

**BOROUGH OF DERRY
ORDINANCE NO. 808**

**AN ORDINANCE OF THE BOROUGH OF DERRY, COUNTY OF WESTMORELAND
AND COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR AN OCCUPANCY
LICENSE**

WHEREAS, on July 15, 2021 by Ordinance No. 794, the Borough of Derry repealed Chapter 294, Occupancy License in its entirety; and

WHEREAS, Borough Council assigned the Borough's Planning Commission to recommend whether the health, safety and welfare of the citizens will be served by requiring Occupancy Licenses; and

WHEREAS, the Borough's Planning Commission has recommended that an ordinance be enacted requiring building owners to obtain an occupancy license.

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Derry and it is hereby ordained and enacted as follows.

Section 1. Definitions:

a. BUILDING shall include, but shall not be limited to, any building, house, apartment, duplex, housing development, mobile home, dormitory, fraternity house, sorority house, or similar facility used for commercial, industrial or residential purposes.

b. DWELLING UNIT shall include a room or rooms in a building for the use of one family or one or more persons, with or without cooking facilities, and having the availability or use of bathroom facilities.

c. INDIVIDUAL shall include an individual, individuals, or groups of individuals, tenants, and students.

d. OCCUPANT shall include the resident as well as any individual who is visiting, patronizing, or in the individual dwelling unit or building.

e. PERSON shall mean any person, firm, partnership, corporation, or other entity.

f. RESIDENT shall include an individual residing in an individual dwelling unit or building.

g. NON-OWNER occupied building is a building which is not the residence of the owner.

Section 2. Occupancy License Issuance: The charge for the Occupancy License shall be as follows:

a. For a dwelling unit a fee of \$100

Borough Council can modify the Occupancy License Issuance fee by unanimous vote of the Council with a majority of members present.

Section 3. Occupancy License: The Occupancy License shall list all pertinent information for the building and each dwelling unit within the building. This shall include but not be limited to the name, address, and telephone number of the owner. The permit shall also state the maximum number of individuals who may reside in the individual dwelling unit.

The Occupancy License shall be available and presented upon request of the Borough Code Enforcement. It shall be the responsibility of the building owner to maintain the permit in an legible fashion. In case there are multiple dwelling units within a building, the Borough Code Enforcement shall determine the number of occupancy licenses needed.

The Owner shall be responsible for making certain that the number of persons residing in the dwelling unit is in compliance with the ordinance providing, that it shall be the responsibility of the Tenants if there are persons other than the Tenants on the lease residing in the dwelling unit.

In the event that an Occupancy License is lost, another Occupancy License shall be issued to replace it within five (5) days. The cost for the re-issuance of a valid Occupancy License shall be \$50.

The occupancy license shall be renewed upon the recording of a deed transferring ownership of Owner Occupied Buildings or a change in lease/tenant in non-owner occupied buildings at a fee of \$75.

Section 4. Leases:

A. All persons owning building affected by this ordinance shall place in every lease for the building or dwelling unit a statement of the number of occupants and the number of residents.

Section 5. Penalty for Violations: Any person who owns, operates, or manages any building subject to the terms of this ordinance who shall violate Section 2, Section 3, or Section 4 of this ordinance or who allows any building or dwelling unit to be utilized by individuals without an Occupancy License, or who shall falsify any applicable or statement to obtain an Occupancy License, shall upon conviction before the District Justice be subject to a fine of no less than \$300 and no more than \$1000 for each offense together with costs. In the event of default in the payment of finds and costs, a person convicted of violating Section 2, 3, or 4 of this ordinance shall be imprisoned in the Westmoreland County Jail for a period not to exceed ten (10) days. Borough Council, by resolution, shall have the right to change the penalty provisions of this ordinance. Each calendar day shall constitute a separate offense.

Section 6. Inspection: The Borough Code Enforcement shall have the right to inspect any building or dwelling unit for the purpose of making certain that the building or dwelling unit complies with all applicable Borough Ordinances including the BOCA Codes and Ordinances related to sewage and water. The Borough Code Enforcement shall have the right to:

1. To complete an inspection in order to issue an Occupancy License;
2. To investigate any report that there is a violation of any Borough ordinance dealing with buildings, housing, property maintenance, plumbing, electric, fire, sewage, water, or other similar regulations or ordinances.

All inspections shall occur, if possible, prior to occupancy of the building or dwelling unit being inspected. If this cannot be achieved, inspection shall occur upon reasonable notice to the occupants,

owners, or property managers. The Borough Code Enforcement must identify himself or herself and present identification at the time of the inspection.

Section 7. Responsibility of Resident: Any individual or person who permits any dwelling unit or building to be occupied by more persons than are provided for on the Occupancy License shall be in violation of this ordinance.

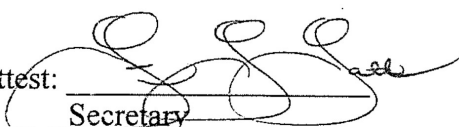
Section 8. Penalty for Failure to Allow Inspection: Any person failing to allow an inspection by the Borough Code Enforcement in accordance with Section 6 or who violates Section 7 shall, upon conviction thereof before the District Justice, pay a fine of no less than \$300 and no more than \$1000 together with the costs. In the event of default in payment of fines and costs, a person convicted of violating Section 2, 3, 4, 6, or 7 of this ordinance, shall be imprisoned in the Westmoreland County Jail for a period not to exceed ten (10) days. Borough Council, by resolution, shall have the right to change the penalty provisions of this ordinance. Each day shall constitute a separate offense.

Section 9. Effective Date: This ordinance shall become effective thirty (30) days after its adoption.


ORDAINED AND ENACTED by the Council of the Borough of Derry this 9th day of April, 2024.

BOROUGH OF DERRY
Westmoreland County, Pennsylvania

Attest:


Secretary

By


President, Borough Council


Mayor