

ORDINANCE NO. 206

AN ORDINANCE OF BEDMINSTER TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA, CONTROLLING AND REGULATING OCCUPANCY OF PROPERTIES IN WHICH TITLE OF OWNERSHIP IS TRANSFERRED IN ORDER TO ENSURE THAT THE USE AND OCCUPANCY OF SUCH PROPERTIES WILL BE CONDUCTED IN ACCORDANCE WITH PUBLIC HEALTH, SAFETY AND WELFARE

P R E A M B L E

*The Board of Supervisors of Bedminster Township hereby ORDAINS as follows:*

SECTION I. PURPOSE

The purpose of this Ordinance is to protect the public health, safety and welfare by controlling and regulating the occupancy of properties in which title of owners is transferred, in order to ensure that said properties and any use thereof will in no way adversely affect the public health, safety or welfare of any individual or the community as a whole.

SECTION II. DEFINITIONS

Where the following words are used in this Ordinance, they shall be defined, as follows:

BUILDING INSPECTOR – any of the following person or persons, either singly or in combination, who shall serve at the pleasure of the Board of Supervisors to make the proper occupancy inspections:

1. The Building Inspector of Bedminster Township;
2. The Building Code Official; or
3. Any other person that the Board of Supervisors, by resolution, may designate from time-to-time.

BUSINESS – any building, building structure, temporary building or temporary building structure in which any portion of the building, building structure, temporary building, or temporary building structure is wholly or partly used for any enterprise, mercantile transaction, occupation or endeavor.

DWELLING – a building structure, including temporary housing, which is wholly or partly used, or intended to be used, for living or sleeping by human occupants, including single-room units and multi-room units.

DWELLING UNIT – any building, building structure, temporary building or temporary building structure, including, but not limited to, temporary housing which is wholly or partly used, or intended to be used, for living or sleeping by a human occupant or occupants, including single-room dwelling units and multi-room dwelling units.

EXEMPT TRANSFER – a transfer between any of the following:

1. Husband and wife.
2. A lineal ascendent-parent, grandparent, great grandparent and the like-and lineal descendent-child, grandchild, great grandchild and the like.
3. Children of the same parent – siblings.
4. A lineal ascendent-parent, grandparent, great grandparent and the like-of a child and the spouse of the child, unless the child is deceased and the child's spouse has remarried.
5. An individual and the individual's sibling's spouse, unless the sibling is deceased and the sibling's spouse has remarried.

MULTI-ROOM DWELLING UNIT – any group of rooms forming a single habitable unit used, or intended to be used, for living and sleeping as well as for cooking and eating purposes.

OWNER – any person, firm, corporation, association, partnership or other legal entity which alone, jointly or severally with others holds legal or equitable title to any building within the Township of Bedminster.

PERSON – any individual or group of individuals.

SINGLE-ROOM DWELLING UNIT – any room forming a single habitable unit used, or intended to be used, for living and sleeping but not for cooking or eating purposes.

### **SECTION III. OCCUPANCY CERTIFICATE REQUIRED PRIOR TO SALE**

- A. Except for an Exempt Transfer, each and every time a business or dwelling unit, including a single-room dwelling unit or a multi-room dwelling unit is sold, the owner and/or executor, administrator, guardian, or representative of a deceased or incompetent owner and/or president of any corporation which is the owner, and/or all joint owners, shall apply for and obtain by not later than seventy-two (72) hours prior to occupancy or sale, an occupancy certificate from the Building Inspector of the Township of Bedminster. The application for an occupancy certificate may be made by an agent of the person or persons whose responsibility it is to obtain the occupancy certificate.
- B. An applicant for a certificate of occupancy shall inform the buyer of said property of the result of the inspection prior to the sale.

- C. Should an inspection result in the denial of a certificate of occupancy, the sale may still take place, however, no one shall occupy the premises until another inspection by the Building Inspector is made and a certificate of occupancy is issued.
- D. In the event that the premises is occupied when a certificate of occupancy is denied, depending on the particular defective condition and in the sole discretion of the Building Inspector, the Building Inspector may allow occupancy to continue for a reasonable amount of time, but in no event shall it exceed ninety (90) days.

**SECTION IV. MINIMUM STANDARDS FOR CERTIFICATE OF OCCUPANCY**

No occupancy certificate shall be issued for the sale of any commercial, residential or industrial building unless the building complies with the Bedminster Township Occupancy Inspection Checklist attached hereto and incorporated herein as *Exhibit "A"*.

**SECTION V. INSPECTIONS; FEES**

- A. Prior to issuing an occupancy certificate, the Building Inspector shall inspect the business, dwelling unit or building to determine whether or not it complies with the requirements as set forth in this Ordinance. When the unit meets the requirements, an occupancy certificate shall be issued for such fee as may be set forth in the Bedminster Township Fee Schedule. Each required re-inspection will require a like fee.
- B. Any person or persons authorized to make an occupancy inspection as defined Section II above as the Building Inspector, shall enjoy all privileges, rights and immunities which would inure to the Building Inspector of the Township of Bedminster.

**SECTION VI. VIOLATIONS AND PENALTIES**

Any person, including any owner, violating any provision of this Ordinance shall, upon conviction before a District Justice, be fined not less than Three Hundred Dollars (\$300.00) nor more than One Thousand Dollars (\$1,000.00) for each violation, plus costs of prosecution, and in default thereof, shall be committed to the County prison for a period not exceeding fifteen (15) days. Each day that this Ordinance is violated shall be a separate offense.

**SECTION VII. SEVERABILITY**

If any section, paragraph, sub-section, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

**SECTION VIII. REPEALER**

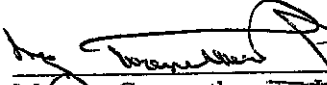
All ordinance or parts of ordinances which are inconsistent herewith are hereby repealed.

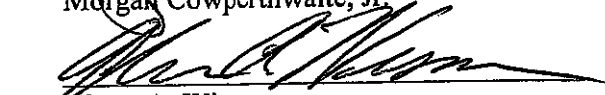
**SECTION IX. EFFECTIVE DATE**

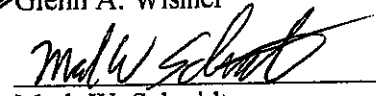
Effective Date. This Ordinance shall become effective five (5) days after final enactment.

**ENACTED AND ORDAINED** this 12th day of September , 2011.

BEDMINSTER TOWNSHIP  
BOARD OF SUPERVISORS

  
\_\_\_\_\_  
Morgan Cowperthwaite, Jr.

  
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Glenn A. Wismer

  
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Mark W. Schmidt