

MUNICIPALITY OF NORRISTOWN
A HOME RULE MUNICIPALITY
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 21-16

AN ORDINANCE OF THE MUNICIPALITY OF NORRISTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING SECTIONS 241-2 AND 241-9 OF CHAPTER 241 TITLED “PROPERTY TRANSFER AND SEWER LATERAL INSPECTIONS” OF THE NORRISTOWN MUNICIPAL CODE; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL INCONSISTANT ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Municipality of Norristown (“Municipality”) is a Home Rule Municipality organized operating in accordance with the Charter of the Municipality of Norristown (“Charter”) as permitted by the Home Rule Charter and Optional Plans Law, 53 Pa. C.S. 2901 et seq.;

WHEREAS, Section 41.2-201 of the Charter (346 Pa. Code § 41.2-201) grants to the Municipality the ability to “exercise all powers and perform any functions not denied by the Constitution of Pennsylvania, the General Assembly of Pennsylvania or this Charter as fully and completely as though they were specifically enumerated in this Charter;” and

WHEREAS, the Municipality has adopted a transfer inspection process for transfers of real property and that is codified under Chapters 128 and 241 of the Municipal Code; and

WHEREAS, Municipal staff has recommended making certain revisions to the transfer inspection process that includes revisions to certain definitions and language changes to exclude transfers/sales of new residential construction to the first owner/occupant from the requirement to obtain a use and occupancy inspection as part of the property transfer process when a prior certificate of occupancy under the Uniform Construction Code was obtained as part of the completion of construction and the transfer/sale is within 90 days of the issuance of the prior certificate; and

WHEREAS, Municipal Council desires and declares that it is in the best interest of the Municipality and the health, safety and welfare of the residents of the Municipality to adopt this Ordinance pursuant to its powers as a Home Rule Municipality.

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Municipal Council of the Municipality of Norristown an ordinance as follows:

SECTION I: **Revisions to Section 241-2 titled “Word Usage; Definitions” of Chapter 241, titled “Property Transfer and Sewer Lateral Inspections”**

Municipal Council hereby amends the following two definitions contained in § 241-2 titled “Word usage; Definitions” to state as follows:

New Construction

A residential housing structure that is 100 percent complete, and that has been inspected by the Municipality of Norristown for compliance with all applicable codes and ordinances resulting in the issuance of a certificate of occupancy under the Uniform Construction Code, and that has never been occupied.

Real Property

Any structure, building, or vacant land, or improved land being privately or publicly owned.

SECTION II: **Revisions to Section 241-9 of Chapter 241, titled “Property Transfer and Sewer Lateral Inspections”**

Municipal Council hereby amends § 241-9 in its entirety and including its title to state as follows:

§ 241-9 Issuance of occupancy certificate; exceptions for New Construction

A. A use and occupancy certificate shall be obtained in accordance with the provisions of Chapter 128 (relating to Change of Use or Occupancy) as part of the property transfer inspection process set forth in this Chapter, except as set forth in subsection 249-9.B below.

B. New Construction, as defined in this Chapter, shall not be required to obtain a use and occupancy inspection as part of the property transfer process provided that the date for the property transfer occurs within 90 days of the date that the New Construction obtained its certificate of occupancy under the Uniform Construction Code. Nothing herein shall be construed to relieve or waive the remaining property transfer requirements as set forth in this Chapter. Example, a new residential house is constructed and obtains on January 1 its UCC certificate of occupancy and the new residential home will be transferred on March 1 to a new owner or buyer, who will be the first occupant following completion of the new construction. This property will not be required to obtain a use and occupancy inspection as part of the property transfer process but will still need to comply with all other property transfer requirements.

SECTION III: **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 IV: **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 specially repealed.

