

TOWNSHIP OF ROCHELLE PARK

ORDINANCE NO. #1209-24

AN ORDINANCE TO AMEND CHAPTER 75 OF THE CODE OF THE TOWNSHIP OF ROCHELLE PARK ENTITLED “CERTIFICATES OF OCCUPANCY.”

WHEREAS, Chapter 75 of the Township Code of the Township of Rochelle Park entitled “Certificates of Occupancy” controls the issuance of certificates of occupancy and certificates of continuing occupancy for all commercial, industrial, and residential buildings within the Township; and

WHEREAS, the New Jersey Department of Community Affairs, Division of Codes and Standards has notified the Township that certificates of occupancy and certificates of continuing occupancy in the Township Code should be identified as certificates of compliance; and

WHEREAS, the Township Committee of the Township of Rochelle Park has determined that it is in the best interest of the Township to revise Chapter 75 to comply with the Division of Codes and Standards; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ROCHELLE PARK, COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

SECTION ONE:

Chapter 75 shall be amended as follows:

The title of Chapter 75 is amended to: Chapter 75 Certificates of Compliance.

The title of Subsection 75-2 is amended to: §75-2 Certificate of continuing compliance.

Subsection 75-2 is amended to read as follows:

No person shall occupy or use any portion of a commercial, industrial or residential building after such building or portion thereof has been vacated or sold, or when there has been a change in use or occupancy of such building or any portion thereof, until the owner or landlord thereof shall have applied for and secured a certificate of continuing compliance subject to the requirements of § 75-3 herein. Such certificate shall be issued upon a general inspection of the visible parts of the building and the portion thereof that has been vacated or sold or in which there has been a change in use and occupancy, finding that there are no imminent hazards and that the premises in question are in compliance with applicable building, health, safety and fire codes, regulations, ordinances and statutes of the Township of Rochelle Park.

Subsection 75-3 is amended to read as follows:

Prior to the rental, sale or lease of any commercial or industrial property or the sale of a residential building or the sale of any individual unit in a multiple-family dwelling involving a new occupancy or change of use, the enforcement officer shall issue a certificate of continuing compliance in accordance with the standards set forth in § 75-2 of this chapter.

Subsection 75-4 is amended to read as follows:

No certificate of continuing compliance may be issued to a residential building or any portion thereof unless an approved smoke detector device has been installed as required by applicable state statute and local ordinance.

Subsection 75-5 is amended to read as follows:

Prior to any rental, lease or sale of any building or any portion thereof, as set forth in § 75-3 above, the owner thereof shall apply to the enforcement officer on an appropriate form for a certificate of continuing compliance.

Subsection 75-6 is amended to read as follows:

The enforcement officer shall conduct an inspection of said commercial, industrial or residential building, or portion thereof which is to be sold, rented or leased, within a reasonable time, not exceeding 30 days after completion of said application, and shall issue a certificate of continuing compliance, provided that the standards set forth in § 75-2 of this chapter have been satisfied and, in the case of residential building, that the premises are in compliance with the requirement of installation of a smoke detector alarm system.

Subsection 75-7 is amended to read as follows:

If, after inspection by the enforcement officer, a certificate of continuing compliance may not be issued to the commercial, industrial or residential building or portion thereof because of the existence of a violation of any code or failure to comply with the standards set forth in § 75-2 of this chapter, notice shall be given by the enforcement officer to the owner detailing the violations of applicable laws, regulations or ordinance. The enforcement officer shall have the authority to issue any summons or complaint for any violation of any ordinance, statute or regulation against the owner and/or occupant of the commercial, industrial or residential building or portion thereof wherein the violation exists. In the event any violations are found to exist, there shall be no new occupancy or use of the premises until the criteria has been satisfied for the issuance of the certificate of continuing compliance.

Subsection 75-9 is amended to revise the first sentence only as follows:

The following fees shall be applicable for the inspection and issuance of a certificate of continuing compliance:

SECTION TWO. **Repealer:**

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION THREE: **Severability:**

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION FOUR: **Effective Date:**

This Ordinance shall take effect immediately upon final adoption and publication and in the manner provided by law.

ATTEST:

ANNEMARIE WELLS
Municipal Clerk
