

Chapter 4

Buildings

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Part 1**Occupancy Permit****§4-101. Application for Occupancy Permit.**

1. Fees for application for occupancy permits and for administration of this Part shall be established, from time to time, by resolution of Borough Council. [*Ord. 408*]

2. This Part shall not repeal the Chalfant Borough Zoning Ordinance [Chapter 27], and the Zoning Ordinance shall govern all matters set forth therein.

(*Ord. 286, 6/12/1975, §3; as amended by Ord. 408, 8/11/2011*)

§4-102. Certain Information Required on Application.

1. The application for the occupancy permit shall disclose the following information:

- A. Address of the dwelling unit.
- B. Name and address of the owner, and rental agent, if any.
- C. Name of tenant or tenants including name of head of household and name and relationship of each family member who will occupy the dwelling unit.
- D. Number of rooms within dwelling unit.
- E. Bathroom facilities.
- F. Kitchen facilities.
- G. General condition of the premises.
- H. The term of lease rental if tenant does not own the dwelling unit.
- I. Such other information as the Building Officer may by regulation desire.
- J. Proof that all Borough taxes, refuse fees, sewage fees, and other municipal assessments are paid in full. [*Ord. 386*]

2. Upon receipt of the completed occupancy permit application with fee and proof that all Borough taxes, refuse fees, sewage fees, and other municipal assessments are paid in full, the Building Officer shall cause an inspection of the dwelling unit to be made. No inspection shall be made and no occupancy permit issued without submission of the aforesaid application and fee, and proof of payment in full of all Borough taxes, refuse fees, sewage fees, and other municipal assessments. If the inspection reveals that the dwelling unit complies with applicable plumbing, zoning, building, housing, fire prevention, and other applicable codes, an occupancy permit shall be issued. The term of the permit shall coincide with the term of the lease or rental agreement, in the case of rental properties. [*Ord. 386*]

3. If the inspection reveals that the building or structure fails to comply with any applicable codes, a list of deficiencies shall be presented to the owner, or his agent, and the prospective tenant. Upon correction of these deficiencies, the owner or his agent or the prospective tenant shall request a final inspection. When final inspection shows that no deficiencies remain uncorrected, the Building Officer or his authorized representative shall issue the occupancy permit. The term of the occupancy permit shall

coincide with that of the lease or rental agreement.

4. If deficiencies noted in the inspection are not corrected within 30 days, the Building Officer or his authorized representative shall report the same to Council for appropriate action.

(*Ord. 286, 6/12/1975, §4; as amended by Ord. 386, 4/16/2002*)

§4-103. Unlawful to Occupy Building Without Occupancy Permit.

It shall be a violation of this Part for any person, including any tenant, to occupy a building or structure prior to the issuance of an occupancy permit, or for any person or tenant to move an additional person or persons into a structure without obtaining an amended occupancy permit authorizing the addition, with the exception of children born to members of the immediate family.

(*Ord. 286, 6/12/1975, §5; as amended by Ord. 386, 4/16/2002*)

§4-104. Unlawful to Rent Building Without Occupancy Permit.

It shall be a violation of this Part for an owner or his agent to lease, rent, or make available for occupancy, any dwelling unit for which no current occupancy permit has been issued. It shall be a violation for an owner or his agent to collect rent or lease payments from tenants for any dwelling unit occupied unless an occupancy permit has been duly issued.

(*Ord. 286, 6/12/1975, §6*)

§4-105. Powers and Duties of Building Officer.

1. The Building Officer, on behalf of the Borough of Chalfant, shall collect and receive all fees and fines imposed by this Part, and shall maintain records showing the amounts received and the dates such amounts were received. He shall prescribe and issue all forms necessary for the administration of this Part and may adopt and enforce regulations relating to any matter pertaining to the administration of this Part including, but not limited to, requirements for administration through Borough personnel, requirements for evidence and records, and provisions for the examination of records. The Building Officer or his authorized representative may examine the records of any owner, rental agent or tenant in order to ascertain the accuracy of any application for occupancy permits.

