

ORDINANCE NO. 10-1

**AN ORDINANCE OF THE TOWNSHIP OF HANOVER, NORTHAMPTON COUNTY, PENNSYLVANIA, REVISING ORDINANCE 02-01 CHAPTER 185 SECTION 185-45 BY REQUIRING AN INSPECTION OF PROPERTY TO DETERMINE COMPLIANCE WITH THE TOWNSHIP PROPERTY MAINTENANCE CODE AND USE COMPLIANCE WITH THE TOWNSHIP ZONING ORDINANCE, AND THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY PRIOR TO THE TRANSFER OF PROPERTY IN THE TOWNSHIP AND REPEALING ALL ORDINANCES INCONSISTANT HEREWITH.**

**WHEREAS**, the Board of Supervisors of the Township of Hanover, Northampton County, Pennsylvania ("Township") recognizes that it is necessary to protect innocent purchasers from violations of Township Ordinances applicable to the property being purchased.

**WHEREAS**, the Township seeks to protect and improve public health and safety by causing all properties to be inspected for compliance prior to transfer of ownership with the standards for basic safety and maintenance as found in the Township Property Maintenance Code and the allowable use designation according to the Township Zoning Ordinance, in order to make sellers aware and to notify buyers of property defects related to the applicable Codes.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Supervisors of the Township of Hanover, Northampton County, Pennsylvania, and it is hereby ordained and enacted by the authority of same.

**SECTION 1.** The Supervisors of Hanover Township, Northampton County, Pennsylvania, under the powers vested in them by the "Second Class Township Code" and the "Pennsylvania Municipalities Planning Code," as amended, as well as other laws of the Commonwealth of Pennsylvania, do hereby ordain and enact the following amendment to the Hanover Township Codified Ordinance, as amended.

**SECTION 2.** Ordinance 02-1, is hereby amended with the deletion and replacement of Section 185-45 as follows:

**“§185-45. Certificates of Occupancy.**

**A. Definitions.**

(1)“Certificate of Occupancy” means a certificate issued by the Township Building Code Official upon compliance with the standards in the Township Property Maintenance Code and the allowable use designation according to the Township Zoning Ordinance following inspection of Property as required by this Section.

(2) "Conditional Certificate of Occupancy" means a certificate issued pursuant to 185-45(C)( 3) of this Section which requires the abatement of violations of the Township Property Maintenance Code.

(3) "Inspection Report" means a Notice of Violation which is issued to a seller of Property upon inspection by the Township Building Code Official as required under section 185-45(C). The Inspection Report shall list any discovered or uncorrected violations of the Township Property Maintenance Code and the allowable use designation according to the Township Zoning Ordinance. The Inspection Report shall expire one (1) year from the date of the original inspection.

(4) "Property" shall mean any structure, building or land or portions thereof.

(5) "Transfer of Ownership" means the conveyance, either in whole or in part, of Property.

(6) "Unfit for Human Habitation" means a Property which is dangerous or detrimental to life or health because it is dilapidated, unsanitary, unsafe, vermin-infested or lacking facilities and equipment standards according to the Township Property Maintenance Code, as designated by the Township Building Code Official.

**B. New Construction.** It shall be unlawful for any person to use and/or occupy any Property, or change the use of any Property, in any manner, including that of a home occupation pursuant to § 185-25F of this chapter, until a Certificate of Occupancy has been issued.

(1) The Certificate of Occupancy shall be issued in accordance with this Section following submission of a Building and Zoning Permit Application in such form as the Zoning Administrator may require.

(2) After a Building and Zoning Permit Application ("Permit Application") has been made, the Building Code Official ("B.C.O.") shall inspect any Property described in said Permit Application, and shall determine the conformity with the applicable Township Ordinances. If the B.C.O. is satisfied that the Property, is in conformity with all applicable Township Ordinances, and that the proposed use is consistent with this Chapter, a Certificate of Occupancy shall be issued.

(3) A Certificate of Occupancy shall be granted within 5 days after the B.C.O. has received or completed a final Inspection Report that indicates the Property, is in compliance with applicable Township Ordinances and the Uniform Construction Code.

