

ORDINANCE 17-2026

BOROUGH OF EATONTOWN

COUNTY OF MONMOUTH, STATE OF NEW JERSEY

ORDINANCE AMENDING CHAPTER 116 CERTIFICATES OF OCCUPANCY

WHEREAS, the Borough Administration seeks to update and modernize the process by which Certificates of Occupancy in order to make the process more efficient; and

WHEREAS, the Borough Council believes that it is in the best interest of the Borough to update the Certificate of Occupancy ordinance to further the public, health, safety and welfare of its residents.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that it hereby amends Chapter 116 "Certificates of Occupancy" is hereby repealed in its entirety and replaced with the following:

§116-1 Definitions

BOROUGH — The Borough of Eatontown, County of Monmouth, State of New Jersey.

APARTMENT

Shall mean multi-family adhering to the standards set forth in the Zoning Ordinances of the Borough and amendments thereto, or in the specific variance granting the apartment.

DWELLING UNIT

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. The unit is intended for residential occupancy.

HOUSEHOLD

A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

FAMILY — One or more persons related by blood, marriage, civil union, domestic partnership, adoption, or legal guardianship or up to four unrelated people, who live together in a single dwelling unit and maintain a common household.

HOTEL

A building containing one or more rooms used, rented or hired out on a transient basis to be occupied for sleeping purposes only and not containing individual eating and cooking facilities.

INSPECTOR

The person designated by the Borough of Eatontown to inspect and issue certificates of occupancy pursuant to this chapter which shall be either the Code Enforcement Officer, Housing Official, Fire Marshal, Fire Inspector)

MOTEL

A building containing one or more rooms with individual entrances used, rented or hired out on a transient basis to be occupied for sleeping purposes only and not containing individual eating and cooking facilities.

§ 116-2 (a). Certificate of Occupancy required - Residential Properties.

In accordance with N.J.A.C. 5:70-2.3 of the State of New Jersey Uniform Fire Code, it shall be unlawful for anyone person, owner, agent/broker firm, partnership, association, corporation or the like shall rent or lease, re-lease, transfer or suffer to allow any person or persons to occupy as a tenant any room dwelling or the like unless the owner shall have first obtained a certificate of occupancy certifying that said structure is fit for human occupancy, and that said dwelling is in compliance with applicable ordinance, codes and laws of Federal, State and Borough Standards. This will include One- and Two-Family dwellings, and attached single-family structures, apartments, rooms, house trailer, mobile homes, except if the same is part of a motel or hotel, unless a certificate of occupancy is obtained from the inspector with consent from the Fire Marshal, Code Enforcement Officer or Housing Official.

§ 116-2 (b)-Commercial and Industrial Properties.

No agent, owner, real estate broker, firm, partnership, association, corporation or person shall rent, re-rent, lease, re-lease, sell, resell or change title or allow any person or persons to occupy as a tenant or otherwise any commercial or Industrial use building where there shall be a change of occupancy, unless a Certificate of Occupancy certifying that said building is fit for human occupation and that said building is in compliance with the Property Maintenance Code, New Jersey State Uniform Fire Code and other Federal, State and ordinances of the Borough, shall first be obtained from the inspector. This will include Assembly, business, educational, factory, industrial, high hazard, institutional, mercantile, storage, and utility - miscellaneous use.

§ 116-3. Application requirements.

Applications for certificates of occupancy shall be made in writing to the inspector and shall state:

- A. The name, address and future primary residence or place of business of the future owner/renter.
- B. Such description of the structure, dwelling, house trailer, mobile home or the like, by street number or otherwise, as will enable the inspector easily to locate the same.
- C. The name and address of the primary residence or principal place of business of the agent, person, association or corporation, if any, appointed by said owner for allowing entry into the structure, dwelling, house trailer or mobile home.

D. For Commercial, prior use group and proposed use group, as per most current use group classification under the Uniform Construction Code.

§ 116-4. Filing required when rental premises vacated.

