

ORDINANCE NO _____
SCHWENKSVILLE BOROUGH
MONTGOMERY COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE SCWHENKSVILLE BOROUGH COUNCIL REPEALING CHAPTER 121 PROPERTY MAINTENANCE OF THE SCHWENKSVILLE BOROUGH CODE [Adopted by Ordinance #327,1-13-2005 As Amended by Ordinance #346, 12-13-2007] AS ADOPTED; AND RE-ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE 2006, AND ESTABLISHING THE MINIMUM REGULATIONS GOVERNING THE CONDITIONS, MAINTENANCE AND INSPECTION OF ALL PROPERTY, PREMICES, BUILDINGS AND STRUCTURES TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE: AND FOR THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH STRUCTURES; AND PROVIDING FOR INSPECTION, ENFORCEMENT, FINES AND PENALTIES

WHEREAS, Schwenksville Borough Council desires to establish certain regulations relating to property maintenance in an attempt to promote the general health, safety and welfare of the citizens of Schwenksville Borough; and

WHEREAS, in accordance with the provisions of the Borough Code, specifically Article XXXII-A Section 3204A, P.L. 262, No. 43, a Borough is authorized to enact a property maintenance ordinance, and it may incorporate any standard or nationally recognized property maintenance code, or any variations or changes or parts of the code and may provide for reasonable property fines and penalties for violations of the ordinance; and

WHEREAS, the Borough of Schwenksville desires to protect and promote the public health, safety and welfare of its residents relating to all existing residential and non-residential structures by and through standards for premises including minimum requirements and standards for premises, structures, equipment and facilities for sanitation, protection from elements, life safety, and other hazards, and for safety and sanitary maintenance; and relating to the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for the administration, enforcement and penalties; and

WHEREAS, Schwenksville Borough Council finds that it is in the public's best interest to enact an ordinance to establish minimum acceptable standards for the maintenance of buildings, structures, as well as, exterior portions of premises within the Borough; and to establish as procedure for inspection and enforcement upon transfer of title to a new owner or upon said building/dwelling/rental unit becoming vacant; and

WHEREAS, the Borough Council desires to re-adopt, by reference, the International Property Maintenance Code, 2006, with certain modifications, as the applicable Property Maintenance Code for the Borough of Schwenksville.

NOW, THEREFORE, BE IT AND IT IS HEREBY ENACTED AND ORDAINED by the Borough Council of Schwenksville Borough as follows:

Sections 121-1 Through Section 121-4 are hereby repealed and replaced with the following Sections:

SECTION 121.1. Adoption of Property Maintenance Code. Schwenksville Borough hereby adopts the International Property Maintenance Code (IPMC 2006), 2006, as published by the International Code Council, as the Property Maintenance Code of Schwenksville Borough. Any and all references to the IPMC shall mean the IPMC 2006.

SECTION 121.2. Modifications. Schwenksville Borough Council hereby revises the provisions of the IPMC 2006, in the following manner:

- A. Section 101.1 of the IPMC 2006, shall be revised to substitute the terms "Schwenksville Borough" for "NAME OF JURISDICTION";
- B. Section 102.3 shall be revised to read....."Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the adopted ordinances, rules and regulations of Schwenksville Borough."
- C. The title of Section 103 of the IPMC 2006, shall be revised to hereafter provide as follows " BUILDING CODE OFFICIAL AND DEPUTIES";
- D. Section 103.1 of the IPMC, 2006 shall be revised to hereafter provide as follows:
103.1 General. Creation of the Office of the Building Code Official. The Office of the Building Code Official is hereby created and the executive official(s) in charge thereof shall be known as the Building Code Official.

E. Section 103.2 of the IPMC, 2006, shall be revised to hereafter provide as follows:

“Appointment. The Building Code Official (BCO) shall be appointed by the Borough Council, shall serve at the pleasure of Council and shall be registered with the State as Schwenksville Borough’s BCO.”

1. The State Registered BCO may appoint a Deputy and assign specific duties.

F. Section 103.5 of the IPMC 2006, shall be revised to hereafter provide as follows:

"Fees. The fee for all permits, charges, etc. shall be paid in accordance with the Borough Fee Schedule in effect at the time application is made or the re-inspection is needed."

