

**ORDINANCE
TOWNSHIP OF FRANKLIN
ORDINANCE AMENDING CHAPTER 178 – CERTIFICATE OF
OCCUPANCY TRANSFER**

O-24-14

WHEREAS, the Township Committee of the Township of Franklin seeks to amend the Township Code, specifically Chapter 178 Certificate of Occupancy Transfer; and

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey, that the codified Ordinance of the Township of Franklin shall be amended to state as follows in Chapter 178 Certificate of Occupancy Transfer:

§ 178-1. Purpose.

The purpose of establishing certificates of occupancy transfer is to protect the health, safety and general welfare of Franklin Township residents by requiring certain minimum standards to be satisfied upon each transfer or change of occupancy of all dwelling units in the township.

§ 178-2. Definitions.

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

CERTIFICATE OF OCCUPANCY TRANSFER

A document issued by the Housing Code Official certifying that the subject existing dwelling unit meets the minimum code standards adopted in this chapter.

CHANGE OF OCCUPANCY

A change in the occupation of a dwelling unit by rent, sale, transfer, grant, lease, let, mortgage with right of occupancy or to otherwise dispose of the ownership or occupancy, whether or not for a consideration and whether such disposal of ownership or occupancy is temporary or permanent.

EXISTING DWELLING UNITS

Any building or structure or portion thereof presently used or used hereafter for habitation by any human beings, whether it is occupied or to be occupied by an owner or tenant or occupied on any other basis.

HOUSING CODE

For the purpose of this chapter, the Housing Code the Township of Franklin shall refer to those sections of the International Property Maintenance Code, current edition, or its successors as published by the Building Officials and Code Administrators, Inc., relating to the areas and items subject to inspection as identified in § **178-7** of this chapter.

HOUSING CODE OFFICIAL

A suitably qualified employee of the township designated to conduct inspections of existing dwelling units prior to the issuance of a certificate of occupancy transfer.

TEMPORARY CERTIFICATE OF OCCUPANCY TRANSFER

A document issued by the Housing Code Official that allows the occupancy of an existing dwelling unit for up to 14 calendar days while the owner/occupant completes correction of non-health and safety items found during an inspection of the existing dwelling unit by the Housing Code Official.

§ 178-3. When required.

Certificates of occupancy transfer shall hereafter be required for human habitation of all existing dwelling units in the Township of Franklin before a change in occupancy of any such unit.

§ 178-4. Responsibility for obtaining certificate.

The owner of each dwelling unit subject to this chapter shall be responsible for making written application to the Housing Code Official for a certificate of occupancy transfer. In the event that a change of occupancy is also accompanied by a change of ownership of a dwelling unit, the buyer of such dwelling unit may waive the seller's responsibility and assume the same; provided, however, that such waiver shall be in writing, which said waiver shall further state that the buyer is fully aware that he, she or it is assuming full responsibility for obtaining a certificate of occupancy transfer pursuant to this chapter, and provided further that such written waiver shall be filed with the Housing Code Official.

§ 178-5. Other requirements for certificates unaffected.

The certificate of occupancy transfer required herein does not repeal or amend requirements for other certificates of occupancy heretofore provided for by ordinances of this township or statutes of the State of New Jersey.

§ 178-6. Application for certificate.

- A. Application for a certificate of occupancy transfer shall be made to the Housing Code Official of this township on a form provided by said Official.
- B. The Housing Code Official shall thereupon cause inspection to be made of the subject dwelling unit to determine if such unit is fit for human habitation and in compliance with all applicable township ordinances and laws of the State of New Jersey related to maintenance, safety and health.

§ 178-7. Inspection of existing dwelling units.

The Housing Code Official shall inspect and verify the working condition and safety of the following prior to the issuance of any certificate of occupancy transfer:

- A. Property identification (911 numbering);
- B. Cleanliness of walls and ceilings;
- C. Doors and all handles, knobs and other door structures;
- D. Windows, storm windows and screens;
- E. Exterior paint;
- F. Exterior maintenance;
- G. A visual inspection of the roof;
- H. A visual inspection of the chimney;
- I. Basement, including windows and screens;
- J. Kitchen, including cleanliness and sink;
- K. Bathroom(s), including cleanliness of sinks, tubs, and showers;
- L. Smoke detectors;
- M. Electrical outlets and electrical switches;
- N. Electrical fuse box or panel cover;
- O. Electrical outlet and switch covers;
- P. Sidewalks;
- Q. Exterior lawn, shrubs, trees;
- R. Maximum bedroom occupancy; and
- S. Such other criteria and/or items that the Housing Code Official deems appropriate.

