within 12 months of the date of purchase. At the request of the property owner, the Borough may, at its discretion, negotiate for a longer period of time for compliance.

2. At the expiration of the twelve-month period, or before that time if requested by the property owner, the Borough shall reinspect the property for the purpose of determining compliance with the cited violations. If reinspection indicates that all noted violations have been corrected, the Borough shall issue an occupancy certificate for the property.

3. Should the property owner fail to bring the property

into compliance as required hereinabove, the said property owner shall be subject to the penalties set forth in Section 225-11.

**225-10 Fees.**

The Council of the Borough of Trappe shall, from time to time, establish by resolution such fee as it deems reasonable and proper to be charged for the issuance of an occupancy certificate, temporary occupancy certificate and temporary access certificate pursuant to the provisions of this Chapter.

**225-11 Penalties.**

Any person who violates any provision of this Chapter shall, upon conviction, pay a fine of not more than \$500.00 and costs of prosecution and, in default of payment of fines and costs, to undergo imprisonment for not more than 30 days, and each day's continuance of a violation shall constitute a separate offense.

**SECTION 2. Severability**

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**SECTION 3. Repealer**

All other ordinances or parts of ordinances and any resolutions or parts thereof in conflict with this Ordinance are hereby repealed.

**SECTION 4. Effective Date**

This Ordinance shall take effect and be in force from and after its approval as required by the law.

**ORDAINED AND ENACTED** by the Borough Council of the Borough of Trappe, Montgomery County, Pennsylvania, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Attest:

**TRAPPE BOROUGH COUNCIL:**

\_\_\_\_\_  
Robert T. Umstead, Borough Manager

\_\_\_\_\_  
Nevin H. Scholl, President

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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Connie Peck, Mayor