G. Section 104.2 of the IPMC 2006, shall be revised hereafter to provide as follows:

“The Building Code Official shall have authority as necessary in the interest of public health, safety and general welfare, to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such interpretations shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods of involving public safety.

H. Section 104.3 Inspections of the IPMC 2006, shall be revised to hereafter provide as follows:

Section 104.3 Inspections. The Building Code Official is authorized to make all of the required inspections, including but not limited to the inspections listed below, or shall accept reports of inspections by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Building Code Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise subject to the approval of Borough Council.

I. Section 104 of the IPMC 2006 shall be revised by adding the following sections to hereafter provide as follows:

104.3.1 Re-Sale Use & Occupancy Permits Inspections for all Residential and Non-residential/Commercial Properties prior to occupancy/re-occupancy.

104.3.2. Transfer Only Permit Inspections for all Residential and Commercial Properties prior to transfer to new ownership.

104.3.3 Residential Rental Unit Inspections prior to Occupancy/re-occupancy upon change in tenancy or sub-tenancy.

104.3.4 Non-residential Rental Space Inspections prior to Occupancy/re-Occupancy upon change in tenancy or sub-tenancy.

J. The Title to Section 104.7 of the IPMC 2006, shall be revised to hereafter provide as follows "Building Code Official's Records"

K. Section 106.3 of the IPMC 2006, shall be revised to hereafter provide as follows:
"Prosecution of Violation. Persons who shall violate a provision of this Code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the approved construction documents or directive of the Building Code Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a summary offense, punishable by a fine of not more than One Thousand Dollars (\$1,000.00) per violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense."

L. Section 207.1 Notice to person responsible shall be revised to hereafter provide: Whenever the code Official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, either from a signed written complaint, personal observation or notice from other Borough Staff having observed the violation, notice shall be given in the manner prescribed in Section 107.2 and 107.3 of the IPMC 2006 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

M. Section 107.4 of the International Property Maintenance Code 2006, is revised by deleting the reference to "Section 106.4" and by substituting in the place thereof Section 106.3.

N. Section 107.5 of the International Property Maintenance Code, 2006, is revised to read as follows:

Section 107.5 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order; or upon whom a notice of violation has been served; or who has failed to apply for and receive a U&O Permit in accordance with Section 104.3 Inspections, to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure or premise to another until the provisions of the compliance order or notice of violation or Inspection have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation, or Transfer Only Permit, issued by the

Building Code Official and shall furnish to the Building Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation or transfer only permit and fully accepting responsibility without condition for making the corrections or repairs by such compliance order or notice of violation and/or applying for and receiving a Use and Occupancy Permit.

- O. Section 111 of the International Property Maintenance Code, 2006, is hereby revised to hereafter provide as follows:

Section 111.1(b). Appeals of the Schwenksville Property Maintenance Code shall be filed with Schwenksville Borough on forms supplied by Schwenksville Borough.

Section 111.1 (c) Application Fees for appeals shall be \$500.00 for residential or \$1,000.00 for non-residential appeals. Fees may be amended by Resolution of Borough Council.

Section 111.2 Membership of Board. The Board of Appeals shall be the Regional UCC Board of Appeals of which Schwenksville Borough is a member. The Board of Appeals shall operate with a minimum of three members, at least one of whom shall be appointed by the Borough of Schwenksville.

Section 111.2.1 Alternate Members. Appointees to the Regional UCC Board of Appeals from other member jurisdictions shall serve as Alternate Members. Alternatively, the Board of Appeals may appoint two (2) or more alternate members who shall be called by the Board Chairman to hear appeals during the absence or disqualification of a member. Alternate members shall be qualified by similar qualifications as the UCC Board of Appeals members.

- P. Section 112.4 **Failure to Comply** shall be amended to add that Failure to Comply will be dealt with in accordance to Section 106.3 of the IPMC 2006.

- Q. Section 202 of the International Property Maintenance Code, 2006, is hereby revised to include the following definitions, along with those listed:

Occupied. As applied to a building or portion thereof, shall be construed as though followed by the words "or intended, arranged or designed to be occupied, or having a certificate of use and occupancy".

