

ORDINANCE NO. 395

AN ORDINANCE OF THE BOROUGH OF BIRDSBORO, BERKS COUNTY, PENNSYLVANIA, ADOPTING A PROPERTY TRANSFER USE AND OCCUPANCY CERTIFICATE, ESTABLISHING THE REQUIREMENTS TO BE MET BEFORE THE ISSUANCE OF SAID PROPERTY TRANSFER USE AND OCCUPANCY CERTIFICATE; ESTABLISHING THE FEES TO BE PAID FOR THE ISSUANCE OF SUCH CERTIFICATE; AND ESTABLISHING PENALTIES FOR FAILURE TO COMPLY.

BE IT ENACTED by the Borough Council of the Borough of Birdsboro, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the same as follows:

**DEFINITIONS**

Whenever the following words and phrases appear in this Ordinance, they shall be attributed the following meaning:

Borough – The Borough of Birdsboro, Berks County, Pennsylvania.

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 house keeping 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.

**SECTION ONE**

**Section 1.1 – Property Transfer Use and Occupancy Certificate:** No existing multiple family dwelling or single family dwelling shall be occupied by a tenant or new owner after the transfer of title by deed or other legal means, until an inspection has been completed by the Borough Code Enforcement Officer and a Use & Occupancy Permit issued.

**Section 1.2 – Issuance of Use & Occupancy Permit:** A Use & Occupancy Permit shall be issued in accordance with the following standards and procedures.

**Section 1.2.1 – Application:** Applications for issuance of a Use & Occupancy Permit shall be filed with the Borough of Birdsboro Code Enforcement Officer by the seller, buyer, or agent for the 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. Applications shall contain such information as the Code Enforcement Officer may require.

**Section 1.2.2 – Fees:** A fee may be charged for each property inspected and said fee must accompany the application form when it is submitted. The initial fee shall be Sixty-Five Dollars (\$65.00) for each single family residential dwelling unit and Thirty Dollars (\$30.00) for each unit of any multiple family dwelling. This fee schedule may be revised by resolution of Borough Council.

**Section 1.2.3 – Inspection Procedure:** Upon receipt of a completed application, the Code Enforcement Officer shall, with ten (10) business days, conduct an inspection of the property to determine compliance with minimum standards and requirements as follows:

- Each dwelling unit must have a smoke detector installed on each floor level and in the bedroom area(s);
- Each room used for sleeping purpose must have a smoke detector installed.
- Each dwelling unit must have a carbon monoxide detector installed;
- An existing acceptable 60 ampere service, or a minimum 100 ampere three (3) wire electric service, must be installed for the dwelling;
- All kitchen countertop receptacles and bathroom receptacles must be ground fault circuit interrupter protected;
- All sidewalks and curbs must be in good repair, free of large cracks (covering more than 50% of surface area or greater than a ¼ inch in width) and crevices, missing bricks and tripping hazards (greater than ½ inch), and in compliance with the Borough's sidewalk designs;
- All properties must be supplied with clearly identifiable numbers (minimum of 4 inches tall) outside the property, in clear view of the street, designating the street number of the property;
- The property must be in compliance with all other aspects of the 2003 ICC Property Maintenance Code, Borough Ordinance #373.
- No illegal sewer connections, as defined under the applicable Borough's current sewer inspection policies.

**Section 1.2.4 – Re-inspection Procedure:** Upon correction of all violations, the applicant shall notify the Borough in writing for a follow-up inspection, which shall be conducted within ten (10) business days from notification. If, following the follow-up inspection, the property is determined to be in compliance with the standards, a Use & Occupancy Permit shall be issued to the applicant. If additional follow-up inspections are required due to the fact that the applicant did not comply with the violation report, the applicant shall be charged an additional Twenty-Five Dollars (\$25.00) for each subsequent follow-up inspection. The fee schedule for re-inspection(s) may be revised by resolution of Borough Council.

**Section 1.2.5 – Miscellaneous:** The validity of the Use & Occupancy Permit is contingent upon compliance with applicable Borough Ordinances and it is

revocable upon violations of those Ordinances. The Use & Occupancy Permit does not warrant or guarantee on the part of the Borough or any officer, agent or employee of the Borough, 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 Borough 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 1.2.6 – Violations and Penalties:** Failure to obtain a Use & Occupancy Permit when required by this Ordinance shall subject the property owner to penalties as set forth in the Property Maintenance Code Ordinance #373.

