

ORDINANCE NO. 528

**BOROUGH OF PARKESBURG
CHESTER COUNTY, PENNSYLVANIA**

AN ORDINANCE OF THE BOROUGH OF PARKESBURG, CHESTER COUNTY, PENNSYLVANIA REQUIRING A USE AND OCCUPANCY PERMIT AT TIME OF SALE OF ANY PROPERTY AND IMPOSING AN OBLIGATION TO BRING PROPERTY INTO COMPLIANCE WITH CODE REQUIREMENTS

WHEREAS, the Borough of Parkesburg (the "Borough") is a local municipal government governed by the Borough Code, 53 P.S. § 45101 et seq. and has authority thereunder to enact ordinances to protect the health, safety and welfare of the public and to control public areas, recover costs for doing public work and regulating sidewalks and public areas and imposing penalties, including fines for code violations as set forth, by way of example and not limitation, in the International Property Maintenance Code adopted by the Borough through Ordinance No. 481 as amended by Ordinance No. 486; and

WHEREAS, the Borough has identified a need to create the public and assure that the housing stock and commercial structures and other properties of any nature in the Borough are safe for their intended purposes and in compliance with all relevant codes, including not only zoning and other codes of the Borough but also safety codes enacted by the Commonwealth and applicable to the circumstances; and

WHEREAS, the Borough has identified the time of sale as an appropriate time to assure that such housing stock, commercial structures and property of any nature in the Borough is safe for its intended purposes, safe to be sold and that the intended use is consistent with the controlling zoning regulations - and that the property can be certified to the foregoing through the procedure of obtaining a Use and Occupancy Permit; and

WHEREAS, THE Borough under its Zoning Ordinance has specific provision for the issuance of a Use and Occupancy Permit and authorizes that such fees for obtaining such a permit are to be established by Resolution of the Borough Council.

NOW, THEREFORE under the authority granted to it under the Borough Code and other relevant statutory authority, and for the reasons recited above, be it ORDAINED by the Borough Council of the Borough of Parkesburg, as follows:

1. Use and Occupancy Permit Must be Obtained Prior to Sale. In accordance with the authority set forth in the Borough Zoning Ordinance which requires that "[i]t shall be unlawful for any person to use or occupy any building or other structure or land until a certificate of occupancy has been issued. Use and Occupancy Permits shall be issued by the Borough", and other authorities as recited previously, the Borough requires that a Use and Occupancy Permit must be obtained prior to sale pursuant to the terms of this Ordinance.

2. Application Procedures. Prior to the sale of any property in the Borough the owner of the property to be sold must make application for a Use and Occupancy Permit to the Borough on forms available at the Borough requiring an inspection by the Code Enforcement Officer and approval of the property at issue for the intended use, both with respect to the relevant zoning requirements as well as the requirements of the International Property Maintenance Code, as adopted by the Borough, and all other relevant Borough Codes and any State Law requirements. A checklist is provided for obtaining a Use and Occupancy Permit which is attached hereto as Exhibit "A" and can be amended by Resolution of the Borough Council.

3. Sidewalk Must be Operational. As there is particular concern in the Borough that sidewalks be operational, it is specifically required that: (1) any existing sidewalks and/or curbs must be made operational if determined to be substandard by the Code Enforcement Officer upon inspection of the property (due to a deteriorating, unsafe, or otherwise hazardous condition). Such repair (or replacement) shall be done in a manner as stipulated by the Code Enforcement Office and shall comply with the standards for sidewalk/curb repair (or replacement) contained in the Borough's Ordinances.

4. Violations and Penalties. Any person, firm or corporation who shall violate any provision of this part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day that violation of this Ordinance continues shall constitute a separate offense.

5. Indemnification of Borough. Any person, firm, corporation or other entity applying for any permit under this Ordinance shall indemnify the Borough against all liability of whatever nature, excepting only that of the Borough, arising during the performance of work for which a permit is granted, whether or not said liability arises as a result of the negligence of the person, firm, corporation or other entity to whom the permit was issued.

6. Coordination/Conflict With Existing Ordinances. All Sections or parts of sections of the Borough Ordinances, all ordinances or part of ordinances, and all Resolutions, or parts of Resolutions, in conflict with the Ordinance are repealed to the extent of such conflict.

7. Constitutionality. If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

8. Appeal of Decision of the Code Official. Any appeal of a decision of the Code Enforcement Officer shall be pursuant to the procedures set forth in the Borough's International Property Maintenance Code Section 111, as amended and shall be filed within twenty (20) days after the decision, notice, or order were served.

9. Effective Date. This Ordinance shall be effective upon passage in accordance with the requirements of the Borough Code.

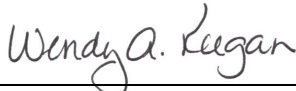
ORDAINED and ENACTED by the Parkesburg Borough Council this 19th day of June, 2017.

PARKESBURG BOROUGH COUNCIL



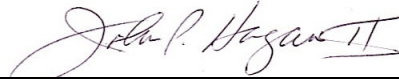
KATHLEEN M. RICK, President

ATTEST:



WENDY A. KEEGAN, Secretary

Approved this 19th day of June, 2017.



JOHN P. HAGAN, II, Mayor