One Family Dwelling. A building containing one (1) dwelling unit.

Owner: Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state,

county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of such person.

Two Family Dwelling. A building containing two (2) dwelling units."

- R. Section 301.1 of the International Property Maintenance Code, 2006, is hereby revised to read as follows:

301.1 Scope. The provisions of this Ordinance shall govern the minimum conditions and the responsibilities of persons for maintenance of all existing residential and non-residential structures and all existing premises and exterior property; and constitute minimum requirements and standards for premises, structures, equipment and facilities for sanitation, protection from elements, life safety, and other hazards, and for safety and sanitary maintenance.

- S. Section 301 of the International Property Maintenance Code, 2006, is hereby revised to add Subsection 301.2.1 which shall hereafter provide as follows;

Section 301.2.1 -Where properties abut a public right-of-way, the abutting property owner shall be responsible for the maintenance of the area between their property line and the cartway, including the curb, the sidewalk and grass areas between the curb and the property line."

- T. Section 302 of the International Property Maintenance Code, 2006, is hereby revised to add a new Subsection 302.3.1 which shall hereafter provide as follows

Section 302.3.1 -Where sidewalks exist, those responsible (see Section 301.2.1, as amended) for the sidewalks shall have at least a two (2) foot wide path cleared of snow and ice within twenty four (24) hours after the cessation of the snowfall in accordance with Chapter 143 Article I §143-4- §143-6 of the Schwenksville Borough Codified Code.

EXCEPTION; When more than twelve (12) inches of snow has fallen, those responsible for the sidewalk shall have at least a two (2) foot wide path cleared of snow and ice within forty-eight (48) hours after the cessation of the snowfall."

- U. Section 302 of the International Property Maintenance Code, 2006, is hereby revised to add a new Subsection 302.3.2 which shall hereafter provide as follows

Section 302.3.2 – Where sidewalks, driveway aprons and curbing exist, those responsible (see Section 301.2.1, as amended) for sidewalks, driveway aprons and curbing shall repair sidewalks, driveway aprons and/or curbing within 30 days of written notice by the Borough of Schwenksville in accordance with

procedures, specifications and guidelines contained in Chapter 143 Article II of the Schwenksville Borough Codified Code.

V. Section 302.4 of the International Property Maintenance Code, 2006, is hereby revised to substitute “six inches” for “(jurisdiction to insert height in inches)”

W. Section 302.4 of the International Property Maintenance Code, 2006, is hereby revised to add a new subsection 302.4.1 as follows

302.4.1. The Building Code Official, or any officer or employee of the Borough designated thereby for this purpose, is hereby authorized to give notice, by personal service or United States mail, to the owner or occupant or any adult person in charge of said premises, as the case may be, of any property wherein grass or other vegetation is in violation of Section 302.4, directing and requiring such occupant or owner to remove, trim or cut such grass, weeds or vegetation so as to conform to the requirements of this ordinance within five days after issuance of such notice.

Whenever, in the judgment of the Building Code Official, it shall appear to be impracticable to give notice as above provided, either because the owner or occupant cannot readily be found, or because a search for the owner or occupant would entail unreasonable delay, the Borough or any officer or employee of the Borough designated thereby for that purpose may give notice by posting conspicuously on the property where such nuisance exists, a notice or order directing and requiring that such nuisance be abated within five days.

In case any person, firm or corporation shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Borough may order the removal, trimming or cutting of such grass, weeds or vegetation, and the cost thereof, together with a penalty of 10% of the cost thereof, shall be collected by the Borough from such person, firm or corporation, in the manner provided by law and may be entered as a municipal lien against the property and owner thereof, for the abatement of nuisance.

X. Section 302.5 Rodent harborage of the International property Maintenance Code, 2006 shall be amended to read as follows:

Section 302.5 Rodent Harborage. All structures and exterior property shall be kept free of rodent infestation.

Y. Section 302.7 Accessory structures shall be revised to read as follows:

Section 302.7 Accessory Structures. All accessory structures, including detached garages, barns, sheds, fences, stairs and retaining walls, garden or other decorative walls and similar structures shall be maintained structurally sound, secure and in good repair.

