

**ORDINANCE NO. 2019-16**

**AN ORDINANCE OF COLTS NECK TOWNSHIP, COUNTY OF MONMOUTH,  
STATE OF NEW JERSEY ESTABLISHING CHAPTER 93 "CERTIFICATES OF CONTINUED  
OCCUPANCY" OF THE CODE OF COLTS NECK TOWNSHIP**

WHEREAS, the purpose of this Ordinance is to establish Chapter 93 "Certificates of Continued Occupancy" of the Code of Colts Neck Township, to require the issuance of a certificate of continued occupancy prior to sale, rental, re-occupancy or transfer of commercial property or the rental of a residential dwelling.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of Colts Neck Township in the County of Monmouth, State of New Jersey the Code of Colts Neck Township is hereby amended and supplemented as follows:

SECTION I: That the Code of Colts Neck Township be amended and supplemented to add new Chapter 93 entitled "Certificate of Continued Occupancy" as follows:

**Chapter 93  
CERTIFICATES OF CONTINUED OCCUPANCY**

§ 93-1. Purpose.

A certificate of 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. The issuance of a certificate of continued occupancy 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 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 continued occupancy shall have been issued by the Construction 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 continued occupancy may be obtained from the Construction Official. The property owner or tenant shall file a completed application for a certificate of continued occupancy. 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 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 occupancy.

The Construction Official may, in his or her discretion, issue a temporary certificate of occupancy upon written application by the owner or proposed occupant of such use. The Construction Official may issue a temporary certificate of 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 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 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 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 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 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 continued occupancy is required by this chapter, no mercantile license shall be issued until such certificate is obtained.

§ 93-12. When a certificate of continued occupancy is required by this chapter, no landlord identity registration shall be accepted until such certificate is obtained.

§ 93-13. Time limitations for approval.

- A. All certificates of continued occupancy shall be issued or denied within 21 days of the

filing of the application. A certificate of continuing occupancy issued hereunder shall be valid for a period not to exceed 90 calendar days from the date of issuance or until the change in occupancy, whichever occurs first. If a certificate of occupancy is denied, the Construction Official shall state in detail the reasons for the denial.

- B. An appeal of denial must be filed within 15 calendar days of receipt of the denial. If the basis of the denial involves a violation of the Uniform Construction Code, the appeal shall be taken to the Monmouth County Construction Board of Appeals. If the basis of denial involves a violation of the Health Code, the appeal shall be filed with the Board of Health. If the basis of the denial involves a zoning violation, the appeal shall be filed with the Zoning Board of Adjustment.

§ 93-14. Violations and penalties.

A violation of any provision of this chapter shall be punishable as provided in § 1-9 of this Code.

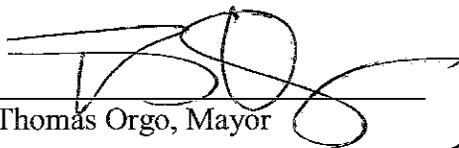
SECTION II Severability. If any section, paragraph subsection, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

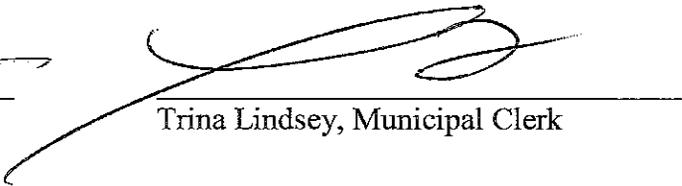
SECTION III Repealer. The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this ordinance shall remain in full force and effect.

SECTION IV Inconsistent ordinance. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION V This ordinance shall take effect immediately upon passage, publication and filing according to law.

I, Trina Lindsey, Municipal Clerk in Colts Neck Township, in the County of Monmouth, New Jersey, hereby certify that annexed hereto is a true and complete copy of Ordinance No. 2019-16, introduced at a duly convened meeting of the Township Committee on the 14<sup>th</sup> day of August, 2019, and will be considered for adoption after public hearing at a duly convened meeting of the Township Committee on the 11<sup>th</sup> day of September, 2019.

  
 Thomas Orgo, Mayor

  
 Trina Lindsey, Municipal Clerk

RECORD OF VOTE												
Committeeman	First Reading					Second Reading						
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Orgo			X						X			
Deputy Mayor Rizzuto	M		X						X			
Viola		S	X				X		X			
Macnow			X						X			
Bartolomeo			X				X		X			

M - Moved    S - Seconded    X - indicates vote    NV - Not Voting    Ab - Absent