

ORDINANCE NO. 18-20

**ORDINANCE AMENDING CHAPTER XIV (14) BUILDING OF THE
REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF
PISCATAWAY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY.**

BE IT ORDAINED, by the Township Council of the Township of Piscataway, County of Middlesex, State of New Jersey, that Chapter XIV – Building, Section 14-3, is hereby added to read as follows:

14-3 Certificates of Occupancy and Continued Occupancy.

14-3.1 Establishment of Office of Supervising Housing Certificate of Occupancy Official.

The office of the Municipal Certificate of Occupancy Official and hereby created, and the executive official in charge shall be known as the Municipal Supervising Certificate of Occupancy Official (the "Supervising Official"). The Supervising Official shall be appointed as provided by law, and shall report to the Township Business Administrator. His appointment shall continue during good behavior and satisfactory service. He shall not be removed from office except for cause after a full opportunity has been given to him to be heard on specific charges. During temporary absence or disability of the Supervising Official, the appointing authority shall designate an Acting Supervising Official.

14-3.2 Duties of Supervising Housing Certificate of Occupancy.

It shall be the duty of the Supervising Certificate of Occupancy Official, and his Designee(s) to enforce all national, state and municipal laws, codes, ordinances, rules and regulations relating to the use and occupancy of buildings and structures within the Township.

14-3.3 Certificates of Occupancy and Continued Occupancy.

- a. A municipal certificate of occupancy ("CO"); is hereby required as a precondition for the occupancy, in whole or in part, of any new residential dwelling or building addition to a residential dwelling.
- b. A municipal certificate of continued occupancy ("CCO") is hereby required as a pre-condition for the continued occupancy, in whole or in part, of any existing residential dwelling.
- c. A CO is a document issued by the Township upon a determination that a residential dwelling is fit for human habitation in accordance with the provisions of the Uniform Construction Code, Ordinances of the Township of Piscataway, and any other national laws, codes, rules and regulations.

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- d. A CCO is a document issued by the Township upon a determination that an existing residential dwelling continues to remain fit for human habitation in accordance with the provisions of the Uniform Construction Code, Ordinances of the Township of Piscataway, and any other national laws, codes, rules and regulations.
- e. No owner or agent shall sell, transfer or grant with right of occupancy, whether or not for monetary or other consideration, any new or existing dwelling, unit or premises on which a building or structure is located and used for human occupancy, unless a CO, or CCO, as the case may be, is first obtained from the Township, after submittal of a complete application therefore and the fee provided for herein. The Township Construction Official and/or the Supervising Official shall be afforded the opportunity to inspect the building, structure and or premises by the owner, and said owner shall consent to said inspection(s).
- f. The owner of a residential dwelling unit is hereby charged with responsibility for making written application in accordance with this Ordinance for a CCO. The buyer of such dwelling may elect to assume the seller's responsibility including the obligation to correct all violations; provided, however, that such election shall be in writing and shall state that the buyer is totally aware that he, she or it, is assuming responsibility for obtaining a CCO pursuant to this Ordinance, and provided, further, that such written election shall be filed with the Supervising Official. If, in the opinion of the Supervising Official, the violations do not affect life safety, then the buyer may be permitted to occupy the residential unit during the time the violations are being corrected. The buyer shall not occupy the residential until all life safety violations are corrected and the residential unit is reinspected by the Township. Upon correction of all violations of any nature, the buyer shall request the Township to reinspect the residential unit for compliance. Upon the Township determining that buyer is in complete compliance, an unconditional CCO shall be issued.
- g. The Supervising Official shall issue a residential CCO, provided that there are no violations of law or orders of the Construction Official, in consultation with the Zoning Officer, and it is established after site inspection and investigation of available municipal records that the alleged use of the building or structure has lawfully existed. The CCO shall evidence only that a general inspection of the visible parts of the building or structure has been made and that no violations of N.J.A.C. 5:23-2.14, as amended (Construction Permits When Required), and N.J.A.C. 5:23-2.18, as amended (Required Inspections), have been determined to exist, no conditions of violation of N.J.A.C. 5:23-2.23, as amended (Unsafe Structures), or unsafe conditions have been observed and no violations of the Revised General Ordinances of the Township of Piscataway have been found to exist.