C. **Transfer of Ownership.** It shall be unlawful for any person to sell or otherwise transfer ownership of any Property, to another person unless a Certificate of Occupancy or Conditional Certificate of Occupancy has been issued prior to said transfer of ownership and any use or occupancy of such Property; provided, however, that the failure on the part of such seller or transferor to obtain the Certificate of Occupancy shall not excuse the purchaser or transferee of the property from the requirements of this section.

(1) The seller of Property in Hanover Township is hereby required to secure an Inspection Report from the Township prior to the transfer of ownership. The seller of the Property shall have ten (10) business days from the date that the Property is listed for sale or the seller enters into an agreement of sale with a purchaser, whichever is sooner, to submit a Resale Building and Zoning Compliance Application ("Compliance Application") in such form as the Zoning Administrator may prescribe and request an inspection of the B.C.O. and pay the appropriate fees for the inspection.

(2) After a Compliance Application has been made, the B.C.O. shall inspect the Property described in said Compliance Application, and shall determine the conformity with said Compliance Application and the existing Township Property Maintenance Code. If the B.C.O. is satisfied that the Property is in conformity with the existing Property Maintenance Code, and that the proposed use is consistent with this Chapter, a Certificate of Occupancy shall be issued by the B.C.O.

(3) A Conditional Certificate of Occupancy shall be issued by the B.C.O. if the Inspection Report requires abatement of violations in order to comply with the Township Property Maintenance Code and the buyer of Property agrees to abate the violation as set forth in 185-45(E).

(4) A Certificate of Occupancy or a Conditional Certificate of Occupancy shall be granted or refused within 15 days after receipt of the Compliance Application.

(5) Exemptions: The provisions of this Section shall not apply to Property on which the buildings are intended to be demolished and a valid demolition permit pursuant to Township Code has been obtained or vacant Property.

D. **Inspection Fees.** All inspection fees shall be established by resolution of the Board of Supervisors. Inspection fees shall be due upon scheduling an inspection or re-inspection.

E. Abatement of Violations. In the event that violations of the Township Property Maintenance Code exist in or upon the Property as outlined in the Inspection Report, such violations shall be addressed as follows:

(1) The seller shall abate the violations prior to the transfer of ownership and, in such event, the seller shall request a re-inspection to determine that the violations have been fully abated and a Certificate of Occupancy (without conditions) can be issued; or

(2) The buyer shall execute a notarized statement acknowledging the receipt of the Inspection Report and that the buyer shall begin to abate the violations within sixty (60) days of taking possession of the Property and shall fully abate the violations within eighteen (18) months of taking possession of the Property.

F. Any Certificate of Occupancy issued hereunder may be revoked in the event that the Property is later determined to be unsafe or uninhabitable or that a condition exists that is in violation of any Ordinances of the Township or that the actual use is in violation of any Ordinances of the Township. In the event that such a Conditional Certificate of Occupancy is issued subject to conditions, a Conditional Certificate of Occupancy may be revoked if such conditions remain unsatisfied within the time limit provided for at the time of issuance of such conditional certificate. Prior to the revocation of the Certificate of Occupancy, the property owner shall be given 10 days written notice of the intent to revoke the Certificate of Occupancy. Before the Certificate of Occupancy is revoked, the property owner may request a hearing before the Township Board of Appeals.

G. Any person who violates or permits a violation of any provision of this Section shall, upon conviction of a summary proceeding brought before a District Justice, be guilty of a summary offense and shall be punishable by a fine of not less than \$300 nor more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violations continues or is permitted to continue shall constitute a separate offense, and each section of this Section that is violated shall constitute a separate offense.

**SECTION 3.** All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

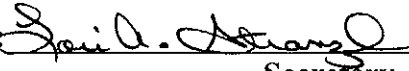
**SECTION 4.** The provisions of this Ordinance shall be severable and if any provision thereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent of the Township that this Ordinance would have been enacted had such unconstitutional, illegal or invalid provision(s) not been included herein.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall become effective July 1, 2010.

**ENACTED AND ORDAINED** at a regular meeting of the Board of Supervisors of the Township of Hanover, County of Northampton on this 23 day of February, 2010.

**ATTEST:**

**BOARD OF SUPERVISORS, HANOVER  
TOWNSHIP, NORTHAMPTON COUNTY,  
PENNSYLVANIA**

By:   
, Secretary

By:   
JOHN N. DIACOGLIANNIS, Chairman