

**TOWNSHIP OF NEPTUNE  
ORDINANCE NO. 22-39**

**AN ORDINANCE TO OF THE TOWNSHIP OF NEPTUNE TO AMEND AND  
SUPPLEMENT CHAPTER 12 PROPERTY MAINTENANCE BY AMENDING SECTION 1.2  
“ADDITIONS, INSERTIONS AND CHANGES”**

**BE IT ORDAINED**, by the Township Committee of the Township of Neptune that the Ordinance be and is hereby amended as follows:

**SECTION 1.**

§12-1.2 Additions, Insertions and Changes

jj. Chapter 9- Certificates of Inspection; Transfer of Title and Certificates of Occupancy

**PM 901.1 Scope**

The provisions of this chapter shall govern the procedures for a certificate of Inspection and Transfer of Title for the sale, transfer, or conveyance of property; renting or leasing of property within the boundaries of the Township of Neptune.

**PM 901.2 Application Forms**

Applications for Certificate of Inspection, Transfer of Title, Updates and other inspections as may be applicable to this Chapter shall be made by using the online portal. The applicant must include the name of the owner as it appears on the deed to the property, the name of the purchaser as it is to appear on the deed to the property or tenant; and names of each occupant, and shall be signed by the Owner, Landlord Purchaser or Tenant or designated agent. If the Owner, Landlord, Purchaser or Tenant is a trustee, estate, corporation or other entity, the applicant shall also include the current name and address of the trustee, executor/administrator or registered agent and the registered agent's address as may be set forth in the legal documents of the entity or formation papers of the corporation and any amendments thereto. The applicant shall attach to the application a copy of the legal documents of formation and any amendments thereto, to show evidence of the registration and the name and address of the registered agent.

**PM 901.3 Application**

The application prescribed by the municipality to request the code enforcement officer to inspect a property, structure, dwelling unit, apartment, office, store, commercial or industrial building or other space to determine compliance or non-compliance with the provisions of the BOCA Basic Property Maintenance Code or any other applicable ordinances of the municipality.

**Certificate of Inspection:** A certificate issued by the code officer or code enforcement office demonstrating that a property, structure, dwelling unit, apartment, office, store, commercial or industrial building or space is in full compliance with the provisions of the BOCA Basic Property Maintenance Code and any other applicable ordinances of the municipality, and which also permits occupancy in such property, structure, dwelling unit, etc. by those person(s) or entities included in the application.

**Conditional or Temporary Certificate of Inspection:** A certificate issued by the code officer or code enforcement office demonstrating that a property, structure, dwelling unit, apartment, office, store, commercial or industrial building or space is in substantial compliance with the provisions of the BOCA Basic Property Maintenance Code and any other applicable ordinances of the municipality; does not impair the habitability of the property, structure, dwelling unit, etc.; and which also permits occupancy in such property, structure, dwelling unit, etc. by those person(s) or entities included in the application.

**Certificate of Transfer of Title:** A certificate issued by the code officer or code enforcement office authorizing the sale or transfer of a property, structure, dwelling unit, apartment, office, store, commercial or industrial building or space, and which does not permit occupancy in such property, structure, dwelling unit, etc. by

those person(s) or entities included in the application until such time as an application for, and issuance of, a Certificate of Inspection or Conditional or Temporary Certificate of Inspection with Occupancy is issued. An application for a Certificate of Inspection may be modified to a Transfer of Title (without occupancy permitted), provided that a revised application is submitted within 30 days of the original application.

Any application submitted, not completed and not scheduled for inspection within 30 days of receipt will be voided. All paid fees are non-refundable.

## **PM 902.0 Requirements**

### **PM 902.1 When Required**

A Certificate of Inspection must be obtained by the owner of real property prior to the sale, transfer, lease, rental or occupancy of any structure, dwelling unit, apartment, office, store, commercial or industrial buildings located within the Township of Neptune. The Certificate of Inspection shall certify that said property is in compliance with all of the provisions of the BOCA Basic Property Maintenance Code and all other applicable ordinances of the Township of Neptune.

### **PM 902.2 Certificate of Inspection**

Prior to the sale, transfer, lease, rental or other conveyance of, or permission of use, property located in the Township of Neptune that has any structure dwelling unit, apartment, office, store, commercial or industrial building which is or will be occupied upon the sale, transfer, lease, rental or other conveyance of or permission to use such property, the Seller, Landlord and/or Buyer shall obtain a Certificate of Inspection or a Conditional or Temporary Certificate of Inspection as may be permitted herein. An application shall be filed by using the online portal, and shall be signed by the Seller/Landlord, Buyer/Tenant, or other designated agents.

