



**BOROUGH OF NEW HOPE**

123 New Street, New Hope, PA 18938 ● Phone 215-862-3347 ● Info@NewHopeBorough.org

**USE AND OCCUPANCY PERMIT & USE REGISTRATION APPLICATION**

**FOR ADMINISTRATION USE**

Date Received: \_\_\_\_\_ Zoning Fee: \_\_\_\_\_ Building Fee: \_\_\_\_\_ Closing Date: \_\_\_\_\_

PERMIT NUMBER: \_\_\_\_\_ SCHEDULED FOR: \_\_\_\_\_

**TYPE OF APPLICATION (check appropriate condition)**

Property Sale / Transfer of Ownership	Complete Sections 1, 2 & 3
Property Rental / Change in Tenant	Complete Sections 1, 2 & 4
Change in Use / Occupancy Class / New Use	Complete Sections 1, 2 & 5

**Subject Property Address:** \_\_\_\_\_

Unit and / or Suite and / or Apartment Number: \_\_\_\_\_ Parcel #: \_\_\_\_\_

**SECTION 1: OCCUPANCY CLASSIFICATION / USE GROUP INFORMATION**

Zoning District: (✓ or circle one):

R-1	R-2	R-B	R-C	PUD	CC	LC	SC	LI	MU	PRD
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Historical District:

Yes	No
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Flood Zone:

Yes	No
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Property Type:    \_\_\_ Single Family           \_\_\_ Multi-Family           \_\_\_ Mixed Use           \_\_\_ Commercial

Number of Units: \_\_\_\_\_

**SECTION 2: CURRENT PROPERTY OWNER**

Name(s) \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone \_\_\_\_\_  
E-Mail \_\_\_\_\_

**SECTION 3: PROPERTY SALE / BUYER INFORMATION**

Name(s) \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone \_\_\_\_\_  
E-Mail \_\_\_\_\_

**SECTION 4: PROPERTY RENTAL-CHANGE OF TENANT**

**Provide single-side copy of Lease / Rental Agreement**

Residential Tenant Name(s) \_\_\_\_\_  
AND / OR Business Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone \_\_\_\_\_  
E-Mail \_\_\_\_\_

**SECTION 5: CHANGE IN USE / OCCUPANCY CLASS**

**Provide detail of ALL PROPOSED USE(S)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**BOROUGH APPROVAL (For administration use)**

Zoning Officer: \_\_\_\_\_ Date: \_\_\_\_\_  
Code Official: \_\_\_\_\_ Date: \_\_\_\_\_  
Notes / Conditions: \_\_\_\_\_

Notes / Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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**WASTE PLAN** – Complete Waste Plan Addendum attached

**COMMERCIAL / BUSINESS USE** – For new businesses, please check the Borough website for useful information and business registration form.

[NewHopeBorough.org](http://NewHopeBorough.org) > Businesses > New Business Information and Forms Packet

[New Business Information and Forms Packet](#)

**SECTION 6: PROCESSING STATUS**

*\*By signing this application, I hereby certify that I am the owner or equitable owner or that I am authorized by the owner or equitable owner to make this application as their agent. Proposed Tenant must provide a copy of the lease.*

**APPLICANT**

**SIGNATURE**

**PRINT NAME**

Owner: \_\_\_\_\_

Buyer / Tenant / Agent\* \_\_\_\_\_

Buyer / Tenant / Agent Phone: \_\_\_\_\_ E-Mail \_\_\_\_\_

**Borough of New Hope Use & Occupancy Checklist**  
**(Provided for informational purposes only)**

Below is a sample list of items the Borough inspectors will check during all residential and commercial occupancy inspections. Please note that this is not meant to be an all-inclusive list. The intent of the inspection is to insure a property is safe for occupancy and that any major issues are identified for correction.