**Section 1.3 – Applicability:** This Ordinance shall have no application to any valid Agreements of Sale for real estate entered into and dated prior to the effective date of this Ordinance. Any Agreements that are for refinancing shall be exempt. Further, any agreement of sale that is considered inter-family, (ex. Husband and Wife), shall be exempt.

**Section 1.4 – Inclusion:** The Code Enforcement Officer or Code Enforcement Administrator may not require changes which are technically infeasible due to the age, or construction of an existing building. Except that requirements for smoke and carbon monoxide detectors must be met.

**SECTION TWO:** Any and all amendments or future revisions to the ICC International Property Maintenance Code are and are considered to be fully included in this ordinance as if they were in effect at the time of passage.

**SECTION THREE:** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

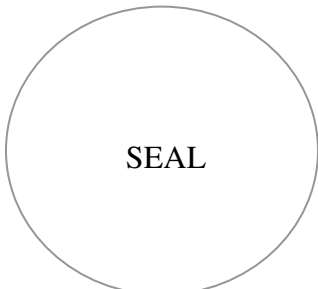
**SECTION FOUR:** This Ordinance shall take effect immediately.

ENACTED AND ORDAINED THIS 14th DAY OF NOVEMBER, 2005.

BOROUGH OF BIRDSBORO

BY: \_\_\_\_\_  
President of Council

\_\_\_\_\_  
Mayor



ATTEST:

\_\_\_\_\_  
Secretary

Permit No. \_\_\_\_\_  
Date of Issue \_\_\_\_\_

**Application for a Certificate of Occupancy**

**Residential Transfer of Property**

Owner's Name \_\_\_\_\_ Telephone ( ) \_\_\_\_\_

Agent Name and Address: \_\_\_\_\_

\_\_\_\_\_ Telephone ( ) \_\_\_\_\_

*Property Information*

Address

\_\_\_\_\_

Check one: single residence \_\_\_\_\_ semi-detached \_\_\_\_\_ apartment \_\_\_\_\_

Number of dwelling units \_\_\_\_\_

Prospective Buyer's Name:

\_\_\_\_\_

Anticipated Date of Settlement: \_\_\_\_\_

Date Requested for Code Inspection \_\_\_\_\_ Time \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name Printed

\_\_\_\_\_  
State of Owner of Agent

**INSTRUCTIONS:**

1. Initial inspection fee \$75.00 (single family dwelling, plus \$30.00/each multiple unit). A \$30 fee is required for each re-inspection.
2. Fee for Certificate of Occupancy \$25.00.
3. Print or type all information.
4. Make check or money order payable to the Borough of Birdsboro (Do not send cash).
5. Send form and check or money order to: Borough of Birdsboro, 202 East Main Street, Birdsboro, PA 19508.

Application must be filed thirty (30) days prior to the settlement date.

**Borough of Birdsboro  
 Inspection Form for Residential Property Transfer  
 TO BE COMPLETED BY APPLICANT:**

**Note: Initial Inspection Fee \$75.00 (Single family) and \$30.00 / each (Multi Family Unit)**

Owner / Agent: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Phone No.: \_\_\_\_\_  
 Date of Settlement: \_\_\_\_\_

Occupant: \_\_\_\_\_  
 Address of Unit: \_\_\_\_\_  
 \_\_\_\_\_  
 Phone No.: \_\_\_\_\_

Type of Construction:

Single family \_\_\_\_\_ Multi family (no. of units) \_\_\_\_\_ No. of stories above grade \_\_\_\_\_  
 Two family \_\_\_\_\_ Rooming house (no. of rooms) \_\_\_\_\_ No. of stories below grade \_\_\_\_\_

**MUST BE FILLED OUT BY APPLICANT (WILL BE VERIFIED DURING INSPECTION BY BOROUGH CODE OFFICIAL). INSPECTION TO CHECK FOR MINIMUM STANDARDS & OPERABILITY ONLY!**

<u>BASIC FACILITIES</u>	<u>YES</u>	<u>NO</u>
<b>1. Kitchen Facilities</b>		
Sink	_____	_____
Stove	_____	_____
Refrigerator	_____	_____
Cabinet or Shelves	_____	_____
<b>2. Room affording privacy with Properly operating...</b>		
Toilet	_____	_____
Lavatory Sink	_____	_____
Bathtub or Shower	_____	_____
<b>3. Hot and Cold water supply to kitchen and bathroom</b>	_____	_____
<b>4. Heating System</b>	_____	_____
<b>5. Central Air</b>	_____	_____
<b>6. Safe unobstructed means of exit leading directly to ground level</b>	_____	_____
<b>7. Structurally sound handrails, balusters, stairways, decks, and porches</b>	_____	_____
<b>8. House number clearly displayed</b>	_____	_____