1. A Certificate of Inspection shall be issued by the municipality upon the inspection by the code enforcement officer of that portion of the property to be occupied and any common area, exterior property, accessory structures or other improvement affecting the occupancy, provided such inspection finds that it complies with all of the provisions of the BOCA Basic Property Maintenance Code and all other applicable Ordinances of the Township of Neptune. Inspections for Condominiums, Cooperative Units, Townhouses or similar single family housing units shall be limited to the specific unit only for purposes of issuing a Certificate of Inspection. If there are any violations in the common areas, notices for such violations shall be addressed to the Association, Incorporation or other owner and any interested party or agent, who shall then comply with the requirements set forth in the BOCA Basic Property Maintenance Code or any other applicable ordinances of the Township of Neptune, or be subject to fines, penalties and/or costs as permitted by the Ordinances of Township of Neptune.
2. A Conditional or Temporary Certificate of Inspection may be issued, in the discretion of the Code Officer, for buildings, units or structures which are not in full compliance with the provisions of the BOCA Basic Property Maintenance Code or any other applicable ordinances of the Township of Neptune, provided that the code deficiencies do not impair the habitability of the structure or impinge on the health, safety or general welfare of the owner-occupant. Prior to the issuance of a Conditional Certificate, the potential owner-occupant(s) must provide the code officer with a notarized letter signed by all potential adult occupants, which specifically enumerates the deficiencies and states that the owner-occupant(s) accept the deficiencies and agree to correct such deficiencies within 30 days of closing of title, subject to extensions as may be permitted under Section PM 902.6 herein.  
For multi-family dwellings, the Code Officer, in their discretion, may issue a Conditional or Temporary Certificate of Inspection even if there are life safety violations in a particular apartment or unit, providing that the specific unit will not be occupied until the life safety violations have been corrected and a Certificate of Inspection issued, and such violations are not in the common areas and do not impair the habitability of the remaining apartments or units.

Inspections for Condominiums, Cooperative Units, Townhouses or similar single family housing units shall be limited to the specific unit only for purposes of issuing a Certificate of Inspection. If there are any violations in the common areas, notices for such violations shall be addressed to the Association, Incorporation or other owner and any interested party or agent, who shall then comply with the requirements set forth in the BOCA Basic Property Maintenance Code or any other applicable ordinances of the Township of Neptune, or be subject to fines, penalties and/or costs as permitted by the Ordinances of the Township of Neptune.

3. Certificate of Transfer of Title: Upon the sale or transfer of property located in the Township of Neptune that has any structure, dwelling unit, apartment, office, store, commercial or industrial building which is not occupied at the time of the inspection, and which will not be occupied upon the closing of title, the Seller or Purchaser, prior to the closing of title and transfer of deed, Assignment of Lease or other legal document, may obtain a Certificate of Transfer of Title or in lieu of a Certificate or Conditional Certificate of Inspection. The purchaser of such a building or structure shall not permit the building or structure to become occupied until the owner as it appears on the deed makes an application under this chapter for a Certificate of Inspection for owner occupancy or a sale issued by the code enforcement office or a Certificate of Occupancy issued by the construction department, as may be applicable.

### **PM 902.3 Short Term Seasonal Rentals**

Short Term Seasonal Rentals are any rentals that are for less than 365 days. Short Term Rentals Are required to rent the premises for no less than 2 nights; any rental less than 2 nights is strictly prohibited. Short term seasonal rentals shall not be occupied by owner or any other person other than other the renter(s) during the rental periods. Rooms and/or sections of occupied dwellings, units and apartments may not be rented separately.

Short Term Seasonal Rentals will have two separate defined Seasons: Short Term Summer Season begins May 23<sup>rd</sup> and ends on September 30<sup>th</sup> and Short Term Winter Season begins October 1<sup>st</sup> and ends on May 22<sup>nd</sup>.

A certificate of Inspection shall be made once prior to initial occupancy of the premise before each Short Term Rental Season. A Short Term Seasonal Update Application shall be submitted with the applicable fee for each change of occupant(s) during the Short Term Season and shall be submitted prior to the occupancy of those occupants. The application shall include the names of all occupants and shall include the beginning and ending dates of the occupancy. The update fee is as established herein.

### **PM 903.0 Fees**

#### **PM 903.1 Payment**

All fees are payable to the Township of Neptune. All fees are non-refundable and non-transferable. Applications shall be considered incomplete and shall not be processed until all required fees are paid in full. Any application not paid in full within 15 days of receipt shall become void.

