

ORDINANCE NO. 94-04-01

AN ORDINANCE OF THE BOROUGH OF LANGHORNE MANOR REQUIRING THE OWNERS OF CERTAIN PROPERTY WHO ENTER INTO A SALES AGREEMENT OR SELL PROPERTY, TO FIRST PROVIDE THE BUYER WITH A CERTIFICATE OBTAINED FROM THE BOROUGH OF LANGHORNE MANOR DISCLOSING THE ZONING CLASSIFICATION OF THE PROPERTY, THE EXISTENCE OF ANY UNCORRECTED VIOLATIONS OF ANY ZONING, HOUSING, BUILDING, SAFETY, PLUMBING, ELECTRICAL OR FIRE ORDINANCES AND REGULATIONS ADOPTED BY THE BOROUGH OF LANGHORNE MANOR; ESTABLISHING PROCEDURES FOR INSPECTIONS, RE-INSPECTIONS AND CERTIFICATION OF PROPERTIES ASSOCIATED WITH A SALE; DETERMINING THE PROVISIONS OF SALES AGREEMENTS; AUTHORIZING FEES FOR INSPECTIONS, CERTIFICATIONS AND APPEALS; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF SAID ORDINANCE.

BE IT ORDAINED AND ENACTED and it is hereby ORDAINED and ENACTED, by the Council of the Borough of Langhorne Manor as follows:

ARTICLE I - TITLE

Section 1.01.

This Ordinance shall be known as and may be called the Borough Use Registration and Code Compliance Certificate Ordinance.

ARTICLE II - DEFINITIONS

Section 2.01.

The meaning of the terms used in this Ordinance shall, unless the context specifically and clearly indicates otherwise, be as follows:

(a) "Agent" shall mean any person, co-partnership, association, corporation or fiduciary who for monetary consideration aids in the sale or exchange of property as defined herein. Whenever used in any clause, prescribing or imposing a penalty, the term agent, as applied to co-partnerships and associations shall mean the partners, or members thereof, and as applied to corporations, the officers and directors of said corporations.

(b) "Agreement of Sale" shall mean any written agreement, or written instrument which provides that title to any property shall thereafter be transferred from one owner to another owner and shall include leases which contain options to purchase the leased property, and leases which provide that the lessee of the property shall acquire title thereto after the payment of a stipulated number of regular rent payments or of a stipulated sum of money or after a stipulated period of time.

(c) "The Borough" shall mean the Borough of Langhorne Manor, Bucks County, Pennsylvania, a political subdivision acting by and through its Borough Council or in appropriate cases by and through its code enforcement officer or other duly authorized representatives.

(d) "District" shall mean any jurisdictional area or zone as set forth in the Zoning Ordinance of the Borough of Langhorne Manor.

(e) "Dwelling Unit" shall mean a group of rooms located within a property and forming a single living unit with facilities which are used or are intended to be used as living space.

(f) "Operator" shall mean any person having charge, care, management or control of any Property.

(g) "Owner" shall mean any person, co-partnership, association, corporation or fiduciary having legal or equitable title or any interest in any real property. Wherever used in any clause, prescribing or imposing a penalty, the term owner, as applied to co-partnerships and associations shall mean the partners, or members thereof, and as applied to corporations, the officers and directors of said corporations.

(h) "Property" shall mean any residential building or structure which totally or partially contains 1) single-family dwellings; 2) two-family dwellings; 3) multi-family dwellings; and 4) boarding houses, lodging houses, and tourist homes.

(i) "Regulations" shall include zoning, housing, building, safety, plumbing, electrical and fire regulations adopted by the Borough of Langhorne Manor and regulations promulgated by the Pennsylvania Department of Labor and Industry under Pennsylvania Fire and Panic Act of April 27, 1927, P.L. 465, as amended.

ARTICLE III - REQUIREMENTS PRIOR TO ENTERING INTO AN AGREEMENT OF SALE.

