

**COLLEGEVILLE BOROUGH
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 618

AN ORDINANCE OF THE BOROUGH OF COLLEGEVILLE, MONTGOMERY COUNTY PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF COLLEGEVILLE, PART II, GENERAL LEGISLATION, CREATING A NEW CHAPTER 263, CHANGE OF OCCUPANCY INSPECTIONS, WHICH SETS FORTH THE GUIDELINES FOR INSPECTIONS AND PERMITS WHEN THERE IS EITHER A CHANGE IN OWNERSHIP OR OCCUPANCY OF A RESIDENTIAL PROPERTY REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Borough of Collegeville under 8 Pa.C.S.A. §3301.1(a), The Borough Code, shall enact ordinances deemed beneficial to the borough;

WHEREAS, the Borough Council desires to ensure properties are inspected and in compliance with Collegeville Borough Code when the property is sold or transferred in order to protect the health, safety and welfare of Borough residents, business owners and visitors;

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the Collegeville Borough Council, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

Section I.

Part II, Chapter 263 Change of Use or Occupancy

§ 263-1 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 Collegeville Borough 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 Collegeville 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 personal items that are related to the proposed use or occupancy of the property or are 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 Collegeville and the Commonwealth of Pennsylvania, including the Property Maintenance Code.

§ 263-2 Zoning permit.

No property or building subject to a change of use or change in occupancy shall be occupied or used for any purpose and no certificate of occupancy, building permit, demolition permit or similar permit and no site improvements shall be commenced until the Zoning Officer of the Borough has issued zoning permits and confirmed compliance with all validly enacted laws of the Borough of Collegeville and the Commonwealth of Pennsylvania.

§ 263-3 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 within the Borough of Collegeville or permit such a change without first obtaining an occupancy certificate or temporary occupancy certificate.

§ 263-4 Obtaining certificate.

It shall be unlawful for any person, firm, or corporation to occupy any residential dwelling unit within the Borough of Collegeville when an occupancy certificate or temporary occupancy

certificate is required by this chapter, without first obtaining such a certificate, or continue to occupy any such unit or building with an expired certificate.

§ 263.5 Expiration of occupancy certificates.

Occupancy certificates issued for non-owner-occupied residential dwelling units shall expire three years after the date of issuance or when there is an occupancy change, whichever occurs first. An application for a new occupancy certificate shall be made prior to the expiration of an occupancy certificate, in compliance with the requirements of this chapter.

§ 263.6 Requirements upon sale.

It shall be unlawful for any person, firm, or corporation to sell any residential dwelling unit within the Borough of Collegetown 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 take 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.

§ 263.7 Applications.

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

§ 263.8 Receipt of completed applications.

Upon receipt of a properly completed application for an occupancy certificate and payment of the required fee, the Borough of Collegetown 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 Collegetown and the Commonwealth of Pennsylvania, including the Property Maintenance Code.

§ 263.9 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.

§ 263.10 Inspection not in compliance.

A.

If, upon inspection, the Borough of Collegetown shall determine that the residential dwelling unit 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.

B.

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 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.

C.

If Borough inspection of a property incident to the resale of the property reveals at least one substantial violation, the Borough 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 law, ordinances and regulations being violated.

§ 263.11 Compliance requirement and reinspection.

A.

Any purchaser of property with a known violation of any applicable laws, ordinances, and regulations must either bring the property into compliance or demolish the building or structure 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.

B.

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.

§ 263.12 Fees.

The Council of the Borough of Collegeville, 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.

§ 263.13 **Violations and penalties.**

A.

Penalties.

(1)

Failure to comply with §§ 263.2 through 263.10 of this chapter shall result in:

(a)

Revocation of the temporary certificate;

(b)

The purchaser being subject to any existing laws, ordinances, and regulations relating to the occupation of a property without an occupancy certificate; and

(c)

The purchaser being personally liable for the costs of maintenance, repairs or demolition sufficient to correct the cited violations, and a fine of not less than \$1,000 and not more than \$10,000.

(2)

This section shall not apply to a violation of a Borough code or ordinance for which a fine, other penalty or a judgment to abate or correct was imposed by a magisterial district judge or Municipal court, or a judgment at law or in equity was imposed by a court of common pleas prior to purchase, or where the Borough denies the certificate pursuant to 53 Pa.C.S.A. Ch. 61 (relating to neighborhood blight reclamation and revitalization).

B.

Any person, firm or corporation who shall violate any of the other provisions of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not less than \$25 nor more than \$250 and costs of prosecution.

Section II. REPEALER

Any and all terms, conditions and provisions or any Ordinance or Resolution of Collegeville Borough in conflict with the terms, conditions and provisions of this Ordinance, are hereby repealed to the extent of such conflict.

Section III. SEVERABILITY

It is hereby declared to be the legislative intent, that if a court of competent jurisdiction declares any provision of this Chapter to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be

invalid or ineffective, and all other provisions of this Chapter shall continue to be separately and fully effective.


Section IV. EFFECTIVE DATE

This Ordinance shall be effective immediately upon its legal enactment by the Borough Council of the Borough of Collegeville.

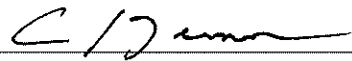
Ordained and enacted, by the Council Members of Collegeville Borough, Montgomery County, Pennsylvania, this 7th day of June, 2023.

ATTEST:

COLLEGEVILLE BOROUGH COUNCIL



Tamara Twardowski, Secretary



Cathy Kernen, President

APPROVED:

Aidsand Wright-Riggins, Mayor

COLLEGEVILLE BOROUGH

610.489.9208 ® info@borough.collegeville-pa.gov

Date of inspection: _____

Address: _____

- | | | | |
|-----------------------------|-------------------------------|-------------------------------|-------|
| Interior stairs/handrails | pass <input type="checkbox"/> | fail <input type="checkbox"/> | _____ |
| Smoke detectors | pass <input type="checkbox"/> | fail <input type="checkbox"/> | _____ |
| Carbon Monoxide detectors | pass <input type="checkbox"/> | fail <input type="checkbox"/> | _____ |
| Locking devices on doors | pass <input type="checkbox"/> | fail <input type="checkbox"/> | _____ |
| Fire Extinguishers | pass <input type="checkbox"/> | fail <input type="checkbox"/> | _____ |
| Req means of egress | pass <input type="checkbox"/> | fail <input type="checkbox"/> | _____ |
| Clothes dryer vented | pass <input type="checkbox"/> | fail <input type="checkbox"/> | _____ |
| GFI receptacles | pass <input type="checkbox"/> | fail <input type="checkbox"/> | _____ |
| House number | pass <input type="checkbox"/> | fail <input type="checkbox"/> | _____ |
| Exterior stairs/rails | pass <input type="checkbox"/> | fail <input type="checkbox"/> | _____ |
| Accessory structures/fences | pass <input type="checkbox"/> | fail <input type="checkbox"/> | _____ |
| Weeds/overgrowth | pass <input type="checkbox"/> | fail <input type="checkbox"/> | _____ |
| Trash/debris | pass <input type="checkbox"/> | fail <input type="checkbox"/> | _____ |
| Sidewalks/curbs | pass <input type="checkbox"/> | fail <input type="checkbox"/> | _____ |
| Driveway/parking | pass <input type="checkbox"/> | fail <input type="checkbox"/> | _____ |

Passed inspection yes no

Re-inspection required yes no

Inspector: _____