

Chapter 185. Zoning

Article VA. Certificates of Continued Occupancy

[Added 3-12-2019 by Ord. No. 598]

§ 185-14.3. Certificates of continued occupancy for commercial or industrial property.

- A. Certificate required for selling of commercial or industrial property. Effective 30 days after adoption of this section, no premises or portion of premises zoned for commercial or industrial use, whether in a commercial or industrial zone, or in a different zone by reason of being a nonconforming use, shall be sold, rented or leased and thereafter occupied by a new tenant or owner, without the appropriate application for and issuance of a certificate of continued occupancy.
- B. Application for certificate; inspection; issuance. The owner of the premises about to be newly occupied, or their respective agents, shall apply to the Zoning Officer for a certificate of continued occupancy and shall supply, as necessary, information on said application of all facts relating to the nature of the business, occupation or industry, the manufacturing or other processes involved and the nature of all materials stored on the premises as part of, or pertinent to, said business, occupation, or use. Upon receipt of said application, the Zoning Officer or his agent shall review same and inspect the premises within 10 days to determine whether such premises complies with the local zoning and planning laws. No certificate of continued occupancy shall be issued unless there is full and complete compliance with all of the foregoing, unless otherwise specified in writing by the Zoning Officer or his agent. The fee for said inspection shall be \$300 for commercial and industrial uses.
 - (1) All owners, or their designated agents, applying for a certificate as provided herein shall advise the Zoning Officer or his agent of a reasonable time or times when the inspections may be made and have someone present to assist and provide entry for the inspection purposes.
- C. Responsibility of owner. The owner or owners, of all commercial and industrial premises shall be responsible for notification to the Zoning Officer of the pendency of any new ownership.
- D. Certain establishments exempt. All buildings that are inspected by the state shall be exempt from this section.
- E. Violations and penalties. Any person or persons or partnership, firm, corporation or limited liability company violating any provision of this section shall, upon conviction thereof, be punished by a fine not exceeding \$1,000 or by imprisonment in the county jail for a period not exceeding 30 days or both for each offense. Each violation of any of the provisions of this section and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

§ 185-14.4. Certificates of continued occupancy for residential dwelling units.

- A. Certificate required for selling, leasing or renting of residential dwelling units. Effective 30 days after adoption of this section, no premises or portion of any one-family, two-family, or multifamily dwelling unit used for residential purposes, whether in a residential zone, or in a different zone by reason of being a nonconforming use, shall be sold and thereafter occupied by a new tenant or owner, without the appropriate application for and issuance of a certificate of continued occupancy.
- B. Application for certificate; inspection; issuance. Any owner intending to sell any dwelling unit shall apply to the Zoning Officer or his designated agent for a certificate of continued occupancy. Upon receipt of said application, the Zoning Officer or his agent shall review same and inspect the premises within 10 days to determine whether such premises complies with the local zoning and planning laws. No certificate of continued occupancy shall be issued unless there is full and complete compliance with all of the foregoing, unless otherwise specified in writing by the Zoning Officer or his agent. The fee for said inspection shall be \$100 for one family or unit; \$125 for a two-family or units; \$145 for a three-family or units; \$160 for a four-family or units; and \$160 plus \$10 extra per unit for a five-or-more-family or units.
- (1) All owners, or their designated agents, applying for a certificate as provided herein shall advise the Zoning Officer or his agent of a reasonable time or times when the inspections may be made and have someone present to assist and provide entry for the inspection purposes.
- C. Responsibility of owner. The owner or owners, of all residential properties shall be responsible for notification to the Zoning Officer of the pendency of any new ownership.
- D. Violations and penalties. Any person or persons or partnership, firm, corporation or limited liability company violating any provision of this section shall, upon conviction thereof, be punished by a fine not exceeding \$500 or by imprisonment in the County jail for a period not exceeding 30 days or both for each offense. Each violation of any of the provisions of this section and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

§ 185-14.5. Repealer.

All other ordinances of the Borough, or parts thereof, which are in conflict with this article are hereby repealed to the extent of such conflict.

§ 185-14.6. Severability.

If any section, subsection, paragraph, sentence, clause, phrase, or word contained in this article shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this article, which shall remain in full force and effect, and to this end the provisions of this article are hereby declared to be severable.

§ 185-14.7. Effective date.

This article shall take effect upon passage and publication as required by law.