Section 3.01. The owner shall, prior to entering into an Agreement for the Sale or exchange of any Property, or prior to the transfer of Property when no Agreement of Sale or exchange is utilized, obtain from the Code Enforcement Officer of the Borough the certificate set forth in Article IV.

Section 3.02. The certificate shall be valid for a period not to exceed one (1) year from the date of issuance.

Section 3.03. The code enforcement officer may upon request of owner prior to expiration of the one (1) year period set forth in Section 3.02 issue endorsements to the certificate extending its validity for up to two (2) additional three month periods, showing any change to the information shown on the original certificate. Each endorsement, however, shall extend the validity of the certificate for only three (3) months.

ARTICLE IV - APPLICATIONS AND ISSUANCE OF CERTIFICATIONS

Section 4.01. The code enforcement officer shall upon the application of the owner and the payment to the Borough of fees set forth in Article V review the pertinent records of the Borough pertaining to the property and inspect the property.

Section 4.02. The code enforcement officer shall upon completion of review of the pertinent records of the Borough pertaining to the property and inspection of the property execute and deliver a Use Registration and Code Compliance Certificate to the owner which shall contain the following information:

- (a) The street address or appropriate description of subject property.
- (b) A statement of the district classification applicable to the property in question, together with an extract of the applicable ordinance(s) showing the uses permitted within that district.
- (c) A statement of the variances and use permits, if any, granted to the property, together with the conditions and restrictions of such permits.

(d) A statement as to whether any construction, electrical, plumbing or building permits have been issued for work not yet completed on the property.

(e) A statement as to whether there appears to be any nonconformity or illegality in the structures on the property or the uses being made thereof. This statement shall also indicate whether the property has been approved or designated as a nonconforming use by the Borough.

(f) A detailed list of all violations of the zoning, housing, building, plumbing, electrical, safety or fire ordinances and regulations.

(g) A detailed list of all municipal claims currently due and payable.

ARTICLE V - CERTIFICATE, INSPECTION AND ENDORSEMENT FEES

Section 5.01. Certificate fee for a Property shall be \$100.00.

Section 5.02. Inspection fee for a Property shall be \$50.00 for the second and each additional dwelling unit within the Property. There shall be no inspection fee for a Property containing a single dwelling unit.

Section 5.03. Endorsement fee for the issuance of each endorsement under Section 3.03 shall be \$25.00 for each dwelling unit within the Property.

ARTICLE VI - INSERTION OF PROVISIONS IN AGREEMENT OF SALE.

Section 6.01. Every owner shall insert in every Agreement for the Sale of Property a provision showing the district classification of such property, and stating whether the present use of the property is in compliance with or in violation of district laws and ordinances, and every owner shall insert in every Agreement for the Sale of Property a provision disclosing whether there exists any notice of an uncorrected violation of the zoning, housing, building, plumbing, electrical, safety or fire ordinance and regulations.

Section 6.02. If any owner fails to include any provision required by this Ordinance 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 district laws and ordinances, and that there was

no uncorrected violation of the zoning, housing, building, plumbing, electrical, safety or fire ordinances and regulations.

Section 6.03. Every Agent shall, by written document to the Owner, assert the obligation of the Owner to comply with the provisions of this Ordinance.

ARTICLE VII - WAIVER AND DISCLAIMER

Section 7.01. The provisions of this Ordinance shall not, notwithstanding any other law or ordinance to the contrary, be waived or disclaimed by any oral or written agreement executed by an Owner or transferee of Property.

ARTICLE VIII - DELIVERY OF CERTIFICATE AND COMPLIANCE WITH ORDINANCE

Section 8.01. It shall unlawful for any Owner to sell Property within the Borough or any interest therein unless the Owner first shall deliver to the Buyer at or prior to the execution of any Agreement of Sale, or prior to the transfer of title should no Agreement of Sale be utilized, the certification described in Article IV.

Section 8.02. The Buyer or transferee shall execute a receipt for the certificate, as furnished by the Borough and such receipt shall be delivered by the Owner to the Code Enforcement Officer as evidence of compliance with the provisions of this Ordinance.

