

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

ORDINANCE NO. 23-19

1st Reading 8-8-23 Date to Mayor 9-13-23

2nd Reading & Public Hearing 9-12-23 Date Returned 9-13-23

Date Adopted: 9-12-23 Date Resubmitted to Council _____

Approved as to Form of Legality

Effective Date: 10-6-23 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
Baxter	X					X
Keyes-Maloney	X					
Schroth	X				X	
Steward	X					
Wollert	X					

Second Reading

MEMBER	AYE	NAY	ABSENT	ABSTAIN	MOVE	SECOND
Baxter	X					X
Keyes-Maloney			X			
Schroth	X				X	
Steward	X					
Wollert	X					

By _____ Date _____ Accepted _____ Rejected _____
Mayor

Reconsidered
By Council _____ Override Vote YEA _____ NAY _____

President of the Council

Municipal Clerk

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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.