2. Borough Council of the Borough of Chalfant shall name the Building Officer, a building committee and all authorized representatives of the Borough of Chalfant or the Building Officer. The Building Officer shall have no authority to designate a representative. The Borough Council reserves that right.

3. The Building Officer or other Borough representative shall have the authority to inspect any building or structure within the Borough upon demand at any time.

(*Ord. 286, 6/12/1975, §7*)

§4-106. 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 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 286*, 6/12/1975, §9; as amended by *Ord. 328*, 12/12/1984, §4-206; by *Ord. 340*, 9/14/1988, §2; and by *Ord. 408*, 8/11/2011)

Part 2**Dangerous Structures****§4-201. Definitions.**

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

Building—an independent structure having a roof supported by columns or walls resting on its own foundation and includes dwelling, garage, barn, stable, shed, greenhouse, mobile home, plant, factory, warehouse, school, or similar structure.

Dangerous building—all buildings or structures which have any or all of the following defects shall be deemed dangerous buildings:

(1) Those whose interior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

(2) Those which, exclusive of the foundation, show damage or deterioration to 33 percent of the supporting member or members, or damage or deterioration to 50 percent of the nonsupporting enclosing or outside walls or covering.

(3) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

(4) Those which have been damaged by fire, wind or other causes so as to be dangerous to life, safety, or the general health and welfare of the occupants or the public.

(5) Those which are so damaged, dilapidated, decayed, unsafe, unsanitary, vermin infested, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety, or general welfare of those living therein.

(6) Those which have parts thereof which are so attached that they may fall and injure property or members of the public.

(7) Those which lack illumination, ventilation or sanitation facilities or because of another condition are unsafe, unsanitary, or dangerous to the health, safety, or general welfare of the occupants or the public.

(8) Those which because of their location are unsanitary, or otherwise dangerous, to the health or safety of the occupants or the public.

(9) Those existing in violation of any provision of the building code, fire prevention code, or other ordinances of the Borough of Chalfant.

Dwelling—any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

Dwelling unit—any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used

for living or sleeping by human occupants.

Extermination—control and elimination of pests by eliminating their harborage places, inaccessible, materials that may serve as their fumigating, trapping, or by any other recognized methods.

Garbage—animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Infestation—presence, within or around a dwelling, of any insects, rodents, or other pests.

Owner—person who, alone or jointly or severally with others:

(1) Shall have legal title to any dwelling, or dwelling unit, with or without accompanying actual possession thereof.

(2) Shall have charge, care, or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this ordinance and with rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

Person—any individual, firm, corporation, association or partnership, or other legal entity.

Property—a piece, parcel, lot, or tract of land.

Rubbish—combustible and noncombustible waste materials, except garbage, including residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust.

Structure—any thing constructed or erected with a fixed or ascertainable location on the ground or in water, whether or not affixed to the ground or anchored in the water, including buildings, walls, fences, platforms, docks, wharves, billboards, signs and walks. Whenever the words “dwelling,” “dwelling unit,” or “premises,” are used in this Part, they shall be construed as though they were followed by the words “or any part thereof.”

(Ord. 328, 12/12/1984, §4-301)

§4-202. Dangerous Buildings Declared Nuisances.

All dangerous buildings within the terms of §4-201 of this Part are hereby declared to be public nuisances and shall be repaired, vacated, or demolished as herein provided.

(Ord. 328, 12/12/1984, §4-302)

§4-203. Standards for Repair, Vacation, or Demolition.

The following standards shall be followed in substance by the Building Official of the Borough in ordering repair, vacation, or demolition:

A. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this Part, it shall be ordered to be repaired.

B. If the dangerous building is in such condition as to make it dangerous to

the health, safety, or general welfare of its occupants, or the public and is so placarded, it shall be ordered to be vacated within such length of time, not exceeding 30 days, as is reasonable.

C. No dwelling or dwelling unit which has been placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Building Official. The Building Official shall remove such placard whenever the defect or defects upon which the placarding action were based have been eliminated.

