



Ordinance of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

ORDINANCE #2531

An Ordinance to Amend the Revised General Ordinances
of the Township of Bernards, Chapter 21 “Land Development”
Section 63.3 “Certificates of Occupancy”

BE IT ORDAINED, by the Township Committee of the Township of Bernards in the County of Somerset that Chapter 21, “Land Development,” Section 63.3 “Certificates of Occupancy” of the Revised General Ordinances of the Township of Bernards is hereby amended: (new text is in **double underline**; deletions are ~~stricken~~):

§ 21-63.3. Certificates of Occupancy. [Ord. #585, § 1002C; Ord. #808; Ord. #1103, § 61]

- a. It shall be unlawful to use or permit the use of any structure or part(s) thereof occupied for a new use; ~~or in the case of any nonresidential use, occupied by a new occupant; or occupied as a low- or moderate-income residential sales or rental unit, whether upon initial sale or rental, resale or rereantal;~~ or hereafter erected, altered, converted or enlarged wholly or in part, until a certificate of occupancy shall have been issued by the Construction Code Enforcement Official with the consent (as to matters outside of the Uniform Construction Code) of the Zoning Enforcement Officer. The Construction Code Enforcement Official shall issue a certificate of occupancy only when he or she is satisfied that the structure satisfies all code requirements; the Zoning Enforcement Officer has certified that the development complies with the provisions of this chapter; the Township Engineer has certified that the developer has complied with the requirements and conditions of the resolution(s) approving the development and is not in violation of the ordinances of the Township; and all other officials have made such certifications as this chapter may require prior to the issuance of a certificate of occupancy.
 1. Notwithstanding any other time requirement in this section, no certificate of occupancy shall be issued for a low- or moderate-income residential sales or rental unit unless the Municipal Housing Liaison of the Township has made a written determination that the unit is to be controlled by the deed restriction and mortgage lien required by the New Jersey Council on Affordable Housing, under N.J.A.C. 5:92, Subchapter 12, as amended from time to time. [Ord. #2021, 7-15-2008, amended]
- b. Unless additional time is agreed upon by the applicant in writing, a certificate of occupancy shall be granted or denied in writing within 10 days from the date that a written notification pursuant to Section 5:23-2.7 of the Uniform Construction Code of the State of New Jersey is filed with the Construction Code Enforcement Official and a duplicate is filed with the Zoning Enforcement Officer stating that the erection of the structure is completed in accordance with the approved permit and development plan.
- c. A temporary certificate of occupancy may be issued for any structure or use for which

development plan approval has been granted although not all conditions of the approval have been complied with. ~~Such temporary certificates of occupancy shall be issued only in extenuating circumstances and only with the approval of the Board which approved the development plan, which Board may establish specific terms and conditions for the issuance of a temporary certificate of occupancy, including the posting of a performance guaranty for any improvements not yet completed.~~

~~d. Should the Construction Code Enforcement Official decline to issue a certificate of occupancy, his or her reason for doing so shall be so stated on two copies of the application and one copy shall be returned to the applicant. If the reason for declining the issuance of the certificate of occupancy is based upon objections of the Zoning Enforcement Officer, said Officer shall state his or her objections and they shall be attached to the copy of the application which is returned to the applicant.~~

~~e.d. Upon notice being served of any condition found to exist in violation of any provision(s) of this chapter with respect to any land use, the certificate of occupancy for such use shall thereupon, without further notice, be null and void and a new certificate of occupancy shall be required for any further use of such structure of land.~~

~~e. A monthly report of the certificates of occupancy issued shall be filed with the Township Tax Assessor. A record of all certificates of occupancy shall be kept in the office of the Construction Code Enforcement Official and copies shall be furnished on request to any person having a proprietary or tenancy interest in the structure and affected. The charge for each copy shall be established by resolution of the governing body except that there shall be no charge to a municipal agency.~~

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Explanatory Statement:

These revisions are required to align this ordinance with the NJ Uniform Construction Code and Regulations. The current ordinance was impractical and not being adhered to. This is administratively required.

Dennis Bettler C.B.O., Construction Official

**TOWNSHIP OF BERNARDS
PUBLIC NOTICE**

Ordinance #2531 was introduced and passed on first reading by the Township Committee of the Township of Bernards in the County of Somerset on 07/11/2023 and then ordered to be published according to law. It will be further considered for final passage and adoption at a public hearing held at a meeting of the Township Committee at the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ in said township on 08/15/2023, at 8 P.M., when and where, or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. A complete text of this ordinance is available in the Office of the Municipal Clerk, 1 Collyer Lane, Basking Ridge, NJ, from 8:30 A.M. to 4:30 P.M., Monday through Friday. Copies are also available via e-mail from ckieffer@bernards.org.

By Order of the Township Committee
Christine V. Kieffer, Municipal Clerk

PUBLIC NOTICE

Notice is hereby given that Bernards Township Ordinance #2531 was introduced and passed on first reading at a meeting of the Township Committee on 07/11/2023 and was passed on final reading and adopted following a public hearing thereon at a regular meeting of the Governing Body of the Township of Bernards on 08/15/2023.

By Order of the Township Committee
Christine V. Kieffer, Municipal Clerk