Z. Section 302.7 is hereby revised to add a new section which from hereafter shall provide as follows:

Section 302.7.1 Retaining walls, stairs and other similar structures.

Retaining walls, stairs and other similar structures located in areas accessible to the general public shall be kept in a proper state of repair, free from open cracks and breaks, and loose or rotting materials of more than 10% of the structure and maintained free from hazardous conditions.

AA. Section 302.8 shall be revised to add a definition to the Code as follows:

Motor Vehicles. No (0) inoperative or unlicensed motor vehicle shall be parked stored or kept on any premises, in excess of 90 days, unless enclosed within a permitted structure. The first notice or citation from the Code Enforcement Officer shall allow 90 days from the date of the notice or citation to remove the said vehicle. Non-removal after this notice shall result in a violation subject to the penalties of Section 106.3 of this Code. A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designated and approved for such purpose and is in compliance with Chapter 176 of the Codified Code of Schwenksville Borough.

BB. Section 304.2 Protective Treatment, of the International Property Maintenance Code, 2006, delete the words "Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement."

CC. Section 304.10. Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting imposed loads.

a. If upon inspection the structural soundness of any structure is suspect, the BCO may require the property owner to provide an inspection report from a licensed structural engineer to indicate soundness or recommended repairs.

b. All exterior surfaces shall be maintained in good condition. Exterior wood

surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment.

- DD. Section 304.14 of the International Property Maintenance Code, 2006, shall be amended to read: In every non-owner occupied structure, during the period from May 15th to October 15th every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16mesh per 25mm), and every screen door used for insect control shall have a self-closing device in good working order.
- EE. Section 305.3.1 Mold. If mold or mold-like substances is suspected by the BCO upon inspection of the rental unit, the suspected mold-like substance shall be tested by a certified mold remediation company and if confirmed, mold shall be removed from rental unit, by a certified mold remediation company and a report documenting the mold remediation shall be provided to the code official.
- FF. Section 402, LIGHT of the IPMC 2006 shall be deleted.
- GG. Section 403 VENTILATION, of the IPMC 2006 shall be with deleted with the exception: **403.5 Clothes dryer exhaust** shall remain.
- HH. Section 602.3 of the IPMC, 2006, is revised to substitute the date "October 1st" for the first reference "DATE", and "May 1st" for the second reference to "DATE".
- II. Section 602.4 of the International Property Maintenance Code, 2006, is hereby deleted
- JJ. Section 605.2 delete and replace with:
605.2 Receptacles. Every habitable space in a dwelling unit shall contain at least two separate and remote receptacle outlets.
- 605.2.1 Wet Areas. Ground fault circuit interrupter (GFCI) receptacle outlets are required within six feet of any water source per NEC 210.8.
- 605.2.2, Laundry Areas. Every laundry area shall contain at least one GFCI receptacle outlet.

605.2.3, Bathrooms. Every bathroom shall contain at least one GFCI receptacle outlet. Only GFCI receptacle outlets may be used in new bathrooms.

- KK. Section 702.5, Fire Escapes. Exterior Fire Escapes must be maintained in good structural and working order.
- LL. Section 704, add:
704.5 Fire Extinguishers. In all rental units, a minimum size three pound A.B.C. fire extinguisher must be located in a visible location near or in all kitchen areas. Fire Extinguishers must be replaced per manufacturer specifications or at least every 10 years, whichever period is shorter.
- MM. The references to "THE BUILDING OFFICIAL" as set forth in the International Property Maintenance Code, 2006, shall be revised to substitute in the place thereof the terms "Building Code Official";
- NN. The International Property Maintenance Code, 2006, shall be revised to substitute the terms "Borough Council" in all instances referencing the terms "THE GOVERNING BODY".
- OO. The Following Sections shall be added to the IPMC 2006:

SECTION 801. Residential Dwelling Unit Resale Requirements [Singles, twins, duplex, townhouse and like dwelling units].

