

Certificate of Use and Occupancy

ORDINANCE 2004-33 CERTIFICATE OF USE AND OCCUPANCY (As Amended by Ordinance 2005-26 and Ordinance 2006-1)

BE IT ORDAINED AND ENACTED by the Council of the City of Hazleton as follows:

INSPECTIONS AND CERTIFICATES

Section 1.1 Inspection Authorized; Access.

The Code Enforcement Officer is authorized and directed to make inspections to determine whether dwellings, dwelling units, rooming units, and premises located within the city conform to the requirements of this ordinance. For the purpose of making such inspections, the Code Enforcement Officer is authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units, and premises. The owner or occupant of every dwelling, dwelling unit, rooming unit, and its premises shall give the Code Enforcement Officer free access thereto at all reasonable times for the purpose of such inspection, examination and survey.

Section 1.2 Occupancy Permit Required.

- a) New Buildings – No building hereafter erected shall be used or occupied in whole or in part until a Certificate of Use and Occupancy has been issued by the Code Enforcement Officer.
- b) Existing Buildings – No building hereafter changing ownership shall be occupied or used without the current owner first securing a Certificate of Use and Occupancy from the Code Enforcement Officer. For buildings not changing occupancy subsequent to change in ownership, the new owner shall obtain a Certificate of Use and Occupancy within thirty (30) days of the date of settlement.
- c) Buildings Hereafter Altered – No buildings hereafter enlarged, extended or altered to change from one use group to another, in whole or in part, and no building hereafter altered for which a Certificate of Use and Occupancy has not been heretofore issued, shall be occupied or used until a Certificate of Use and Occupancy shall have been issued by the Code Enforcement Officer certifying that the work has been completed in accordance with the provisions of the approved permit.
- d) Changes in Use and Occupancy – After a change of use has been made in a building, the reestablishment of a prior use that would have been legal in a new building of the same type of construction is prohibited unless the applicable provisions of the Uniform Construction Code have been followed.
- e) Temporary Occupancy – Upon the request of a holder of a permit, the Code Enforcement Officer may issue a temporary Certificate of Use and Occupancy for a building or structure or part thereof, before the entire work covered by the permit has been completed, provided such portion or portions may be occupied safely prior to full completion of the building without endangering life or public welfare.
- f) It shall be unlawful for any person to knowingly make any false statement in his application for an occupancy permit as to the names, ages, relationship or number of occupants who will occupy the premises.

Section 1.3 Inspections and Certificates of Compliance.

If the inspected premises meets all current city codes and the following:

1. Smoke detectors
2. Stairway guardrails
3. Open electric
4. Hot water / heat / sewer
5. Broken glass and/or windows
6. Broken balances on bedroom windows
7. Improper guardrails or handrails for decks or stairs
8. Second means of egress on buildings two stories per Chapter 7, Section 702.0 "Means of Egress" as outlined in the 1996 BOCA Property Maintenance Code, or subsequent updates.
9. Rain Gutters
10. General Health and Safety

A certificate of compliance shall be issued. The certificate shall be valid until the dwelling, dwelling units, rooming units,

and premises are transferred or sold, or subsequent inspection reveals lack of compliance with the above.

Section 1.4 Inspection Fees.

(a) A fee of \$50.00 per dwelling or \$100.00 per commercial unit shall be paid to the city and shall accompany each request for inspection of a dwelling or commercial unit. For the purpose of this section, a dwelling unit occupied as a condominium or townhouse shall be considered a single-family dwelling.

(b) One certificate along with any correspondence will be granted to original applicant – any copies will be charged at \$5.00 per document (this will include all correspondence also).

(c) Any re-inspection due to the fact of the Code Officer not being able to obtain entrance for inspection at designated time agreed to by all parties will be assessed an additional \$25.00 fee.

Section 1.6 Notice of Violation.

Whenever the Code Enforcement Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, he shall give notice of such alleged violation to the person responsible therefor which shall:

- (1) Be in writing.
- (2) Contain a statement of the reason why it is being issued.
- (3) Allow a reasonable time for the performance of any act it requires (30 days' maximum).
- (4) Contain an outline of remedial action which if taken will effect compliance with the provisions of this chapter.
- (5) Be served upon the owner or his agent, or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner or agent, or on any such occupant, if a copy thereof is:
 - a. Served upon him personally;
 - b. Sent by certified mail to his last known address; or
 - c. Posted in a conspicuous place in or about the dwelling affected by the notice.

Section 1.7 Designation of Dwellings Unfit for Habitation.

The following may be designated as dwellings or dwelling units unfit for human habitation:

- (1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants or the public;
- (2) One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public;
- (3) One which because of its general condition or location is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public; or
- (4) One which does not substantially conform to any provisions of 1996 Building Officials and Code Administrators Property Maintenance Code or any sections of this ordinance.

Section 1.8 Placarding.

Any dwelling or dwelling unit which shall be found to have any of the defects set out in this ordinance shall be declared unfit for human habitation and shall be so designated and placarded by the Code Enforcement Officer when the person responsible has failed to correct the condition set forth in a notice issued in accordance with section 1.6.

Section 1.9 Removal of Placards.

No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as may be provided.

Section 1.10 Right of appeal.

Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the BOCA Property Maintenance Board of Appeals under the procedure set forth in this ordinance.

Section 1.11 Transfer of ownership.

(a) It shall be unlawful for the owner of any dwelling or dwelling unit upon whom a notice of violation or compliance order has been served to sell, transfer, mortgage, lease or otherwise dispose of the dwelling to another until the provisions of

the notice of violation or compliance order have been complied with, or until such owner shall first furnish to the grantee, lessee or mortgagee a true copy of any notice of violation or compliance order issued by the Code Enforcement Officer. A transferee, lessee or mortgagee who has received actual or constructive notice of the existence of a notice of violation or compliance order shall be bound by such notice as of the date of the transfer without further service or notice upon him.

(b) The owner to whom a dwelling or dwelling unit has been transferred may consent to make repairs which have been required by a notice of violation from the Code Enforcement Officer, by signing an agreement with the city agreeing to make the repairs required by the violation notice on or before a date as determined by the Code Enforcement Officer. Upon receipt of such agreement, the Code Enforcement Officer may issue an occupancy permit to be held by the city until such time as the repairs are completed by the new owner of the dwelling or dwelling unit. The form of this agreement shall contain the following:

- (1) Identity of the owner.
- (2) Description and location of the dwelling or dwelling unit.
- (3) List of all required repairs.
- (4) The date upon which repairs will be completed.
- (5) Executed and notarized signatures by both the new owner and the Code Enforcement Officer.

Section 1.12 Penalty.

Any person, firm, or corporation who violates the provisions of this Article shall be subject to the following penalties:

- (a) First violation – A fine of \$50.00 per unit.
- (b) Second violation – A fine of \$100.00 per unit.
- (c) Third and each subsequent violation – A fine of \$300.00 per unit, or ninety days imprisonment, or both.

All other Ordinances inconsistent herewith are hereby repealed.

ADOPTED BY COUNCIL this 22nd day of November 2004.