#### **PM 903.2 Fees for Initial Certificate of Inspection; Conditional or Temporary Certificate of Inspection; Change of Occupants for Summer Seasonal Rental or Transfer of Title**

1. For applications for a Certificate of Inspection; Conditional or Temporary Certificate of Inspection, or Transfer of Title, for periods of 365 consecutive days or longer the fees shall be as follows (a copy of the lease must be attached):
  - (a) If the application is received more than five business days prior to the anticipated closing date, occupancy date or requested inspection date:

Commercial Uses, Detached Single-Family Dwellings, Townhouses, Condominiums, Structures with 2 or more Dwellings, or non-residential units	\$150 per structure, plus \$75 for each additional unit within the same structure and to be inspected on the same date at the same time.
Change of Tenant (per Section 902.4)	\$100
Hotels/Motels/Rooming and Boarding Houses, Schools/Day Care Facilities, Nursing Homes and Health Care Centers	\$150 per structure, plus \$25 per room, rooming unit or office to be inspected on the same date at the same time.
Transfer of Title	\$85

(b) If the application is received five or less business days prior to the anticipated closing date, occupancy date or requested inspection date, the fees under paragraph 1(a) above, shall be increased by \$50 for each required inspection.

2. For applications for a Certificate of Inspection; for a Short Term Summer Seasonal Rental shall be as follows

(a) If the application is received more than five business days prior to the occupancy date or requested inspection date:

Detached Single-Family Dwellings, Townhouses, Condominiums, Structures with 2 or more Dwellings	\$500.00 per structure, plus \$250.00 for each additional unit within the same structure and to be inspected on the same date at the same time.
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Short Term Summer Seasonal Updates (per Section 902.4) \$100

(b) If the application is received five or less business days prior to the anticipated closing date, occupancy date or requested inspection date, the fees under paragraph 2(a) above, shall be increased by \$50 for each required inspection.

3. For applications for a Certificate of Inspection; for a Short Term Winter Seasonal Rental shall be as follows

(a) If the application is received more than five business days prior to the occupancy date or requested inspection date:

Detached Single-Family Dwellings, Townhouses, Condominiums, Structures with 2 or more Dwellings	\$250.00 per structure, plus \$125.00 for each additional unit within the same structure and to be inspected on the same date at the same time.
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Short Term Winter Seasonal Updates (per Section 902.4) \$100

(b) If the application is received five or less business days prior to the anticipated closing date, occupancy date or requested inspection date, the fees under paragraph 3(a) above, shall be increased by \$50 for each required inspection.

**PM 903.3 Reinspection**

1. Reinspections shall be limited to violations set forth in the prior inspection report and any additional life safety, habitability or statutorily mandated violations inspections that may be evident or mandatory at the time of the reinspection. If the prior violations are not corrected, or life safety, habitability or statutorily mandated code requirements are evident, the Code Officer shall note the violations on the inspection form and fail the inspection. The applicant would be required to complete the repairs and apply for another reinspection. All reinspections must be performed within 30 days of the original inspection date. Inspections not completed within the 30 days will be considered void and require a new application and fee to be submitted. A thirty-day extension may be granted by the code enforcement officer upon receipt of a written request.

Reinspection fees: A reinspection fee shall be paid for each and every time a code officer is scheduled to reinspect a property to determine whether cited violations have been corrected. A Reinspection shall be required prior to the issuance of a Certificate of Inspection after a Conditional or Temporary Certificate of Inspection was issued.

The fees for each reinspection shall be as follows:

Commercial Uses, Detached Single Family Dwellings, Townhouses, Condominiums, Structures with 2 or more Dwellings or non-residential units	\$50 per structure including the first unit, plus \$35 for each additional unit within the same structure and to be inspected on the same date at the same time
Hotels/Motels/Rooming Boarding Houses, Schools/Day Care Facilities, Nursing Homes and Healthcare Centers	\$50 plus \$25 per room, rooming unit or office to be reinspected on the same date at the same time
Transfer of Title	\$25

**SECTION 2.**

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

**SECTION 3.**

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

**SECTION 4.**

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

**SECTION 5.**

This Ordinance shall take effect upon its passage and publication according to law.

<b>Motion/ Second</b>	<b>Roll Call To Adopt On First Reading</b>				Adopted on First Reading Dated: July 25, 2022
		YAY	NAY	ABSTAIN	
	Dr. Michael Brantley				X
Motion	Keith Cafferty	X			
Second	Robert Lane, Jr.	X			
	Tassie D. York	X			
	Nicholas Williams	X			

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Gabriella Siboni, RMC  
Township Clerk

<b>Motion/ Second</b>	<b>Roll Call To Adopt On Second and Final Reading</b>				Adopted on Second Reading Dated: August 22, 2022
		YAY	NAY	ABSTAIN	
Second	Dr. Michael Brantley	X			
Motion	Keith Cafferty	X			
	Robert Lane, Jr.	X			
	Tassie D. York	X			
	Nicholas Williams	X			

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Gabriella Siboni, RMC  
Township Clerk

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Township Clerk

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Nicholas Williams  
Mayor