

**FOSTER TOWNSHIP  
SCHUYLKILL COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 04-2010**

**AN ORDINANCE OF THE TOWNSHIP OF FOSTER, A  
SECOND CLASS TOWNSHIP, IN THE COUNTY OF  
SCHUYLKILL AND COMMONWEALTH OF PENNSYLVANIA,  
TO REQUIRE A "PROPERTY TRANSFER USE AND  
OCCUPANCY CERTIFICATE" AND TO ESTABLISH RULES AND  
REGULATIONS RELATED TO THE PROPERTY TRANSFER USE AND  
OCCUPANCY CERTIFICATE REQUIRED UPON THE TRANSFER OF  
A PROPERTY WITHIN THE TOWNSHIP OF FOSTER.**

The Board of Supervisors of Foster Township, Schuylkill County, Pennsylvania (the "Township"), hereby enacts and ordains as follows:

**WHEREAS**, Section 1506 of the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, as amended by Section 1 of the Act of November 9, 1995, P.L. 350, No. 60, found at 53 P.S. 66506, entitled "General Powers", authorizes any board of township supervisors to make and adopt ordinances necessary for the proper management, care and control of the Township, and the maintenance of the health and welfare of the Township and its citizens; and

**WHEREAS**, Section 1527 of the Second Class Township Code, found at 53 P.S. 66527, entitled "Public Safety", authorizes the Board of Township Supervisors to adopt ordinances to secure the safety of persons or property within the Township; and

**WHEREAS**, the Foster Township Board of Supervisors desires to adopt and establish certain rules and regulations related to the transfer of property within Foster Township and requiring the receipt of a property transfer use and occupancy certificate from the Borough Code Enforcement Officer; and

**WHEREAS**, the Foster Township Board of Supervisors believes that adding such rules and regulations will maintain minimum safety standards and zoning compliance of properties within the Township of Foster for the betterment of Foster Township commerce and the general health, safety, welfare and property of all residents;

**NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE** Board of Supervisors of Foster Township, Schuylkill County, Pennsylvania, in accordance with the general powers permitted by the Second Class Township Code (53 P.S. \_ 65101, et seq.) and the statutes noted above, as follows:

#### **SECTION 1 – DEFINITIONS**

The following words, terms and phrases when used in this Ordinance shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning:

**TOWNSHIP** – The Township of Foster, Schuylkill County, Pennsylvania.

**CODE ENFORCEMENT OFFICER** - Any person specifically designated as such by the Township Board of Supervisors to enforce this Ordinance, and shall include the duly authorized representative(s) of said Code Enforcement Officer.

**DWELLING UNIT** – A building, structure or a portion thereof, which includes one (1) or more rooms arranged, designed or intended for the use as a residence by one (1) or more individuals for living and sleeping purposes, and having no cooking or sanitary facilities in common with any other dwelling unit.

**SINGLE FAMILY DWELLING UNIT** – A building or structure arranged, designed or intended to be occupied as a residence for one (1) family and having no common wall with an adjacent building. Types of such units shall include, but not be limited to, mobile homes and modular units.

**MULTIPLE FAMILY DWELLING UNIT** – A dwelling unit, which contains two (2) or more dwelling units or single family dwelling units. Type of such units shall include, but not be limited to, townhouses, apartments, and condominiums.

**OTHER BUILDING UNIT** – A building or structure arranged, designed or intended for occupation and use as an assembly, business, educational, factory, hazard group, institutional, mercantile, storage or any other purpose.

**PREMISES** – any dwelling unit, single family unit, multiple family dwelling unit, other building unit or combination thereof.

**PROPERTY OWNER** – the legal owner, equitable owner and/or their appointed agent.

## **SECTION 2 – PROPERTY TRANSFER USE AND OCCUPANCY CERTIFICATE**

Prior to the transfer of ownership by deed, or otherwise, to a dwelling unit, single family dwelling unit, multiple family dwelling unit or other building unit within the Township, the Code Enforcement Officer shall conduct an inspection and, if appropriate in his or her sole discretion, issue a Use and Occupancy Certificate for the premises.

## **SECTION 3 – ISSUANCE OF A PROPERTY TRANSFER USE AND OCCUPANCY CERTIFICATE**

A. Application: An application for issuance of a Use and Occupancy Certificate shall be filed with the Code Enforcement Officer. Such application must be filed by the property owner. The application shall be filed no less than thirty (30) business days prior to settlement, closing and/or completion of the transfer of ownership between the buyer and seller of the premises within the Township. The application shall be in a form developed by the Code Enforcement Officer and available at the Township Building during normal business hours. In order for an application to be complete, the applicant must submit the fee set forth in subsection B of this Section with the application to the Township.

B. Fees: The Township shall charge a fee for the processing of an application and the costs related to the inspection of the premises by the Code Enforcement Officer. The fee for an application shall be in accordance with the following schedule of fees:

Single Family Dwelling Unit:	\$95.00
Multiple Family Dwelling Unit:	\$95.00 plus \$30.00 for each additional unit
Other Building Unit	\$150.00

In addition to the aforementioned fee schedule, the property owner shall pay an additional fee of Seventy-Five Dollars (\$75.00) per hour for each additional hour or portion thereof beyond the initial, first hour, which the Code Enforcement Officer incurs for performing the inspection. The fee schedule imposed by this subsection may be revised by a duly adopted resolution of the Board of Supervisors of the Township.

