

24-06

**AN ORDINANCE OF THE TOWNSHIP OF NORTH BRUNSWICK AMENDING
CHAPTER 147 "CONSTRUCTION CODE; UNIFORM" AND CREATING A
NEW CHAPTER 148, "HOME SALE CERTIFICATES"**

BE IT ORDAINED, by the Township Council of the Township of North Brunswick, County of Middlesex and State of New Jersey that Chapter 147 "Construction Codes; Uniform", of the Code of the Township of North Brunswick, is hereby amended to delete sections § 147-2(B) and § 147-3 (B) in their entirety;

BE IT FURTHER ORDAINED, by the Township Council of the Township of North Brunswick, County of Middlesex and State of New Jersey, that the Code of the Township of North Brunswick be and is hereby amended and supplemented to establish and enact a new Chapter 148 "Home Sale Certificates" as follows:

§ 148-1 Home Sale Certificate Required

A. Home Sale Certificate

1. A Home Sale Certificate is the document issued by the Township of North Brunswick upon the determination that a dwelling is fit for human habitation in accordance with the provisions of the Uniform Construction Code, Ordinances of the Township of North Brunswick, and the Rules, Regulations and Laws of the State of New Jersey.
2. No owner, agent or broker shall sell, transfer or grant with right of occupancy, whether or not for consideration, any residential dwelling, unit or premises on which a building is located and used for human occupancy, unless a Home Sale Certificate is first obtained from the Construction Office by use of the appropriate application and fees provided herein. The owner shall afford the opportunity to inspect the structure and premises and shall consent to inspection.
3. The owner of the residential dwelling unit is hereby charged with the responsibility for making written application in accordance with this ordinance for a Home Sale Certificate. The buyer of such dwelling unit may waive the seller's responsibility and assume the same; provided, however, that such waiver shall be in writing, which said waiver shall further state that the buyer is fully aware that he, she or it is assuming responsibility for obtaining a Home Sale Certificate pursuant to this ordinance, and provided further that such written waiver shall be filed with the Construction Office.
4. A residential Home Sale Certificate shall be issued, provided that there are no violations of law or orders of the Construction Official, in consultation with the Zoning Officer, and it is established upon receipt of a notarized affidavit and investigation of available municipal records that the alleged use of the building or structure has lawfully existed. The certificate shall

evidence only that a notarized affidavit has been received and accepted, and that no violations of N.J.A.C. 5:23-2.14, as amended (Construction Permits When Required), and N.J.A.C. 5:23-2.18, as amended (Required Inspections), have been determined to exist, no conditions of violation of N.J.A.C. 5:23-2.32, as amended (Unsafe Structures), or unsafe conditions have been identified and no violations of the Code of the Township of North Brunswick have been found to exist.

5. If, as the result of a sale listing, permit records search or a general inspection of visible parts of the property and its structures, finds any violation as set forth in Subsection 4, the owner of property shall be notified of the violation(s) in writing by mail, or by delivering the notice to the owner or his agent. The notice shall identify the premises and specify the violations and any remedial action, along with compliance date. The notice will require the owner to satisfy the violations, file any necessary permits as required, and state that failure to correct the violations within the time specified shall result in fines as prescribed in the Uniform Construction Code.
6. A Home Sale Certificate shall be effective for a period of 120 days. One administrative extension of not more than 30 days may be granted. If a dwelling fails to sell, transfer or grant with right of occupancy within this period, and the dwelling remains for sale, the owner shall make written application and obtain a new Home Sale Certificate.
7. If the application for a certificate states that the dwelling unit is not intended for residential occupancy or human habitation, the requirement for a Home Sale Certificate may be waived.

§ 148-2 Fees.

- A. Home Sale Certificate. The fee for a Home Sale Certificate for detached residential dwellings (including one, two, three and four-family dwellings) shall be \$150.00. The fee for a Home Sale Certificate for attached multi-family dwellings, commonly referred to as townhomes or condominiums, shall be \$125.00.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

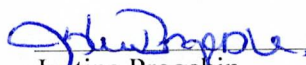
BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

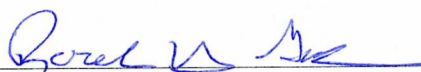
BE IT FURTHER ORDAINED, This Ordinance shall take effect July 1, 2024, upon passage and in accordance with applicable law.

TITLE

This Ordinance shall be known and may be cited as the Ordinance amending and supplementing Chapter 147 "Construction Code; Uniform to delete sections §147-2(B) and 147-3(B) and establish a new Chapter 148 "Home Sale Certificates".


Michael C. Hritz
Director of Community Development


Justine Progebin
Business Administrator


Ronald Gordon, Esq.
Township Attorney (Approved legal form)

RECORDED VOTE FIRST READING: MAY 6, 2024

COUNCIL MEMBER	YES	NO	ABSTAIN	NOTES
MEHTA 1	✓			
GUADAGNINO	✓			
ANDREWS	✓			
DAVIS	✓			
SOCIO	✓			
HUTCHINSON 2	✓			
MAYOR WOMACK				

RECORDED VOTE SECOND READING: MAY 20, 2024

COUNCIL MEMBER	YES	NO	ABSTAIN	NOTES
MEHTA	✓			
GUADAGNINO	✓			
ANDREWS 1	✓			
DAVIS	A			
SOCIO 2	✓			
HUTCHINSON	✓			
MAYOR WOMACK	A			

CERTIFICATION

I hereby certify that the above Ordinance was duly adopted by the Township Council of the Township of North Brunswick, County of Middlesex, at its meeting held on May 20, 2024.

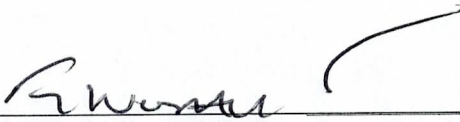


Lisa Russo, Township Clerk

EFFECTIVE DATE

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

- APPROVED
- REJECTED



Francis M. Womack III, Mayor
Township of North Brunswick

Date signed: may 20, 2024

Michael C. Hritz

From: Assist, Code [DCA] <CodeAssist@dca.nj.gov>
Sent: Tuesday, April 2, 2024 11:56 AM
To: TWPNBcommdev
Subject: COs and resale/new tenants
Attachments: Summer_2022_ccc_CCO.pdf

Please note, the information found on your website below appears to be using an incorrect term. As per NJAC 5:23-2.23(e), <https://www.nj.gov/dca/codes/codreg/ucc.shtml>, existing buildings may be issued a Certificate of Continued Occupancy (CCO) upon request of the owner. Also, as per NJAC 5:23-2.23(a), (c), (d) and (f), a Certificate of Occupancy (CO) is only to be issued for projects of new construction, reconstruction, additions and change of use. Your website indicates that a CO/CCO is required upon resale, rentals or change of tenant which would be in violation of the UCC. Please update your ordinance with the appropriate terminology that reflects its true purpose, a Resale Certificate, Rental Property Certificate or a New Tenant Certificate, something other than the UCC term. Please review the attached Summer 2022 CCC article, <https://www.nj.gov/dca/codes/publications/ccc.shtml>, regarding this. Further questions, please call.

https://northbrunswicknj.gov/programs_and_service/request-a-certificate-of-continued-occupancy/
<https://northbrunswicknj.gov/wp-content/uploads/2022/08/CCO-APPLICATION-AUG-2022.pdf>
<https://northbrunswicknj.gov/wp-content/uploads/2024/01/CONTNUED-CERTIFICATE-OF-OCCUPANCY-SAMPLE-WAIVER.pdf>

Ian Rayfield

Department of Community Affairs
Division of Codes and Standards
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