

An Ordinance of Newport Township providing for the Inspection of Dwellings and Buildings Prior to Renting, Leasing, Changes in Residence and Occupation and the issuance of A Certificate of Use or Occupancy.

WHEREAS, the Township of Newport is desirous of providing for the health, welfare and safety of Township residents; and

WHEREAS, this can be accomplished through the implementation of certain regulations governing and regulating housing within the Township,

NOW THEREFORE, be it enacted and ordained by the Township of Newport, Luzerne County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

Section 1. APPLICABILITY

No person, firm or corporation managing, selling, conducting or operating a house, building, apartment or dwelling unit of any kind shall sell, rent, lease, let out, or permit the occupation or shall re-rent or re-occupy the same without first securing a certificate of use and occupancy from the Newport Township Building Code Enforcement Officer, his or her designee or the agency or person (s) designated by the Township for that purpose.

Section 2. INSPECTION

Prior to each managing, selling, renting, leasing, letting out, or permitting the occupation of or re-occupation of any house, dwelling, building, apartment or dwelling unit, the owner(s) of each house, dwelling, building, apartment or dwelling unit shall first request an inspection of said house, dwelling, building, apartment or dwelling unit by the Newport Township Building Code Enforcement Officer, his or her designee or the agency or person(s) designated by the Township to conduct said inspection(s).

Section 3. INSPECTION GUIDELINES AND INCORPORATION OF THE UNIFORM CONSTRUCTION CODE OF 2006 PROPERTY MAINTENANCE SECTION

The Newport Township Building Code Officer or his or her designee, or the agency or person(s) designated by the Township to conduct said inspection(s) shall follow the guidelines for occupation enacted by the Uniform Construction Code of 2006, (Property Maintenance Section) or any revisions thereof, which is hereby incorporated into this Ordinance by reference thereto.

Section 4. ISSUANCE OF OCCUPANCY PERMIT

If the Newport Township Building Code Enforcement Officer, or his or her designee or the agency or person(s) designated by the Township determines that the house, dwelling, building, apartment or dwelling unit meets the occupation requirements as set forth and established by the Uniform Construction Code of 2006 (Property Maintenance section) or most recent revision thereof, he or she shall issue a Certificate of Occupancy to the owner of said structure.

In the event that the Newport Township Building Code Enforcement Officer, or his or her designee or the agency or person(s) designated by the Township determines that the house, dwelling, building, apartment or dwelling unit does not meet the occupation requirements as set forth and established by the Uniform Construction Code of 2006 (Property Maintenance Section) or most recent revision thereof, he or she shall notify the owner thereof of any deficiencies, and a Certificate of Occupancy shall not be issued.

Any habitation of said house, dwelling, building, apartment or dwelling unit without the deficiencies being remedied to the satisfaction of the Newport Township Building Code Enforcement Officer, or his or her designee or the agency or person(s) designated by the Township, when applying the applicable Code , regulation or law shall be determined to be a violation of this Ordinance.

Section 5. FEES

A. Existing residential unit (existing individual home)

Permit fee plus inspection fee which shall be determined by the applicable fee schedule in effect at time of inspection. Fee schedules are incorporated herein by reference thereto and shall be available for review at the Newport Township Municipal Building during normal business hours. Inspection shall be performed by the Newport Township Code Enforcement Officer or building inspection agency approved by Newport Township.

B. Existing Residential Multi-Unit Housing (any unit capable of housing more than one occupant in separate quarters)

Permit fee plus inspection fee which shall be determined by applicable inspection fee schedule in effect at time of inspection. Fee schedules of inspection agencies or the Township are incorporated herein by reference thereto and shall be available for review at the Newport Township Municipal Building during normal business hours. Inspection shall be performed by the Newport Township Code Enforcement Officer or a building inspection agency approved by Newport Township.

C. New Single Family home

There shall be no permit fee. Inspection fee shall be determined by the applicable inspection agency fee schedule in effect at the time of inspection. Fee schedules of inspection agencies or the Township are incorporated herein by reference thereto and shall be available for review at the Newport Township Municipal Building during normal business hours. Inspection shall be performed by the Newport Township Code Enforcement Officer or a building inspection agency approved by Newport Township.

SECTION 6. ANNUAL INSPECTION OF MULTI -UNIT APARTMENTS AND MULTI-UNIT DWELLINGS

In addition to the above mentioned fee and inspection requirements, all multi-unit apartments and multi unit dwellings shall be subject to an annual inspection in addition to any inspections that may be necessary as set forth in this Ordinance. For purposes of this section, a multi -unit apartment or multi- unit dwelling shall be defined as a property comprised of three (3) or more housing units. The fee for the permit and inspection shall be determined by the applicable fee schedule in effect at the time of the inspection. The fee schedule is incorporated herein by reference thereto and shall be available for review at the Newport Township Municipal Building during normal business hours. Each Owner(s) or Manager of a multi unit apartment or multi-unit dwelling shall make arrangements by February 15th of each year with the Township Building Code Official or other person(s) designated by the Township to schedule the annual inspection.

SECTION 7. VIOLATION AND PENALTY.

Any person(s), firm or corporation who violates any provision of this Ordinance shall, upon conviction thereof be sentenced to pay a fine of not more than Six Hundred (\$600.00) Dollars and costs of prosecution, or in default of

payment of such fine and costs, to undergo imprisonment of not more than thirty (30) days. Newport Township also reserves the right to institute appropriate actions at law or in equity to enforce this Ordinance or any provisions thereof.

SECTION 8. CONTINUING VIOLATIONS

Each day upon which this Ordinance or any part thereof continues to be violated, after notice of said violation is given by Newport Township shall be deemed a new violation and each day the same is continued shall be deemed a separate offense and punishable as such.

SECTION 9. ENFORCEMENT

The Newport Township Building Code Officer, or his or her designee, or the Newport Township Police Department shall be responsible for enforcement of this Ordinance and may issue citations or notices of violations or continuing violations relative to this Ordinance.

SECTION 10. SEVERABILITY

In the event any of the provisions of this Ordinance is declared unconstitutional, unlawful, or unenforceable by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance or of this Ordinance as a whole, but such shall continue in full force and effect as though the unconstitutional, unlawful or unenforceable provision had never been a part hereof.

SECTION 11. CONSTRUCTION

The various headings used throughout this Ordinance are intended only as an aid in its organization, in order to facilitate ease of reading, and are not to be considered a substantive part of this Ordinance.

SECTION 12. REPEALING INCONSISTENT ORDINANCES OR PARTS THEREOF

This Ordinance shall repeal Newport Township Ordinance No. 3 of 1991, No. 5 of 1994 and No. 2 of 2004 and all portions of Ordinances and amendments inconsistent herewith.

This Ordinance shall become effective on January 1, 2007.

Enacted and Ordained by the Board of Commissioners of Newport Township this

4th day of December 2006.

THE TOWNSHIP OF NEWPORT

BY: 

PAUL CZAPRACKI

President, Board of Commissioners

Attest:


RICHARD ZIKA, Secretary