

ORDINANCE NO. 2024-20

ORDINANCE AMENDING CHAPTER 93 “CERTIFICATES OF CONTINUED OCCUPANCY” OF THE CODE OF COLTS NECK TOWNSHIP, COUNTY OF MONMOUTH

WHEREAS, Chapter 93 of the Township Code currently uses the term “certificate of continued occupancy” to refer to a number of different certificates that the Township requires for residential rentals, commercial sales, and commercial rentals within the Township; and

WHEREAS, the term “certificate of continued occupancy” is a defined term under the Uniform Commercial Code; and

WHEREAS, in order to clarify the provisions of the Township Code and to avoid any inconsistencies between the Township Code and the Uniform Commercial Code, the Township Committee has determined that it is necessary to amend Chapter 93 of the Township Code in order to eliminate the use of the term “certificate of continued occupancy” and to replace it with other descriptive terms as described more fully herein.

NOW THEREFORE BE IT ORDAINED, by the Council of Colts Neck Township, County of Monmouth, and State of New Jersey, as follows (additions to text indicated by underline; deletions to text indicated by ~~strikeout~~):

SECTION I: That the Code of Colts Neck Township be amended and supplemented to revise Chapter 93 entitled “Certificates of Inspection Continued Occupancy” as follows:

Chapter 93
CERTIFICATES OF INSPECTION ~~CONTINUED OCCUPANCY~~

§ 93-1. Purpose.

A certificate of inspection continued occupancy is a document certifying that a general inspection of the visible parts of a building has been made and that there are no apparent violations of the International Property Maintenance Code and when a certificate of inspection is issued for residential rentals, it shall be known as a “residential certificate of inspection.” when a certificate of inspection is issued for a commercial building sale or commercial building rental, it shall be known as a “commercial certificate of inspection”. The issuance of a certificate of inspection does not represent that all improvements to the building comply with the New Jersey Uniform Construction Code (N.J.A.C. 5:23 et. seq.) nor that the building and premises are in compliance with the Colts Neck Development Regulations (Chapter 102).

§93-2. Enforcing Authority

The administration and enforcing authority for the provisions of this Chapter shall be the Construction Official.

§ 93-3. Inspections.

The Construction Official or his/her agents or employees shall be responsible to make inspections to determine the condition of rental residential dwelling units, commercial establishments and premises located in the Township in accordance with this chapter.

§ 93-4. Issuance of certificates of inspection ~~continued occupancy~~

From and after the effective date of this chapter no person, firm, corporation or other entity shall occupy or reoccupy any commercial property after the sale, rental or the transfer of such property, and no person, firm, corporation or other entity shall rent a residential dwelling unit unless a certificate of inspection continued occupancy shall have been issued by the Constructional Official certifying that such property is in compliance with all of the standards of this chapter. For purposes of this chapter, a “commercial property” shall be any structure or portion thereof, occupied or intended for occupancy for any retail, office, personal service, industrial use or property accessory thereto or any use other than a residential or agricultural use. A rental residential dwelling unit shall be a building or portion thereof occupied or intended to be occupied for residential purposes by one family that is not owner occupied.

§ 93-5. Application; fees.

- A. Application forms for certificates of inspection ~~continued-occupancy~~ may be obtained from the Construction Official. The property owner or tenant shall file a completed application for a certificate of inspection ~~continued-occupancy~~ and specify whether the application is for a residential certificate of inspection, or commercial certificate of inspection. For commercial properties a description of operations on the owner's or tenant's letterhead must be submitted and shall include the days and hours of operation, number of employees, proposed number of shifts to be worked and the maximum number of employees per shift; for medical uses the number of exam rooms; for food establishments the number of seats/chairs; the size, types and frequency of delivery vehicles; a detail description of a "day in the life" of the business and a listing of all required licenses and certifications required. If distinct and separate activities occur, the description must include each activity.
- B. The application fee for a certificate of inspection ~~continued-occupancy~~ shall be \$100 made payable to Colts Neck Township. An additional fee in the amount of \$25.00 shall be payable to the Township for each reinspection which may be undertaken after the initial inspection by the Construction Official or his or her designee in connection with any such application.

§ 93-6. Temporary certificates of inspection ~~occupancy~~.

The Construction Official may, in his or her discretion, issue a temporary certificate of inspection ~~occupancy~~ upon written application by the owner or proposed occupant of such use. The Construction Official may issue a temporary certificate of inspection ~~occupancy~~ only in those circumstances where any deficiency established under the standards of this article is minor in nature and does not impair the habitability of the structure. Any temporary certificate of inspection ~~occupancy~~ issued pursuant to the terms of this article shall expire within 90 days of the date of issuance thereof and shall not be renewable.

§ 93-7. Standards.

The visual inspection contemplated herein shall include but not be limited to the following:

For commercial properties and rental residential dwelling units the Construction Official shall issue a certificate of inspection ~~continued-occupancy~~ if there are no noticeable violations to the latest edition of the International Property Maintenance Code published by the International Code Council which is hereby adopted.

§ 93-8. No certificate of inspection ~~continued-occupancy~~ shall be issued until the Zoning Officer certifies that the proposed use is a permitted use in the zone, the use is in accordance with all off-street parking requirements and the request meets the definition of "site plan, exempted".

§ 93-9. No certificate of inspection ~~continued-occupancy~~ shall be issued until the Health Officer approves the following:

- A. Receipt of a septic inspection report conducted not more than one year prior to the application from a reputable septic system inspection service company performed in accordance with NJDEP manual entitled "Technical Guidance for Inspections of Onsite Wastewater Treatment and Disposal Systems" dated July 2003 as amended and supplemented confirming that the system(s) is not malfunctioning pursuant to N.J.S.A. 7:9A-3.4(b). Holders of an NJDEP Treatment Works Permit whom are under the jurisdiction of the NJDEP are exempt from this requirement. For a change or intensification in use, an Engineer's Report may be required to demonstrate the septic system is in compliance with the Standards for Individual Subsurface Sewerage Disposal Systems (N.J.A.C. 7:9A).
- B. Receipt that the water test in accordance with and meeting the parameters specified in the NJ Private Well Act (N.J.S.A. 7:9 et. seq.) from a state certified laboratory.

§ 93-10. No certificate of inspection ~~continued-occupancy~~ shall be issued for a rental residential dwelling unit until the Construction Official receives a "Certificate of Smoke Detector, Carbon Monoxide Detector and Residential Fire Extinguisher Compliance from the Fire Marshall.

§ 93-11. When a certificate of inspection ~~continued-occupancy~~ is required by this chapter, no mercantile license shall be issued until such certificate is obtained.

