

**MUNICIPALITY OF NORRISTOWN  
A HOME RULE MUNICIPALITY  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 17-13 of 2017**

**AN ORDINANCE OF THE MUNICIPALITY OF NORRISTOWN, MONTGOMERY COUNTY, PENNSYLVANIA AMENDING THE MUNICIPALITY'S CODE OF LAWS TO AMEND CIRCUMSTANCES WHERE AN OCCUPANCY, TEMPORARY OCCUPANCY OR ACCESS CERTIFICATE IS REQUIRED, PROVIDING THAT OCCUPANCY CERTIFICATES FOR NON-OWNER OCCUPIED RESIDENTIAL DWELLING UNITS SHALL EXPIRE THREE YEARS AFTER ISSUANCE OR UPON AN OCCUPANCY CHANGE, WHICHEVER COMES FIRST, AND PROVIDING FOR INSPECTION AND COMPLIANCE REQUIREMENTS IN ACCORDANCE WITH THE PROPERTY MAINTENANCE CODE AND LAWS OF THE COMMONWEALTH OF PENNSYLVANIA.**

**WHEREAS**, the Norristown Municipal Code provides that the corporate powers of the Municipal Council of Norristown (the "Council") include the ability to make regulations as may be necessary for the health, safety, and general welfare of the Municipality;

**WHEREAS**, Chapter 128 of the Municipal Code of Ordinances (the "Code") regulates occupancy certificates;

**WHEREAS**, the Municipality Council is desirous of revising Chapter 128 to require that an occupancy certificate be obtained prior to the occupancy or change in occupancy of owner occupied single family detached, semi-detached and attached units and when a property is sold, except where the property is being purchased to be renovated and will not be occupied, to add a maximum three year period of validity for occupancy certificates for non-owner occupied residential dwelling units, and to require that buildings must be in compliance with all laws of the Commonwealth of Pennsylvania, including the Property Maintenance Code;

**WHEREAS**, the Municipality further desires to revise the Code in accordance with the Municipal Code and Ordinance Compliance Act, Act 99 of 2000, P.L. 724, and Act 133 of 2016, P.L. 1047.

**NOW THEREFORE, BE IT ORDAINED**, in consideration of the foregoing, and hereby **ENACTED** by the Municipal Council of Norristown, Montgomery County, Pennsylvania, as follows:

**SECTION I. AMENDMENT TO NORRISTOWN MUNICIPAL CODE**

A. STRIKE SECTION 128-1 in its entirety and REPLACE with the following:

**§ 128-1. Definitions**

"Occupancy Certificate." A certificate issued by the Municipality stipulating that the property meets all applicable laws, ordinances, and regulations of the Municipality of Norristown and the Commonwealth of Pennsylvania, including the Property Maintenance Code, and may be used or occupied as intended.

"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 Municipality inspection of a property and disclosed to the record owner or prospective purchaser of the property through issuance of a Municipality report.

"Temporary Access Certificate." A certificate issued by the Municipality as a result of the inspection of the property by the Municipality 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 all applicable laws, ordinances, and regulations of the Municipality of Norristown and the Commonwealth of Pennsylvania, including the Property Maintenance Code. No person may occupy a property during the term of a Temporary Access Certificate, but the owner shall be permitted to store personal items that is related to the proposed use or occupancy of the property or is needed to repair the substantial violations during the time of the Temporary Access Certificate.

"Temporary Occupancy Certificate." A certificate issued by the Municipality as a result of the Municipality 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 all applicable laws, ordinances, and regulations of the Municipality of Norristown and the Commonwealth of Pennsylvania, including the Property Maintenance Code.

B. STRIKE SECTION 128-3 in its entirety and REPLACE it with the following:

**§ 128-3 Changing Occupancy Without Certificate**

From and after the effective date of this Part it shall be unlawful for any person, firm or corporation to change the occupancy of any residential

dwelling unit, or commercial or industrial building within the Municipality of Norristown or permit such a change, without first obtaining an Occupancy Certificate or Temporary Occupancy Certificate.

C. ADD the following Section 128-3.1

**§ 128-3.1 Obtaining a Certificate**

It shall be unlawful for any person, firm, or corporation to occupy any residential dwelling unit, or commercial or industrial building within the Municipality of Norristown when an occupancy certificate or temporary occupancy certificate is required by this Part, without first obtaining such a certificate, or continue to occupy any such unit or building with an expired certificate.

D. ADD the following Section 128-3.2

**§ 128-3.2 Expiration of Occupancy Certificates**

Occupancy Certificates issued for non-owner occupied residential dwelling units shall expire three years after the date of issuance or when there is an occupancy change, whichever occurs first. An application for a new Occupancy Certificate shall be made prior to the expiration of an Occupancy Certificate, in compliance with the requirements of this Part.

E. ADD the following Section 128-3.3

**§ 128-3.3 Requirements Upon Sale**

It shall be unlawful for any person, firm, or corporation to sell any residential dwelling unit, or commercial or industrial building within the Municipality of Norristown without first obtaining an Occupancy Certificate, Temporary Occupancy Certificate, or Temporary Access Certificate, regardless of whether or not there is a change in occupancy at the time of such sale. This requirement shall not apply to real estate transfers to any bank, savings association, credit union, mortgage lender, or any similar financial institution or subsidiary thereof, which take title to the property for the purpose of holding the property for sale to offset losses incurred on a loan or other obligation in default secured by a mortgage, deed of trust or other lien on the property.

