

CHESTER TOWNSHIP

ORDINANCE 2-2022

AN ORDINANCE OF CHESTER TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, REQUIRING SEWER LATERAL INSPECTIONS IN CONNECTION AND THE TRANSFER OR CHANGE IN USE OF A PROPERTY; REPEALING ALL ORDINANCES OR PARTS THEREOF INCONSISTENT HERewith; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Council of Chester Township has concluded that it is necessary to enact a systematic inspection, compliance, and enforcement program concerning the upkeep and maintenance of building sewer laterals connected to the Township's sewer system; and

WHEREAS, the Council desires to require the inspection of properties before the transfer or conveyance of real property and before a change in the use of real property to include changing from owner occupied to rental use; and

WHEREAS, the required sewer later inspection is in the best interests of the health, safety, and general welfare of the residents of Chester Township to ensure the proper upkeep and maintenance of sewer laterals connected to the Township's sewer system; and

WHEREAS, the Council is desirous of complying with 68 P.S. Secs 1081-1083 which is known as the Municipal Code and Ordinance Compliance Act.

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the Chester Township Council, and it is hereby **ENACTED AND ORDAINED** by authority of same as follows:

- I. SEWER LATERAL INSPECTIONS REQUIRED:** No owner of real property located in Chester Township, or their agent, shall transfer ownership of any real property or change the use of real property without first undergoing a sewer lateral inspection by one of three authorized agents approved by Chester Township which includes a camera inspection of the lateral. That inspection to include a video report shall be provided to the Chester Township Department of Licenses and Inspections before a Municipal Inspection Report for a Use and Occupancy Permit is issued. Upon completion of the sewer lateral inspection, the Township's representative shall review the results and note any deficiencies or defects that could permit inflow and infiltration, or any other prohibited substance, from entering into or exiting from the sanitary sewer, in violation of the Township's Ordinances, or the rules and regulations of any local, state, of federal regulatory agency. Any deficiencies or defects shall be recorded on the

designate form, and a copy of the form shall be provided to the owner and purchaser of the real property or their agent(s) to assist in determining responsibility for correction of the violation(s). That form and underlying material shall be maintained by the Township in accordance with the Pennsylvania Right to Know Law.

II. DEFINITIONS: The following words and phrases when used in this Ordinance shall have the meanings given to them in this section unless the context clearly indicates otherwise:

- a. "Date of Purchase". The date on which title and right to possess the property transfers to the purchaser or, in the cases where the property is sold pursuant to the act of May 16, 1923 (P.L. 207, No. 153), referred to as the Municipal Claim and Tax Lien Law, the first day following the right of redemption period authorized under the Municipal Claim and Tax Lien Law.
- b. "Municipality". Shall mean Chester Township.
- c. "Substantial violation". A violation of an adopted building, housing, property maintenance or fire code, or maintenance, health or safety nuisance ordinance that makes a building, structure or any part thereof unfit for human habitation and is discovered during the course of a municipal inspection of a property and disclosed to the record owner and/or prospective purchases of the property or their designated agent(s) through issuance of a municipal report.
- d. "Temporary access certificate". A Certificate issued by a municipality as a result of the municipal inspection of a property incident to the resale of the property that identifies at least one substantial violation, and the purpose of the certificate is to authorize the purchaser to access the property for the purpose of correcting substantial violations pursuant to the maintenance and repair provisions of the act. No person may occupy a property during the term of a temporary access certificate, but the owner shall be permitted to store personalty that is related to the proposed use or occupancy of the property or is needed to repair the substantial violations during the time.
- e. "Temporary use and occupancy certificate." A certificate issued by a municipality as a result of the municipal inspection of a property incident to the resale of the property that reveals a violation but no substantial violation, and the purpose of the certificate is to authorize the purchaser to fully utilize or reside in the property while correcting violations pursuant to the maintenance and repair provisions of this act.