The owner shall, not more than 30 days prior nor less than 10 days after a tenant removes from and vacates a room, dwelling, apartment or the like, file with the office of the inspector a statement containing the address of the premises and the number or other specific description of the place vacated to the Housing Official and Fire Marshal.

§ 116-5. Inspection procedures.

Eatontown Borough shall perform inspections in accordance with the New Jersey Uniform Fire Code before any One and Two-family or attached single-family structure is sold, leased, or otherwise made subject to a change of occupancy for residential purposes. To protect the health, safety, and wellness of all residents and first responders, the owner shall obtain a combined certificate of smoke alarm, carbon monoxide alarm, and compliance. The Borough finds the issuance of this Certificate of Smoke Alarm, Carbon Monoxide Alarm, and Compliance (CSDCMAC) to be appropriate only after an inspection of the property has been completed and has been determined that the structure and property are found fit for human habitation by satisfying the broader inspection requirement standards set forth in 116-8 for a Certificate of Occupancy (CO). These expansive municipal and state habitability standards mandate that the property pass this aforementioned criteria before final occupancy is granted.

§ 116-6. Required procedures prior to occupancy of properties (Residential).

A. Inspections shall be performed in accordance with the New Jersey Uniform Fire Code before any One & Two Family dwelling or attached single family structure, vacated room, apartment, house trailer or mobile home or the like shall be rented , or otherwise made subject to a change of occupancy for residential purposes, until an inspection has been made by the Inspector to determine whether such room, dwelling, apartment or trailer or mobile home or the like is in violation of any applicable Federal, State law or ordinance of said Borough. If no such violation exists, the inspector shall issue a certificate of occupancy, if violations exist he or she shall notify the owner in writing, setting forth the specific violations and time to abate them. The owner shall obtain a certificate of smoke alarm, carbon monoxide alarm, compliance to protect the health, safety and wellness of all residents and first responders within Eatontown Borough. The Borough finds the issuance of a Certificate of Smoke Alarm, Carbon Monoxide Alarm, Compliance (herein this chapter known as a ("certificate of occupancy") to be appropriate after an inspection of the property has been completed and it has been determined that the structure and property fit for habitation and occupancy. The Certificate of Smoke Alarm, Carbon Monoxide Alarm, Compliance (CSDCMAC) Inspection are designed to efficiently accomplish this purpose and are valid for a 6-month period from the date issued.

B. A certificate of occupancy/continued use will be valid for 60 days. If after 60 days a tenant/buyer has not occupied the property, then a new certificate must be applied for.

§ 116-7. Inspection; additional requirements procedures for Rentals/Apartments.

No person shall rent or lease or transfer unless the owner shall have first obtained a certificate of occupancy and has complied with the following requirements for Rentals in addition to local ordinances in accordance with the Uniform Fire Code, N.J.A.C. 5:70-2.3 N.J.A.C. 5:70-2.3 as follows.

1. The person shall meet the requirements of the most current edition of the International Property Maintenance, New Jersey Uniform Fire Code and New Jersey Hotels and Multiple Dwellings Code, and local ordinances.
2. Fire Extinguishers shall be installed in all rental and apartment units with a minimum rating of 2A-10B:C and shall be mounted within 10 feet of the kitchen area near an egress path, at a height no greater than 5 feet above floor to top of the extinguisher. (Rental/Apartment Only)
3. Compliance with Section 116-8 of the Borough Code, and all Federal, State and local Codes and Ordinances.
- 4 . Lead based paint certification inspections every three years for rentals constructed before 1978 .

§ 116-8. Inspection guideline procedures; (Residential) requirements.

A. Applicant shall satisfy that the structure meets all code requirements; and any outstanding permit issues must be closed. The Zoning Officer shall certify that the residential property or development complies with the provisions of this chapter and the Borough's Zoning Code and, in the case of new development, the Township Engineer shall certify that the developer has complied with the requirements and conditions of any resolutions approving of the development and is not in violation of the ordinances of the Borough

B. All doors providing access to a dwelling unit exterior or interior shall be maintained in good condition and fit reasonably well with its frame, all deadbolt locks shall be readily openable without a need for a key.