F. STRIKE SECTION 128-4 in its entirety and REPLACE it with the following:

**§ 128-4. Applications**

Applications for Occupancy Certificates shall be made to the Municipality of Norristown on forms provided for that purpose.

- G. STRIKE SECTION 128-5 in its entirety and REPLACE it with the following:

**§ 128-5 Receipt of Completed Applications**

Upon receipt of a properly completed application for an Occupancy Certificate and payment of the required fee, the Municipality of Norristown shall promptly inspect the residential dwelling unit, or commercial or industrial building which is the subject of the application to determine if the building conforms to all applicable laws, ordinances, and regulations of the Municipality of Norristown and the Commonwealth of Pennsylvania, including the Property Maintenance Code. See Chapter 239 of the Norristown Municipal Code.

- H. ADD the following Section 128-6:

**§ 128-6 Inspection In Compliance**

If, upon inspection, the Municipality shall determine that the residential dwelling unit, or commercial or industrial building is in compliance with all applicable laws, ordinances, and regulations, then the Municipality shall forthwith issue an Occupancy Certificate to the applicant.

- I. ADD the following Section 128-7:

**§ 128-7 Inspection Not In Compliance**

- a. If, upon inspection, the Municipality of Norristown shall determine that the residential dwelling unit, or commercial or industrial building is not in compliance with all applicable laws, ordinances, and regulations, then the Municipality shall refuse to issue an Occupancy Certificate and shall promptly notify the applicant, in writing, of the refusal and the specific reasons therefor with citations of the specific sections and subsections of the laws, ordinances, and regulations being violated. Upon notification by the applicant that the residential dwelling unit, or commercial or industrial building has been brought into compliance, the Municipality shall conduct a reinspection and upon a determination that the unit or building is in compliance, shall issue an Occupancy Certificate to the applicant.
- b. If Municipal inspection of a property incident to the resale of the property reveals a violation but no substantial violation(s) the Municipality shall refuse to issue an Occupancy Certificate, and instead issue a Temporary Occupancy Certificate and shall promptly notify the applicant, in writing, of the refusal

and the specific reasons therefor with citations of the specific sections and subsections of the laws, ordinances, and regulations being violated.

- c. If Municipal inspection of a property incident to the resale of the property reveals at least one substantial violation, the Municipality shall issue a Temporary Access Certificate and shall promptly notify the applicant, in writing of the refusal and the specific reasons therefore, with citations of the specific sections and subsections of the law, ordinances and regulations being violated.

J. ADD the following Section 128-8:

**§128-8 Compliance Requirement and Reinspection**

a. Any purchaser of property with a known violation of any applicable laws, ordinances, and regulations must either bring the property into compliance or demolish the building or structure in accordance with the law within 12 months of the date of purchase. At the request of the property owner, the Municipality may, at its discretion, negotiate for a longer period of time for maintenance and repair of the structure under a temporary certificate.

b. At the expiration of the 12-month period, or before that time if requested by the property owner, the Municipality shall reinspect the property for the purpose of determining compliance with the cited violations. If a Temporary Access Certificate has been issued and reinspection indicates that the noted substantial violations have been corrected but other cited violations remain, the Municipality shall issue a Temporary Occupancy Certificate to be valid for the time remaining on the original Temporary Access Certificate. If reinspection indicates that all noted violations have been corrected, the Municipality shall issue an Occupancy Certificate for the property

K. ADD the following Section 128-9:

**§ 128-9 Fees**

“The Council of the Municipality of Norristown, shall, from time to time, establish by Resolution such fee as it deems reasonable and proper to be charged for the issuance of an Occupancy Certificate, Temporary Occupancy Certificate and Temporary Access Certificate pursuant to the provisions of this part.”

L. ADD the following Section 128-10:

**§128-10 Penalties**

(a) Failure to comply with Section 2 through Section 10 of this Chapter shall result in:

- (1) Revocation of the temporary certificate;
- (2) The purchaser being subject to any existing laws, ordinances, and regulations relating to the occupation of a property without an occupancy certificate; and
- (3) 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.

This section shall not apply to a violation of a municipal code or ordinance for which a fine, other penalty or a judgment to abate or correct was imposed by a magisterial district judge or municipal court, or a judgment at law or in equity was imposed by a court of common pleas prior to purchase, or where the Municipality denies the certificate pursuant to 53 Pa. C. S. Ch. 61 (relating to neighborhood blight reclamation and revitalization).

(b) Any person, firm or corporation who shall violate any of the other provisions of this Part shall, upon conviction thereof be sentenced to pay a fine of not less than \$25 nor more than \$250 and costs of prosecution, and in default thereof, to imprisonment in the Montgomery County Prison for not more than 10 days.

**SECTION II. 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 III. REPEALER**

All ordinances or resolutions or parts thereof 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 IV. EFFECTIVE DATE**

This Ordinance shall take effect and be in force from and after its approval as required by the law.

**ENACTED and ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Seal:

**Municipality of Norristown  
Municipal Council**

By: *Sonya D. Sanders*  
Sonya D. Sanders  
Council President

Attest *Crandall O. Jones*  
Crandall O. Jones  
Municipal Administrator