Upon transfer of title to a new owner, excluding transfers that occur for (1) Conversion: a change in an entity's form or organization, place of organization or name; (2) Financing Transaction: when realty is transferred by the debtor solely for the purpose of serving as security for the payment of debt; or when no sale or debt is intended; (3) living trust is established; Confirmatory Deeds, no residential dwelling or dwelling unit shall be occupied, in whole or in part, until the issuance of a Use & Occupancy Certificate by the Building Code Official. The following requirements must be met before a certificate shall be issued:

- 1) Decks, pools and other accessory structures conformed to zoning regulations and building codes.
- 2) Permanent swimming pools, spas and hot tubs must be enclosed with a fence, barrier (gates) in accordance with section 303.2 of this code as amended.
- 3) Cellar drains or sump pumps connected to a public sewer must be removed
- 4) Roof drains must not be connected to a public sewer.
- 5) A smoke detector must be installed on each floor level and in every bedroom.

Hardwired smoke detectors must be maintained. Additional smoke detectors required by this code may be battery operated.

- 6) A CO detector must be located in the vicinity of bedrooms when a dwelling unit has an attached garage or fuel burning appliance. Hardwired CO detectors must be maintained. Additional CO detectors required by this code may be battery operated.
- 7) A fire extinguisher equipped with a hose and nozzle and of a 5 pound ABC dry powder rating must be supplied for the kitchen.
- 8) An existing acceptable 60 ampere service, or a minimum of 100 ampere three-wire electric service, must be installed for the dwelling.
- 9) All kitchens, bathrooms, powder rooms, laundry rooms, garages and unfinished basements, or any outlets within six feet of water source, must be supplied with a ground fault receptacle.
- 10) Plumbing must meet sanitary conditions and safety
- 11) Sewer Lateral must pass inspection as per Ordinance No. 370. Lateral Inspection protocol and permits are issued by the Schwenksville Borough Authority.
- 12) All gas ranges must be supplied with shutoff valves installed behind the range.
- 13) All electrical ranges excepting built in cooking appliances must have an outlet installed at the rear of the range.
- 14) Anti-tilt devices to be installed on all ranges.
- 15) Proper Dryer Ventilation in accordance with 403.5 of this Code.
- 16) Buildings shall have approved address numbers in accordance with section 304.3 of this code as amended. Building numbers or approved building identification shall be placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall be contrast with their background. Address numbers shall be Arabic Numerals. Numbers shall be a minimum of Four Inches with a minimum stroke width of 0.5 inch.
- 17) Handrails for steps in accordance with Section 304.12 and compliant with the Building Code.
- 18) Sidewalks – must be repaired or replaced In Accordance with **Section 302.3.2 of this Code. [See in Chapter 143 Article II of the Schwenksville Borough Codified Code.]**
- 19) Retaining Walls accessible to public areas must satisfy Section 302.7
- 20) The property must be in clean and sanitary condition.
- 21) A certificate of inspection must be provided by a Borough authorized heat and oil burner service dealer for the heating unit.

- 22) All solid fuel burning appliances and the chimney/vent must be cleaned and inspected by a Borough authorized chimney sweep or service dealer of the heating unit.
- 23) Before the issuance of the property transfer use and occupancy certificate, a full buyer notification inspection shall be conducted. The old owner must inform the new owner of all pending violations, and a letter of intent signed as to who will be responsible for the said violations.
- 24) In the event that the property transfer does not occur, the present owner must correct all listed violations within 60 days of the date on which the settlement on the property was to have occurred. Failure to abate said violation shall be subject to the penalties set forth in § 106 of the 2006 IPMC. A new Application for U&O and Inspection is required if a settlement does not occur within six months of a Certificate of Occupancy.
- 25) Transfer Only Permits. In Accordance with Section 803, the Building Code Official shall have the authority to issue permits for the transfer of ownership of residential dwellings that are not intended for occupancy until all requirements of § 801.1-14, hereof, have been satisfied. The Borough Council, by Resolution, shall establish the appropriate fee for the issuance of a Transfer Only permit.