C. Bathroom light fixtures with receptacles shall be disconnected and a GFCI be installed, if bathroom does not have a window, exhaust fan shall be in working order.

D. All openings in electric boxes must be closed off.

E. Must have street numbers on the house, visible from the street; minimal size of numbers (4") four inches.

F. Handrails and guardrails must be firmly fastened and shall be maintained in good condition, and stairs having more than 4 risers shall have a handrail on side of the stairs.

G. Windowpanes must be in; none missing; no large cracks and no broken seals.

H. All electric outlets and switches must have approved plates installed, and all exposed electrical wiring shall be terminated in approved boxes.

I. All windows shall be easily openable and capable of being held open with no support, just window hardware/locks.

J. Sidewalk, Driveway, Apron and foundation in good condition, no unsafe hazards

K. Electric fuse boxes or circuit breakers must have correct size fuses or breakers for their intended wire size use.

L. Sanitary Conditions interior or exterior of the property.

M. Heating System and Connection of heat system metal stack where applicable to chimney must be in good condition.

N. No extension cords (wires) shall be installed on or through the walls, floors, ceilings or from room to room.

O. Water Heater shall have a over flow pipe attached and shall a clearance of 6" to floor drain

P. Clothes dryer exhaust will be of flexible metal material, and discharge into drainage system.

Q. Electric service shall be served by a three-wire 120/240-volt single phase service having a minimum rating of 60 amperes.

R. All installed appliances must be installed as per manufacturer's instructions.

S. Smoke detectors and Carbon Monoxide (CO) Detectors shall conform with N.J.A.C 5:70-4.19(d) and N.J.A.C 5:70-2.3, together with any subsequent amendments and supplements thereto. These regulations apply to one-and two-family dwellings. Detectors shall be installed on each level of the dwelling and be within 10 feet of sleeping quarters, must be in working order and less than 10 years of age. Carbon Monoxide (CO) detectors shall be installed within 10 feet of a sleeping quarter, must be in working order and be less than 7 years old if stand alone unit or 10 years old if a combination unit. (Effective January 1, 2019, 10 - year seal battery powered single station smoke alarms shall be installed and shall be listed in accordance with ANSI/UL 217, A/C Power unit installed as part of the original construction or rehabilitation project shall not be replaced with battery-powered smoke alarms as of the effective date.)

S. It will be the responsibility of the agent or owner in case of a central fire alarm system to be able to secure system for test by inspector and after test to return system to normal mode and provide certificate of inspection of system.

T. Sump pumps shall have a dedicated single receptacle.

U. Lead based paint certifications (If single or two-family dwelling used as rental)

V. All items shall be addressed before calling for Re-inspection.

§ 116-9. Required procedures prior to new occupancy of rental and nonrental properties (Commercial and Industrial).

No such vacated Structure or unit or the like shall be rented or occupied upon sale in whole or in part by any new tenant or new owner until an inspection has been made by the inspector to determine whether such unit, structure or the like is in violation of any applicable federal or state law or ordinance of said Borough. If no such violation exists, the inspector shall issue a certificate of occupancy; valid for 30 days from issued date otherwise, he or she shall notify the owner in writing setting forth the specific violations existing and time to abate them.

§ 116-10. Posting of certificate of occupancy.

A. A certificate of occupancy issued pursuant to this chapter shall be posted in a conspicuous place in the dwelling, room, structure, business, apartment, new construction, resale property or ownership of house trailer, mobile home or the like upon the issuance thereof.

B. A certificate of occupancy use shall be valid for the duration of the same tenant/owner occupying that property.

§ 116-11. Fee.

