

**UPPER SOUTHAMPTON TOWNSHIP
ORDINANCE NO. 2026-_____**

**AN ORDINANCE OF THE UPPER SOUTHAMPTON TOWNSHIP, BUCKS COUNTY,
PENNSYLVANIA, AMENDING CHAPTER 134 OF THE UPPER SOUTHAMPTON
TOWNSHIP CODE OF ORDINANCES PERTAINING TO CERTIFICATE OF USE AND
OCCUPANCY REQUIREMENTS**

WHEREAS, Upper Southampton Township ("Township") is duly organized and existing pursuant to the applicable laws of Pennsylvania pursuant to the Pennsylvania Second-Class Township Code ("Code") 53 P.S. §§ 65101- et. al.; and

WHEREAS, pursuant to the Second-Class Township Code of the Commonwealth of Pennsylvania, the Board of Supervisors of Upper Southampton Township ("Township" or "Supervisors") has the authority to enact and amend provisions of the Upper Southampton Township Code (the "Code") at any time it deems proper; and

WHEREAS, the authority to enact such ordinance is granted to the Township under the Pennsylvania Second-Class Township Code, 53 P.S. § 66506, including but not limited to its general police powers; and

WHEREAS, the Township Board of Supervisors is desirous of amending Chapter 134 pertaining to the requirements to obtain a Certificate of Use and Occupancy related to sale of real property for the health, safety, and general welfare of the Township and the inhabitants thereof; and

WHEREAS, this Ordinance is meant to regulate the requirements before any sale of real property can occur in the Township;

NOW THEREFORE, be it **ORDAINED AND ENACTED** by the Upper Southampton Township Board of Supervisors as follows:

1. Section One. The Code of Ordinances of Upper Southampton Township, Chapter 134 "*Property, Sale of*," Sections 134-1, 134-2, 134-3, 134-4, 134-5, and 134-6 are **deleted** in its entirety and **replaced** with the following:

"§ 134-1. Definitions.

- A. The words and terms used herein shall have the meanings given to them in the current edition of the Uniform Construction Code of Pennsylvania, as most recently adopted by ordinance by the Supervisors of Upper Southampton Township.
- B. "Township Building Codes" is defined to mean the current edition of the Uniform Construction Code of Pennsylvania, as adopted by ordinance by the Supervisors of Upper Southampton Township.

§ 134-2. Certificate required: inspections.

- A. It shall be unlawful for any owner to sell his property, or any interest therein, unless the owner shall first deliver to the purchaser at or prior to the time for settlement a certification of the district classification, issued by the Township Zoning Officer or his appointee, indicating the zoning classification and the legality of the existing use of the property to be sold.
- B. It shall be unlawful for an owner to sell his property, or any interest therein, unless the owner shall first deliver to the purchaser at or prior to the time for settlement a certificate issued by the Township Building Inspector, or his appointee, disclosing whether there exists any notice of an uncorrected violation of the housing, building, safety or fire ordinances.
- C. In addition, no structure, building, dwelling unit, nor any part thereof shall be used or occupied, until a use and occupancy certificate has been issued by Upper Southampton Township. The Township shall, after application for such certificate has been made by the owner, the agent of the owner, or the prospective tenant of the premises to be occupied, on a form provided for such purpose by the Township, inspect the property, or unit no later than thirty (30) days prior to settlement or occupation of the premises, assuming that the complete use and occupancy application was submitted and received by the Township no later than forty-five (45) days prior to settlement or occupation of the premises, pursuant to the following conditions, regulations and requirements:
 - 1. The applicant must demonstrate compliance with all applicable section(s) of the Township Zoning Ordinance, Township and Property Maintenance Code, rules and regulations.
 - 2. The applicant shall rectify any and all open violations and permits.
 - 3. The applicant shall apply for and secure from the Township all necessary permits for all previous improvements or work for which a building or zoning permit was required but not secured.
 - 4. The applicant shall complete, in its entirety, the Township's use and occupancy certificate application and provide all supporting documentation required therein.
 - 5. The property use shall be in accordance and compliance with the Zoning Ordinance or shall be a registered legal non-conformity.
 - 6. Address numbers must be clearly visible from the street and at least four (4) inches in height. All houses and buildings that are over fifty (50) feet from the cartway must have their address number posted at the curb.