SECTION 802. Non-residential, Commercial, Office, Manufacturing, Light Industrial and Mixed-Use Buildings Resales. Upon transfer of title to a new owner, or upon said building or dwelling unit becoming vacant, no Non-residential, Commercial, Office, Manufacturing, Light Industrial or Mixed-Use Building, in whole or in part, except as noted herein, shall be occupied until the issuance of a Use & Occupancy Certificate by the Building Code Official. The following requirements must be met before a certificate shall be issued:

- 1) Before the issuance of a Certificate for Use & Occupancy, a full code compliance inspection shall be conducted in accordance with the International Maintenance Code/2006 Edition as Amended by the Borough of Schwenksville, the International Fire Prevention Code and the U.C.C. Building Code as adopted by Schwenksville Borough.
- 2) Sewer Lateral must pass inspection as per Ordinance No. 370. Lateral Inspection protocol and permits are issued by the Schwenksville Borough Authority. Notification of passed inspection required by the Borough.
- 3) Sidewalks – must be repaired or replaced In Accordance with **Section 302.3.2 of this Code. [See in Chapter 143 Article II of the Schwenksville Borough Codified Code.]**
- 4) Retaining Walls accessible to public areas must satisfy Section 302.7

5) If violations for any of the above Codes & Ordinances are noted, the owner must inform the new owner of all pending violations, and a notarized letter of intent shall be signed by whoever will be responsible for the correction of the violations, which must occur within 60 days of transfer of the deed to the new owner.

6) All Hazardous building, safety, fire, plumbing and electrical violations cited at the time of inspection by the Building Code Official shall be corrected in the time specified by the Building Code Official and/or Fire Marshall.

7) In the event that the property transfer does not occur, the present owner must correct all listed violations within 60 days of the date on which the settlement on the property was to have occurred, or from written notice from the Borough of Schwenksville. Failure to abate such violations shall be subject to the penalties set forth in § 106 of the 2006 IPMC.

SECTION 803 Transfer Only Inspections: Certificates of Transfer Only may be issued by the Building Code Official where violations exist in accordance with the procedures specified herein. The following requirements must be met before a property Transfer Only Certificate shall be issued:

1) Application shall be made for a Transfer Only Certificate.

2) The Building Code Official shall conduct an inspection in accordance with Section 801 or 802 herein, as applicable. A list of violations will be presented to the applicant.

3) Before the issuance of the said Certificate Transfer Only, the old owner must inform the new owner of all pending violations, and a notarized letter of intent shall be signed indicating who will be responsible for said violations. All violations must be corrected within 60 days upon transfer of the title to the new owner. Depending on the nature of the violations the BCO shall determine a time frame for compliance and extensions.

4) In the event that the property transfer does not occur, the present owner must correct all listed violations within 60 days of the date on which the settlement on the property was to have occurred, or within 60 days of the date of written notification from the BCO. Failure to abate such violation shall be subject to the penalties set forth in § 106 of the 2006 IPMC.

5) All hazardous building, safety, fire, plumbing and electrical violations cited at the time of inspection by the Code Enforcement Officer shall be corrected in the time specified by the Building Inspector and Fire Marshall.

Section 803.1 Fees. The fee paid to Schwenksville Borough for the Certificate of Transfer Only Inspection for each Property Transferred shall be in an amount as

established from time to time by Resolution of the Borough Council.

SECTION 804. Residential Rental Unit Inspections Upon transfer of lease to a new tenant, no residential dwelling unit shall be occupied, in whole or in part, until the issuance of a Rental Use & Occupancy Certificate by the Building Code Official that said dwelling unit conforms to the following requirements:

- 1) Outdoor swimming pools, spas and hot tubs must be enclosed with a fence, barrier (gates) in accordance with section 303.2 of the 2006 IPMC and 2009 IRC Section AG105, as amended.
- 2) Cellar drains or sump pumps connected to a public sewer must be removed.
- 3) Roof drains must not be connected to a public sewer.
- 4) A smoke detector must be installed on each floor level and in every sleeping room and out side of sleeping rooms. Hardwired smoke detectors must be maintained. Additional smoke detectors required by this code may be battery operated.
- 5) A CO detector must be located in the vicinity of sleeping rooms when a dwelling unit has an attached garage or fuel burning appliance. Hardwired CO detectors must be maintained. Additional CO detectors required by this code may be battery operated.
- 6) A fire extinguisher equipped with a hose and nozzle and of a 5 pound ABC dry powder rating must be supplied for the kitchen.
- 7) An existing acceptable 60 ampere service, or a minimum of 100 ampere three-wire electric service, must be installed for the dwelling.
- 8) All kitchens, bathrooms, powder rooms, laundry rooms, unfinished basement areas, garages and exterior locations; or any outlets within six feet of water source, must be supplied with a ground fault receptacle.
- 9) Plumbing must meet sanitary conditions and safety.
- 10) All gas ranges must be supplied with shutoff valves installed behind the range.
- 11) All electrical ranges must have an outlet installed at the rear of the range.
- 12) Anti-tilt devices to be installed on all ranges.
- 13) Proper Dryer Ventilation in accordance with 403.5 of this Code.
- 14) If mold or mold-like substances is suspected by the BCO upon inspection of the rental unit, the suspected mold-like substance shall be tested by a certified mold remediation company and if confirmed, mold shall be removed from rental unit, by a certified mold remediation company and a report documenting the mold remediation shall be provided to the code official.