§ 178-8. Smoke detector required.

In addition to the requirements for a certificate of occupancy transfer set forth above, smoke detectors shall also be provided in each dwelling unit in compliance with N.J.A.C. 5:18-2.20. Smoke detectors shall be installed as follows:

- A. On each level of the premises.
- B. Outside of each separate sleeping area. The smoke detectors required in all Use Group R-3 dwellings shall be located in accordance with NFPA 74 and maintained in working order.

- C. The smoke detectors shall not be required to be interconnected. Smoke detectors may be battery powered and shall be listed in accordance with ANSI/UL217.
- D. A/C powered smoke detectors shall be accepted as meeting the requirements of this section.
- E. Wireless smoke detectors and carbon monoxide detectors shall be accepted as meeting the requirements of this section.

§ 178-9. Application fee; inspection and issuance or denial of certificate; reinspection and fee.

- A. The application for a certificate of occupancy transfer shall be filed with the Housing Code Official's office and be accompanied by a fee of \$100.
- B. The Housing Code Official or his representative shall, within 10 working days of the receipt of a fully completed application for certificate of occupancy transfer and the accompanying fee pursuant to Subsection A, make such inspections as required herein and, upon determining that the requirements of § 178-7 have been complied with, issue a certificate of occupancy transfer.
- C. If, upon completion of the inspection or inspections, the Housing Code Official or his representative finds the subject dwelling unit is not in compliance with the Franklin Township Housing Code, said Official or his representative shall notify the applicant in writing of such noncompliance within the said 10 working days. Said notice shall specifically set forth the violation or violations which require correction.
- D. Upon correction of the violations, the applicant shall notify the Housing Code Official in writing. Upon receipt of the notification the Housing Code Official or his representative shall reinspect the subject dwelling. If all violations have been corrected a certificate of occupancy will be issued without additional fee. If all violations have not been corrected, a certificate of occupancy transfer will not be issued. For each subsequent reinspection the applicant shall notify the Housing Code Official in writing and shall submit a reinspection fee of \$50. This procedure shall be followed until all violations have been corrected; at which time a certificate of occupancy transfer shall be issued.
- E. The Housing Code Official shall furnish copies of all regulations referred to herein to any person requesting the same for a fee, commensurate with the costs of reproducing such regulations.

§ 178-10. Violations and penalties.

Any person charged with the responsibility for obtaining a certificate of occupancy pursuant to this chapter who violates the provisions hereof shall be subject, upon conviction thereof, to a fine of not less than \$100 nor more than \$200 at the discretion of the Court. Each day that a violation continues after due notice has been served

BE IT FURTHER ORDAINED, that if any section, sentence, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of the competent jurisdiction, such holdings shall not effect or impair any other section, sentence, clause, provision or portion of this Ordinance.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately upon its final passage, adoption and publication provided by law.

The foregoing ordinance was introduced on first reading at a meeting of the Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey, held on July 22, 2014, and will be read and considered for final passage at a meeting to be held by the Franklin Township Committee at the Municipal Building, 1571 Delsea Drive, Franklinville, New Jersey 08322 at 7:00 p.m. on August 26, 2014 at which time and place any and all interested persons will be given an opportunity to be heard.

Attest:

Township of Franklin

Barbara Freijomil, Clerk

Edward Leopardi, Mayor

Notice is hereby given that the foregoing Ordinance O-24-14 was finally adopted at a meeting of the Franklin Township Committee held on the August 26, 2014 at 7:00 in the Township of Franklin Municipal Building, 1571 Delsea Drive, Franklinville, NJ.

BARBARA FREIJOMIL, CLERK

	Yes	No	Abstain	Absent
Mr. Genna				
Mr. Deegan				
Mrs. Neely				
Mr. Gonzalez				
Mayor Leopardi				