7. All sidewalks, walkways, driveways and similar areas shall be maintained in good condition and unobstructed. Sidewalk maintenance shall be compliant with Chapter 156, of the Upper Southampton Township Code of Ordinances.
8. The property shall be in compliance with Chapter 132, Property Maintenance; including but not limited to:
 1. The exterior of the property shall be free of trash, debris and overall clean and safe.
 2. No junk vehicles or vehicles in a state of disrepair shall be stored outside of a roofed and walled structure.
 3. All grass shall be mowed and weeds removed, if applicable.
9. If present, sump pumps must discharge to the exterior of the building. No sump pump may discharge to the surface of a property within twenty (20) feet of an adjacent property or right-of-way without the written approval of the Township. No sump pumps may discharge into the sanitary sewer system. No sump pumps may discharge into the stormwater system without the written approval of the Township.

§ 134-3. Certificate contents: responsibility for obtaining.

The application for a use and occupancy permit shall state all uses, principal and accessory, to which the structure, building, or dwelling unit is devoted. No structure, building, dwelling unit, nor any part thereof shall be used or occupied, until a use and occupancy certificate has been issued by Upper Southampton Township in accordance with this chapter. It shall be the responsibility of any person or corporation who shall change the use of, sell or otherwise transfer ownership of any structure, building, or residential dwelling unit, or change the tenant of a residential or nonresidential structure or building, to apply for and obtain the use and occupancy certificate required by this chapter prior to the transfer of ownership rights or any use or occupancy or change of use or occupancy of such premises; provided, however, that the failure on the part of such seller, transferor, or owner to obtain such certificate shall not excuse the purchaser, transferee, or residential or nonresidential tenant from the requirements of this chapter. Applications expire six (6) months from the inspection date, if not extended, or six (6) months after the application date without an inspection.

§134-4. Agreements of Sale.

- A. Every owner shall insert in every agreement for the sale of property a provision showing the zoning classification of such property, and stating whether the present use of the property is in compliance with or in violation of zoning laws and ordinances, and every owner shall insert in every agreement for the sale of property a provision disclosing whether there exists and notice of an uncorrected violation of the housing, building, safety or fire ordinances.

- B. If any owner fails to include any provision required by this chapter in an agreement for the sale of property, then in any action, at law or in equity, instituted by a purchaser against an owner, it shall be conclusively presumed that the owner at the time of the signing of such agreement, represented and warranted to the purchaser that such property was being used in compliance with the then existing zoning laws and ordinances, and that there was no uncorrected violation of the housing, building, safety or fire ordinances.

§134-5. Revocation.

Any use and occupancy certificate issued hereunder may be revoked in the event that the structure, building, or dwelling unit is determined to be unsafe, uninhabitable, or that a condition exists that is in violation of any ordinance of the Township, or that the actual use is in violation of any ordinance of the Township. In the event that the use and occupancy certificate is issued subject to conditions, such certificate may be revoked if the conditions remain unsatisfied within the time limit provided for at the time of issuance of the certificate.

§ 134-6. Fees.

The applicant for a use and occupancy certificate shall pay, at the time of application, a fee to the Township in an amount established by a fee schedule which has been adopted by resolution by the Board of Supervisors. Such fee shall be nonrefundable.

§134-7. Violations and Penalties.

Any person, corporation, or association who or which shall occupy or use any structure, building, or dwelling unit without obtaining a use and occupancy certificate or who or which continues to occupy or use any structure, building, or dwelling unit following revocation of a previously issued use and occupancy certificate shall be in violation of this chapter and shall be subject to the payment of fines and penalties of not less than \$100 and not more than \$1,000, in addition to the cost of prosecution and collection, and, in default thereof, to imprisonment for a period not exceeding thirty (30) days, as provided by law. Each and every day that occupancy or use of any structure, building, or dwelling unit shall continue without the certificate required by this chapter, after notice to cease and desists such occupancy or sue shall have been given, shall constitute a separate offense and be punishable as such.”

2. Section Two. Repealer.

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

3. Section Three. Severability.

If any section, paragraph, subsection, 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.

4. Section Four. Effective Date.

The Ordinance shall be effective immediately after enactment.

ORDAINED AND ENACTED by the Upper Southampton Township Board of Supervisors on this _____ day of _____, 2026.

ATTEST:

UPPER SOUTHAMPTON TOWNSHIP

By: _____
Keith E. Froggatt, Sr., Secretary/Treasurer

By: _____
Raymond M. Grossmuller, Chairperson