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ORDINANCE 2020-21

**Amending Chapter 22 of the South Brunswick Township Code Regarding Requirement of Certificate of Continued Occupancy**

WHEREAS, the Township of South Brunswick maintains Chapter 22, Buildings and Building Regulations, of the Township Code; and

WHEREAS, the Zoning Enforcement Officer has recommended that Certificates of Continued Occupancy be required prior to sale or transfer of any property that contains a building used for human occupancy; and

WHEREAS, it is in the best interest of the Township of South Brunswick to amend the Code to include the requirement for Certificates of Continued Occupancy at this time;

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, that:

I. Chapter 22, Buildings and Building Regulations, of the Township Code of the Township of South Brunswick shall be and is hereby amended and supplemented, with the addition of the following:

**Secs. 22-405 - 22-424. Reserved.**

**ARTICLE XI. - Residential Certificate of Continued Occupancy**

**Sec. 22-425. Residential certificate of continued occupancy (CCO) required.**

- (1) A certificate of continued occupancy is the document issued by the Township of South Brunswick upon the determination that a dwelling is fit for human habitation in accordance with the provisions of the South Brunswick Housing Code, ordinances of the Township of South Brunswick, and the rules, regulations and laws of the State of New Jersey.
- (2) No owner, agent or broker shall sell, transfer or grant with right of occupancy, whether or not for consideration, any residential dwelling, unit or premises on which a building is located and used for human occupancy, unless a certificate of continued occupancy is first obtained from the Housing Officer by use of the appropriate application and fees provided herein. The owner shall afford the Housing Officer the opportunity to inspect the structure and premises and shall consent to inspection.
- (3) The owner of the residential dwelling unit is hereby charged with the responsibility for making written application in accordance with this section for a certificate of continued

occupancy. 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 responsibility for obtaining a certificate of continued occupancy pursuant to this section, and provided further that such written waiver shall be filed with the Housing Officer.

- (4) The Housing Officer shall issue a residential certificate of continued occupancy, provided that there are no violations of law or orders of the Construction Official, in consultation with the Zoning Officer, and it is established after site inspection and investigation of available municipal records that the alleged use of the building or structure has lawfully existed. The certificate shall evidence only that a general inspection of the visible parts of the building or structure has been made and that no violations of N.J.A.C. 5:23-2.14, as amended (Construction Permits When Required), and N.J.A.C. 5:23-2.18, as amended (Inspections), have been determined to exist, no conditions of violation of N.J.A.C. 5:23-2.32, as amended (Unsafe Structures), or unsafe conditions have been observed and no violations of the Code of the Township of South Brunswick have been found to exist.
- (5) If the Housing Officer, as the result of a permit records search and a general inspection of visible parts of the structure, finds any violation as set forth in Subsection B(4), he shall notify the owner of the violation, in writing, by mail, or by delivering the notice to the owner or his agent. The notice shall identify the premises and specify the violations and any remedial action, along with compliance date. The notice will require the owner to satisfy the violations, file any necessary permits as required, and state that failure to correct the violations within the time specified shall result in fines as prescribed in the Uniform Construction Code.
- (6) A residential certificate of continued occupancy shall be effective for a period of 120 days. One administrative extension of not more than 30 days may be granted by the Housing Officer. If a dwelling fails to sell, transfer or grant with right of occupancy within this period, and the dwelling remains for sale, the owner shall make written application and obtain a new certificate of continued occupancy.
- (7) If the application for a certificate states that the dwelling unit is not intended for residential occupancy or human habitation, the Housing Officer may waive the requirement for a certificate of continued occupancy.

#### **Sec. 22-426. Fees**

Residential certificate of continued occupancy. The fee for a certificate of continued occupancy (CCO) for detached residential dwellings (including one-, two-, three-, and four-family dwellings) shall be \$150. The fee for a certificate of occupancy for attached multifamily dwellings, commonly referred to as "townhomes" or "condominiums," shall be \$125.

#### **Sec. 22-427. Exemptions**

A sale, transfer or grant with right of occupancy, whether or not for consideration, of a residential dwelling, unit or premises under the following circumstances shall be exempt from the requirements of this Article:

- 1) between married persons;
- 2) between former married persons ordered as a result of a judicial decree of divorce, dissolution of marriage or judicial separation, but not including sales to third parties;
- 3) between family members as a result of inheritance;
- 4) through an executor's deed to a class A beneficiary; or
- 5) by court order.

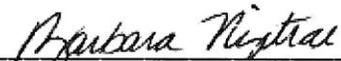
II. If any clause, sentence, paragraph, section or part of this ordinance or any other codes or ordinances incorporated herein shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

III. This ordinance shall become effective twenty (20) days after its final passage.

The above ordinance was introduced and passed on first reading at a meeting of the Township Council of the Township of South Brunswick held on April 28, 2020. It will be considered on second reading and final passage at a meeting of the Township Council of the Township of South Brunswick to be held either: (1) at the Municipal Building, Monmouth Junction, New Jersey; or, if that is not possible, (2) via Webex video conference, at 6:00 p.m. on May 26, 2020. If the meeting is held via Webex video conference, an electronic link to the meeting will be made available to the public at [www.sbtnj.net](http://www.sbtnj.net) <<http://www.sbtnj.net>> no later than noon on the day of the meeting. In either case, at the time of second reading and final passage any person having an interest therein will be given an opportunity to be heard.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Josephine "Jo" Hochman, Councilwoman
<b>SECONDER:</b>	Ken Bierman, Councilman
<b>AYES:</b>	Ken Bierman, Joseph Camarota, Archana "Ann" Grover, Josephine "Jo" Hochman
<b>ABSENT:</b>	Charlie Carley

This is to certify that the foregoing is a true copy of a Ordinance Adopted at the South Brunswick Township Council meeting held on May 26, 2020.

  
Barbara Nyitrai, Township Clerk