

Borough Of Ambler

131 ROSEMARY AVENUE
AMBLER, PENNSYLVANIA 19002-4476

PHONE 215-646-1000
FAX 215-641-1355 ADMINISTRATION
FAX 215-641-1921 WATER DEPARTMENT
WEBSITE: www.boroughofambler.com



RESIDENTIAL REALES NOW REQUIRE USE AND OCCUPANCY PERMITS

After several months of input from residents, Borough Council adopted Ordinance 1135 at a public hearing on September 5th implementing a Use and Occupancy inspection and permit that will begin on **NOVEMBER 6, 2023**. The Borough Council had spent multiple meetings discussing the ordinance and why they felt it was important and what the Borough should be looking at during the inspections. The concern of Council was health, safety, and welfare of the Borough and its residents, so it was decided to keep the inspection list relatively simple and while also delaying **the sewer lateral inspection requirement which will become effective date of September 1, 2024**. This will provide the Borough with time to explore Act 44 to provide possible assistance for property owners to perform this inspection. The current ordinance will be requiring the below items:

- Curb / Sidewalk Inspection - if a home has a curb and sidewalk that needs repair or replacement it would be required to do so prior to the issuance of a full use and occupancy OR a temporary use and occupancy would be issued with a twelve-month timeline to complete the work for a clean use and occupancy. Borough inspectors would mark the required areas for repair with white spray paint. *Please note that enforcement of the existing curb and sidewalk is presently done on a complaint basis and is currently a requirement for safety.*
- Backflow preventer verification - this is a check valve located on the house side of the meter to prevent water from flowing in the opposite direction out of the home in the event of an emergency. Verification of the existing water service line that may be constructed of lead. Whether the service line is categorized as "Lead", "Non-lead", or "Lead Status Unknown". This is a requirement of the Ambler Borough Water Company not because of restrictions of the Borough of Ambler. The Borough owns the water company that is why this is a requirement. *Back flow preventors have been required as per the Pennsylvania Code Chapter 109 and the Safe Drinking Water of 1974. If your property has been bought since the 1980s or constructed after that year, chances are your property has a backflow preventor already installed on the property or the previous homeowner or agent may have failed to disclose this. In addition to the backflow preventor requirement the US EPA as of August 2022 is requiring Water Distribution Companies to provide an inventory of all customers lead and copper service lines by October 2024.*

- Smoke and Carbon monoxide detectors - 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. *This is already a requirement for resale of property in the Borough. Given the older housing stock in the Borough many attached homes were built without required fire walls in the Borough and this requirement benefits existing attached homeowners and new homeowners. While smoke detectors don't prevent fires, detecting them early helps prevent spread to neighboring properties.*
- House numbers, a minimum of 3 inches in height, have been installed and are easily seen from the street. *This is done for the benefit of homeowners, Wissahickon Volunteer Fire Company, Ambler Police Department, and local Ambulance Companies in the event of emergencies.*

The residential resale use and occupancy permit can be found on the Borough website under documents and forms as well as on the announcement page. **Please note there is NO FEE FOR THIS CERTIFICATE.** If you are thinking of selling your home in the near future feel free to contact the Borough Code Department to walk you through the inspection process. The Borough understands all real estate transactions are not the same and will work with all in order to make this a smooth process. Feel free to contact the Code Department with any questions. This Ordinance was done in order to protect the health, safety, and welfare of all residents.

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RESIDENTIAL RESALE USE AND OCCUPANCY APPLICATION

Property Address: _____ Settlement Date _____

CURRENT OWNER: _____

Current Owner Address: _____
Street Suite # City State Zip

Mailing Address (if different): _____
Street Suite # City State Zip

Phone: (_____) _____ - _____ Fax: (_____) _____ - _____

E-Mail Address: _____@_____

LISTING AGENT: _____

Listing Agent Address: _____
Street Suite # City State Zip

Phone: (_____) _____ - _____ Fax: (_____) _____ - _____

E-Mail Address: _____@_____

BUYER: _____

Buyer Address: _____
Street Suite # City State Zip

Phone: (_____) _____ - _____ Fax: (_____) _____ - _____

E-Mail Address: _____@_____

I hereby acknowledge that I have read this application, that the information given is correct, and I am the owner or am duly authorized to act in the owner's behalf, and hereby agree to comply with the applicable Borough Codes.

