

BILL NO. 6 -2011

AN ORDINANCE

ADOPTING PROVISIONS SET FORTH IN PENNSYLVANIA STATUTES
21 P.S. SECT. 611 TO AND INCLUDING 21 P.S. SECT. 615

WHEREAS, the City of Reading recognizes that many city property owners are using such properties in violation of city zoning and other ordinances; and

WHEREAS, the City of Reading recognizes that many purchasers of city properties are unaware of illegal uses and/or other violations until they have entered into agreements of sale or have consummated the purchases; and

WHEREAS, City of Reading finds that Pennsylvania Statutes 21 P.S. Sect. 611 to and including 21 P.S. Sect. 615 provide certain requirements to address the illegal use of city property as well as provide penalties for violations thereof.

NOW, THEREFORE THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. That the City of Reading hereby adopts the provisions set forth in Pennsylvania Statutes 21 P.S. Sect. 611 to and including 21 P.S. Sect. 615 (attached hereto).

SECTION 2. This Ordinance shall be effective ten (10) days after passage and approval by the Mayor or as set forth in City of Reading Home Rule Charter Section 221.

Enacted Feb 14, 2011

[Signature]
President of Council

Attest:

[Signature]
City Clerk

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Ordinance passed by the Council of the City of Reading, on the 14 day of Feb, A. D. 2011. Witness my hand and seal of the said City this 14 day of Feb, A. D. 2011.
[Signature]
CITY CLERK

Submitted to Mayor: [Signature]
Date: 2/15/11

Received by the Mayor's Office: [Signature]
Date: 2-15-11

Approved by Mayor: [Signature]
Date: 2/15/11

Vetoed by Mayor: _____
Date: _____

21 P.S. § 611

PENNSYLVANIA STATUTES, ANNOTATED BY LEXISNEXIS(R)

* THIS DOCUMENT IS CURRENT THROUGH ACT 17 OF THE 2010 LEGISLATIVE
SESSION *

*** APRIL 30, 2010 ANNOTATION SERVICE ***

PENNSYLVANIA STATUTES
TITLE 21. DEEDS AND MORTGAGES
CHAPTER 1. DEEDS AND GENERAL PROVISIONS
USE REGISTRATION PERMITS

21 P.S. § 611 (2010)

§ 611. Legislative findings

(a) The General Assembly finds that in municipalities throughout the Commonwealth many owners of properties are using such properties in violation of the **zoning** ordinances and regulations of such municipalities, and are maintaining such properties in violation of housing, building, safety, and fire ordinances and regulations, and are offering such properties for **sale** without revealing such illegal use or the receipt of notice of the existence of housing, building, safety and fire violations. Many innocent purchasers of such properties are not aware of the illegal use or the existence of the nature of violations until they have entered into agreements of **sale** or have consummated the purchase.

(b) In order to prevent undue hardships and losses imposed on such innocent purchasers by owners who have failed to reveal the illegal use of the property being conveyed or who have made misrepresentations in that regard, the General Assembly finds and declares that in cities of the first class, cities of the second class and in cities of the second class A, cities of the third class, boroughs, towns, townships of the first class and townships of the second class adopting the provisions of this act, all sellers of property shall be required to advise the purchaser of the legal use of such property, and to deliver to the purchaser not later than at the settlement held for such property a use registration permit showing the legal use and **zoning** classification for such property.

(c) In order to prevent undue hardship and losses imposed on an innocent purchaser by an owner who has failed to disclose to a prospective purchaser of property that a notice has been received that such property is in violation of housing, building, safety or fire ordinances or regulations, the General Assembly finds and declares that all sellers of property shall be required to advise purchasers of any notice received by the owners of any violation of any housing, building, safety or fire ordinance or regulation with respect to the property to be sold.

(d) The provisions of this act may apply to cities of the second class A, cities of the third class, boroughs, towns, townships of the first class and townships of the second class only if the governing bodies of such municipalities so elect.

21 P.S. § 612

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21 P.S. § 612 (2010)

§ 612. Definitions

(a) "OWNER" means any person, co-partnership, association, corporation or fiduciary having legal, or equitable title, or any interest in any real property. Whenever used in any clause, prescribing or imposing a penalty, the term owner, as applied to co-partnerships and associations, shall mean the partners, or members thereof, and as applied to corporations, the officers thereof.

(b) "PROPERTY" means any building or structure situate in any city of the first class or situate in any city of the second class, or situate in any other municipality eligible and electing to adopt the provisions of this act, except buildings or structures used, designed or intended to be used, exclusively, for single family or two-family occupancy, churches or other places of religious worship, except that for the purpose of certification or statements regarding notices of housing, building, safety or fire violations, the word "property" shall include all buildings or structures.

(c) "AGREEMENT OF SALE" means any agreement, or written instrument, which provides that title to any property shall thereafter be transferred from one owner to another owner, and shall include inter alia written leases which contain options to purchase the leased property, and leases which provide that the lessee of the property shall acquire title thereto after the payment of a stipulated number of regular rent payments or after a stipulated period of time.

21 P.S. § 613

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21 P.S. § 613 (2010)

§ 613. Certificates

(a) In any city of the first class, any city of the second class or in any city of the second class A, city of the third class, borough, town, township of the first class or township of the second class which has adopted the provisions of this act it shall be unlawful for any owner to sell his property, or any interest therein, unless the owner shall first deliver to the purchaser at or prior to the time for settlement a certification of the District classification, issued by the appropriate municipal officer indicating the zoning classification and the legality of the existing use of the property to be sold.

(b) It shall be unlawful for an owner to sell his property, or any interest therein, unless the owner shall first deliver to the purchaser at or prior to the time for settlement a certificate issued by the appropriate municipal official disclosing whether there exists any notice of an uncorrected violation of the housing, building, safety or fire ordinances.

21 P.S. § 613.1

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21 P.S. § 613.1 (2010)

§ 613.1. Agreements of sale

(a) Every owner shall insert in every agreement for the sale of property a provision showing the zoning classification of such property, and stating whether the present use of the property is in compliance with or in violation of

zoning laws and ordinances, and every owner shall insert in every agreement for the sale of property a provision disclosing whether there exists any notice of an uncorrected violation of the housing, building, safety or fire ordinances.

(b) If any owner fails to include any provision required by this act in an agreement for the sale of property, then in any action, at law or in equity, instituted by a purchaser against an owner, it shall be conclusively presumed that the owner at the time of the signing of such agreement, represented and warranted to the purchaser that such property was being used in compliance with the then existing zoning laws and ordinances, and that there was no uncorrected violation of the housing, building, safety or fire ordinances.

21 P.S. § 614

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21 P.S. § 614 (2010)

§ 614. Non-conforming uses

A certificate from the appropriate municipal officer certifying that the property has been approved or designated as a non-conforming use shall be deemed compliance with this act.

21 P.S. § 615

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21 P.S. § 615 (2010)

§ 615. Penalties

Any owner who violates the provisions of section 3 of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not more than one thousand dollars, or undergo imprisonment for not more than one year, or both.