C. Inspection: Upon receipt of a completed application, the Code Enforcement Officer shall, within ten (10) business days, conduct an inspection of the premises to determine

its compliance with all minimum standards and requirements of the Township including, but not limited to, the following:

- Each dwelling unit must have a smoke detector installed on each floor level and in the bedroom area(s);
- Each room used for sleeping purposes must have a smoke detector installed;
- Each premises must have a carbon monoxide detector installed provided that combustible fuel is used or if vehicles are garaged at the dwelling unit;
- An existing acceptable and safe 60 ampere service, or a minimum of 100 ampere three (3) wire electric service, must be installed for the dwelling;
- An appropriate number of current occupants and the number of intended occupants at the premises as more fully set forth in the Foster Property Maintenance Code, as amended, and the Foster Building/Construction Code, as amended;
- All sidewalks and curbs must be in good repair, free of large cracks (covering more than 50% of surface area and greater than a ¼ inch width) and crevices, missing bricks and tripping hazards (greater than ½ inch), and in compliance with the Township's sidewalk design standards;
- All premises must be supplied with clearly identifiable numbers (minimum of 4 inches tall) outside the premises, in clear view of the street, designating the street number of the premises;

- The premises must be in compliance with all other aspects of the Foster Property Maintenance Code, as amended, the Foster Building/Construction Code, as amended;
- No illegal sewer connections, as defined under the applicable Township's current sewer inspection policies.

Within five (5) days following inspection, the Code Enforcement Officer shall render a decision in his or her sole discretion on the application for a Use and Occupancy Certificate. In the event that the premises is in compliance with any and all applicable rules and regulations of the Township, the Code Enforcement Officer shall issue a Use and Occupancy Certificate to the property owner. In the event that the premises is not in compliance with any and all applicable rules and regulations of the Township, the Code Enforcement Officer shall disapprove the application and issue a written decision to the property owner, which notes all reasons for disapproval, including, but not limited to, all existing violations at the premises.

D. Re-inspection procedure: In the event that the Code Enforcement Officer has disapproved an application for a Use and Occupancy Certificate hereunder, the property owner shall have the ability to correct all violations at the premises and request in writing a re-inspection of the premises by the Code Enforcement Officer. Upon receipt of such a request for re-inspection, the Code Enforcement Officer shall re-inspect the premises within ten (10) days from receipt of notification in accordance with the standards and procedures set forth in this Ordinance. A written request for re-inspection hereunder shall be submitted to the Township along with the fee in the amount of Thirty Dollars (\$30.00) per unit for such re-inspection. Following such re-inspection, the Code Enforcement Officer shall make a determination as to

whether or not the cited violations have been corrected. If the violations have been corrected and the premises is otherwise in compliance with any and all applicable rules and regulations of the Township, the Code Enforcement Officer shall issue the Use and Occupancy Certificate to the property owner.

E. Miscellaneous: A Use and Occupancy Certificate granted hereunder shall be revocable at any time by the Code Enforcement Officer upon discovery of a violation of any and all applicable rules and regulations of the Township. A Use and Occupancy Certificate granted hereunder does not warrant or guarantee on the part of the Township or any officer, agent or employee of the Township, the soundness, fitness, safety or adequacy of the premises inspected. The issuance of a Use and Occupancy Certificate shall in no way give rise to any liability on the part of the Township or any officer, agent, employee or designee thereof.

F. Exemptions: This Ordinance shall not apply to any proposed transfer of premises contemplated by an Agreement of Sale which was executed prior to the effective date of this Ordinance. This Ordinance shall not apply to any proposed transfer of premises related to a correctional or confirmatory deed. This Ordinance shall also not apply to any proposed transfer of premises between or among certain family members, to include transfer between a husband and wife; a lineal ascendant (i.e. parent, grandparent, great grandparent) and lineal descendent (i.e. child, grandchild, great grandchild); and/or children of the same parent (i.e. siblings).

#### **SECTION 4 – PENALTIES**

Any person or entity, who shall violate any provision of this Ordinance, shall be, upon conviction thereof, sentenced to pay a fine of not more than One Thousand Dollars (\$1,000.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to

exceed thirty (30) days. In addition to any penalty imposed in accordance with this Ordinance, the property owner shall be required to correct the violation(s) of any and all applicable rules and regulations of the Township, which are discovered at the premises.

#### **SECTION 5 – REPEAL OF ORDINANCES**

Any ordinance, parts of ordinances, resolution or parts of resolutions conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance's provisions.

#### **SECTION 6 – SAVINGS CLAUSE**

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reason by any Court, it shall not affect any other part or portion other than the part or portion declared void or inoperable.

#### **SECTION 7 – EFFECTIVE DATE**

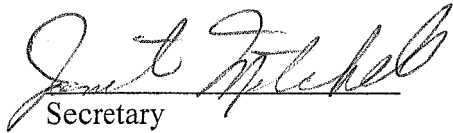
This Ordinance shall become effective five (5) days after the adoption hereof.




DULY ENACTED AND ORDAINED by the Board of Supervisors of Foster Township,  
Schuylkill County, Pennsylvania, this 3<sup>rd</sup> day of February, 2010, in lawful  
session duly assembled.

ATTEST:

FOSTER TOWNSHIP BOARD OF  
SUPERVISORS, FOSTER TOWNSHIP,  
SCHUYLKILL COUNTY, PENNSYLVANIA

  
Secretary

  
Chairperson

(SEAL)

