

**BOROUGH OF BROWNSVILLE
FAYETTE COUNTY
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO. O-04-2024

**AN ORDINANCE OF THE BOROUGH OF BROWNSVILLE, FAYETTE COUNTY,
COMMONWEALTH OF PENNSYLVANIA, REQUIRING OCCUPANCY
PERMITS FOR ALL DWELLINGS, DWELLING UNITS, ROOMING UNITS, AND
PREMISES LOCATED WITH THE BOROUGH OF BROWNSVILLE**

The Council of the Borough of Brownsville hereby ordains as follows:

Section 1. Inspection Authorized/Access. The Code Enforcement Officer or Designated Official is authorized and directed to make inspections to determine whether dwellings, dwelling units, rooming units, and premises located within the Borough conform to the requirements of this ordinance. For the purpose of making such inspections, the Code Enforcement Officer or Designated Official 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 or Designated Official free access thereto at all reasonable times for the purpose of such inspection, examination, and survey.

Section 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.
- 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. 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 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, a Temporary Certificate of Use and Occupancy can be issued 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 3. Inspections and Certificates of Compliance. If the inspected premises meets all current Borough codes and the following:

- A. Smoke detectors
- B. Stairway guardrails
- C. Open electric
- D. Hot water/heat/sewer
- E. Broken glass and/or windows
- F. Broken balances on bedroom windows
- G. Improper guardrails or handrails for decks or stairs
- H. Means of egress on buildings two stories per 2021 International Property Maintenance Code "Means of Egress" current edition.
- I. Rain gutters
- J. 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 4. Inspection Fees. Fees for the inspection shall be set by resolution and/or any third party contractor appointed by the Borough. Fees may be amended from time to time. Applicable fees must accompany each request. One certificate along with any correspondence will be granted to original applicant. Copies will be an additional fee as set by resolution. Any reinspection due to the fact that the inspector could not obtain entrance for inspection at designated time agreed to by all parties will be assessed a rescheduling fee as set by resolution.

Section 5. Notice of Violation. Whenever the Code Enforcement Officer or Designated Official determines that there are reasonable grounds to believe that there has been a violation of any provision of this Section, he shall give notice of such alleged violation to the person responsible therefore which shall:

- A. Be in writing.
- B. Contain a statement of the reason why it is being issued.
- C. Allow a reasonable time for the performance of any act it requires (30 days' maximum).
- D. Contain an outline of remedial action which if taken will affect compliance with the provisions of this Section.
- E. Be served upon the owner or his agent, or on any such occupant, if a copy thereof is:
 - 1. Served upon him personally;
 - 2. Sent by certified mail to his last known address; or
 - 3. Posted in a conspicuous place in or about the dwelling affected by the notice.

Section 6. Designation of Dwellings Unfit for Habitation. The following may be designated as dwellings or dwelling units unfit for human habitation:

- A. 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 of the public;
- B. One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public;
- C. 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
- D. One which does not substantially conform to any provisions of Pennsylvania Uniform Construction Code or the 2021 International Property Maintenance Code or any sections of this Ordinance.

Section 7. 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 or Designated Official when the person responsible has failed to correct the condition set forth in a notice issued in accordance with Section 5.

Section 8. 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 may be provided.

Section 9. 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 Council of the Borough of Brownsville acting as the Board of Appeals under the procedure set forth in this Ordinance.

Section 10. Transfer of Ownership. 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 or Designated Official. 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 transfer without further service or notice upon him. 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 or Designated Official by signing an agreement with the Borough of Brownsville agreeing to make the repairs required by the violation notice on or before a date as determined by the Code Enforcement Officer or Designated Official. Upon receipt of such agreement, the Code Enforcement Officer may issue an occupancy permit to be held by the Borough of Brownsville 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:

- A. Identity of the owner
- B. Description and location of the dwelling or dwelling unit
- C. List of all required repairs
- D. The date upon which repairs will be completed
- E. Executed and notarized signatures by both the new owner and the Code Enforcement Officer or Designated Official.

Section 11. Penalty. Any person, firm or corporation who violates the provisions of this Ordinance shall be subject to the following penalties:

First Violation – a fine of \$50 per unit

Second Violation – A fine of \$100 per unit

Third and each subsequent violation – A fine of \$300 per unit, or ninety days imprisonment or both.

Section 12. Effective Date. This Ordinance shall be effective five (5) days from the date of enactment.

All other Ordinances inconsistent herewith are hereby repealed.

ORDAINED AND ENACTED into law this 11TH day of September, 2024 by the Borough Council of the Borough of Brownsville, Fayette County, Commonwealth of Pennsylvania, in lawful session duly assembled.

THE BOROUGH OF BROWNSVILLE




JAMES LAWVER, COUNCIL PRESIDENT

ATTEST:



MELISSA S. O'BRIEN
SECRETARY / TREASURER

AND NOW, this 11TH day of September, 2024, the above Ordinance is hereby examined and approved.



MAYOR ROSS H. SWORDS, JR.

