

ORDINANCE 2018:1453

AN ORDINANCE ENTITLED "RESIDENTIAL CERTIFICATE OF CONTINUED OCCUPANCY" OF THE CODE OF THE BOROUGH OF HADDON HEIGHTS, IN THE COUNTY OF CAMDEN, STATE OF NEW JERSEY

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens of the Borough of Haddon Heights to enact an Ordinance regulating the continued occupancy of residential units and issuance of an appropriate certificate therefore.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Haddon Heights, County of Camden, State of New Jersey as follows:

Section 1: There is hereby created at Chapter 262, of the Code of the Borough of Haddon Heights, an Ordinance entitled "Residential Certificate of Continued Occupancy" as follows:

§262-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ENFORCEMENT OFFICER: The Zoning and/or Property Maintenance Code Official or his/her designee.

RESIDENTIAL PREMISES: A structure equipped with cooking facilities and designed for use as living space for one or more people, including, but not limited to, one or two-family homes, duplexes, townhouses and condominiums, excluding multiple-family dwellings, of the Code of the Borough of Haddon Heights.

§262-2. Certificate required.

No residential premises may be changed in tenancy, use or ownership unless a certificate of continued occupancy has been issued by the Enforcement Officer. If the change of tenancy, use or ownership is between immediate family members (spouse to spouse, parent to child, or sibling to sibling only), no certificate of continued occupancy is required.

§262.2.1. Exceptions; Failed Inspections.

Upon receipt of purchaser's agreement and acceptance by Enforcement Officer, properties may close and/or be occupied without a certificate while violations are being abated. No such agreement shall exceed 90 days.

§262-3. Application certificate.

An application for a continued certificate of occupancy shall be submitted on forms to be furnished by the Enforcement Officer.

§262-4. Inspections.

- A. The Enforcement Officer is hereby authorized to conduct inspections of residential premises upon receipt of an application advising of a pending change in tenancy, use or ownership.
- B. The inspection of the residential premises shall include a determination that the residential premises conforms, in all respects, to the Zoning and Property Maintenance Ordinances of the Borough.
 - (1) For the interior, if the inspection reveals items such as, but not limited to, additions, attic or basement apartments, finished basements, garages, sheds or pools, second kitchens and/or decks, a determination must be made that the aforementioned were installed or constructed either with the required permits or by virtue of a grant of a variance.
 - (2) For the exterior, the premises shall be graded and maintained to have a free flow of surface drainage and to prevent the accumulation of stagnant water thereon. All sidewalks, walkways, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous or dangerous conditions. It is the responsibility of the owner to maintain the proper repair of all sidewalks on the property. This includes all property to and including the curb line. All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten (10") inches. Dead and dying trees, limbs, and leaves, or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons in the vicinity thereof shall be kept pruned and trimmed to prevent such conditions. The properties on which such natural growth is located shall be kept clean so as not to constitute a hazard. It is the responsibility of the owner of the premises to maintain all trees located on the premises. It is the responsibility of the premises owner to remove any dead or decaying trees.
 - (3) Nothing herein shall relieve any residential or other property owner from compliance with the requirements of §233-1 through §233-12 of the Code of the Borough of Haddon Heights entitled, Fire Prevention.

§262-5. Issuance of certificate.

The Enforcement Officer shall, within 10 business days after receipt of a written application for a certificate of continued occupancy, either issue said certificate, provided that the inspections reveal that the residential premises complies with the requirements contained in § 100-4B or, in the event of noncompliance, notify the applicant as to the reason(s) why the residential premises failed the inspection. The Enforcement Officer will advise the applicant of what remedial action must be taken to correct the conditions.

§262-6. Disclaimer; liability.

The Borough of Haddon Heights does not guarantee to the purchaser, mortgagor or mortgagee that the residential premises inspected is free from latent or patent defects; nor is the Borough liable for damage

or injury caused to any person as a result of any violation not recorded in the inspection report, nor is the Borough liable for any damages, claim or injuries to property which is the subject of the inspection.

§262-7. Fees.

A fee as provided for herein shall accompany each application for a certificate of continued occupancy; provided, however, that the Enforcement Officer may waive the inspection fee if a certificate of occupancy or a continued certificate of occupancy has been issued within 90 days of the date of the application. An applicant shall be entitled to one follow-up inspection at no charge. The charge for all additional follow-up inspections shall be set forth below, per inspection.

Inspection fee	\$50.00
Follow-up inspections	\$25.00
Application filing costs	\$11.00

§262-8. Violations and penalties.

Any person who shall violate any of the provisions of this ordinance shall, upon conviction, be punished by a fine of no less than a minimum fine of one (\$100) dollars, nor more than a maximum fine of two thousand (\$2,000) dollars; or by a period of community service not exceeding ninety (90) days or be subject to imprisonment in the county jail for a period of ninety (90) days. The Court may impose all, some or any combination of these sanctions.

Section 2: All other Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.


Section 3: If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section 4: This Ordinance shall take effect immediately upon final passage and publication a required by law.

Introduced: MAY 15, 2018
Public Hearing: JUNE 19, 2018
Adopted: JUNE 19, 2018



Mayor Jack D. Merryfield

ATTEST: 

Kelly Santorusso, RMC, Borough Clerk

CERTIFICATION

I, Kelly Santosusso, RMC, Clerk of the Borough of Haddon Heights do hereby certify that the foregoing is a true copy of an Ordinance adopted by the Council of the Borough of Haddon Heights in the County of Camden, State of New Jersey on _____, 2018.

Kelly Santosusso, RMC, Borough Clerk