

CERTIFICATE OF OCCUPANCY

CHAPTER 12B.

CERTIFICATE OF OCCUPANCY.

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Article I. Purpose and Application.

Sec. 12B-1. Title; Policy.

(a) *Title.* This chapter shall be known as the Certificate of Occupancy Chapter of the Town Code of the Town of Westfield.

(b) *Findings and declaration of policy.*

(1) It is found as to multi-family dwellings, as defined herein, that there are insufficient resources available at the State level to ensure adequate inspection and enforcement of the maintenance of these type dwellings and it is the town's intent to intervene and prevent the deterioration of the rental units in the Town of Westfield, to ensure, with efficient and regular inspections, that the care and maintenance of these structures is kept to a minimum standard. It is found and declared that in order to protect the health, safety and welfare of the citizens of the Town of Westfield, it is necessary to adopt maintenance standards for multi-family dwellings with inspections to determine such standards are met whenever a multi-family dwelling is sold. (G.O. No. 1737, § I.)

Sec. 12B-2. Definitions.

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

(a) *Multi-family dwelling.* Any building or structure and the land appurtenant thereto containing two (2) or more apartments or dwelling units.

(b) *Owner.* The holder or holders of the title in fee simple.
(G.O. No. 1737, § I.)

Sec. 12B-3. Applicability of Codes.

(a) Inspections of the interiors of all multi-family dwellings shall be based upon the requirements of the New Jersey State Housing Code, N.J.A.C. 5:28-1.1 et seq.

(b) All inspections related to the exterior of any multi-family dwelling shall be based upon the exterior Property Maintenance Code of the Town of Westfield, Chapter 35 of the Town Code of Westfield. For purposes of this chapter, the construction official of the Town of Westfield shall be the enforcement officer under the Exterior Property Maintenance Code.

(c) Fire safety inspections should be based upon the Uniform Fire Code, State of New Jersey, N.J.S.A. 52:27D-192 et seq. and N.J.A.C. 5:70, subchapters 2, 3, 4 and 5, which are incorporated herein for the purpose of establishing a system for the enforcement of minimum fire safety standards of multi-family dwellings located within the Town of Westfield. Each of the regulations, provisions, penalties, conditions and terms of said Uniform Fire Code are hereby referred to, adopted, and made a part hereof as if set out in this chapter.

(G.O. No. 1737, § I.)

Sec. 12B-4. Certificate required.

(a) No multi-family dwelling shall be sold to any purchaser unless a certificate of continued occupancy is first issued by the construction official of the town. Whenever an owner wishes to obtain a certificate of continued occupancy, the owner shall submit an application to the construction official on a form to be prescribed by the construction official of the town.

(1) In cases where a multi-family dwelling is about to be sold, a statement from the owner shall be filed with the construction official which shall state the address of the premises, the name and address of the owner of the premises, the name and address of the superintendent and/or the name and address of the agent in charge of the premises, the number of apartments in said premises, a description by number or letter of each apartment in the premises and the name of the tenant located within said premises on the date the statement was prepared. If the owner of said premises is a corporation or entity other than an individual, said statement shall be made under oath by the president, vice president or secretary of said corporation or a principal of such other entity.

(2) The construction official shall issue a report in writing of the results of the inspection, a copy of which must be given to the owner. Within twenty-one days of the delivery of the report, the owner must remedy any violations disclosed in the inspection report with respect to the interior of the multi-family dwelling and any violations with respect to the interior of the dwelling which the construction official determines as rendering the dwelling inhabitable or otherwise jeopardizing the health, safety or welfare of the dwelling residents. Upon the correction of such violations, the construction official shall issue an unconditional certificate of continued occupancy to the owner.

(3) The construction official may issue a conditional certificate of continued occupancy for the owner, with the conditions relating exclusively to remedying violations

arising under the Exterior Property Maintenance Code on the exterior of the multi-family dwelling, if the construction official determines that such violations do not render the dwelling uninhabitable or otherwise jeopardize the health, safety or welfare of the dwelling residents. The conditions must include a date by which the violations shall be eliminated. Failure of the owner to satisfy the conditions by such date are subject to the provisions of section 35-72 of the Exterior Property Maintenance Code. Upon the satisfaction of the conditions, the construction official shall issue an unconditional certificate of continued occupancy to the owner.

(G.O. No. 1737, § I.)

Sec. 12B-5. Fees.

The fee for said certificate of continued occupancy, including the inspection, shall be seventy-five dollars per inspection for each two-family dwelling. The fee shall be increased by twenty-five dollars for each dwelling unit in excess of two. The fee shall be paid when the application for a certificate of continued occupancy is filed. These fees shall be subject to increase from time to time in the same manner as other fees imposed by the construction official's office increase. (G.O. No. 1737, § I.)

Sec. 12B-6. Grounds for denial.

No certificate of continued occupancy shall be issued for any multi-family dwelling that is not fit for human habitation, occupancy or use in full compliance with the ordinances of the Town of Westfield and the statutes and regulations of the State of New Jersey referred to in section 3 above relating to building, health, safety, or general welfare and no certificate of continued occupancy shall be issued if there are found on the premises defects causing the hazards of fire, lack of adequate ventilation, lack of adequate light or sanitary facilities, dilapidation, disrepair or structural defects or uncleanness so as to tend to cause or spread disease or harbor insects, rodents or vermin. (G.O. No. 1737, § I.)

Sec. 12B-7. Assistance from other departments.

If in the opinion of the construction official, additional expertise is needed from either the health department, the police department or the fire department in order to determine whether hazards exist, said construction official herein has the power to secure the assistance and to enter the premises in conjunction with representatives of said departments so as to make inspections of the premises. (G.O. No. 1737, § I.)

Sec. 12B-8. Rules and regulations authorized.

The construction official is authorized to make and adopt such written administration rules and regulations as may be necessary for the proper enforcement and interpretation of this article and to secure the intent thereof. Such rules and regulations shall not be in conflict with the provisions of this article or any other ordinance of the Town of Westfield, nor shall they have the effect of waiving any provisions of this article or any

other ordinances. Such administrative rules and regulations shall have the same force and effect as the provisions of this article. The rules and regulations shall be submitted to the town council of the Town of Westfield for approval. Said rules and regulations as approved by the town council shall be on file and available as a matter of public record. (G.O. No. 1737, § I.)