Applicant's Signature

Print Name

Date

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SMOKE AND CARBODN MONOXIDE DETECTOR AFFIDAVIT

Property Address: _____ Settlement Date _____

The undersigned (Owner), _____, hereby states:

1. I am the Current Owner, or authorized representative of the Owner, for the above listed property.
2. The Owner certifies that the residence located at the property address above in the Borough of Ambler, Montgomery County, Pennsylvania, has operating **smoke detectors** or an operational smoke detection system within the **immediate vicinity of all bedrooms, one in each bedroom, and one on every level of the building described, including basements and habitable attics**, which shall be in compliance with the International Building Code adopted by the Borough Council.
3. The Owner certifies that **carbon monoxide alarms are installed and properly functioning** as required by International Residential Code, Section R31 5, Carbon Monoxide Alarms

I declare to the best of my knowledge and belief, the information herein is true, correct, and complete.

Executed this _____ day of _____, 2023

Owner's Signature

Print Name

Date

Owner's Signature

Print Name

Date

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SEWER INSPECTION CERTIFICATE

Property Address for sale: _____ Settlement Date: _____

CURRENT OWNER: _____

Phone: (_____) _____ - _____ E-Mail Address: _____ @ _____

BUYER: _____

Phone: (_____) _____ - _____ E-Mail Address: _____ @ _____

LATERAL TELEVISIED INSPECTION (completed by a Licensed Plumber)

Inspection by Licensed Plumber: _____ Date: _____

Company Name: _____ PA LIC# _____

Phone: (_____) _____ - _____ E-Mail Address: _____ @ _____

PASSED: _____ FAILED: _____

_____ I have checked and videoed the sewer lateral of the subject property to the public system connection and found no deficiencies; there is no sump pump connected to the public sanitary sewer system.

Signature of Plumber: _____ Date: _____

If failed, please list deficiencies: BROKEN CRACK FRACTURE JOINT DISPLACED

BOROUGH OF AMBLER, MONTGOMERY COUNTY, PA

ORDINANCE NUMBER 1135

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 working 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.
- D. Regardless whether a plumber's certification is required pursuant to the above criteria, Seller shall submit an affidavit on a form prepared by the Borough to verify that the home does not contain a sump pump that is connected to the home's sanitary sewer lines.

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.

11-205. CURB/SIDEWALK REQUIREMENTS

- i. Upon being advised of the pending transfer, the Borough staff or engineer will inspect the curbs and sidewalks. Sidewalks and curbs will require repair or replacement :
 - a. When one or more sections of the sidewalk rises above or drops below the grade of the edges of immediately adjacent sections resulting in an irregular surface with depression greater than $\frac{1}{2}$ inch in depth.
 - b. When the curb is out of vertical alignment with the adjacent curb or an adjacent section or slab of sidewalk in excess of $\frac{3}{4}$ inch.
 - c. When there is spalling on twenty-five percent (25%) or more of the total sidewalk surface.
 - d. When there is any crack in a sidewalk that is greater than $\frac{1}{2}$ inch in width for a length of one foot or more.
 - e. When a crack in a curb is more than $\frac{1}{4}$ inch wide and extends across the full depth of the curb and also down to the grade of the street.

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 sixty days after it is adopted using the ordinance adoption date criteria set forth in section 3301.3 of the Pennsylvania Borough Code; *except, however,* the sewer lateral inspection requirements set forth in section 11-203, which shall become effective on September 1, 2024.

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 5th day of September, 2023.