15) Buildings shall have approved address numbers in accordance with section 304.3 of this 2006 IPMC, as amended. Building numbers or approved building identification shall be placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall be contrast with their background. Address numbers shall be Arabic Numerals. Numbers shall be a minimum of Four Inches with a minimum stroke width of 0.5 inch.

16) Handrails for steps in accordance with Section 304.12 and compliant with the Building Code.

17) The property must be in clean and sanitary condition.

18) A certificate of inspection must be provided by a Borough authorized heat and oil burner service dealer for the heating unit.

19) All solid fuel burning appliances and the chimney/vent must be cleaned and inspected by a Borough authorized chimney sweep or service dealer of the heating unit.

20) All hazardous building, safety, fire, plumbing and electrical violations cited at the time of inspection by the Code Enforcement Officer shall be corrected in the time specified by the Building Inspector and Fire Marshal.

SECTION 804.1. Fees. The fee paid to Schwenksville Borough for the Rental Inspection for each Residential Rental Unit shall be in an amount as established from time to time by Resolution of the Borough Council.

Section 805. Commercial Rental Inspections. Upon transfer, or designation of lease to a new/different tenant, no commercial unit shall be occupied, in whole or in part, until the issuance of a Commercial Use & Occupancy Certificate by the Building Code Official that said dwelling unit conforms to the following requirements:

- 1) Before the issuance of a Certificate for Use & Occupancy, a code compliance inspection shall be conducted in accordance with the International Maintenance Code/2006 Edition as Amended by the Borough of Schwenksville, the International Fire Prevention Code and the U.C.C. Building Code as adopted by Schwenksville Borough.
- 2) All hazardous building, safety, fire, plumbing and electrical violations cited at the time of inspection by the Code Enforcement Officer shall be corrected in the time specified by the Building Inspector and Fire Marshall.
- 3) All outside agency inspections must be secured.
- 4) The BCO may generate a list of items to be inspected that shall not be exclusive and shall be used as a guide and stated as such.

SECTION 805.1. Fees. The fee paid to Schwenksville Borough for the Rental Inspection for each Non-Residential Unit shall be in an amount as established from time to time by Resolution of the Borough Council.

SECTION 3. Inconsistent Ordinances Repealed. Any and all Ordinances which conflict herewith are hereby repealed.

SECTION 4. Inconsistent Provisions. Any section of this Ordinance which is inconsistent with 68 P.S. § 1081-1083, known as the Pennsylvania Municipal Code and Ordinance Compliance Act (“MCOCA”) shall not be enforced. The provisions of the MCOCA shall prevail over any inconsistent provisions of this Ordinance.

SECTION 5. Continuation of Existing Regulations. The provisions of this Ordinance, so far as they are the same as those of Ordinances and regulations in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such Ordinances and regulations and not as new enactments. The provisions of the Ordinance shall not affect any act done or liability incurred, nor shall they affect any suit of prosecution pending or to be instituted to enforce any of these repealed Ordinances or regulations.

SECTION 6. Severability. The provisions of this Ordinance are severable and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction such decision of the Court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have still been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 7. Effective Date. This Ordinance shall become effective five (5) days after adoption or within the time period provided by law.

ENACTED AND ORDAINED into law this ____ day of _____, A.D. 2016, by the Schwenksville Borough Council.

Darren Rash, Council President

Gail Philips, Secretary