<u>ELECTRIC SERVICE</u>	<u>YES</u>	<u>NO</u>
<b>1. Minimum of (2) wall outlets and (1) light in each habitable room (all kitchen countertop, bathroom and at-grade recaptacles must be GFI protected).</b>	_____	_____
<b>2. Smoke Detectors (min. one each floor)</b>	_____	_____
<b>3. Electrical Service capacity (amps) _____</b>	_____	_____
<u>SAFE SANITARY MAINTENANCE</u>	<u>YES</u>	<u>NO</u>
<b>1. Every public walkway, driveway entrance and curb are free of cracks, breaks, and tripping hazards, and in good repair.</b>	_____	_____
<b>2. Every foundation, roof exterior wall, door, skylight, and windows in good repair.</b>	_____	_____
<b>3. Every interior wall, ceiling inside and outside porches, stairs, and appurtenances are safe and in good repair.</b>	_____	_____
<b>4. Sump Pump</b>	_____	_____

Date Applicant Inspected: \_\_\_\_\_

Date Codes Official Inspected: \_\_\_\_\_

\_\_\_\_\_  
 Applicant's Signature

\_\_\_\_\_  
 Inspector's Signature

\_\_\_\_\_  
 Applicant's Name Printed

\_\_\_\_\_  
 Inspector's Name Printed

**BIRDSBORO MUNICIPAL AUTHORITY**

**202 East Main Street**

**Birdsboro, PA 19508**

Phone: (610) 582-6031 FAX: (610) 582-6039

e-mail: [mcrammer@birdsboro.berksco.org](mailto:mcrammer@birdsboro.berksco.org)

**Interior Sewer Connection**

**Inspection Report Form**

Owner's Name \_\_\_\_\_  
Owner's Address \_\_\_\_\_  
Phone \_\_\_\_\_

Specify Customer type:

Single Residence

Multiple Residence

No. of Units \_\_\_\_\_

Business

Industrial Establishment

Public Institution

Inspection Date \_\_\_\_\_  
Inspection Address \_\_\_\_\_  
Name of Customer Contact: \_\_\_\_\_

1. Rain water conductors: \_\_\_\_\_ Yes \_\_\_\_\_ No  
How many: \_\_\_\_\_  
Where do they lead: \_\_\_\_\_

2. Outside stairwell/area drains: \_\_\_\_\_ Yes \_\_\_\_\_ No  
How many: \_\_\_\_\_  
Where do they lead: \_\_\_\_\_

3. Inside floor drains: \_\_\_\_\_ Yes \_\_\_\_\_ No  
How many: \_\_\_\_\_  
Where do they lead: \_\_\_\_\_

4. Sump pumps: \_\_\_\_\_ Yes \_\_\_\_\_ No  
How many: \_\_\_\_\_  
Where do they lead: \_\_\_\_\_

5. House trap location: \_\_\_\_\_ Paved area \_\_\_\_\_ Grass \_\_\_\_\_ Other  
Vent cover relation to grade: \_\_\_\_\_ Above \_\_\_\_\_ On \_\_\_\_\_ Below

6. Does it appear rain water is getting into the basement: \_\_\_\_\_ Yes \_\_\_\_\_ No  
Can rain water get into the sanitary sewer: \_\_\_\_\_ Yes \_\_\_\_\_ No

7. Comments: \_\_\_\_\_  
\_\_\_\_\_ Approved \_\_\_\_\_ Not Approved

8. Recommendations: \_\_\_\_\_

9. Dye test required: \_\_\_\_\_ Yes \_\_\_\_\_ No

10. Was dye test done at time of inspection: \_\_\_\_\_ Yes \_\_\_\_\_ No

11. Is there a backwater valve installed: \_\_\_\_\_ Yes \_\_\_\_\_ No

Owner's Signature: \_\_\_\_\_

Inspector's Signature: \_\_\_\_\_

Re-Inspection Date: \_\_\_\_\_

\_\_\_\_\_ Approved \_\_\_\_\_ Not Approved