- f. "Unfit for human habitation." A condition 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. The condition may include substantial violations of a property that show evidence of: a significant increase to the hazards of fire or accident; inadequate sanitary facilities; vermin infestation; or a condition of disrepair, dilapidation or structural defects such that the cost of rehabilitation and repair would exceed one-half of the agreed-upon purchase price of the property.
- g. "Use and occupancy certificate." A certificate issued by a municipality stipulating that the property meets all ordinances and codes and may be used or occupied as intended.
- h. "Violation." A violation of a properly adopted building, housing, property maintenance or fire code or maintenance, health or safety nuisance ordinance that does not rise to the level of a substantial violation and is discovered during the course of a municipal inspection of a property and disclosed to the record owner or prospective purchaser of the property through issuance of a municipal report.

III. USE AND OCCUPANCY PERMIT: The Municipal Representative shall issue a certificate of occupancy in the following manner:

- a. As soon as practicable if the municipal inspection reveals no violations.
- b. If the municipal inspection reveals at least one violation, but no substantial violations, the municipality shall issue a temporary use and occupancy certificate.
- c. If the municipal inspection reveals at least one substantial violation, the municipality shall specifically note those items on the inspection report and shall issue a temporary access certificate.

IV. COMPLIANCE REQUIREMENT:

- a. Within 12 months of the date of purchase, the purchaser of a property known to be in violation of a municipal code or ordinance shall, at his option, either:
 - i. bring the property into compliance with municipal codes or ordinances; or
 - ii. demolish the building or structure in accordance with law.
- b. Negotiation of longer time periods. At the request of the property owner, the Township may negotiate, at its discretion, longer time periods for

maintenance and repair of the structure under a temporary certificate, but the time periods stated in subsection (a) may not be shortened.

V. REINSPECTION OF PROPERTY:

- a. At the expiration of the time period set forth in subsection IV(a) or before that time, if requested by the property owner, the municipality shall re-inspect the property for the purpose of determining compliance with the cited violations.
- b. If a temporary access permit has been issued and re-inspection indicates that the noted substantial violations have been corrected but other cited violations have not yet been corrected, the municipality shall issue a temporary use and occupancy permit to be valid for the time remaining on the original temporary access permit.
- c. If the re-inspection indicates that all noted violations have been corrected, the municipality shall issue a use and occupancy certificate for the property.

VI. PENALTIES

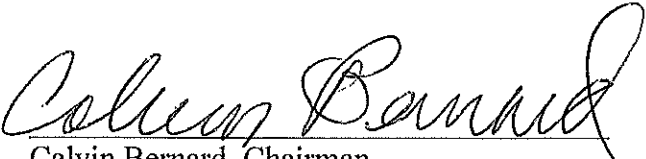
- a. Failure to comply with the requirements of subsection IV(a) shall result in:
 - i. Revocation of the temporary certificate.
 - ii. The purchaser being subject to any existing municipal ordinances or codes relating to the occupation of a property without a use and occupancy certificate as described in the Ordinances of the Township of Chester and the Laws of the Commonwealth of Pennsylvania.
 - iii. The purchaser being personally liable for the costs of maintenance, repairs or demolition sufficient to correct the cited violations, and a fine of not less than \$1,000 and not more than \$10,000.
 - iv. Each day shall constitute a separate offense.
 - v. Fines shall be remitted to the municipality in which the building, structure or part of a building or structure is located.

VII. REPEALER: Any ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.


VIII. SEVERABILITY: If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have not effect on the remaining provisions of this Ordinance.

IX. EFFECTIVE IMMEDIATELY: This Ordinance shall become effective immediately following its legal enactment and shall remain in effect hereafter until revised, amended, or revoked by action of the Chester Township Council.

ENACTED and ORDAINED this 2nd day of June 2022.


Calvin Bernard, Chairman

Attest:


Debra R. Zimmerman
Council Secretary

Contractors for Sewer Lateral Inspections:

Anton Plumbing
(610) 328-1601

Johns Reliable Plumbing
(610) 353-5880

Perti Plumbing
(610) 485-9607