

Additions in *italics*  
Deletions in ~~strikethrough~~

**BOROUGH OF FRANKLIN LAKES  
ORDINANCE NO. 1928**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 220  
“UNIFORM CONSTRUCTION CODES”, CHAPTER 259 “FIRE PREVENTION”  
AND CHAPTER 495 “ZONING PERMITS” OF THE CODE OF THE  
BOROUGH OF FRANKLIN LAKES TO ESTABLISH REQUIREMENTS UPON  
CHANGE OF OCCUPANCY AND FEES FOR LEAD-BASED PAINT INSPECTIONS**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Franklin Lakes, in the County of Bergen and State of New Jersey as follows:

Section 1. Section 220-4 “Continued certificate of occupancy” of Chapter 220 “Uniform Construction Codes” of the Code of the Borough of Franklin Lakes is hereby repealed.

Section 2. Subparagraph B(4) of Section 259-7 “Permits” of Chapter 259 “Fire Prevention” is hereby amended to read as follows:

(4) Fees for *fire certificate* ~~smoke alarm, carbon monoxide alarm and portable fire extinguisher compliance~~ inspection:

- (a) Initial inspection: \$150
- (b) Re-inspection: \$100

Section 3. Paragraph B of Section 259-7 “Permits” of Chapter 259 “Fire Prevention” is hereby supplemented by the addition of the following:

(5) *Fees for lead-based paint inspections for rental dwelling built prior to 1978 in accordance with the Lead-Based Paint Inspection Law (P.L. 2021, c. 182):*

- (a) *Visual inspection: \$150*
- (b) *If, as the result of a visual inspection, paint samples are sent out for lead testing, then the applicant shall reimburse the Borough for all testing and related costs, and pay an additional fee of \$250 for Borough costs for gathering paint samples and administering the testing process.*

Section 4. Chapter 259 “Fire Prevention” is hereby supplemented by the addition of the following:

*Article VI Fire Certificate*

*§ 259-39. Fire certificate required.*

*Before any residential dwelling is sold, leased, or otherwise made subject to a change of occupancy, the owner shall obtain a fire certificate. The fire certificate shall be issued if:*

- A. The dwelling is in compliance with requirements under applicable State law for smoke alarms, carbon monoxide alarms, and portable fire extinguishers;*
- B. The property owner's escrow account for professional services is not deficient;*
- C. There are no open construction permits;*
- D. There are no pending violations of State law or Borough ordinance, including, but not limited to:
  - 1. Interior doors with locks requiring a key; and*
  - 2. Illegal basement bedrooms;**
- E. The property is in compliance with the requirements of Chapter 335 "Numbering of Buildings";*
- F. The property is in compliance with the requirements for swimming pool fences in Borough Code Section 220-5;*
- G. Utilities are functioning properly; and*
- H. There are no issues with the structural integrity of the dwelling.*

*§ 259-40. Form and fee.*

*The owner, or authorized agent of the owner, shall apply for a fire certificate on a form provided by the Fire Prevention Bureau. The application shall be accompanied by the appropriate fee, as set forth in Section 259-7 hereof.*

Section 5. Section 495-1 "Zoning permit required" of Chapter 495 "Zoning Permits" is hereby amended to read as follows:

No building permit ~~or certificate of occupancy or continued certificate of occupancy~~ shall be issued for a building, structure or use, or any enlargement, expansion or change of use or change of tenancy prior to the approval of a zoning permit by the Zoning Officer. In addition, a zoning permit is required for home occupations.

Section 6. Repealer.

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Section 7. Severability.

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Borough of Franklin Lakes declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one

or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 8. Effective Date.

This ordinance shall take effect immediately upon passage and publication according to law.

APPROVED: \_\_\_\_\_  
Charles J. X. Kahwaty, Mayor

ATTEST: \_\_\_\_\_  
Gail M. Rulli, Borough Clerk

Introduced: 10-17-2023

Adopted: 11-21-2023