

TOWNSHIP OF BURLINGTON

ORDINANCE

2024-OR-011

**ORDINANCE OF THE TOWNSHIP OF BURLINGTON
AMENDING THE CODE TO REQUIRE A CERTIFICATE OF
CONTINUED OCCUPANCY FOR NONRESIDENTIAL
BUILDINGS**

WHEREAS, there is a need to protect the public welfare and safety by ensuring that nonresidential buildings are inspected prior to the sale or change of occupancy to assure compliance with zoning and building codes.

WHEREAS, the Construction Official and Director of the Department of Licensing and Inspection have requested that nonresidential buildings be required to obtain a certificate of continued occupancy in accordance with the provisions of this ordinance and procedures authorized to be developed for purposes of uniform enforcement.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Burlington that the Township Code is amended to add the following provisions requiring that a nonresidential building receive a certificate of continued occupancy as a condition to the change in the occupancy or use of a nonresidential building as follows:

SECTION ONE. Definitions.

CERTIFICATE OF CONTINUED OCCUPANCY

A permit issued by the Zoning Officer and approved by the Construction Official, upon advice from the Building, Fire, and other, Subcode Officials, as may be required, upon the sale, change in use, or change of occupancy, certifying that the building, structure, premises or part thereof designated in the permit may be used for the proposed specified use or occupancy and that

such building, structure, premises or part thereof is in conformity with the Uniform Construction Code of the State of New Jersey.

NONRESIDENTIAL USE

Any building or structure which is not used as a dwelling, including all institutional, industrial, commercial and office uses. The nonresidential use may occupy all or any portion of a building or structure.

SECTION TWO. NONRESIDENTIAL CHANGE IN USE OR OCCUPANCY:
REQUEST FOR CERTIFICATE OF CONTINUED OCCUPANCY
PERMIT APPROVAL

Prior to the sale or change of occupancy or use of any nonresidential building or structure, or part thereof, the owner shall file an application with the Zoning Officer and Construction Official for a determination by the Zoning Officer that the proposed use is permitted, and if permitted, for an inspection under the direction of the Construction Official, for a determination that all visible health and safety features of the building and structure comply with all applicable codes. The application shall contain the following information, and such other information as may reasonably be requested by the Zoning Officer or the Construction Official: the intended use; the floor plan; the number of employees, and the Uniform Construction Code use group classification.

SECTION THREE.

The Director of the Department of Licensing and Inspection, with the assistance of the Construction Official, shall develop the necessary application and other forms for utilization in the certificate of continued occupancy application and permit process.

SECTION FOUR. Fee; Penalties.

The fee for a certificate of continued occupancy is \$175.00. Failure to obtain a certificate of continued occupancy shall result in the imposition of a minimum fine in the amount of \$250.00, or such additional penalty as may be imposed at the discretion of the Municipal Court.

This Ordinance was introduced at a meeting of the Township Council in the Township of Burlington held on February 13, 2024, and will be considered for final passage after a public hearing held at a Regular Meeting of the Township Council to be held on February 27, 2024, at the Township Municipal Building, Burlington Township, New Jersey at 7:00 p.m.

This will certify that the foregoing Ordinance was passed by a majority of the Burlington Township Council on February 27, 2024.

Mary E. Field
Municipal Clerk

Carl M. Schoenborn
President of Council