

**THE TOWNSHIP OF EWING  
COUNTY OF MERCER, NEW JERSEY**

**ORDINANCE NO. 23-19**

1st Reading 8-8-23 Date to Mayor \_\_\_\_\_  
 2nd Reading & Public Hearing \_\_\_\_\_ Date Returned \_\_\_\_\_  
 Date Adopted: \_\_\_\_\_ Date Resubmitted to Council \_\_\_\_\_  
 \_\_\_\_\_ Approved as to Form of Legality  
 Effective Date: \_\_\_\_\_  
 \_\_\_\_\_ Township Attorney

**AN ORDINANCE AMENDING CHAPTER 114, BUILDING CONSTRUCTION, SECTION 3 CODE INSPECTION PRIOR TO SALE, LEASE OR OTHER TRANSFER OF REALTY, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER**

**First Reading**

MEMBER	AYE	NAY	ABSENT	ABSTAIN	MOVE	SECOND
<b>Baxter</b>	X					X
<b>Keyes-Maloney</b>	X					
<b>Schroth</b>	X				X	
<b>Steward</b>	X					
<b>Wollert</b>	X					

**Second Reading**

MEMBER	AYE	NAY	ABSENT	ABSTAIN	MOVE	SECOND
<b>Baxter</b>						
<b>Keyes-Maloney</b>						
<b>Schroth</b>						
<b>Steward</b>						
<b>Wollert</b>						

By \_\_\_\_\_ Date \_\_\_\_\_ Accepted \_\_\_\_\_ Rejected \_\_\_\_\_  
 Mayor

Reconsidered  
 By Council \_\_\_\_\_ Override Vote YEA \_\_\_\_\_ NAY \_\_\_\_\_

\_\_\_\_\_  
 President of the Council

\_\_\_\_\_  
 Municipal Clerk

THE TOWNSHIP OF EWING  
COUNTY OF MERCER, NEW JERSEY

ORDINANCE NO. 23-19

**AN ORDINANCE AMENDING CHAPTER 114, BUILDING CONSTRUCTION, SECTION 3 CODE INSPECTION PRIOR TO SALE, LEASE OR OTHER TRANSFER OF REALTY, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER**

**WHEREAS**, pursuant to N.J.S.A. 52:27D-133 “no building or structure ... shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the enforcing agency”; and

**WHEREAS**, per N.J.S.A. 40:41A-28 the Township of Ewing (“Township”) has “the right and power to legislate for the general health, safety and welfare of their residents”; and

**WHEREAS**, certificates of occupancy or property transfer certificates are necessary to ensure that buildings and structures are safe to be occupied; and

**WHEREAS**, the Mayor and the Council of the Township have determined that certain amendments to Chapter 114, Building Construction, Section 3, Code inspection prior to sale, lease or other transfer of realty, are necessary to promote and support the welfare of the residents of the Township; and

**WHEREAS**, in all other respects Chapter 114, Building Construction, Section 3, Code inspection prior to sale, lease or other transfer of realty, shall remain in full force and effect; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the Township of Ewing, County of Mercer that the Code of the Township of Ewing be amended as follows:

**Section 1** Chapter 114, BUILDING CONSTRUCTION, Section 3 CODE INSPECTION PRIOR TO SALE, LEASE OR OTHER TRANSFER OF REALTY, is hereby amended as follows:

§ 114-3 Code inspection prior to sale, lease or other transfer of realty.

A. Residential (single family). Prior to any sale, rental or other transfer of any single-family residential real estate or part thereof to another, the owner shall apply for and obtain a ~~certificate of occupancy~~ property transfer certificate, as provided for herein, issued by the Construction Official or his or her designee. Should the owner fail to obtain a property transfer certificate prior to any sale, rental or other transfer of any single-family residential real estate or part thereof to another, the buyer/new owner shall apply for and obtain a property transfer certificate, as provided for herein, issued by the Construction Official or his or her designee.

