

necessarily mean a licensed real estate broker or salesperson of the State of New Jersey as those terms are defined by N.J.S.A. 45:15-3; however, such term may include a licensed real estate broker or salesperson of the State of New Jersey if such person is designated by the owner as his or her agent.

BOROUGH

The Borough of Palmyra. The Borough may act through its Housing Department or other agency.

CERTIFICATE OF OCCUPANCY FOR SALE (C.O.) OF A RESIDENCE

The document issued by the Borough certifying that a residence to be sold has been inspected and has been found suitable for occupancy.

EFFECTIVE DATE OF THIS ORDINANCE

The effective date of this Ordinance shall be July 30, 2015.

INSPECTION

The examination of a residence by a qualified inspector designated by the Borough in order to assure compliance with the inspection criteria.

INSPECTION CRITERIA

The Borough of Palmyra Land Use/Zoning regulations; the New Jersey State Housing Code (P.L. 1980 Revision); Palmyra Housing Standards listed in Chapter 142 of the Borough Code ("Code"); BOCA Property Maintenance Code listed in Chapter 203 of the Code; the Uniform Construction Code of the State of New Jersey (N.J.A.C. 5:23-1_1 et sea.), Palmyra Construction Codes, Chapter 95 of the Code or such codes and regulations in effect at the time of the inspection.

OCCUPY

To live in a residence and use it for sleeping or dwelling purposes.

OWNER

Any individual, corporation, limited liability company, partnership, association, trust, or other legal entity, or any combination of the above that owns or exercises control over any residence.

PERSON

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

RELATIVE

The owner's child, step-child, child-in-law or the child of a child, sibling, step-sibling or half-sibling, parent, step-parent parent-in-law or a parent of a parent; or a domestic partner or civil union partner.

RESIDENCE

Any building or part thereof which is occupied, or intended, arranged or designed to be occupied for sleeping or dwelling purposes. This includes any hotel or multiple dwelling as defined in N.J.S.A. 55:13A-3(j) and (k).

SALE

The transfer of ownership of a residence from one person to another for consideration as evidenced by a deed signed by the owner conveying the residence to a new owner.

TEMPORARY CERTIFICATE OF OCCUPANCY FOR A SALE ("TEMPORARY SALES C.O")

The document issued by the Borough certifying that a residence to be sold is suitable for occupancy for a temporary period.

ARTICLE II

APPLICABILITY

1 All of the provisions above in the Legislative History/Preamble are incorporated herein.

2 The provisions of Ordinance No. 2013-17 and Ordinance No. 2013-25 shall continue to apply to residences sold during the period from September 30, 2013 through the effective date of this Ordinance,

3 This Ordinance 2015-10 shall apply to the sale of residences from the effective date proceeding into the future.

4 Except as set forth below, upon the sale of a residence no person shall occupy the residence until the Borough issues a Sales C.O. for the residence. The exceptions are as follows:

- a. If one or more of the sellers of the residence is sixty-five (65) years of age or older on the date of sale; or
- b. if one or more of the sellers is totally disabled on the date of the sale as certified by a licensed physician; or
- c. If one or more of the sellers is confined to an assisted care facility, nursing home or similar facility for at least 30 days prior to the sale; or
- d. If the residence is sold as part of an estate; or
- e. If the residence is sold to a relative (the "exceptions").

5. If one of the exceptions applies, then the residence may be occupied for up to 180 days after the sale without first obtaining the Sales C.O. provided that all

applicable New Jersey law or administrative regulation(s) requiring any inspections or permits upon the sale of a residence are satisfied prior to occupancy. Upon the expiration of the 180 day period specified above, no person shall be permitted to occupy the residence without the owner having received a Sales C.O. from the Borough.

6. The above exceptions are intended to encourage the sale of older homes, which may be in need of significant repair, by older or disabled residents, while allowing new families and investors to build "sweat equity" in their new home.

7. Notwithstanding anything contained herein to the contrary, no residence shall be sold unless it has been inspected and approved pursuant to N.J.A.C. 5:70-2.3 (smoke detectors and carbon monoxide alarms).

ARTICLE THE APPLICATION

1. A written application for a Sales C.O. shall be filed with the Borough and shall be completed by the owner or his or her agent. A sample of the application is available on the Borough's website and from the Borough Clerk. The application is subject to change.