<b>Exterior</b>
Tripping Hazard-Sidewalks
Tripping Hazard-Driveway/Parking Lots
Tripping Hazard & Condition of Patio/Porches
High Grass/Weeds
Junk Cars
Debris/Rubbish
General Conditions of Roof/Gutters/Drains
General Conditions of Siding
Foundation
Windows
Address Numbers on Front of Building (4"min)
Shed(s) or Utility Building(s)
Pool
<i>Commercial</i> - Assembly rooms-maximum occupant load posted
<i>Commercial</i> - Exterior Emergency Lighting
<i>Commercial</i> - Handicapped Parking w/stripping and signage
<b>Interior</b>
Flooring
Walls/fire rated per IBC if required
Ceilings/fire separations per IBC Table 508.4
Exits Safe and Usable
Stairs Safe with Handrails and Guardrails
Smoke Detectors / CO Detectors
Bathroom facilities
Kitchen Facilities
Exhaust Fans(s)
Hot Water
Fireplace/Wood burning Stove/Vent-free appliances
Doors/Fire doors and Locks
Water Supply
Sewer System
Sprinkler System (tagged / current)
Fire Alarm System (current certification)
Fire Extinguishers as per code (tagged / current)
<i>Commercial</i> - Emergency Lighting and Exit Signs
<i>Commercial</i> – Kitchen Hood Ansul System



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**USE AND OCCUPANCY PERMIT & USE REGISTRATION APPLICATION**

**ADDENDUM – WASTE PLAN**

New Hope Borough residents and businesses are required to contract directly with *Licensed Waste Haulers* for solid waste collection and disposal services and the collection of recyclables.

**In accordance with New Hope Borough Ordinance Chapter 223 Solid Waste, Article III Municipal Solid Waste Management, §223-24 Standards and regulations for storage prior to collection:**

Every person (or Business) shall provide adequate and sufficient containers for receiving and holding municipal waste. Municipal waste containers, other than those used for the storage and collection of recyclables, shall be made of durable, watertight, rust resistant material having close-fitting lids, doors or covers and handles to facilitate collections, or durable, watertight plastic bags. Only residential property owners may use durable plastic bags for storage and collection of municipal waste. Nonresidential uses and properties must use durable, watertight, rust-resistant containers for storage and collection of municipal waste.

- Municipal waste containers shall be of **sufficient capacity** to hold accumulated refuse until the time of collection.
- Municipal waste containers shall be maintained in good repair. It shall be the responsibility of the person occupying the premises to keep municipal waste containers in a sanitary condition at all times. The containers shall be free from all liquids and residual solids and shall be periodically cleaned.
- Municipal waste stored outside of buildings shall be stored in containers of suitable size, shape and material so as to **prohibit the waste from being scattered by wind or rain and shall prohibit accessibility of such waste to rodents and other vermin.**
- Municipal waste containers shall be adequately secured at all times to prevent waste from scattering from the storage or collection points.
- Municipal waste containers that are screened from public view shall be located no less than 10 feet from any public street, alley, or other public place. Municipal waste containers that are not screened from public view shall be located no less than 25 feet from any street, alley, or other public place.
- All municipal waste storage containers shall be subject to inspection by the Borough at any reasonable hour without prior notice.

**§223-25 Standards and regulations for collection**

Municipal waste containers shall be placed just inside the curb or street line, not less than five feet from any side property line, only between the hours of **4:00 PM** prevailing time on the day prior to the collection of refuse by licensed collectors or haulers and **7:00 PM** prevailing time on the day of collection of refuse by licensed collectors or haulers. No container may be placed in such a manner as to block a sidewalk or pedestrian walkway or to hinder the safe passage of motor vehicles.

**Owner:** \_\_\_\_\_ **Street Address:** \_\_\_\_\_

**Property Use:**

Business/Commercial	Residential	Mixed Use
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Owner occupied	Rental / Leased
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(Choose all that apply)

**Licensed Waste Hauler Information**

Vendor: \_\_\_\_\_ Vendor Phone: \_\_\_\_\_

Weekly Collection Day(s): 

Su	M	Tu	W	Th	F	Sa
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Location / Placement of Waste Containers: \_\_\_\_\_

By my signature, I hereby acknowledge **Municipal Solid Waste Management Plan**

\_\_\_\_\_  
Property Owner Signature

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### **USE AND OCCUPANCY PERMIT AND USE REGISTRATION: RULES, REGULATIONS, AND REQUIREMENTS**

#### **RULES**

Borough Ordinances require property owners to obtain a Use and Occupancy Permit for specific types of property use and ownership changes. The permit is required when one of the following occur.