Section 8.03. It shall be unlawful for any Agent to aid any Owner in the sale or transfer of Property unless the agent shall first notify the Owner of the obligations of Owner imposed under this Ordinance.

ARTICLE IX - LIMITATION OF LIABILITY

Section 9.01. The certificate set forth in Article IV shall be compiled from the records of the Borough and from an inspection of the Property and neither the enactment of this Ordinance nor the preparation and delivery of any certificate required hereunder shall impose any liability upon the Borough for any errors or omissions contained in such certificate nor shall the Borough bear any liability not otherwise imposed by law.

ARTICLE X - APPEALS

Section 10.01. Appeals from the findings set forth in the certificates set forth in Article IV must be filed in writing with the Council of the Borough within ten (10) days after issuance of said certificate and said Council of the Borough shall refer the appeal to the appropriate Board of Appeals.

ARTICLE XI - ADMINISTRATION

Section 11.01. The Code Enforcement Officer of the Borough is hereby authorized and directed to administer and enforce the provisions of this Ordinance. The Code Enforcement Officer is hereby authorized to conduct such investigations, inspections, surveys and examinations as may be necessary to determine compliance with the provisions of this Ordinance during all reasonable hours after presenting proper identification to the Owner or Operator of any Property.

ARTICLE XII - SEVERABILITY

Section 12.01. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

ARTICLE XIII - INVALIDATION OF SALE OR EXCHANGE

Section 13.01. No sale or exchange of Property as defined in Article II of this Ordinance shall be invalidated solely because of the failure of any person to comply with any provision of this Ordinance unless such failure is an act or omission which would be valid ground for cancellation of such sale or exchange in the absence of this Ordinance.

ARTICLE XIV - ENFORCEMENT AND PENALTIES

Section 14.01. Any Owner or Agent who violates the provisions of Article V, VII or VIII of this Ordinance shall be guilty of a summary offense and upon conviction thereof shall be punished by a fine not to exceed \$1,000.00 together with costs of prosecution of each case.

Section 14.02. Fines and costs imposed under the provisions of this Ordinance shall be enforceable and recoverable by the Borough in the manner provided under the then applicable law.

ARTICLE XV - DECLARATION OF PURPOSE

Section 15.01. The intent of this Ordinance is to prevent the Owners of Properties in the Borough which are in violation of zoning, housing, building, safety, plumbing, electrical and fire ordinances and regulations, from offering such properties for sale without revealing such illegal use or the existence of zoning, housing, building, safety, plumbing, electrical and fire violations.

Section 15.02. The Borough finds that to prevent undue hardship and losses imposed on such purchasers by Owners who have failed to reveal the illegal use or condition of the Property being conveyed or who have made representations in that regard, it is in the best interests of the Borough to declare that all sellers of Property, as defined herein, shall be required to advise the purchaser of the legal use and condition of such property and to deliver to the purchaser prior to the execution of the Agreement of Sale for such Property a Use Registration and Code Compliance Certificate, obtained from the Code Enforcement Officer, showing the legal use and district classification for such Property, the existence of any zoning, housing, building, safety, plumbing, electrical and fire violations and any municipal claims due the Borough.

ARTICLE XVI - REPEALER

Section 16.01. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed and the Ordinance entitled Certificates of Compliance adopted May 3, 1977 as Ordinance No. 117 is specifically repealed.

ARTICLE XVII - EFFECTIVE DATE

Section 17.01. This Ordinance shall be effective immediately upon adoption.

ORDAINED and ENACTED this 5th day of April, 1994.

ATTEST:

COUNCIL FOR THE BOROUGH OF
LANGHORNE MANOR

S/ Dorothy E. Davidson
Dorothy E. Davidson, Secretary

By: S/ Francis J. Farmer
Francis J. Farmer, President

APPROVED this 5th day of April, 1994.

S/ Gerald Seader
Gerald Seader, Mayor