D. If a dangerous building is 50 percent or more damaged or decayed, or deteriorated from its original condition; if a dangerous building cannot be repaired, so that it will no longer exist in violation of the terms of this Part; or if a dangerous building is a fire hazard existing or erected in violation of the terms of this Part or any ordinance of the Borough of Chalfant or statute of the Commonwealth of Pennsylvania, it shall be ordered to be demolished; provided, the cost of repairs to rectify or remove the conditions constituting the nuisance exceed 50 percent of the market value of the building at the time demolition is proposed.

(*Ord. 328, 12/12/1984, §4-303*)

§4-204. Duties of Building Official.

1. The Building Official or Borough Council shall inspect on a regular basis dwellings, buildings and structures to determine whether any conditions exist which render such premises dangerous buildings within the terms of §4-201 above.

2. Whenever an inspection discloses that a dwelling, building, or structure has become a public nuisance, the Building Official shall issue a written notice to the person or persons responsible therefore. The notice:

A. Shall be in writing.

B. Shall include a statement of the reasons it is being issued.

C. Shall state a reasonable time to rectify the conditions constituting the nuisance or to remove and demolish the dwelling, building, or structure.

D. Shall be served upon the owner, or his agent, or the occupant, as the case may require.

(1) Except in emergency cases and where the owner, occupant, lessee, or mortgagee is absent from the Borough, all notices shall be deemed to be properly served upon the owner, occupant or other person having an interest in the dangerous building, if a copy thereof is served upon him personally, or if a copy thereof is posted in a conspicuous place in or about the structure affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of the Commonwealth.

(2) Except emergency cases, in all other cases where the owner, occupant, lessee, or mortgagee is absent from the Borough of Chalfant, all notices or orders provided for herein shall be sent by registered mail to the owner, occupant, and all other persons having an interest in said building, as shown by the records of the County Recorder of Deeds, to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the dangerous building to which it relates. Such mailing and posting shall be

deemed adequate service.

E. May contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Part and with the rules and regulations adopted pursuant thereto.

3. Appear at all hearings conducted by the Building Official and testify as to the condition of dangerous buildings.

(Ord. 328, 12/12/1984, §4-304)

§4-205. Hearings.

1. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Part, may request and shall be granted a hearing on the matter before the Building Official; provided, that such person shall file with the Building Official a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within 10 days after the day the notice was served. Upon receipt of such petition, the Building Official shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than 20 days after the day on which the petition was filed.

2. After such hearing the Building Official shall sustain, modify, or withdraw the notice. If the Building Official sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this Part shall automatically become an order if a written petition for a hearing is not filed with the Building Official within 10 days after such notice is served.

3. Any aggrieved party may appeal the final order to the Borough Council in accordance with the provisions of the Local Agency Law, 3 Pa.C.S.A. §551 *et seq.*

(Ord. 328, 12/12/1984, §4-305)

§4-206. Removal of Notice Prohibited.

No person shall remove or deface the notice of dangerous building, except as provided in §4-203.C.

(Ord. 328, 12/12/1984, §4-306)

§4-207. Emergency Cases.

Whenever the Building Official finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as is necessary to meet the emergency. Notwithstanding the other provisions of this Part, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Building Official shall be afforded a hearing as soon as possible. After such hearing, depending upon the findings as to whether the provisions of this Part have been complied with, the Building Official shall continue such order in effect, or modify, or revoke it. The costs of such emergency repair, vacation, or demolition of such dangerous building shall be collected in the same manner as provided herein for other cases.

(*Ord. 328, 12/12/1984, §4-307*)

§4-208. Abatement by Borough.

If the owner, occupant, mortgagee, or lessee fails to comply with the order of the Building Official within the time specified in the notice issued by the Building Official, the Building Official shall cause such building or structure to be repaired, vacated, or demolished as the facts may warrant, under the standards hereinbefore provided. The Borough may collect the cost of such repair, vacation, or demolition together with a penalty of 10 percent of such cost, in the manner provided by law.

(*Ord. 328, 12/12/1984, §4-308*)

§4-209. 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 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 328, 12/12/1984, §4-309; as amended by Ord. 340, 9/14/1988, §1; and by Ord. 408, 8/11/2011*)