A. The fees for a certificate of occupancy and inspection shall be as follows:

1. One & Two-Family Dwelling.

- More than 10 business days prior to the change of occupancy \$100
- 4 to 10 business days prior to the change of occupancy \$135
- Fewer than 4 business days prior to the change of occupancy \$200

a. Subsequent reinspection(s): \$35.

2. Multi-family Apartment rentals. (1 unit fee rates)

- More than 10 business days prior to the change of occupancy \$75
- 4 to 10 business days prior to the change of occupancy \$100
- Fewer than 4 business days prior to the change of occupancy \$140

a. Subsequent reinspection(s): \$35.

3. \$200 dollars for transfer of residential properties. (Lawful Two-family Homes charged separately).

4. \$200 dollars for a Unit Group R-1 (hotels - motels)

5. \$ 200 Commercial/Industrial CCO Inspections

a. Subsequent reinspection(s) \$35.

6. Name Change for any property \$25

7. \$100 dollars for change of use group.

8. All fees shall be paid upon application before any inspection may be conducted and the issuance of a certificate of occupancy.

9. A \$35 fee if a tenant/buyer backs out of lease/purchase prior to occupancy, and a new tenant/buyer subsequently purchases property, an updated application must be submitted with the appropriate information.

§ 116-12. Landlord to submit certain monthly and quarterly reports.

A. On or before the last day of each month, each landlord or his agent subject to the provisions of this chapter shall submit to the inspector a list of all dwelling units owned by said landlord in the Borough of Eatontown in which there has been a change in occupancy since the submission of the last such list. The first such list shall be due March 31, 1975, and shall include all changes in occupancy from March 1, 1975.

B. On or before the last day of each three-month period, each landlord or his agent subject to the provisions of this chapter shall submit to the inspector a schedule of all dwelling units owned by said landlord in the Borough of Eatontown on forms to be supplied by the inspector. Said schedule shall contain the number or address of each dwelling unit and the name or names of its occupants, if any, on the date of submission. The first such schedule shall be due March 31, 1975.

116-13 Enforcement

The Code Enforcement Officer, Construction Official, Fire Marshal, Housing Officer, Fire Inspector and Zoning Officer or any other Borough Officer designated by the Mayor and Council may be and is hereby authorized and directed to enforce this chapter.

§ 116-14. Violations and penalties.

A. An owner who sells, leases, rents or otherwise permits to be occupied for residential purposes any premises subject to the provisions of P.L. 1991, c. 92 (N.J.S.A. 52:27D-198.1 et seq.) when the premises do not comply with the requirements of Section 1 of P.L. 1991, c. 92 (N.J.S.A. 52:27D-198.1), or without complying with the inspection and certification requirements of Section 2 of P.L. 1991, c. 92 (N.J.S.A. 52:27D-198.2), shall be subject to a fine of \$500, which shall be collected and enforced by the local enforcing agency as defined in subsection g of Section 5 of P.L. 1983, c. 383 (N.J.S.A. 52:27D-196) by summary proceedings pursuant to the "Penalty Enforcement Law of 1999," P.L. 1999, c. 274 (N.J.S.A. 2A:58-1 et seq.).

B. Any person, firm, partnership, association, corporation or the like who shall violate or neglects to comply with any provision of this chapter shall be subject to a fine/penalty upon conviction not to exceed the following amounts:

1. For a 1st. Offense: \$500 to \$750.

2. For 2nd Offense: \$750 to \$1000.

3. For 3rd. and Subsequent Offenses: \$1000 to \$2000 and/or imprisonment for a term not more than 90 days or a period of community service not exceeding 90 days, or any combination thereof.

IT IS FURTHER ORDAINED, that if any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

IT IS FURTHER ORDAINED that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

IT IS FURTHER ORDAINED that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

DATE INTRODUCED: 08/12/2026

DATE ADOPTED: 08/26/2026

APPROVED:

ATTEST:

ANTHONY TALERICO, JR., MAYOR
Date:

TRINA LINDSEY, RMC, MUNICIPAL CLERK
Date: