

ORDINANCE NO. 8 -2024

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF LOGAN
COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, AMENDING CHAPTER 119 ENTITLED
"OCCUPANCY CERTIFICATES" TO THE CODE OF THE TOWNSHIP OF LOGAN

WHEREAS, the Mayor and Council of the Township of Logan have determined that certain amendments to Chapter 119 entitled "Occupancy Certificates" are necessary; and

WHEREAS, in all other respects Chapter 119 entitled "Occupancy Certificates" shall remain in full force and effect;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Township of Logan, in the County of Gloucester and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

Section 1.

Chapter 119 entitled "Occupancy Certificates" at Article I "Dwelling Units" shall be amended as follows:

Article I. Dwelling Units

§ 119-1. When required; other provisions not affected.

- A. Certificates of occupancy (CO) shall hereafter be required for human habitation of all existing dwelling units in the Township of Logan before a change in occupancy of any such unit may be effected.
- B. For the purpose of this article, "existing dwelling units" shall mean any building or structure presently used or used hereafter for habitation by any human beings, whether the same are occupied or to be occupied by an owner or tenant or occupied on any other basis.
- C. The certificate of occupancy required herein does not repeal or amend requirements for other certificates of occupancy heretofore provided for by ordinances of this Logan Township or statutes of the State of New Jersey.

§ 119-2. Application for certificate; inspection; fee.

- A. Application for a certificate of occupancy for change in occupancy and/or change of ownership shall be made to the Construction Code Official of this Township on a form provided by said Construction Code Official.
- B. The Construction Code Official or designee shall thereupon cause inspection to be made of the subject dwelling unit to determine if such unit is fit for human habitation and in compliance with all applicable Township ordinances and laws of the State of New Jersey related to maintenance, safety and health.
- C. The owner or owner's agent of each dwelling unit subject to this article is hereby charged with the responsibility for making written application to the Construction Code Official or designee for a certificate of occupancy. In the event that a change of occupancy is also accompanied by a change of ownership of a dwelling unit, the buyer of such dwelling unit may waive the seller's responsibility and assume the same; provided, however, that such waiver is in writing and states

that the buyer is fully aware that he, she or it is assuming full responsibility for obtaining a certificate of occupancy pursuant to this article, and provided further that such written waiver is filed with the Construction Code Official or designee. In no event shall occupancy of the dwelling unit occur without an inspection and issuance of a certificate of occupancy.

- D. Application to the Construction Code Official or designee shall be accompanied by a fee of \$4075. If the inspection is needed to take place within 48 hours of the date of Application (i.e., due to a quick settlement), then the Application shall be accompanied by a fee of \$150.
- E. The Construction Code Official or designee ~~or his representative~~ shall, within 10 working days of the receipt of a fully completed application for certificate of occupancy and the accompanying fee, ~~makeschedule~~ such inspections as are required herein and, upon determining that the requirements of § 119-2B and § 119-4A herein have been complied with, issue a certificate of occupancy.

§ 119-3. Correction of violations; reinspections.

- A. If, upon the inspection or inspections aforesaid, the Construction Code Official or designee ~~his representative~~ finds that the subject dwelling unit is not in compliance, said Official or designee ~~or his representative~~ shall, within three workingbusiness days, notify the applicant in writing of such noncompliance, specifically setting forth the violation or violations which require correction.
- B. Upon correction of the violation or violations, the applicant shall notify the Construction Code Official or designee in writing and shall submit a \$2050 reinspection fee with such notification. The Construction Code Official or designee~~his representative~~ shall reinspect the dwelling within five working days of receipt of such notification and reinspection fee. This procedure shall be followed until all violations have been corrected, at which time a certificate of occupancy shall issue.
- C. Conditional Certificate. A conditional certificate may be granted to conduct repairs and/or abate deficiencies based on extraordinary conditions that would prevent the applicant from meeting the requirements of this Article within the allotted time. This can only occur after an initial inspection has been conducted listing the deficiencies. A notarized letter from the Applicant must be submitted which states the nature of the hardship for not being able to meet the requirements along with a fee of \$30. The conditional certificate will be granted by the Construction Code Official for a period of 30 days of the date of the notarized letter. Within 30 days thereafter, all deficiencies must be corrected or abated, and all required permits must be issued which address the deficiencies. Conditional certificates will not be issued for occupancy.

§ 119-4. Installation of smoke detectors.

- A. In addition to the requirements for a certificate of occupancy hereinabove set forth, it shall also be required that each such dwelling unit have installed therein ~~a minimum of one approved, listed and labeled smoke detector sensing visible or invisible particles of combustion, installed in a manner and location consistent with its listing~~ the minimum number of smoke alarms as set forth by the New Jersey Uniform Fire Code (N.J.A.C. 5:70-4.19); and the installation shall meet the listing and labelling of said device. When actuated, the detector~~alarm~~ shall provide an alarm a sound suitable to warn the occupants within the dwelling.

B. The smoke detector~~alarm~~ described by Subsection A shall also be installed in any dwelling unit undergoing renovations, alterations and/or additions requiring ~~expenditures equal to or greater than \$1,500~~as set by N.J.A.C. 5:23-6 and the type and size of the project being completed.

§ 119-4.1. Installation of carbon monoxide detectors.

In addition to the requirements for a certificate of occupancy hereinabove set forth, it shall also be required that each such dwelling unit have installed therein ~~a minimum of one approved, listed and labeled carbon monoxide detector installed in a manner and location consistent with its listing~~a minimum number of carbon monoxide detectors as set forth by the New Jersey Uniform Fire Code (N.J.A.C. 5:70-4.19). When activated, the detector~~alarm~~ shall provide an alarm sound suitable to warn the occupants within the dwelling.

§ 119-5. Violations and penalties.

Any person charged with the responsibility for obtaining a certificate of occupancy pursuant to this article who violates or neglects to comply with any provision hereof shall, upon conviction thereof, be liable for a ~~penalty~~fine of not less than \$25100 nor more than \$1,0002,000 for each day a violation exists.

§ 119-6. Copies of regulations.

The Construction Official shall furnish copies of all regulations referred to herein to any person for a fee not to exceed \$3.

Article II. Commercial and Industrial Zone Changes

§ 119-7. Title.

This article shall be known and may be cited as the "Commercial and Industrial Zone Change of Use Ordinance" (COO).

§ 119-8. Legislative findings.

The Mayor and Council of the Township of Logan finds as a matter of fact that there exists a potential threat and danger to the health, safety and welfare of the citizens of the township in that new tenants on existing property and structures in both the commercial and industrial zone often permit or operate businesses that may have a substantial impact upon the health, safety and environment of the residents of the Township of Logan without first notifying the township of the nature of these businesses. The Mayor and Council recognizes that actual and potential dangers exist and deem it in the best interest of the community and of good government to always know of changes in the use of property within the commercial and industrial zones.

§ 119-9. Certificate required.

A. From the effective date of this article, no premises or portion of premises in a commercial or industrial zone shall be used, rented, re-rented or sold and thereafter occupied by a new tenant or owner without application having first been made to the Township of Logan, ~~Code Enforcement Department~~Construction Code Official or designee, for a certificate of occupancy. No temporary certificate of occupancy shall be issued. A certificate of occupancy shall be issued by the ~~Code Enforcement Officer~~Construction Code Official upon his determination that all state, county and township code conditions have been complied with concerning fire and environmental safety

protection and that necessary provisions for special equipment to combat any potential hazard shall have been made.

- B. ~~Upon receipt of any application for a certificate of occupancy, the Code Enforcement Officer shall review same with the Township Fire Marshal, Board of Health Chairman and Township Engineer, if necessary. Application to the Construction Code Official or designee shall be accompanied by a fee of \$200. If an inspection is needed to take place within 48 hours (i.e., due to a settlement), then the Application shall be accompanied by a fee of \$300. Upon receipt of any application for a certificate of occupancy, the Construction Code Official shall review same with the Township Fire Marshal, Board of Health Chairman and Township Engineer, if necessary. To accomplish said reviews by appropriate officials, and perform the required inspection, the Township of Logan shall have up to 10 days to either issue or deny a certificate of occupancy. If, after such ten-day period, the applicant has not been notified of the approval or denial of its application, then the application shall be deemed to have been approved.~~
- C. Upon correction of the violations or replies to the comments from the review, the Applicant shall notify the Construction Code Official or designee in writing, and shall submit a \$50 reinspection fee with such notification. The Construction Code Official or designee shall reinspect the building or review the replies within five business days of receipt of such notification and reinspection fee. This procedure shall be followed until all violations and comments have been addressed, at which time a certificate of occupancy shall issue.
- CD. Should an applicant be denied a certificate of occupancy, then, an appeal to the Township Council shall be filed within 10 business days of such denial, at which time a hearing and determination will be made by Council. Council may take up to 14 calendar days to render its determination.

§ 119-10. Responsibility.

The owner and tenant of land within the commercial or industrial sites shall be responsible for compliance with this article.

§ 119-11. Violations and penalties.

Any landowner or tenant who allows a change of use of real property situate within any commercial or industrial zone within the Township of Logan without having complied with the requirements of this article shall, upon conviction, be subject to a fine of not less than \$100 nor more than ~~\$500~~2,000 for each day of noncompliance a violation exists. In addition to that penalty, the ~~Code Enforcement Officer~~ Construction Code Official or designee shall issue a notice to cease the use of the property in question until such time as a certificate of occupancy is issued by the township.

Section 2.

Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

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.

When effective.


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

TOWNSHIP OF LOGAN

BY: _____

FRANK W. MINOR, Mayor

ATTEST:

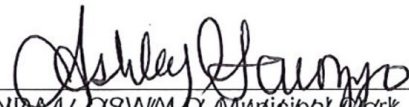


LINDA L. OSWALD, Municipal Clerk
ASHLEY GAROZZO, Acting Clerk

First Reading: March 19, 2024
Second Reading: April 2, 2024
Adopted: April 2, 2024

NOTICE

The Foregoing Ordinance was introduced at a regular meeting of the Mayor and Council of the Township of Logan, in the County of Gloucester and State of New Jersey, held on the 19th of March, 2024. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Council to be held at the Township Building of Logan, 125 Main Street, Bridgeport, New Jersey on the 2nd day of April, 2024, at 7:00 P.M at which time any person who is interested thereon would be given the opportunity to be heard. During the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office, 125 Main Street, Bridgeport, New Jersey to the members of the general public who shall request the same.



LINDA L. OSWALD, Municipal Clerk
ASHLEY GAROZZO, Acting Clerk