

## Chapter 73

### OCCUPANCY PERMITS

- |   |   |
|---|---|
| <p>§ 73-1. <b>Permit required.</b></p> <p>§ 73-2. <b>Owner to notify Building Inspector.</b></p> <p>§ 73-3. <b>Changes and discontinuance of use.</b></p> <p>§ 73-4. <b>Permit applications.</b></p> <p>§ 73-5. <b>Certificates of occupancy.</b></p> <p>§ 73-6. <b>Approval by Building Inspector.</b></p> | <p>§ 73-7. <b>Unlawful construction.</b></p> <p>§ 73-8. <b>Definitions; responsibility for obtaining permits.</b></p> <p>§ 73-9. <b>Certificates of occupancy for changes in use.</b></p> <p>§ 73-10. <b>Temporary permits.</b></p> <p>§ 73-11. <b>Applications for variances.</b></p> <p>§ 73-12. <b>Violations and penalties.</b></p> |
|---|---|

**[HISTORY: Adopted by the Borough Council of the Borough of Heidelberg 7-20-1982 by Ord. No. 365, approved 7-20-1982. Amendments noted where applicable.]**

#### GENERAL REFERENCES

**Building construction — See Ch. 39.**

**Property maintenance — See Ch. 86.**

---

#### **§ 73-1. Permit required.**

It shall be unlawful to use or occupy or permit the use or occupancy or to change the use or occupancy of any building, structure, land or premises or any part thereof presently existing or hereafter created, erected, changed, converted or enlarged in its use and structure until an occupancy permit shall have been issued therefor by the Building Inspector, stating that the proposed use of the building, structure or land conforms to the requirement of this chapter.

#### **§ 73-2. Owner to notify Building Inspector.**

Upon completion of the erection of any building or other alteration of any existing building or any portion thereof or prior to the occupancy and use of the same or the occupancy or use of any industrial or commercial land for a business use, the owner, occupier, user, lessee, or other occupant of such premises shall notify the Building Inspector of such completion, in writing, and make application for an occupancy permit. No work shall be considered complete, nor shall any building be occupied or lot used until said official has issued an occupancy permit certifying that the work has been inspected and approved by the Building Inspector of the Borough of Heidelberg as being in conformity with the provisions of this chapter and other applicable ordinances of the Borough of Heidelberg.

#### **§ 73-3. Changes and discontinuance of use.**

The discontinuance of any use and the resumption of a similar use or any change in use, by the present owner, tenant, user or occupier, from the present use at the time of the adoption of this

chapter or a change of use by a subsequent owner, tenant, user or occupier of the premises or the continuance of a present use by a new owner, tenant, user or occupier, i.e., a change of ownership or control or possession of any business or premises situated within the Borough of Heidelberg, shall require such owner, user or occupier of the premises to obtain an occupancy permit as set forth herein.

**§ 73-4. Permit applications.**

All applications for an occupancy permit shall be on a form formulated by the proper officials of the borough and shall contain at least the following:

- A. The name and address of the owner of the property.
- B. The name and address of the occupier of the property.
- C. An accurate street description of the property.
- D. The type of use of the property.
- E. The number of users of the property, including proper name and mailing address.
- F. The date of proposed occupancy.
- G. The building permit number or building modification number of a prior building permit issued.
- H. The Department of Labor and Industry permit number, if applicable.

**§ 73-5. Certificates of occupancy.**

Certificates of occupancy shall be granted or denied within 15 days from the date of a properly submitted application with the applicable costs advanced, said costs of said permit to be established from time to time by resolution of Borough Council.

**§ 73-6. Approval by Building Inspector.**

No permit shall be issued for the occupancy use of any property unless and until the same has been inspected by the Building Inspector and shall be determined to be in a usable safe condition, and no certificate of occupancy shall be issued in the case of new erection, construction or alteration until the new erection, construction or alteration has been completed and inspected and approved by the Building Inspector.

**§ 73-7. Unlawful construction.**

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this chapter or any modifications of this chapter or regulations made supplementing this chapter, the proper authorized officials of the borough, in addition to any other remedies provided to them by law, may institute any appropriate action or proceeding to prevent such unlawful erection,

construction, reconstruction, alteration, repairs, conversion, maintenance or use to restrain, correct or abate such violation or to prevent the occupancy of said building or land or to prevent any illegal act, conduct or business or use in or about the premises.

**§ 73-8. Definitions; responsibility for obtaining permits.**

A. As used in this chapter, the following terms shall have the meanings indicated:

PERSON — Any individual, any individuals, partner or partners of any partnership, officer or officers of any corporation.

B. The obligation of obtaining the occupancy permit as set forth herein shall fall both upon the owner of the property and/or the tenant, and/or either or both shall be responsible for obtaining occupancy permits as required hereunder, but only one permit need be obtained for any particular use, occupancy or other activity contemplated hereunder.

**§ 73-9. Certificates of occupancy for changes in use.**

A certificate of occupancy for change of use or occupancy where no structural changes or additions requiring a building permit is incidental thereto shall be issued only upon written application to the Building Inspector and upon inspection and approval of the premises by the Building Inspector.

**§ 73-10. Temporary permits.**

It is recognized that it may be in accordance with the purpose of this chapter to permit temporary occupancy for a limited period of time, which occupancy may be prohibited by other provisions of this chapter. If such uses are of such a nature and are so located that, at the time of petition, they will in no way exert a detrimental effect upon the uses of land and activities normally permitted in the zone or will contribute materially to the welfare of the borough, particularly in a state of emergency, under conditions peculiar to the time and place involved, then the Borough Council may, subject to all regulations for the issuance of special exception elsewhere specified, direct the Building Inspector to issue a permit for a period not to exceed six months. Such permit may be extended not more than once for an additional period of six months.

**§ 73-11. Applications for variances.**

An application may be made to the Zoning Hearing Board for a variance where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant. The application must be on a form provided for that purpose by the Zoning Officer. It must be filed with the Zoning Hearing Board and copies given to the Zoning Officer and Borough Planning Commission.

**§ 73-12. Violations and penalties.<sup>1</sup>**

Any person or persons who violate any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not more than \$600 plus costs of prosecution or, upon default in payment of the fine and costs, by imprisonment in the county jail for a period not exceeding 30 days.

---

<sup>1</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).