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- h. If the Supervising Official, as the result of a permit records search and/or a general inspection of visible parts of the structure, finds a violation as set forth in subsection e. He shall notify the owner of the violation in writing by electronic or regular mail, or by hand delivering the notice to the owner or his agent. The notice shall identify the premises and specify the violations and any remedial action required, along with a compliance date. The notice will require the owner to satisfy the violations, file any necessary permits as required, and the notice shall also state that failure to correct the violations within the times specified shall result in fines as prescribed in the Uniform Construction Code.
- i. A temporary Certificate of Continued Occupancy, if issued, in the discretion of the Supervising Official, shall be effective for a period of up to ninety (90) days. One (1) administrative extension of not more than thirty (30) days may be granted by the Supervising Official. If the owner of the dwelling unit fails to sell, transfer or grant the right of occupancy within this period, the owner shall make a new written application for and obtain a new CCO.
- j. A CO and CCO shall be valid for a period of six months from the date of issue unless a change in occupancy has occurred, and must be renewed for each occupancy.

14-3.4 Fees.

The Township of Piscataway shall charge application fees for a CO and CCO as follows:

CO or CCO – One or two family (1-5 business days)	\$100.00 per unit
CO or CCO – One or two family (6-10 business days)	\$ 75.00 per unit
CO or CCO – Three or more dwelling units (1-5 business days).	\$ 50.00 per unit
CO or CCO – Three or more dwelling units (6-10 business days).	\$ 40.00 per unit
Temporary CO or CCO – One or two family dwelling	\$100.00 per unit
Temporary CO or CCO – Three or more dwelling units	\$ 75.00 per unit
Second inspection fee	\$ 75.00
Third inspection fee	\$150.00

14-3.5 Liability of Supervising Certificate of Occupancy Official.

The Supervising Official or any employee charged with the enforcement of this Ordinance, acting in good faith and without malice in the discharge of his duties, shall not thereby render himself liability personally; and he is hereby relieved from all personal liability for any damage that may occur to persons or property as a result of any act required or by reason of any act or omission in the discharge of his duties. Any suit brought against the Supervising Official, or his employee, because of such act or omission performed by him in the enforcement

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of any provisions of this Code, shall be defended by the legal department of the Township at the Township's sole cost and expense, until final termination of the proceedings.

14-3.6 Right of Entry

The Supervising Certificate of Occupancy Official, in the discharge of his official duties and upon property identification, shall have authority to enter any building, structure or premises at any reasonable hour, if there is reason to believe work is being performed contrary to regulations of the State of New Jersey Uniform Construction Code N.J.A.C. 5:23.

14-3.7 Enforcement and Penalties

- a. Any person, firm or corporation violating any provisions of this Section 14-3 shall, upon conviction, be punishable by a fine not exceeding \$1,000.00, imprisonment for a period not exceeding thirty (30) days and/or a period of community service not exceeding thirty (30) days.
- b. The issuance of a CO or CCO shall not preclude the imposition of penalties upon subsequent discovery of a violation.

14-3.8 Effective Date.

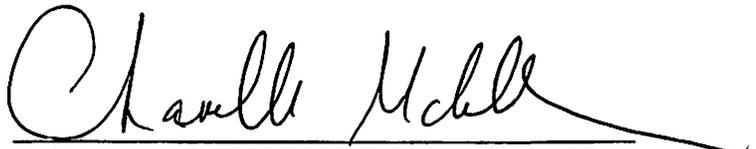
This Ordinance shall become effective on January 1, 2019.

If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared severable.

All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior Ordinance of the Township, the provision hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Township are hereby ratified and confirmed, except where inconsistent with the terms hereof.

This Ordinance shall take effect twenty (20) days after final passage, adoption and publication according to law.

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CHANELLE MCCULLUM, Council President

Attest:


MELISSA A. SEADER, Township Clerk

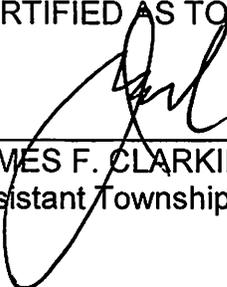
Adopted, First Reading: August 28, 2018
Publication Date: August 31, 2018

Adopted, Second Reading: September 18, 2018
Publication Date:


BRIAN C. WAHLER, Mayor

Date: 9-19-2018

CERTIFIED AS TO FORM AND LEGALITY:


JAMES F. CLARKIN III, ESQ.
Assistant Township Attorney

STATEMENT OF PURPOSE

The purchase and intent of this Ordinance is require Certificates of Occupancy and Certificates of Continued Occupancy for various residential buildings, or residential building additions fit for human habitation.