B. Residential (rental). Prior to any sale, rental or other transfer of any rented single-family residential real estate or part thereof to another, the owner shall apply for and obtain a ~~certificate of occupancy~~ property transfer certificate, as provided for herein, issued by the Construction Official or his or her designee. Should the owner fail to obtain a property transfer certificate prior to any sale, rental or other transfer of any rented single-family residential real estate or part thereof to another, the buyer/new owner shall apply for and obtain a property transfer certificate, as provided for herein, issued by the Construction Official or his or her designee.

C. Residential (less than three units). Prior to any sale, rental or other transfer of any residential real estate containing less than three units or part thereof to another, the owner shall apply for and obtain a ~~certificate of occupancy~~ property transfer certificate, as provided for herein, issued by the Construction Official or his or her designee. Should the owner fail to obtain a property transfer certificate prior to any sale, rental or other transfer of any residential real estate containing less than three units or part thereof to another, the buyer/new owner shall apply for and obtain a property transfer certificate, as provided for herein, issued by the Construction Official or his or her designee.

D. Nonresidential. Prior to any sale, rental or other transfer of any nonresidential real estate or part thereof to another, the owner shall apply for and obtain a ~~certificate of occupancy~~ property

transfer certificate, as provided for herein, issued by the Construction Official or his or her designee. Should the owner fail to obtain a property transfer certificate prior to any sale, rental or other transfer of any nonresidential real estate or part thereof to another, the buyer/new owner shall apply for and obtain a property transfer certificate, as provided for herein, issued by the Construction Official or his or her designee.

E. Penalties: Should an owner or a buyer/new owner fail to comply with this Section, either party may be issued a violation as provided for under New Jersey and in this Code, including but not limited to Chapter 1, Article III, General Penalty.

**Section 2** Severability. Should any section, clause, sentence, phrase or provision of this article be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this article.

**Section 3** Repealer. All prior ordinances or parts of the same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

**Section 4** Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

**THE TOWNSHIP OF EWING  
COUNTY OF MERCER, NEW JERSEY**

**ORDINANCE NO. 23-20**

1st Reading 8-8-23 Date to Mayor \_\_\_\_\_  
 2nd Reading & Public Hearing \_\_\_\_\_ Date Returned \_\_\_\_\_  
 Date Adopted: \_\_\_\_\_ Date Resubmitted to Council \_\_\_\_\_  
 \_\_\_\_\_ Approved as to Form of Legality \_\_\_\_\_  
 Effective Date: \_\_\_\_\_ Township Attorney \_\_\_\_\_  
 \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 284, RENTAL PROPERTY, SECTION 1, REGISTRATION OF RENTAL UNITS, AND SECTION 2 CERTIFICATE OF REGISTRATION, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER TO CLARIFY THAT ALL NON-OWNER-OCCUPIED BUILDINGS MUST BE REGISTERED**

**First Reading**

MEMBER	AYE	NAY	ABSENT	ABSTAIN	MOVE	SECOND
<b>Baxter</b>	X					X
<b>Keyes-Maloney</b>	X				X	
<b>Schroth</b>	X					
<b>Steward</b>	X					
<b>Wollert</b>	X					

**Second Reading**

MEMBER	AYE	NAY	ABSENT	ABSTAIN	MOVE	SECOND
<b>Baxter</b>						
<b>Keyes-Maloney</b>						
<b>Schroth</b>						
<b>Steward</b>						
<b>Wollert</b>						

By \_\_\_\_\_ Date \_\_\_\_\_ Accepted \_\_\_\_\_ Rejected \_\_\_\_\_  
 Mayor

Reconsidered  
 By Council \_\_\_\_\_ Override Vote YEA \_\_\_\_\_ NAY \_\_\_\_\_