1. Change in ownership of any lot, parcel, building or structure.
2. Change in any tenant of any commercial or industrial building or structure, or portion thereof.
3. Change in use or occupancy class of any lot, parcel, building or structure or portion thereof.
4. Initial use and occupancy of any lot, parcel, building, or structure established, erected, or altered.

The purpose of this permit is to document and verify that the proposed space to be occupied meets the occupancy classification and the proposed intended use(s) is (are) permitted pursuant to (but not limited to) the Zoning Ordinance, Deed Restrictions, any prior Zoning Hearing Board decisions, the Pennsylvania Uniform Construction Code (PA UCC) and meets the requirements of the New Hope Property Maintenance Code.

Once a permit is issued, the permit remains valid until the use and/or occupancy classification of the space changes; there is an increase or decrease in the floor area, outside display or use area, or storage area; or there is a change in ownership or tenant. Residential permits remain valid until there is a change in ownership or lease area.

#### **PROCEDURE**

Complete and return the attached application for a "Use and Occupancy Permit" and pay the appropriate fee at time of submission. The Zoning Officer will review the application to ensure the proposed use complies with the Zoning Ordinance; the property owner or authorized representative of the owner will be contacted to set a convenient time for an inspection; and the Code Official will conduct an inspection of the premises to determine compliance with the Property Maintenance Code and/or applicable Building Codes. A permit checklist will be prepared listing any deficiencies. If it is determined that an application is deficient or that the premises are not in conformance with Borough or state laws, the Borough will deny the permit and the Applicant will be notified of the specific deficiencies.

Please allow the Borough five (5) business days to review your application and to schedule an inspection, unless an expedited inspection process is requested. All violations must be corrected within thirty (30) days of the initial inspection. Please allow three (3) days to schedule a re-inspection.

#### **APPLICATION**

All applications must be completed in ink and signed by the owner or acting agent of the owner. By signing the application, the applicant agrees that he or she will comply with all ordinances and codes of the Borough of New Hope and the Commonwealth of Pennsylvania, that any misrepresentations in the application will be grounds for the revocation of the permit issued by the Borough, and that the applicant will not occupy or allow occupancy of the land, structure or building for any purpose that will violate applicable codes and/or ordinances.

## Fees

### **See Fee Schedule for applicable Fees.**

If an Applicant commences use and occupancy without first obtaining all required permits, the amount of the permit fee is increased by the greater of

(a) \$100 or

(b) an amount equal to double the original permit fees plus any costs incurred by the Borough in securing compliances.

By making an application, the Applicant acknowledges that the Borough will conduct a visual inspection of the premises and certify an approved use. The inspection does not guarantee the condition or integrity of the premises. It would be recommended that the Applicant seek the services of an independent inspection company, as appropriate, to protect the applicant's interests.

## REGULATIONS

No Use and Occupancy Permit shall be issued until all proper Borough officials have certified that the proposed use and occupancy complies with all pertinent laws, ordinances and any state licensing approvals if applicable. The Borough officials shall inform the applicant of any remedial measures to bring an application or premises into compliance within 30 days of the receipt date of the application. The building and/or structure must comply with the New Hope Borough Property Maintenance Code and all related codes adopted by the Borough, as determined by the Code Official.

By making an application, the Applicant acknowledges reading the attached summary of the Accessibility / Public Bathroom / Fire Separation requirements of the PA UCC. The Borough will not process the permit application, and permission to occupy a structure will not be granted, until all requirements of the New Hope Borough Property Maintenance Code, the PA UCC (if applicable) and related ordinances have been satisfied.

## REQUIREMENTS

Failure to provide information regarding all existing uses on a property may result in the loss of any non-conforming status of uses or occupancies not listed.

Failure to provide information regarding the replacement of a previous use with a new use of the same classification will result in the assumption that the new use represents a change that will require compliance with all current code requirements.

If an Applicant plans to construct, enlarge, repair, move, demolish or change the occupancy classification of a structure, please check with Borough Code Officials to determine if construction and Zoning Permits are required. A Use and Occupancy Permit does not authorize any construction activities.

