

ORDINANCE NO. 21-20

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XII, OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED "PROPERTY MAINTENANCE" BY AMENDING THE REQUIREMENTS AND FEES FOR A CERTIFICATE OF INSPECTION

BE IT ORDAINED, by the Township Committee of the Township of Neptune that Volume I, Chapter XII, Section 12-1.2, Additions, Insertions, and Changes, be and is hereby amended as follows:

Section 12-1.2 – Additions, Insertions, and Changes

jj. Chapter 9 - Certificates of Inspection; Transfer of Title and Certificates of Occupancy

PM 901.1 Scope

The provisions of this chapter shall govern the procedures for a Certificate of Inspection, Transfer of Title and Certificates of Occupancy for the sale, transfer or conveyance of property; renting or leasing of property and installing or constructing improvements to all properties within the boundaries of the Township of Neptune.

PM 901.2 Application forms

Applications for Certificate of Inspection, Transfer of Title, Updates and other inspections as may be applicable to this Chapter shall be made on the forms prescribed by the code official or by using the online portal. Applications may be obtained by the public at the Code Enforcement Office. The applicant must include the name of the owner as it appears on the deed to the property, the name of the purchaser as it is to appear on the deed to the property or tenant; and names of each occupant, and shall be signed by the Owner, Landlord Purchaser or Tenant or designated agent. If the Owner, Landlord, Purchaser or Tenant is a trustee, estate, corporation or other entity, the applicant shall also include the current name and address of the trustee, executor/administrator or registered agent and the registered agent's address as may be set forth in the legal documents of the entity or formation papers of the corporation and any amendments thereto. The applicant shall attach to the application a copy of the legal documents of formation and any amendments thereto, to show evidence of the registration and the name and address of the registered agent.

PM 901.3 Application

The application prescribed by the municipality to request the code enforcement officer or construction officer to inspect a property, structure, dwelling unit, apartment, office, store, commercial or industrial building or other space to determine compliance or non-compliance with the provisions of the BOCA Basic Property Maintenance Code or any other applicable ordinances of the municipality.

Certificate of Inspection: A certificate issued by the code officer or code enforcement office demonstrating that a property, structure, dwelling unit, apartment, office, store, commercial or industrial building or space is in full compliance with the provisions of the BOCA Basic Property Maintenance Code and any other applicable ordinances of the municipality, and which also permits occupancy in such property, structure, dwelling unit, etc. by those person(s) or entities included in the application.

Conditional or Temporary Certificate of Inspection: A certificate issued by the code officer or code enforcement office demonstrating that a property, structure, dwelling unit, apartment, office, store, commercial or industrial building or space is in substantial compliance with the provisions of the BOCA Basic Property Maintenance Code and any other applicable ordinances of the municipality; does not impair the habitability of the property, structure,

dwelling unit, etc.; and which also permits occupancy in such property, structure, dwelling unit, etc. by those person(s) or entities included in the application.

Certificate of Transfer of Title: A certificate issued by the code officer or code enforcement office authorizing the sale or transfer of a property, structure, dwelling unit, apartment, office, store, commercial or industrial building or space, and which does not permit occupancy in such property, structure, dwelling unit, etc. by those person(s) or entities included in the application until such time as an application for, and issuance of, a Certificate of Inspection or Conditional or Temporary Certificate of Inspection with Occupancy is issued. An application for a Certificate of Inspection may be modified to a Transfer of Title (without occupancy permitted), provided that a revised application is submitted within 30 days of the original application.

Certificate of Occupancy: A certificate issued by the construction officer or construction office indicating that any new construction, addition, remodel, renovation, demolition or other improvement has been completed, inspected and certified to comply with the New Jersey Uniform Construction Code.

PM 902.0 REQUIREMENTS

PM 902.1 When Required

A Certificate of Inspection must be obtained by the owner of real property prior to the sale, transfer, lease, rental or occupancy of any structure, dwelling unit, apartment, office, store, commercial or industrial buildings located within the Township of Neptune. The Certificate of Inspection shall certify that said property is in compliance with all of the provisions of the BOCA Basic Property Maintenance Code and all other applicable ordinances of the Township of Neptune.

PM 902.2 Certificate of Inspection

Prior to the sale, transfer, lease, rental or other conveyance of, or permission of use, property located in the Township of Neptune that has any structure dwelling unit, apartment, office, store, commercial or industrial building which is or will be occupied upon the sale, transfer, lease, rental or other conveyance of or permission to use such property, the Seller, Landlord and/or Buyer shall obtain a Certificate of Inspection or a Conditional or Temporary Certificate of Inspection as may be permitted herein. An application shall be filed in the form prescribed by the Code Enforcement Department, and shall be signed by the Seller/Landlord, Buyer/Tenant, or other designated agents.

1. A Certificate of Inspection shall be issued by the municipality upon the inspection by the code enforcement officer of that portion of the property to be occupied and any common area, exterior property, accessory structures or other improvement affecting the occupancy, provided such inspection finds that it complies with all of the provisions of the BOCA Basic Property Maintenance Code and all other applicable Ordinances of the Township of Neptune.

Inspections for Condominiums, Cooperative Units, Townhouses or similar single family housing units shall be limited to the specific unit only for purposes of issuing a Certificate of Inspection. If there are any violations in the common areas, notices for such violations shall be addressed to the Association, Incorporation or other owner and any interested party or agent, who shall then comply with the requirements set forth in the BOCA Basic Property Maintenance Code or any other applicable ordinances of the Township of Neptune, or be subject to fines, penalties and/or costs as permitted by the Ordinances of Township of Neptune.

2. A Conditional or Temporary Certificate of Inspection may be issued, in the discretion of the Code Officer, for buildings, units or structures which are not in full compliance with the provisions of the BOCA Basic Property Maintenance Code or any other applicable ordinances of the Township of Neptune, provided that the code deficiencies do not impair the habitability of the structure or impinge on the health, safety or general welfare of the owner-occupant. Prior to the issuance of a Conditional Certificate, the potential

owner-occupant(s) must provide the code officer with a notarized letter signed by all potential adult occupants, which specifically enumerates the deficiencies and states that the owner-occupant(s) accept the deficiencies and agree to correct such deficiencies within thirty (30) days of closing of title, subject to extensions as may be permitted under Section PM 902.6 herein.

For multi-family dwellings, the Code Officer, in their discretion, may issue a Conditional or Temporary Certificate of Inspection even if there are life safety violations in a particular apartment or unit, providing that the specific unit will not be occupied until the life safety violations have been corrected and a Certificate of Inspection issued, and such violations are not in the common areas and do not impair the habitability of the remaining apartments or units.

Inspections for Condominiums, Cooperative Units, Townhouses or similar single family housing units shall be limited to the specific unit only for purposes of issuing a Certificate of Inspection. If there are any violations in the common areas, notices for such violations shall be addressed to the Association, Incorporation or other owner and any interested party or agent, who shall then comply with the requirements set forth in the BOCA Basic Property Maintenance Code or any other applicable ordinances of the Township of Neptune, or be subject to fines, penalties and/or costs as permitted by the Ordinances of the Township of Neptune.

3. Certificate of Transfer of Title: Upon the sale or transfer of property located in the Township of Neptune that has any structure, dwelling unit, apartment, office, store, commercial or industrial building which is not occupied at the time of the inspection, and which will not be occupied upon the closing of title, the Seller or Purchaser, prior to the closing of title and transfer of deed, Assignment of Lease or other legal document, may obtain a Certificate of Transfer of Title or in lieu of a Certificate or Conditional Certificate of Inspection. The purchaser of such a building or structure shall not permit the building or structure to become occupied until the owner as it appears on the deed makes an application under this chapter for a Certificate of Inspection for owner occupancy or a sale issued by the code enforcement office or a Certificate of Occupancy issued by the construction department, as may be applicable.

PM 902.3 Summer Seasonal Rentals

A Certificate of Inspection for Summer Seasonal Rentals shall be made once prior to the initial occupancy. A summer season begins May 23rd and ends on September 30th. A Summer Seasonal Update application shall be submitted with the applicable fee for each change of occupants during the summer season and shall be submitted prior to the occupancy of those occupants. The application shall include the names of all occupants and shall include the beginning and ending dates of that occupancy. The update fee is as established herein.

PM 902.4 Change of Occupant

Within the first 10 days from the date of inspection an owner or agent may change the names of the occupants, as long as the property has not been occupied. There shall be a charge for this change. In the event of changes or additions after 10 days from the date of inspection, a new application shall be required

PM 902.5 Special/Emergency Inspections

Inspections may be requested or required to be made during non-regular business hours (hours in which the Code Enforcement Department is closed) at an additional fee as described in Section PM 903.0 FEES.