\_\_\_\_\_  
 President of the Council

\_\_\_\_\_  
 Municipal Clerk

THE TOWNSHIP OF EWING  
COUNTY OF MERCER, NEW JERSEY

ORDINANCE NO. 23-20

**AN ORDINANCE AMENDING CHAPTER 284, RENTAL PROPERTY, SECTION 1, REGISTRATION OF RENTAL UNITS, AND SECTION 2 CERTIFICATE OF REGISTRATION, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER TO CLARIFY THAT ALL NON-OWNER-OCCUPIED BUILDINGS MUST BE REGISTERED**

**WHEREAS**, Township of Ewing (the “Township”) is charged with promoting the health and wellbeing of residents; and

**WHEREAS**, per N.J.S.A. 40:41A-28 municipalities have “the right and power to legislate for the general health, safety and welfare of their residents”; and

**WHEREAS**, rental property registration is necessary to expediate and facilitate communication between property owners/landlords, tenants/property occupiers, and the Township; and

**WHEREAS**, rental property registration will allow the Township to expeditiously address property issues such as blight or unsafe conditions; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the Township of Ewing, County of Mercer that the Code of the Township of Ewing be amended as follows:

**Section 1** Chapter 284, RENTAL PROPERTY, Section 1, REGISTRATION OF RENTAL UNITS, Section 2, CERTIFICATE OF REGISTRATION, is hereby amended to read as follows:

§ 284-1 Registration of residential rental units.

A. Applicability: This section shall apply to all buildings or projects in which there is space for living or dwelling purposes which is, or may be, occupied by a person or persons other than the property owner under either a written or oral lease. This section shall apply to all buildings or projects with a space for living or dwelling purposes regardless of whether money is paid by the occupier/tenant for the purposes of occupying or dwelling in the building or project.

Any non-owner-occupied property is required to be registered as a rental property regardless of whether cash is exchanged for the occupation.

B. The term “~~landlord~~” “owner” shall mean the person or persons who own or purport to own, ~~or exercise control of~~ any building or project in which there is rented or offered for rent housing space for living or dwelling purposes under either a written or oral lease, provided that this definition shall not include owner-occupied two-unit premises.

C. The term “rental unit” shall mean any building or project with a space for living or dwelling purposes which is occupied by a person or persons other than the property owner or owners.

D. No person shall hereafter occupy any rental unit, nor shall the landlord or owner permit occupancy of any rental unit within the Township, which is not registered, if required, in accordance with this article.

E. Each rental unit shall be inspected upon each change in tenancy or occupancy. No tenant shall occupy a rental unit where a ~~certificate of occupancy~~ Property Transfer Certificate has not been issued by the Construction Official.

§ 284-2 Certificate of registration.

- A. Registration. Every landlord or owner of a non-owner-occupied one-dwelling-unit rental or a two-dwelling-unit ~~non-owner-occupied~~ premises shall hereafter ~~be registered~~ with the ~~Municipal Clerk, or~~ Construction Office as ~~if so designated by the Municipal Clerk,~~ on forms which shall be provided by the ~~Municipal Clerk's office, or~~ Construction Office ~~if so designated by the Municipal Clerk,~~ containing the requirements of N.J.S.A. 46:8-28. Thereafter, the landlord/owner registration form shall be renewed by January 31 of each year. All landlord/owner registration forms received after January 31 of each year shall be considered late and are subject to penalties pursuant to § 284-4 of this article. Every landlord shall also deliver a copy of the rental license and ~~certificate of occupancy~~ property transfer certificate simultaneously to the tenant(s) upon submission of the landlord registration form to the ~~Municipal Clerk's office, or~~ Construction Office ~~if so designated by the Municipal Clerk.~~
- B. Amendments; filing. Every person required to file a registration form pursuant to this section shall file an amended registration form within 20 days after any change in the information required to be included thereon. No fee shall be required for the filing of an amendment except where the ownership or tenancy of the premises is changed.

**Section 3** Severability. Should any section, clause, sentence, phrase or provision of this article be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this article.

**Section 4** Repealer. All prior ordinances or parts of same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

**Section 5** Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

Adopted: