

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 17<sup>th</sup> day  
of July, 2017.

PARKESBURG BOROUGH COUNCIL

Kathleen M. Rick  
KATHLEEN M. RICK, President

ATTEST:

Wendy A. Keegan  
WENDY A. KEEGAN, Secretary

Approved this 17<sup>th</sup> day of July, 2017.

John P. Hagan II  
JOHN P. HAGAN, II, Mayor

## Residential and Commercial Resale Inspection Criteria

### Exterior:

- Concrete sidewalks and concrete curbs:

The seller of real property shall replace any and all concrete sidewalk and concrete walkway segment or sections which contain structural cracks (a crack that is entirely through the concrete) or have a deviation in elevation between blocks in excess of one half inch ( $\frac{1}{2}$ " ) as well as curbs which contain a structural defect.

Sidewalks, driveway aprons and curbs must be level and in good condition. Out of level, fragmented or otherwise deteriorated sidewalks, driveway aprons and curbs must be removed and replaced. Patching shall not be permitted.

All concrete sidewalk and curbs shall be constructed in accordance with Borough of Parkesburg Subdivision and Land Development Ordinance, 2014.

- House numbers:

House numbers must be at least four inches (4") high, affixed on the outside of the dwelling, clearly visible from the street with sufficient contrast so as to be easily read in inclement weather and at night.

House numbers are required if property abuts a rear alley, street or other right of way.

If a property is accessible from the rear by a street or an alley, the house numbers must be posted on the rear of the building

- Gutters and down spouts shall be in places and free of debris.
- Roof drains and yard drains shall not be connected to the sanitary sewer. (Sanitary Sewer Infiltration Prevention)
- Down spouts shall be sufficient in length at base of structure to carry water away from house.

### Interior:

- Smoke alarm - Smoke detectors are to be installed, in working order, in each bedroom, in the vicinity of the bedrooms, in each floor of the dwelling, basements and attic if stair access present In a split-level dwelling without an intervening door between adjacent levels, smoke detectors are required in the vicinity of the bedrooms and the lower level that is one story below the upper level. If an intervening door exists between adjacent levels, a smoke detector shall be installed on each level. Detectors must be mounted on or within six inches (6") of ceiling. Battery powered units allowed in existing homes

- Sump pump and floor drains - Must be discharged to the exterior of the dwelling without causing an icing condition on a public right of way. Sump pumps and floor drains connected to the sanitary sewer are illegal and must be corrected. (Sanitary Sewer Infiltration Prevention)
- Sprinkler system For dwellings equipped with a fire suppression or sprinkler system, the applicant shall provide documentation that the system has been inspected and certified within the past 12 months by a certified inspection agency.
- Carbon monoxide detector must be present and operable in structures with fossil fuel burning system including gas water heaters
- GFCIs -Are required for receptacles located in bathrooms, powder rooms, garages outside receptacles, vicinity of pools, saunas etc. and in kitchens where the receptacles are within 6' of waters edge of the sink. A receptacle with a single yolk that is dedicated for an appliance need not have a GFCI installed.
- Sewer - The sewer lateral curb vent pipe must be six (6) inches above grade and have a secure vent cap or box. If the curb trap vent pipe is not exposed, the vent pipe must be located, raised and Installed with a Philadelphia Regulation vent box. In the event that the curb trap cannot be located, the applicant shall obtain a registered plumber to provide documentation that the curb vent trap could not be located. (Sanitary Sewer Infiltration Prevention)
- Backwater Valve - Any plumbing fixture located below street level and connected to the public sanitary sewer system must have a backwater valve installed.
- The listed items are provided by Parkesburg Borough to assist property owners, realtors and agents in anticipating the items which must be brought into compliance with the requirements of the Borough Ordinance Requiring Use and Occupancy Permit at the Time of Sale and the International Property Maintenance Code 2009, referenced therein, prior to the issuance of a Certificate of Use and Occupancy.