

**EAST FALLOWFIELD TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

**AN ORDINANCE OF EAST FALLOWFIELD TOWNSHIP AMENDING CHAPTER
27 OF THE EAST FALLOWFIELD TOWNSHIP CODE BEING THE ZONING
ORDINANCE BY REQUIRING USE AND OCCUPANCY CERTIFICATION UPON
TRANSFER OF OWNERSHIP OF RESIDENTIAL PROPERTY.**

AND NOW, this _____ day of _____, 20110, the Board of Supervisors of East Fallowfield Township hereby enacts and ordains as follows:

Section 1. Section 27-2103 (2)(A) of the East Fallowfield Township Code “Types of Permits” is hereby amended by adding provision (3) to read as follows:

2. *Use and Occupancy Certificates.*

A. *Requirement.* A use and occupancy certificate shall be required prior to any of the following:

(3) Change of ownership of a dwelling unit. It shall be unlawful for any person to change ownership of any dwelling unit until a use and occupancy certificate has been duly issued therefore, provided, however, that the failure on the part of a seller to obtain such certificate shall not excuse the buyer from the requirements of this subsection. A property may be transferred "as is," and nothing shall prohibit the transfer of said property, or prohibit the buyer from taking possession of the property from the seller, provided that the property is posted as not occupied and that the buyer will make the necessary repairs as required by this Chapter. The buyer shall complete said repairs within sixty days (60) of taking possession of the property, as determined by agreement between the buyer and the Township.

(4) Change of occupancy of a rental dwelling unit. It shall be unlawful for any person to change the occupancy of any rental unit until a use and occupancy certificate has been duly issued therefore.

Section 2. Section 27-2103(2)(C) of the East Fallowfield Township Code “Types of Permits” is hereby amended by amending provision (C) to read as follows:

C. *Issuance of Use and Occupancy Certificates.* Use and occupancy certificates shall be granted or refused within 10 days from the date of application. No application shall be granted or refused until the Township has inspected the premises to determine compliance with this Chapter and all other applicable provisions of the East Fallowfield Township Code.

Section 3. Section 27-2103 (2) of the East Fallowfield Township Code “Types of Permits” is hereby amended by adding provision (D) to read as follows:

D. *Applications for a New Residential Dwelling Unit or Changes in Ownership.* The Township shall, after application for such certificate has been made by the owner, inspect the dwelling unit no later than thirty (30) days prior to settlement or occupation of the premises pursuant to the following:

(1) ~~General compliance~~Compliance with this Chapter and all other applicable Township ordinances, rules and regulations~~provisions of the East Fallowfield Township Code, including without limitation the applicable lot and yard requirements and off-street parking requirements.~~

.(2) All existing dwelling units shall be provided with a minimum of one single station smoke detector on each floor level, including basement. When actuated, the audible alarm of the smoke detector shall be of sufficient volume to be heard throughout the floor level on which the detector is located.

(3) Ground Fault Interrupter outlets are installed within 2 feet of all sinks and lavatories and on all outside outlets;

~~(4) Handrails and stair guards are installed on all stairs with 4 or more steps;~~

~~(5)~~ House numbers for all dwelling units are visible from the public street; and

~~(6) Sidewalks and front walks are free of cracks and have an elevation difference not greater than 3/8 of an inch.~~

~~(7)~~ All existing dwelling units shall comply with the Township sewer ordinance and shall complete connection to the sewer line prior to the issuance of the use and occupancy certificate. [§18B-102: Connection to Public Sewers]

~~(8)~~ No use and occupancy certificate shall be issued ~~for the change of ownership~~ until all information and fees, as requested within the application, have been received, reviewed and approved by the Township.

Section 4. Section 27-2103 (2) of the East Fallowfield Township Code “Types of Permits” is hereby amended by adding provision (E) to read as follows:

E. *Revocation.* Any use and occupancy certificate issued hereunder may be revoked in the event that the dwelling unit is determined to ~~be unsafe, uninhabitable, or that a condition exists that is in violation of any ordinance of the Township, or that the actual use is in violation of any ordinance of the Township~~ fail to comply with the provisions of Subsection (D) above. In the event that the use and occupancy certificate is issued subject to conditions, such certificate may be revoked if the conditions remain unsatisfied within the time limit provided for at the time of issuance of the certificate.

Section 5. Section 27-2103 (2) of the East Fallowfield Township Code “Types of Permits” is hereby amended by adding provision (F) to read as follows:

F. *Fees.* The ~~applicant-owner shall apply~~ for a use and occupancy certificate and the owner shall pay, at the time of application, a fee to the Township in an amount set by resolution of the Board of Supervisors. Such fee shall be nonrefundable in the event that the Township shall not issue a use and occupancy certificate after the required inspection.

Section 6. Section 27-2103 (2) of the East Fallowfield Township Code “Types of Permits” is hereby amended by adding provision (G) to read as follows:

G. *Violations and Penalties.* Any person who shall occupy a dwelling unit without obtaining a use and occupancy certificate or, who continues to occupy a dwelling unit following revocation of a previously issued use and occupancy certificate, shall be in violation of this article and shall be subject to the payment of fines and penalties of not less than one hundred dollars and not more than one thousand dollars in addition to the cost of prosecution and collection, and, in default thereof, to imprisonment for a period not exceeding thirty days as provided by law. Each and every day that occupancy of any dwelling unit shall continue without the certificate required by this article, after notice to cease and desist such occupancy, shall constitute a separate offense and be punishable as such.

Section 7. Section 27-2103(2)(B)(4) of the East Fallowfield Township Code “Types of Permits” is hereby amended to read as follows:

(4) Permits or certification from the appropriate agency for the provision of a healthful water supply, disposal or sewage and other wastes, and control or objectionable effects, as well as any other appropriate, lawful permits as may be required by statute. All properties shall comply with the Township Sewer Ordinance, Chapter 18 of the Code, and shall complete connection to the sewer line prior to issuance of the Use and Occupancy Certificate.

Section 8. This Ordinance shall be effective five (5) days from the date of enactment.

ENACTED and ORDAINED this _____ day of _____, 2011.

ATTEST: BOARD OF SUPERVISORS
EAST FALLOWFIELD TOWNSHIP

Denise Miller, Secretary

Chris Amentas, Chairman

Chris Makely, Vice Chairman

George Broadbent, Member

Gary Barach, Member

Mark Toth, Member