

**ORDINANCE # 959-2023**

**AN ORDINANCE OF THE BOROUGH OF OXFORD, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 27, ZONING, PART 2, DEFINITIONS, SECTION 27-202, DEFINITIONS OF TERMS; AND PART 20, ADMINISTRATION, SECTION 27-2003, CERTIFICATES OF USE AND OCCUPANCY, OF THE CODE OF THE BOROUGH OF OXFORD.**

**BE IT ENACTED AND ORDAINED** by the Council of the Borough of Oxford, Chester County, Pennsylvania, that certain provisions of Chapter 27, Zoning, as amended, be further amended as follows:

**SECTION 1.** Chapter 27, Zoning, Part 2, Definitions, §27-202, Definitions of Terms, shall be amended to add the following terms and their accompanying definitions:

**TEMPORARY ACCESS CERTIFICATE** – A certificate issued by the Code Enforcement Officer as a result of his/her inspection of a property incident to the resale of the property that identifies at least one substantial violation. The purpose of the certificate is to authorize the purchaser to access the property for the purpose of correcting substantial violations pursuant to the maintenance and repair provisions of the Borough Code or other applicable law or regulation.

**TEMPORARY USE AND OCCUPANCY CERTIFICATE** –

- (i) A certificate issued by the Code Enforcement Officer incident to the resale of a property, the purpose of which is the correction of non-substantial violations pursuant to the maintenance and repair provisions of the Borough Code or other applicable law or regulation.
- (ii) A certificate issued by the Code Enforcement Officer to permit [a] the use of a building, structure, and/or land by certain temporary uses, or [b] the use of a portion or portions of a building, structure, or land prior to completion of work authorized by a building permit.

**SECTION 2.** Chapter 27, Zoning, Part 20, Administration, §27-2003, Certificates of Use and Occupancy, shall be replaced in its entirety and shall read as follows:

- A. Requirements. A certificate of use and occupancy shall be required in association with any of the following:
  - (1) Upon completion of the erection or alteration of any building or portion thereof authorized by any permit obtained in compliance with this Part, the holder of the permit shall notify the Code Enforcement Office of completion. No permit shall be considered complete or permanently effective until the Code Enforcement Officer has issued a certificate of use and occupancy certifying that the work has been inspected and approved as being in conformity with the permit and the provisions of this chapter.
  - (2) Prior to [i] the transfer of ownership of any residential or non-residential property, building, or structure, or any part thereof; or [ii] any change in use of any residential or non-residential property, building, or structure, or any part thereof; or [iii] any change in non-residential tenancy of any property, building, or structure, or any part thereof, a certificate of use and occupancy shall be obtained from the Code Enforcement Office. A copy of such certificate shall be provided to the buyer at settlement or to the non-residential tenant prior to the time of commencement of the lease.
  - (3) Use of land or change in the use thereof, except that the placing of vacant land under cultivation shall not require a certificate of use and occupancy.
  - (4) Extension of a nonconforming use.
  - (5) Any requirement of a certificate of use and occupancy, as prescribed in this section, shall be in addition to, and not limited by, any requirements of Chapter 5 of the Code.

- B. It shall be unlawful for any person to use or occupy any building or other structure or land until a certificate of use and occupancy, as required in §27-2003.A, has been duly issued and, where applicable, a Highway Occupancy Permit has been issued by the Pa. Dept. of Transportation.
- C. Any residential rental property shall comply with the requirements for a residential rental property permit as provided in Chapter 5 of the Code. Possession of such permit shall eliminate the need for a certificate of use and occupancy, except as required in §27-2003.A, above.
- D. Issuance. Upon the receipt of written notification that the work for which a building permit has been issued has been completed, or upon notification of any proposed action set forth in §27-2003.A, above, that requires a certificate of use and occupancy, the Code Enforcement Officer shall inspect the premises within 10 days to determine that any work has been performed in accordance with the approved building permit application and that the proposed activity otherwise complies with the requirements for a certificate of use and occupancy. If the Code Enforcement Officer is satisfied that the work has been completed in accordance with the approved building permit application, and/or that the proposed activity is in compliance with the requirements for a certificate of use and occupancy, he/she shall issue the required certificate of use and occupancy. A copy of the certificate of use and occupancy shall be retained by the Code Enforcement Office as part of Borough records. If the Code Enforcement Officer finds that the work has not been performed in accordance with the approved building permit application, and/or that the proposed activity does not meet the requirements of this section for a certificate of use and occupancy, the Code Enforcement Officer shall refuse to issue the certificate of use and occupancy and shall give written reasons therefor. In such instances, the Code Enforcement Officer shall issue a temporary use and occupancy certificate or temporary access certificate, as provided in §27-2003.F, below.
- E. A certificate of use and occupancy shall be granted or refused within 15 days after the Code Enforcement Office has received the written notification of completion of construction or within 15 days of notification of an intent to occupy or use premises or land.
- F. Temporary Use and Occupancy Certificate and Temporary Access Certificate.
- (1) Prior to the full completion of work covered by a building permit, and upon the request of the holder of such permit, the Code Enforcement Officer may, at her/his discretion, issue a temporary use and occupancy certificate, as defined by §27-202 of this chapter, for a building, structure, and/or land. Where such temporary use and occupancy certificate is issued, the designated portion or portions of such building, structure, and/or land may be occupied prior to full completion of the work, provided such use and/or occupation may be done safely, and neither life nor public welfare is endangered.
  - (2) Temporary uses such as tents, trailers, buildings on construction sites, use of land for religious and other public and semi-public purposes, or similar temporary use and/or occupancy shall not be permitted until a temporary use and occupancy certificate has been issued by the Code Enforcement Officer.
  - (3) The Code Enforcement Officer may issue a temporary use and occupancy certificate, as defined in §27-202 of this chapter, as a result of his/her inspection of a property incident to the resale of the property that reveals a violation but no substantial violation. The purpose of the certificate is to authorize the purchaser to fully utilize or reside in the property while correcting violations pursuant to the maintenance and repair provisions of the Borough Code or other applicable law or regulation.
  - (4) The Code Enforcement Officer may issue a temporary access certificate, as defined in §27-202 of this chapter, as a result of her/his inspection of a property incident to the resale of the property that identifies at least one substantial violation, whereby the purpose of the certificate is to authorize the purchaser to access the property for the purpose of correcting substantial violations pursuant to the maintenance and

repair provisions of the Borough Code or other applicable law or regulation. No person may occupy a property during the term of a temporary access certificate, but the owner shall be permitted to store personalty that is related to the proposed use or occupancy of the property or is needed to repair the substantial violations during the time of the temporary access certificate.

- (5) The Code Enforcement Officer shall issue a temporary access certificate or a temporary use and occupancy certificate in accordance with the terms of the Municipal Code and Ordinance Compliance Act, 68 P.S. §1081 *et seq.*

**SECTION 3.** 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 hereof. It is hereby declared as the intent of Borough Council that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 4.** All ordinances or parts of ordinances conflicting with any provisions of this ordinance are hereby repealed insofar as the same affects this ordinance.

**SECTION 5.** This amendment shall be effective 5 days following adoption, as by law provided.

ENACTED AND ORDAINED this 9th day of January, 2023.

OXFORD BOROUGH COUNCIL

By: Kathryn Cloyd  
KATHRYN CLOYD, President

ATTEST:

Pauline Garcia-AlLEN  
PAULINE GARCIA-ALLEN, Secretary

APPROVED THIS 9 DAY OF January, 2023.

Philip Harris  
PHILIP HARRIS, Mayor

