

AN ORDINANCE OF THE BOROUGH OF PALMYRA
REQUIRING THE ISSUANCE OF A CERTIFICATE OF
OCCUPANCY UPON THE SALE OF ANY
RESIDENTIAL PROPERTY

Ordinance No. 2013-17

WHEREAS, the governing body of the Borough of Palmyra, County of Burlington and State of New Jersey intends by the adoption of this Ordinance to ensure that all residents live in decent housing that meets the standards set forth by applicable codes, regulations and statutes.

NOW BE IT ORDAINED by the governing body of the Borough of Palmyra in the County of Burlington and State of New Jersey as follows:

A new subchapter is hereby added to the Code of the Borough of Palmyra entitled "Certificates of Occupancy upon the sale of any Residential Property in the Borough of Palmyra" which shall read as follows:

Article I. Registration and Licensing

§ 1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BOROUGH

The Borough of Palmyra.

RESIDENCE

Any building or part thereof which is occupied, or intended, arranged or designed to be occupied, for sleeping or dwelling purposes by one or more persons, including but not limited to the owner thereof, or any of his servants, agents or employees, and shall include all privileges, services, furnishings, furniture,

equipment, facilities and improvements connected with the use or occupancy thereof.

CERTIFICATE OF OCCUPANCY

The certificate issued by the Housing Official attesting that the residential property has been properly inspected in accordance with this article.

OWNER

The person who owns, purports to own or exercises control over any residential property.

PERSON

An individual, firm, corporation, limited liability company, partnership, association, trust or other legal entity, or any combination thereof.

§2. Application.

A written application for a certificate of occupancy shall be filed with the Housing Department by the owner or his/her agent either for the whole or part of a new residence or for an existing residence at the same time as the application for a building permit, or prior to any sale, change in use or change in occupancy, as appropriate. The application shall be on a form to be obtained from the Housing Department.

§3. Certificate required.

A. The provisions of this Subchapter do not apply to the renting of residential properties within the Borough of Palmyra. No owner, agent or broker shall sell, transfer or grant with right of occupancy, whether or not for consideration, any residence used or to be used for human occupancy until a certificate of occupancy is first obtained from the Housing Department.

B. No residence shall hereafter be occupied or used or changed in use or occupancy, except for agricultural purposes, until a certificate of occupancy has been issued.

C. The certificate of occupancy shall certify that the residential building and premises are in compliance with this subchapter and all applicable inspection criteria as set forth below.

§4. Temporary Certificate.

The Housing Department may issue a temporary certificate of occupancy in appropriate cases and may, in such instances, grant up to 90 days to correct violations as revealed by inspection of the premises. Such temporary certificate of occupancy shall list clearly on the face thereof all violations and the time within which they must be corrected. Upon the expiration of the time granted to rectify violations, the Housing Department shall reinspect the premises. Failure to correct violations so listed within the time specified on the certificate of occupancy shall constitute a violation of this section.

§5. Inspection.

Prior to the occupancy of a newly constructed residence or sale of an existing residence, an inspection shall occur after the application for a certificate of occupancy has been filed and the fees paid.

A. Such inspection shall be carried out in accordance with the following:

(1) **For Hotels and multiple dwellings as defined in N.J.S.A. 55:13A-3(j) and (k).** Such properties shall be inspected by the Bureau of Housing Inspection of the State of New Jersey, Department of Community Affairs. A current, valid certificate of inspection issued by the State of New Jersey Department of Community Affairs

pursuant to the Hotel and Multiple Dwelling Act (N.J.S.A. 55:13A-1 et seq.) shall satisfy the requirements of this article.

(2) **For residences.** The inspection of such residential units shall be by the Housing Department and shall determine compliance with Borough Land Use/Zoning Regulations; the New Jersey State Housing Code (P.L. 1980 Revision); Palmyra Housing Standards listed in Chapter 142 of the Borough of Palmyra Code ("Code"); BOCA Property Maintenance Code listed in Chapter 203; the Uniform Construction Code of the State of New Jersey (N.J.A.C. 5:23-1.1 et. seq.) Palmyra Construction Codes, Uniform Chapter 95 of the Code, or such ordinances, codes and regulations in effect at the time of the inspection. (the "inspection criteria")

The inspectors conducting the above inspections shall be under the supervision of the Housing Department and the Housing Official. For the purposes of making such inspections, the owners shall permit the inspecting officers to enter, examine and survey the facilities, at all reasonable times. The owner shall assure that the occupants shall give the inspecting officer free access to the to any such units at all reasonable times for the purpose of such inspections, examinations and surveys.

B. **Fees.** At the time of each request for an inspection under this subchapter, the owner shall pay a fee of \$125 for each unit to be inspected. The required fee shall cover the initial inspection as well as one follow up inspection in the event of failure of the first inspection. Any additional inspections will cost an additional fee of \$25.00 per inspection.

§6. Issuance.

The certificate of occupancy shall be issued or denied within 10 days from the date of inspection of the premises.

§7. Violations and penalties.

A. Any person, firm, association or corporation violating any of the provisions of this subchapter shall, upon conviction, be subject to one or more of the following: a fine not exceeding \$1,250 or imprisonment in the county jail for a term not exceeding 90 days, or a period of community service not exceeding 90 days, in the discretion of the Municipal Court Judge.

§8. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

§9. This Ordinance shall take effect after final adoption and publication according to law.

CERTIFICATION OF CLERK

I, Barbara Sheipe, Clerk of the Borough of Palmyra, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of an ordinance introduced by the Borough Council held on May 20, 2013. A public hearing and adoption of the foregoing Ordinance was held on June 17, 2013.



Barbara Sheipe
Borough Clerk