## VIOLATIONS AND PENALTIES

Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of Chapter 275 of the New Hope Code shall, upon being found liable in a civil enforcement proceeding, pay a judgment of not more than

\$500, plus all court costs, including reasonable attorney fees incurred by the Borough. Each day that a violation continues constitutes a separate violation.

## **New Hope Borough Building Code Requirements Accessibility/ Public Bathroom/ Fire Separation**

The State of Pennsylvania has adopted a statewide building code, the Pennsylvania Uniform Construction Code (PA UCC). The adopted code includes the International Building Code (IBC) and the International Existing Building Code (IEBC).

Occupancy use groups are classified in the IBC. Some occupancy classification groups applicable in New Hope are:

- A-2 (restaurant),
- B (office and personal service), and
- M (retail), although many other types exist.

A change of occupancy is a change in purpose or level of activity within a building that involves a change in the requirements of the building code. A change in tenant with no change in occupancy classification or occupancy use typically does not initiate accessibility requirements unless repairs or alterations of the structure are proposed. A change of occupancy classification will require compliance with accessibility requirements.

Repairs and alterations are classified in the IEBC. These include:

- Levels 1 -3 Alteration
- Change of Occupancy
- Additions
- Work in Historic Buildings

Each type has specific standards to satisfy accessibility requirements. Most building permit applications in New Hope represent either an alteration and/or a change in occupancy classification. Alterations and/or a change in occupancy classification will typically require a minimum of 20% of the cost of improvements to be expended towards compliance with accessibility requirements.

If a toilet room(s) is (are) required by the IBC or a state agency because of a specific use type or a new toilet room(s) is (are) proposed, an accessible toilet room or multiple toilet rooms is (are) required regardless of improvements completed to provide an accessible route to the toilet room(s) (Section 305.8.10- 2018 IEBC). A building code requirement to provide an accessible route to the primary function of the use, such as the path from the entrance to the restaurant serving room, is different than a requirement to provide an accessible toilet room. Any application that does not satisfy code accessibility requirements must receive a variance from the state.

The number and type of toilet rooms are determined by the Building Code based on occupancy type and occupant load for the facility. In addition, the Department of Health requires toilet rooms for certain types of occupancy such as a restaurant. Some uses, such as small retail stores or offices, do not require additional toilet rooms because of a small occupant load. If a toilet room happens to be provided, but is not required by the IBC or a state agency, it does not have to be accessible. If a toilet room is required and/or a new toilet is proposed, an accessible toilet room(s) must be provided or a variance must be secured from the state.

All applications for a change of occupancy classification must address all fire separation requirements of the IBC for the proposed use when multiple uses exist in a structure. Typical applications in New Hope involve residential apartments in combination with retail stores, offices, or restaurants. Fire separation requirements can initiate a requirement to satisfy accessibility requirements since the construction of the fire separations represents an alteration to a structure.

A typical application in New Hope involves a request to change from a retail store to a village restaurant or a retail food shop, in combination with a residential apartment. A public toilet room is required by the Dept. of Health for a village restaurant. The IBC requires it to be accessible. A toilet may be required for a retail food shop by the IBC depending on occupant load. If a toilet is required, it must be accessible. In addition, typically 20% of the cost of the conversion, including fire separations, must be expended to address accessibility requirements. All, or part, of the expenditure can be made to satisfy an accessible toilet requirement or to address other accessibility requirements.

All non-residential building permit applications proposing a Level 2, or above, alteration, change of use, additions or new construction must include construction plans prepared, signed and sealed by a registered professional.

It would be recommended to reach out to the Building Code Official regarding any building permit requirements and any additional requirements that may be required for the proposed tenancy.

If doing non-residential alterations, additions or a change of occupancy classification, it would be recommended to discuss your project with a registered design professional prior to contacting the Building Code Official to see if your project is feasible and if any additional Building code requirements may be required for your project. Such as Automatic Sprinkler systems, additional fire rated assemblies, Fire Alarm Systems, accessible bathrooms, etc.

Exterior alterations or additions in the Historic District will most likely require a HARB (Historic and Architectural Review Board) application, review and a Certificate of Appropriateness issued.