

**BOROUGH OF NEW BRITAIN
BUCKS COUNTY, PENNSYLVANIA**

ORDINANCE NO. 428

AN ORDINANCE OF THE BOROUGH OF NEW BRITAIN, BUCKS COUNTY, PENNSYLVANIA, AMENDING THE BOROUGH'S CODE OF ORDINANCES BY ADDING A NEW CHAPTER, CHAPTER 336 *RESIDENTIAL RESALE OCCUPANCY PERMITS*, ADDING REQUIREMENTS UPON THE RESALE OF RESIDENTIAL PROPERTY IN THE BOROUGH; REPEALING ANY PRIOR INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Borough Council of the Borough of New Britain is granted broad powers under the Borough Code, 8 Pa.C.S. § 101, *et seq.*, to enact ordinances, rules, and regulations to protect the health, safety, and welfare of the residents of the Borough of New Britain;

WHEREAS, the Borough has an aging housing stock, with, historically, little turnover in ownership;

WHEREAS, in order to ensure that the residential properties of the Borough meet certain minimum health, safety, and welfare requirements upon resale of the Borough's housing stock, the Borough's administrative staff has recommended the adoption of a residential resale occupancy permit program, pursuant to which residential properties will be inspected upon resale to ensure compliance with the aforementioned minimum requirements;

WHEREAS, the Borough Council of the Borough of New Britain believes it to be in the best interest of the Borough and its residents—current and future—to adopt a residential resale occupancy permit program in the Borough, as set forth hereinbelow.

NOW, THEREFORE, the Council Members of the Borough of New Britain do hereby **ENACT** and **ORDAIN** an amendment of the New Britain Borough Code of Ordinances as follows:

SECTION 1.

A new chapter, Chapter 336 *Residential Resale Occupancy Permits* is hereby added to the Code of Ordinances of the Borough of New Britain with the following provisions:

Chapter 336 Residential Resale Occupancy Permits

§ 336-1 Definitions.

SUBSTANTIAL VIOLATION

A violation of any requirement pursuant section 336-8 of this Chapter that makes a building, structure, or any part thereof unfit for human habitation. A building, structure, or any part thereof shall be deemed unfit for human habitation if a condition exists which renders a building, or structure, or any part thereof, dangerous or injurious to the health, safety, or physical welfare of an occupant or the occupants of neighboring dwellings.

TEMPORARY ACCESS PERMIT

A permit issued by the Borough of New Britain that authorizes the owner or purchaser to access the property for the purpose of correcting substantial violations pursuant to all applicable laws, ordinances, and regulations of the Borough of New Britain and the Commonwealth of Pennsylvania. No person may occupy a property during the term of a temporary access permit, but the owner shall be permitted to store personalty that is needed to repair the substantial violations during the term of the temporary access permit.

TEMPORARY OCCUPANCY PERMIT

A permit issued by the Borough of New Britain that authorizes the owner or purchaser to fully utilize or reside in the property while correcting violations pursuant to all applicable laws, ordinances, and regulations of the borough of New Britain and the Commonwealth of Pennsylvania.

§ 336-2 Occupancy Permit Requirements Upon Resale.

It shall be unlawful for any person, firm, or corporation to sell any residential dwelling unit within the Borough of New Britain without first obtaining an occupancy permit.

§ 336-3 Applications and Fees for Occupancy Permit.

- A.** Applications for occupancy permits shall be made to the Borough of New Britain on forms provided for that purpose.
- B.** The Borough shall, from time to time, establish by resolution such fees as it deems reasonable and proper to be charged for the issuance of an occupancy permit pursuant to the provisions of this Chapter.

§ 336-4 Receipt of Completed Applications.

Upon receipt of a properly completed application for an occupancy permit and payment of the required fee, the Borough shall promptly inspect the residential dwelling unit to determine if the residential dwelling unit complies with the requirements of section 336-8 of this Chapter.

§ 336-5 Inspection in Compliance.

If, upon inspection, the Borough shall determine that the residential dwelling unit is in compliance with the requirements of section 336-8 of this Chapter, then the Borough shall issue an occupancy permit to the applicant.

§ 336-6 Inspection Not in Compliance.

- A.** If, upon inspection, the Borough shall determine that the residential dwelling unit is not in compliance with the requirements of section 336-8 of this Chapter, but the Borough determines that the violation does not constitute a substantial violation, the Borough shall refuse to issue an occupancy permit and shall instead issue a temporary

occupancy permit and shall promptly notify the applicant, in writing, of the refusal and the specific reasons therefor with citations of the specific subsections of section 336-8 being violated.

