

**LOWER ALSACE TOWNSHIP
BERKS COUNTY, PENNSYLVANIA**

ORDINANCE NO. 214

AN ORDINANCE OF THE TOWNSHIP OF LOWER ALSACE, BERKS COUNTY, PENNSYLVANIA, PROVIDING FOR THE ISSUANCE OF PROPERTY TRANSFER USE AND OCCUPANCY PERMITS, ESTABLISHING THE REQUIREMENTS TO BE MET BEFORE THE ISSUANCE OF SAID PROPERTY TRANSFER USE AND OCCUPANCY PERMITS, ESTABLISHING THE FEES TO BE PAID FOR THE ISSUANCE OF SUCH PERMITS; AND ESTABLISHING PENALTIES FOR FAILURE TO COMPLY.

BE IT INACTED AND ORDAINED by the Board of Supervisors of the Township of Lower Alsace, Berks County, Pennsylvania, and it is hereby **ENACTED AND ORDAINED** by authority of the same, as follows:

Section 1. Definitions. Whenever the following words and phrases appear in this Ordinance they shall be attributed the following meaning:

COMMERCIAL UNIT – A building or portion thereof that is not a Dwelling Unit, a Single Family Dwelling Unit or a Multiple Family Dwelling Unit.

DWELLING UNIT – A building or portion thereof providing one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, and having no cooking or sanitary facilities in common with any other unit.

SINGLE FAMILY DWELLING – A building arranged, intended or designed to be occupied exclusively as a residence for one (1) family and having no common wall with an adjacent building. Types of such buildings shall include mobile homes and modular units.

MULTIPLE FAMILY DWELLING – A building arranged, designed and intended to provide two (2) or more dwelling units. Individual dwelling units may share party walls with other units and either have common outside access areas or have individual outside access areas. Types of such buildings shall include townhouses, apartments and/or condominiums.

TOWNSHIP – The Township of Lower Alsace, Berks County, Pennsylvania.

Section 2. Property Transfer Use & Occupancy Permit: No existing Commercial Unit, Multiple Family Dwelling or Single Family Dwelling shall be occupied after the transfer of title by deed or other legal means occurring after this date, until an inspection has been completed by the Township Code Enforcement Officer or other designated agent of the Township and a Use & Occupancy Permit is issued.

Section 3. **Issuance of Use & Occupancy Permit:** A Use & Occupancy Permit shall be issued in accordance with the following standards and procedures:

(a) **Application:** Applications for issuance of a Use & Occupancy Permit shall be filed with the Township Code Enforcement Officer by seller, buyer, or agent for seller or buyer of the property, no later than thirty (30) business days prior to settlement and/or transfer of ownership between buyer and seller; provided that, if the period from contract to settlement on a property is less than 30 days, seller, buyer or agent for seller or buyer, application shall be made as early as practicable. Applications shall contain such information as the Code Enforcement Officer or other designated agent of the Township may require.

(b) **Fees:** A fee shall be charged for each property inspected and said fee must accompany the application form when it is submitted. The initial fee shall be Eighty-Two Dollars and Fifty Cents (\$82.50) for each single family dwelling, One Hundred Ten Dollars (\$110.00) for each commercial unit and Fifty Dollars (\$55.00) for each unit of any multiple family dwelling. This fee schedule may be revised by resolution of the Board of Supervisors of the Township.

(c) **Inspection Procedure:** Upon receipt of a completed application, the Code Enforcement Officer or other designated agent of the Township shall, within fifteen (15) business days, conduct an inspection of the property to determine compliance with such International Property Maintenance Code and International Fire Code provisions as are reasonably determined by the Township Code Enforcement Officer, applied on a consistent basis.

Any and all violations, as determined by the Township Code Enforcement Officer, that affect the habitability or occupancy of the property being inspected shall be corrected prior to the issuance of a Use and Occupancy Permit for such property.

Other violations not affecting the fitness of the property for habitability or occupancy determined by the Township Codes Enforcement Officer to exist shall be corrected by the Seller within the time period specified by such Officer. The Buyer may undertake the correction of such violations by agreeing to do so in writing delivered to the Township Codes Enforcement Officer.

Section 4. **Reinspection Procedure.**

(a) Upon correction of all violations affecting habitability or occupancy of the property as identified by the Township Codes Enforcement Officer, the applicant shall notify the Township in writing for a follow-up inspection, which shall be conducted within fifteen (15) business days from notification. If, following the follow-up inspection, the property is determined to be fit for habitability or occupancy, a Use & Occupancy Permit will be issued to the applicant. If additional follow-up inspections are required to determine fitness for habitability or occupancy due to the fact that the applicant did not correct all violations identified by the Township Codes Enforcement Officer, the applicant will be charged an additional Fifty-

Five Dollars (\$55.00) for each subsequent follow-up inspection. The fee scheduled for re-inspection(s) may be revised by resolution of the Board of Supervisors of the Township.

(b) The procedure for correction and re-inspection of violations not affecting the fitness of the property for habitability or occupancy determined by the Township Codes Enforcement Officer to exist shall be as set forth in the International Property Maintenance Code or International Fire Code, as adopted by the Township.

Section 5. Miscellaneous. The validity of the Use & Occupancy Permit is contingent upon the continued fitness of a property for habitability or occupancy. The Use & Occupancy Permit does not warrant or guarantee on the part of the Township or any officer, agent or employee of the Township, the soundness, fitness, safety or adequacy of the facilities inspected. The Use & Occupancy Permit shall not be deemed to give rise to any liability on the part of the Township or any officer, agent, employee or designee thereof. All such liability, and any remedy therefore, shall remain that of the seller or transferor of any structure covered hereby.

Section 6. Violations and Penalties. Any person, firm or corporation who or which shall violate any provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay not more than \$600.00, and costs of prosecution, provided that each day's violation shall constitute a separate offense and notice to the offender shall not be necessary in order to constitute an offense.

Section 7. Applicability. This Ordinance shall have no application to a valid Agreement of Sale for real estate entered into and dated prior to the effective date of this Ordinance.

Section 8. Repealer. An ordinance or parts of ordinances inconsistent herewith are hereby repealed.

Section 9. **Effective Date.** This Ordinance shall take effect August 1, 2011.

DULY ENACTED AND ORDAINED by the Board of Supervisors of the Township of Lower Alsace, Berks County, Pennsylvania, this 22nd day of June, 2011.

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF LOWER ALSACE,
Berks County, Pennsylvania

By: James D. Orrell

By: John Shulsky

By: Todd

Attest:

Larry L. Slyn
Secretary