

ORDINANCE NO. 2024-12

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER,
SALEM COUNTY, STATE OF NEW JERSEY, AMENDING CHAPTERS 9, 11, AND 25 TO
ADDRESS CERTIFICATE OF OCCUPANCY LANGUAGE IN THE CODE OF THE BOROUGH
OF ELMER

WHEREAS, the Mayor and Council of the Borough of Elmer have been notified that by the Department of Community Affairs that certain amendments to Chapter 9, 11 and 25 are necessary to address Certificate of Occupancy language in the Borough of Elmer Code; and

WHEREAS, per N.J.A.C. 5:23-2.23(a), (c), (d) and (f), a Certificate of Occupancy is only issued for projects of new construction, reconstruction, additions and change of use; and

WHEREAS, the Department of Community Affairs, Division of Codes and Standards notified the Municipality it must change the Certificate of Occupancy language; and

WHEREAS, in all other respects Chapter 11 entitled "Building and Housing" shall remain in full force and effect;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Elmer, County of Salem and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

Section 1. Repeal.

§9-1.3 Restoration of Vacant Property. – *In its entirety.*

§ 11-2.6 Frequency of Inspections. – *In its entirety.*

§ 11-2.7 Application; Inspection. – *In its entirety.*

§ 25-3.2 Words and Phrases Defined.

CERTIFICATE OF OCCUPANCY — Shall mean a document which shall be deemed to authorize and be required for each occupancy and use of the building or the land to which it applies, and shall continue in effect only so long as such building and the use thereof and the use of the land is in full conformity with the provisions of this chapter and any requirements made pursuant thereto.

The remainder of § 25-3.2. Words and Phrases Defined shall remain in full force and effect.

Section 2. Amend Chapters 9, 11, and 25 as follows:

A. § 9-1.3 Restoration of Vacant Property.

Any owner of vacant property who plans to restore the property to productive use and occupancy during the 30-day period following the date of the initial registration of the property shall file a sufficiently detailed statement of the owner's plans for restoration of the property with the registration statement along with a timeline schedule. Any owner who

within the initial registration period completes restoration of the property whereby the property no longer is defined as a vacant property may request a 50% refund of the vacant property registration fee from the Code Enforcement Office upon presentation of a Certificate of Occupancy or a Resale Certificate or New Tenant Certificate of who shall forward the request to the Enforcement Officer for approval.

B. § 11-2.6. Inspection and Certificate Issued.

An inspection, in accordance with the provisions of this section, shall be made at the following times:

- a. Certificate of Occupancy – issued prior to occupancy for all new construction, reconstruction, additions and change of use.
- b. Certificate of Resale – issued upon a change of title prior to the buyer occupying the premises.
- c. New Tenant Certificate of Rental Properties — upon each change or addition of tenant/tenants or annually, whichever event occurs first.

C. § 11-2.7. Application; Inspection.

Application to secure a Certificate of Occupancy, Certificate of Resale, or New Tenant Certificate of Rental Properties shall be made to the Borough Housing Officer upon an approved form, submitting all required information, which forms can be acquired from the Borough Clerk or the Housing Officer.

Upon the making of an application, the Borough Housing Officer shall arrange for an inspection of the building or appurtenant structure, if necessary, to determine that the condition of the building in question complies with the standards as set forth in Subsection 11-2.4. Individual subsurface sewer disposal systems are exempt from the inspection requirements of this section.

D. § 25-3.2. Words and Phrases Defined – Add the following definitions:

CERTIFICATE OF OCCUPANCY — Shall mean a document which shall be deemed to authorize and be required for each new construction, reconstruction, additions and change of use and shall continue in effect only so long as such building and the use thereof and the use of the land is in full conformity with the provisions of this chapter and any requirements made pursuant thereto.

CERTIFICATE OF RESALE – Shall mean a document which shall be issued upon a change of title prior to the buyer occupying the premises to ensure that the land and premises is in full conformity with the provisions of this chapter and any requirements made pursuant thereto.

NEW TENANT CERTIFICATE OF RENTAL PROPERTIES — Shall mean a document which shall be issued upon each change or addition of tenant/tenants or annually, whichever event occurs first to ensure that the land and premises is in full conformity with the provisions of this chapter and any requirements made pursuant thereto.

Section 3.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

Section 4.

Severability.

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Section 5.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

BOROUGH OF ELMER

BY: 
Joseph Stemberger, Mayor

ATTEST:


Sarah D. Walker, Registered Municipal Clerk

ROLL CALL VOTE as follows:

	<u>MOTION</u>	<u>SECOND</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Schneider	_____	_____	_____	_____	_____	_____✓
Davis	_____✓	_____	_____✓	_____	_____	_____
Foster	_____	_____✓	_____✓	_____	_____	_____
Nolan	_____	_____	_____✓	_____	_____	_____
Schalick	_____	_____	_____✓	_____	_____	_____
Zee	_____	_____	_____✓	_____	_____	_____

NOTICE

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Council of the Borough of Elmer, in the County of Salem and State of New Jersey, held on July 10, 2024. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Council to be held in the Borough Hall, 120 South Main Street, Elmer, New Jersey 08318, on August 14, 2024, at 7:30 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at Borough Hall, 120 South Main Street, in the Borough, to the members of the general public who shall request the same.

Sarah D. Walker
Registered Municipal Clerk

PUBLIC NOTICE
ORDINANCE NO. 2024-12
AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER,
SALEM COUNTY, STATE OF NEW JERSEY, AMENDING CHAPTERS 9, 11, AND 25
TO ADDRESS CERTIFICATE OF OCCUPANCY LANGUAGE IN THE CODE OF THE
BOROUGH OF ELMER

NOTICE IS HEREBY GIVEN that Ordinance No. 2024-12 was duly adopted by the Mayor and Council of the Borough of Elmer at a regular meeting held on August 14, 2024.

Sarah D. Walker, RMC

08/22/2024