PM 902.6 Conditional or Temporary Certificate of Inspection; Expiration

The Code Officer may, in their discretion, issue a Conditional or Temporary Certificate of Inspection upon written notarized application by the occupant(s) in accordance with Section PM 902.2. Any conditional or temporary Certificate of Inspection issued pursuant to the terms of this Ordinance shall expire within thirty (30) days of the

date of issuance thereof. Conditional or Temporary Certificates of Inspection are renewable with an additional notarized letter conforming to the requirements of Section PM 902.2 and approvable by the code official, in their discretion. The Code Officer may only issue a Conditional or Temporary Certificate of Inspection for any property where the Purchaser or Owner and their immediate family will be the only occupant.

PM 903.0 FEES

PM 903.1 Payment

All fees are payable to the Township of Neptune. All fees are non-refundable and non-transferable. Applications shall be considered incomplete and shall not be processed until all required fees are paid in full. Incomplete applications not processed within 15 days of receipt shall become void.

PM 903.2 Fees for Initial Certificate of Inspection; Conditional or Temporary Certificate of Inspection; Change of Occupants for Summer Seasonal Rental or Transfer of Title

1. For applications for a Certificate of Inspection; Conditional or Temporary Certificate of Inspection, Summer Seasonal Rental or Transfer of Title, the fees shall be as follows:
 - (a) If the application is received 5 or more business days prior to the anticipated closing date, occupancy date or requested inspection date:

Commercial Uses, Detached Single-Family Dwellings, Townhouses, Condominiums, Structures with 2 or more Dwellings, or non-residential units	\$150.00 per structure, plus \$75.00 for each additional unit within the same structure and to be inspected on the same date at the same time.
Change of Tenant (per Section 902.4)	\$25.00
Hotels/Motels/Rooming and Boarding Houses, Schools/Day Care Facilities, Nursing Homes and Health Care Centers	\$150.00 per structure, plus \$25.00 per room, rooming unit or office to be inspected on the same date at the same time.
Transfer of Title	\$85.00

Summer Seasonal Rental Fees for initial Certificate of Inspection shall be in accordance with the fees of this section

Summer Seasonal updates	\$25.00 for each occupancy change
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- (b) If the application is received five (5) or less business days prior to the anticipated closing date, occupancy date or requested inspection date, the fees under paragraph 1(a) above, shall be increased by \$50.00 for each required inspection.

PM 903.3 Reinspection

1. Reinspections shall be limited to violations set forth in the prior inspection report and any additional life safety, habitability or statutorily mandated violations inspections that may be evident or mandatory at the time of the reinspection. If the prior violations are not corrected, or life safety, habitability or statutorily mandated code requirements are evident, the Code Officer shall note the violations on the inspection form and fail the inspection. The applicant would be required to complete the repairs and apply for another reinspection. All reinspections must be performed within 30 days of the original inspection date. Inspections not completed within the 30 days will be considered void and require a new application and fee to be submitted. A 30 day extension may be granted by the code enforcement officer upon receipt of a written request.

Reinspection fees: A reinspection fee shall be paid for each and every time a code officer is scheduled to reinspect a property to determine whether cited violations have been corrected. A Reinspection shall be required prior to the issuance of a Certificate of Inspection after a Conditional or Temporary Certificate of Inspection was issued.

The fees for each reinspection shall be as follows:

Commercial Uses, Detached Single Family Dwellings, Townhouses, Condominiums, Structures with 2 or more Dwellings or non-residential units	\$50.00 per structure, plus \$35.00 for each additional unit within the same structure and to be inspected on the same date at the same time
Hotels/Motels/Rooming Boarding Houses, Schools/Day Care Facilities, Nursing Homes and Healthcare Centers	\$50.00 plus \$25.00 per room, rooming unit or office to be reinspected on the same date at the same time
Transfer of Title	\$25.00

PM 903.4 Fees for inspections during non-business hours are in addition to the regular applications fees as described in PM 903.2 and PM 903.3

Minimum fee	\$150.00 up to two hours
Each hour in excess of 2 hours (Any fraction of an hour shall be considered one hour)	\$100.00 per hour

PM 904.0 AUTOMATED TRASH/RECYCLING CONTAINERS

PM 904.1 Requirements

The Certificate of Inspection requirements shall include a provision that the applicant for a Certificate of Inspection shall be responsible to ensure that at least one automated trash container and one automated recycling container for each housing unit will remain with the property. The Code Enforcement Department Certificate of Inspection

checklist shall include verification that at least one trash container and one recycling container exist for each dwelling unit.

Nothing in this chapter or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.

APPROVED ON FIRST READING: May 10, 2021

APPROVED, PASSED, AND ADOPTED: May 24, 2021

Richard J. Cuttrel,
Municipal Clerk

Dr. Michael Brantley,
Mayor