- B.** If, upon inspection, the Borough shall determine that the residential dwelling unit is not in compliance with the requirements of section 336-8 of this Chapter, and the Borough determines that there is at least one substantial violation, the Borough shall refuse to issue an occupancy permit and shall instead issue a temporary access Permit and shall promptly notify the applicant, in writing, of the refusal and the specific subsections of section 336-8 being violated.

§ 336-7 Compliance Requirement and Resinpsection.

- A.** Any owner or purchase of a property with a known violation of section 336-8 of this Chapter must either bring the property into compliance or demolish the building or structure in accordance with applicable laws, ordinances, and regulations, within 12 months of the date of purchase.
- B.** At the expiration of the 12-month period, or before that time if requested by the owner, the Borough shall reinspect the property for the purpose of determining compliance with the cited violations. If a temporary access permit has been issued and reinspection indicates that the noted substantial violations have been corrected but other cited violations remain, the Borough shall issue a temporary occupancy permit to be valid for the time remaining on the original temporary access permit. If reinspection shows that all noted violations have been corrected, the Borough shall issue an occupancy permit for the property.

§ 336-8 Inspection Criteria.

The inspection provided for under this Chapter shall be limited to identifying violations of the following list of requirements:

- A. Use of the property shall be in accordance with Chapter 450 *Zoning*.
- B. Smoke detectors shall be present and functioning, and must be located at each level of the residential dwelling unit, including the basement, and in each bedroom.
- C. Bathrooms shall have functioning sinks and toilets, and there shall be functioning fans in non-ventilated bathrooms.
- D. Water heater pressure relief valves shall have a drop pipe which extends to within 6 inches above the finished floor.
- E. Garbage disposals shall be properly functioning, if installed.
- F. Code compliant handrails and guardrails shall be present at all stairways and decks.
- G. Electrical panels shall contain no unfilled openings (*i.e.* there shall be breakers or blanks in all available spaces).
- H. There shall be no visible exposed and/or uncapped electrical wires, and there shall be cover plates on all electrical boxes, including all receptacles and switches.
- I. There shall be no visible openings on the exterior structure which would allow weather to enter the interior of the structure.
- J. There shall be no visible openings in the wall board of the interior walls.
- K. All sump pumps, if present, shall discharge to the exterior of the building, and may not be directed into the sanitary sewer pipes.
- L. Garages shall have fire rated door and assembly between the garage and the dwelling unit, and there shall be drywall separating the garage from the dwelling unit.

- M. There shall be exterior address numbers a minimum of 4 inches in height, posted on the dwelling unit structure so as to be visible from the street as well as on both sides of the mailbox.
- N. Flexible dryer duct shall not be used for dryer unit ventilation more than 8 feet from the dryer unit.
- O. Residential sprinkler systems, if present, shall be inspected and certified, in accordance with the latest version of NFPA 13D and NFPA 25, by an approved sprinkler contractor pursuant to the approved contractor list on file with the Borough and provided with the occupancy permit application.

§ 336-9 Violations and penalties.

- A. Failure to comply with the requirements of this Chapter shall result in:
 - (i) Revocation of a temporary occupancy permit or temporary access permit.
 - (ii) The owner or purchase being subject to any existing laws, ordinances, and regulations relating to the occupation of a property without an occupancy permit.
 - (iii) Any person, firm, or corporation who shall violate any of the provisions of Chapter shall, upon conviction thereof, be sentenced to pay a fine of not less than \$25.00 nor more than \$250.00, and costs of prosecution, and in default thereof, imprisonment for a period of not more than 10 days.

SECTION 2. SEVERABILITY.

In the event that any section, sentence, clause or word of this ordinance shall be declared illegal, invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose the validity of the remaining portions of this ordinance.

SECTION 3. REPEALER.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall be effective at the earliest time permitted pursuant to Pennsylvania law.

ENACTED and **ORDAINED** this 10 day of July, 2024.

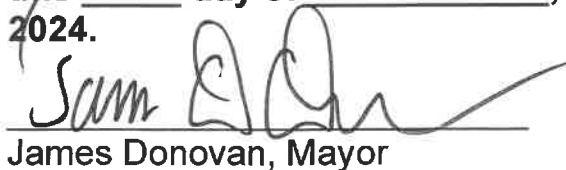
ATTEST:

**NEW BRITAIN BOROUGH
COUNCIL**


John Wolff, Secretary


Peter LaMontagne, President

**Reviewed and approved by me
this _____ day of _____,
2024.**


James Donovan, Mayor