

BOROUGH OF AMBLER, MONTGOMERY COUNTY, PA

ORDINANCE NUMBER _____

AN ORDINANCE CREATING RESIDENTIAL RESALE OCCUPANCY PERMITS AND PRE-PERMIT INSPECTIONS WITHIN THE BOROUGH; IDENTIFYING THE SPECIFIC ITEMS THAT MUST BE INSPECTED; BEING A NEW PART 200 IN CHAPTER 11, "BUILDINGS" IN THE BOROUGH CODIFIED ORDINANCES; INCLUDING SEVERABILITY, REPEALER, AND EFFECTIVE DATE CLAUSES

In the interests of the health, safety and welfare of the Borough and its residents, the Borough of Ambler does hereby create residential occupancy permits and a requirement that certain identified items be inspected at the time of any transfer of ownership of residences within the Borough, and specifically ORDAINS as follows:

11-200. TITLE. There is hereby created a residential resale inspection obligation in the Borough of Ambler.

11-201. DEFINITIONS

- a. *Private Sewer Service Lateral.* The private sewer pipe extending from a building to the publicly owned and operated sewer system, regardless of where the sewer main is located within the street that the building fronts.
- b. *Transfer.* The conveyance of fee simple ownership of improved real estate through the execution of a recordable deed.

11-202. INSPECTIONS REQUIRED UPON TRANSFER.

1. Prior to proceeding to closing and the execution of a deed conveying ownership, the Seller (or, if agreed between the Seller and the Buyer, then the Buyer) shall obtain inspections of the following:
 - a. Sewer laterals;
 - b. Curbs and sidewalks, when the home includes such improvements;
 - c. Backflow Prevention
 - d. House Numbers
2. Prior to proceeding to closing and the execution of a deed conveying ownership, the Seller shall provide an affidavit in a form provided by the Borough which verifies the existence of smoke detectors and carbon monoxide detectors within the residence.

11-203. SEWER LATERAL INSPECTION REQUIREMENTS

- A. A plumber must conduct a video inspection of the sanitary sewer service lateral.
- B. The plumber shall certify that there is no inflow or infiltration into the lateral, that there are no illegal connections, and that the clean-out vent is capped and not damaged.
- C. The transfer of the property does not require such plumber's certification where:
 - i. The transfer is from the builder of the home to the first owner;
 - ii. There was a previous lateral inspection by a plumber within the preceding 36 months;

- iii. The lateral has been replaced and was inspected at the time of such replacement, in which case no further inspections are required for a period of ten years.

11-204. SMOKE AND CARBON MONOXIDE DETECTORS

- i. Seller is required to sign a pre-closing affidavit on a form provided by the Borough which confirms the presence of working smoke and carbon monoxide detectors on each floor of the home, including the basement, along with any other details as recommended from time to time by the Fire Marshal.

11-205. CURB/SIDEWALK REQUIREMENTS

- i. Upon being advised of the pending transfer, the Borough staff or engineer will inspect the curb, sidewalk as applicable;
- ii. Inspections shall use U.S. Department of Transportation criteria or newly established criteria that the Borough is currently researching: 99.5% of the sidewalk must be free of vertical misalignment greater than 1/2 inch, horizontal cracks greater than 3/4 inch, spalling deeper than 1/2 inch, and no visible hazards.

11-206. BACKFLOW PREVENTION REQUIREMENTS

- i. The home will be inspected by Water Department staff or Code (in the event of an emergency) for the presence of a working check valve that prevents water from flowing out of the home and back into the system;
- ii. The inspection will identify the service line as one of the following:
 - a. Lead
 - b. Non-lead
 - c. Lead status unknown

11-207. HOUSE NUMBERS

- i. Each inspected home must have the house number installed, at least three inches high, and easily visible from the street.

11-208. ADMINISTRATION

- i. When each of the inspections required by this ordinance are satisfactorily completed, the Borough will issue a use and occupancy permit for the residence.
- ii. When one or more inspections discloses that the residence is not in compliance and requires work to be brought into compliance, the Borough will issue a temporary occupancy permit, in which case the property shall be brought into compliance within twelve months of closing. When weather or other exigencies prevents a pre-closing inspection, a temporary occupancy permit will be issued and a post-closing inspection will be scheduled, with compliance required within 12 months of the inspection.
- iii. If an inspection discloses that the residence is in such a condition occupying it would be dangerous to the health, safety or welfare of the occupants, the

Borough will issue an access only permit, allowing entry to the residence (but not occupancy), to bring the property into compliance within twelve months of closing.

- iv. The Borough shall not require the posting of any escrow, and the inspections set forth herein shall not serve to delay or postpone and closing scheduled between a buyer and seller.
- v. The obligations herein apply to every seller of a residence in the Borough. The obligation will pass to the Buyer if this ordinance is not complied with prior to sale.
- vi. The Borough will, to the extent possible, tie the inspection program to the issuance of water certifications associated with the sale, in order to identify homes that require inspection.

This ordinance shall be effective on the earliest effective date recognized by the Pennsylvania Borough Code, section 3301.3.

The provisions of this ordinance are intended to be read *in pari materia* with existing Borough ordinances. To the extent that any earlier Borough ordinance includes language inconsistent with any language in the within ordinance, then to the extent of such inconsistency, the prior ordinance is repealed.

Should a court of competent jurisdiction invalidate any portion of this ordinance, then such portion shall, to the extent possible, be severed from the remainder, which shall continue in full force and effect.

SO ORDAINED this _____ day of _____, 2023.

Glynnis Siskind, Council President

ATTEST: _____
Mary Aversa, Secretary