2. The Borough shall be governed by the New Jersey Open Public Records Act (N.J.S.A. 47:1A-1 et seq.) and the common law as to the release of any information set forth on the forms.

ARTICLE IV FEES

1. The applicant shall pay a fee to the Borough at the time that the

application is filed in an amount not to exceed \$125.00. For an expedited inspection there is an additional \$50.00 fee if seeking an inspection within five (5) business days, or \$100.00 if seeking an inspection within three (3) business days. The required fee shall cover an initial inspection in the event of a failure of the first inspection. Any additional inspection shall cost \$25.00.

ARTICLE V
THE SALES C.O.

1. The Sales C.O. shall be issued by the Borough upon the receipt of the completed application set forth in Article III, the payment of the required fee as set forth in Article IV, and the satisfactory inspection as set forth in Article VI.

ARTICLE VI
INSPECTION OF RESIDENCES FOR A SALES C.O.

CRITERIA

All residences for which a Sales C.O. is required shall be inspected by the Borough to determine compliance with the inspection criteria. Inspections shall address only health and safety and shall not encompass the occupants' personal property or housekeeping practices.

2. The Borough may create an inspection checklist (the "checklist") as a non-exhaustive guide for the inspectors and the owners. A copy of the current checklist is on the Borough's website and is available from the Borough Clerk.

3. Any inspector's report shall be in writing and shall be in sufficient detail so that the repair or remediation necessary to correct any violation can be objectively ascertained.

SCHEDULING OF INSPECTIONS

4. Upon the receipt of a completed application and the payment of the fee, the Borough shall schedule an inspection of the residence, no later than seven (7) business days from the submission of the required form and fees. The Borough shall accommodate written requests for expedited inspections. Shorter response times will incur additional fees.

5. In the event that the time limits herein cannot be met by the Borough, a Temporary Sales C.O. shall issue until the inspection can occur.

FAILURE TO PASS INSPECTION

6. In the event that a residence fails inspection, then a Temporary Sales C.O. may be issued by the Borough that permits occupancy for no more than sixty (60) days from the date of issuance provided that the violations do not jeopardize the health or safety of the occupants. The Temporary Sales C.O. may be extended for up to an additional thirty (30) days by the Borough for good cause shown and provided that the violations do not jeopardize the health or safety of the occupants.

7. In the event that a residence fails inspection and a subsequent re-inspection is required, only the failed items will be re-inspected unless newly observed violations jeopardize the health or safety of the occupants.

8. In the event that a residence fails inspection, such residence shall not thereafter be occupied unless a Temporary Sales C.O. is issued or the residence has been repaired or corrected and a Sales C.O. has been issued.

ARTICLE VI **VIOLATIONS**

1. Any person violating any of the provisions of this Ordinance 2015-10 shall upon conviction be subject to one or more of the following: a fine not to exceed \$1,250 or imprisonment in the county jail for a term not exceeding 90 days or a period of community service not to exceed 90 days, all within the discretion of the municipal court judge.

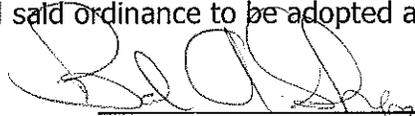
ARTICLE VIII

MISCELLANEOUS

1. The effective date of this Ordinance 2015-10 is set forth above.
2. Nothing in this Ordinance 2015-10 shall supersede any applicable New Jersey law(s) or administrative regulations including but not limited to any required fire inspections and permits. For example, any sale of a residence requires compliance with N.J.A.C.5:70-2.3 (smoke detectors and carbon monoxide alarms) and no residence sold can be occupied by any person until there is compliance with this requirement.
- 3 Except as provided herein, all ordinances or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of any such inconsistency.

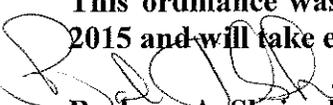
CERTIFICATION OF CLERK

I, Barbara Sheipe, Borough 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 at a Regular Meeting of said Council held on June 1, 2015 and said ordinance to be adopted at a Regular Meeting held on July 6, 2015.



Barbara Sheipe, Borough Clerk

This ordinance was adopted on second and final reading at the Council meeting of July 6, 2015 and will take effect after publication according to law.


**Barbara A. Sheipe RMC
Municipal Clerk**