

Borough of Freemansburg, Northampton Co., Pennsylvania

ORDINANCE # 2009-032

AN ORDINANCE OF THE BOROUGH OF FREEMANSBURG, COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR THE REGISTRATION, UPON SALE, TRANSFER, OR RENTAL OF REAL ESTATE AND INSPECTION THEREOF AND REQUIRING THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY

WHEREAS, the Borough Council of the Borough of Freemansburg determined that it is the obligation of the Borough of Freemansburg to protect public health, safety, and welfare as it pertains to the property maintenance of real estate situated within the Borough; and

WHEREAS, the Borough Council believes that the regular inspection of real estate within the Borough will prevent hazardous conditions and preserve and maintain property values, as well as ensure compliance with occupancy limitations and the like; and

WHEREAS, it is further determined that periodic inspections of buildings used for commercial, industrial, and residential purposes will promote the public health, safety, and welfare of all citizens.

Section 1. DUTIES OF TITLE HOLDER, SELLER AND PURCHASER.

(a) It shall be the duty of every seller or his agent, within a reasonable time of offering for sale or listing for sale, to contact the Borough to schedule an inspection of the building or structure. A report concerning any discovered or uncorrected violations of housing, building, safety or fire ordinances shall be made by the Borough. Such report shall contain a statement concerning zoning classification and legality of the present use of such property. The report shall be made known to the purchaser and attached as an addendum to any offer to sell or agreement of sale. The seller shall likewise deliver to the purchaser any notice of assessment for public improvements. Nothing in this section shall be construed as relieving a purchaser from the obligation of obtaining a Certificate of Occupancy as described in Section 1(b) and (c) of this Ordinance.

(b) No real estate, structure, building or any part thereof, nor any dwelling unit, shall be occupied or used until a Certificate of Occupancy has been issued by the Borough.

(c) A Certificate of Occupancy shall state the use to which the structure, building or dwelling unit is to be put. No change in the use or ownership of the structure, dwelling or dwelling unit shall be made until a Certificate of Occupancy has been issued.

It shall be the duty of any person, including the seller, executor, administrator, auctioneer, sheriff, realtor, power of attorney, or equitable owner, who shall sell or otherwise transfer ownership of any structure, building or dwelling unit to another person to apply for and obtain a Certificate of Occupancy required by this Ordinance prior to such transfer of ownership and any use or occupancy of such premises; provided, however, that failure on the part of such

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seller or transferor to obtain such Certificate shall not excuse the purchaser or transferee of such premises from the requirements of this section.

(d) Any Certificate of Occupancy issued hereunder may be revoked in the event that the structure, building or dwelling unit is determined to be unsafe or uninhabitable or that a condition exists that is in violation of any ordinances of the Borough or that the actual use is in violation of any ordinance of the Borough. In the event that such Certificate of Occupancy is issued subject to conditions, such Certificate of Occupancy may be revoked if such conditions remain unsatisfied within the time limit provided for at the time of issuance of such conditional Certificate.

(e) It shall be the duty of every purchaser, devisee or person acquiring title to any real estate within the Borough limits, within one month after acquiring such title, to furnish to the Borough, a copy of the recorded deed, accompanied by descriptions of his respective properties upon forms to be furnished by the Borough. Real estate for which no Certificate of Occupancy has been issued may not lawfully be inhabited or utilized.

Section 2. INSPECTIONS REQUIRED.

- (a) All real property being offered for sale shall be inspected under Section 1 of this Article in accordance with the current "Inspection Procedures" adopted by the Borough, which procedures may be updated periodically by Borough resolution.
- (b) All residential rental properties shall be inspected for purposes of ascertaining compliance with Borough codes each time the dwelling becomes vacant.
- (c) The Borough shall establish rules and regulations to assure inspection and violations of such rules and regulations shall be deemed a violation of this ordinance. The rules and regulations shall include the follows:
 - i. "Agreement of Sale" means any agreement, long term agreement of sale, installment agreement or written statement which provides that title to any real property shall be transferred from one owner to another owner.
 - ii. The Certificate of Occupancy report shall be valid for six (6) months from the date of the original inspection.
 - iii. Where the inspection is incident to the real property being sold or leased, the Borough will not be responsible for violations that occur between the inspection and settlement date and/or rental period.
 - iv. Transfer of ownership – Prior to transfer of ownership, the current owner of any dwelling unit or structure shall first furnish the grantee, transferee, mortgagee or lessee with a true and correct copy of any compliance order or notice of

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violation issued by the Borough and shall furnish to the Borough a signed statement from the grantee, transferee, mortgagee or lessee acknowledging both the receipt of such compliance order or notice of violation. The current owner shall accept the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. All violations shall be abated within 90 days of transfer. If said real property is occupied as a rental property, violations must be abated within 30 days of commencement of the lease. Violations shall only be deemed corrected if after subsequent inspection the Borough deems that compliance with the applicable construction or housing code has occurred. Exceptions to these time limits require written agreement with the Borough.

Failure and/or refusal by the owner or his/her designated agent to secure the necessary certificate of occupancy, or failure and/or refusal to provide access for inspection upon reasonable notice, and/or any other violation of the Borough of Freemansburg Ordinances shall also be deemed a violation of this Ordinance.

Section 3. FEES.

Fees for inspections shall be in accordance with the current "Fee Schedule" adopted by the Borough, which schedule may be updated periodically by Borough resolution.

All inspection fees shall be paid prior to the inspection regardless of the number of units. Failure to pay inspection fees shall be deemed a failure and/or refusal to comply with Borough ordinances.

Section 4. REGISTRATION.

(a) All real property owners who maintain rental units in the Borough of Freemansburg shall be required to register each rental unit with the Borough.

(b) The registration form shall list the name, address and telephone number of the property owner and the responsible party who the Borough may contact, the location of the rental property, and the number of units that are provided.

(c) Failure to register the units with the Borough within ninety days from the date of the passage of this Ordinance or within thirty days following the purchase or conversion of a structure to a rental property shall constitute a violation of this ordinance.

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Section 5. PENALTY.

Any person, firm or corporation which violates the provisions of this Ordinance shall be subject to the following penalties:

- (a) First violation - A fine of \$200.00;
- (b) Second violation - A fine of \$500.00;
- (d) Third and each subsequent violation - A fine of \$1,000.00.

This Ordinance shall become effective as of January 1, 2010.

DULY ORDAINED and **ENACTED** this 21st day of December, 2009.

ATTEST: The Borough of Freemansburg Council:

Justine A. Paine
Borough Secretary

C. Dore
Council President

(Municipality Seal)

Graddup
Mayor

Certification: I hereby certify that the foregoing Ordinance was advertised in the Express Times on Nov 27, 2009 a newspaper of general circulation in the municipality and was duly enacted and approved as set forth at a regular meeting of the municipality's governing body held on Dec 21, 2009.

Justine A. Paine
Secretary (Municipality Seal) Date