

**BOROUGH OF TINTON FALLS
MONMOUTH COUNTY
NEW JERSEY**

ORDINANCE NO. 2024-1514

**AN ORDINANCE AMENDING CHAPTER 11 OF THE BOROUGH CODE,
ENTITLED “BUILDING AND HOUSING” TO ADD REFERENCES TO
“RESALE/RENTAL CERTIFICATES OF OCCUPANCY” IN ORDER TO COMPLY
WITH STATE LAW**

WHEREAS, the State of New Jersey has advised all municipalities that references to “Continued Certificates of Occupancy” (CCO) for resale and rental purposes should properly be referred to as “Resale/Rental Certificates of Occupancy” (RRCO); and

WHEREAS, the Borough desires to amend the Tinton Falls Borough Code in appropriate locations to comply with the State directive;

NOW THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Tinton Falls as follows:

SECTION 1. Chapter 11 of the Borough Code, entitled “Building and Housing,” is hereby amended to read as follows (underlined portions to added; ~~striketroughs~~ to be deleted):

Chapter 11 BUILDING AND HOUSING

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§ 11-4. ~~CERTIFICATES OF CONTINUED OCCUPANCY~~ RESALE/RENTAL CERTIFICATES OF OCCUPANCY

§ 11-4.1. Enforcement Official.

The Code Enforcement Official/Inspectors of the Borough of Tinton Falls is hereby designated as the officer to exercise the powers prescribed by this section.

§ 11-4.2. ~~Certificates of Continued Occupancy (CCO)~~ Resale/Rental Certificates of Occupancy (RRCO) Required: Residential Dwellings.

- a. A ~~certificate of continued occupancy (“CCO”)~~ resale/rental certificate of occupancy (“RRCO”) shall be required for any change in occupancy, change in ownership, or change in title of any existing residential dwelling.

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h. A ~~certificate of continued occupancy ("CCO")~~ resale/rental certificate of occupancy ("RRCO") is issued by the Borough upon a determination that an existing residential dwelling continues to remain fit for human habitation in accordance with the provisions of the 2018 International Property Maintenance Code, Ordinances of the Borough of Tinton Falls, and any other national laws, codes, rules and regulations.

i. The Code Enforcement Official shall issue a residential ~~CCO~~-RRCO, provided that there are no violations of law or orders of the Construction Official, in consultation with the Zoning Officer, and it is established after site inspection and investigation of available municipal records that the alleged use of the building or structure has been made and that no violations or outstanding Zoning or Building Department permits have been determined to exist.

j. There shall be no transfer of title if unabated zoning violations exist on the property.

k. A residential ~~certificate of continued occupancy~~ resale/rental certificate of occupancy shall be effective for a period of 90 days. If a dwelling fails to sell, transfer or grant with right of occupancy within this period, the owner shall submit a new application and the required fees.

l. Any application that has not received a ~~certificate of continued occupancy~~ resale/rental certificate of occupancy within 120 days of the initial inspection shall be closed, and a new application and fee shall be submitted.

§ 11-4.3. Certificates of Continued Occupancy (CCO) Resale/Rental Certificates of Occupancy (RRCO) Required: Nonresidential Units.

- a. A ~~certificate of continued occupancy ("CCO")~~ resale/rental certificate of occupancy ("RRCO") shall be required for any change of tenancy, change of ownership, change in occupancy, or change in title of any nonresidential building or part thereof.
- b. The owner or agent on the nonresidential building or tenant for part thereof is responsible for submitting the required application and fees in accordance with this section.
- c. No owner, agent or broker shall sell, transfer or grant with right of occupancy, any nonresidential building or part thereof unless a ~~certificate of continued occupancy~~ resale/rental certificate of occupancy is first obtained from the Code Enforcement Official by use of the appropriate application fees provided herein. The property owner shall afford the Code Enforcement Official or Code Inspector the opportunity to inspect the structure and premises and shall consent to inspection.
- d. A commercial use zoning permit shall be submitted with any application for a nonresidential ~~CCO~~-RRCO.
- e. Any outstanding penalties and property taxes shall be paid prior to submitting an application for a nonresidential ~~CCO~~-RRCO.
- f. The Code Enforcement Official shall issue a nonresidential ~~CCO~~-RRCO, provided that there are no violations of law or orders of the Construction Official, in consultation with the Zoning Officer, and it is established after site inspection and investigation of available municipal records that the alleged use of the building or structure has lawfully existed. The ~~certificate of continued occupancy~~ resale/rental certificate of occupancy shall evidence only that a general inspection of the visible

- parts of the building or structure has been made and that no violations or outstanding zoning or Building Department permits have been determined to exist.
- g. After all documentation has been submitted, and all inspections have passed, a ~~certificate of continued occupancy~~ resale/rental certificate of occupancy shall be issued within 10 business days.
 - h. There shall be no transfer of title if unabated zoning violations exist on the property.
 - i. Any application that has not received a ~~certificate of continued occupancy~~ resale/rental certificate of occupancy within 120 days of the initial inspection shall be closed, and a new application and fee shall be submitted.

§ 11-4.4. Fees.

The Borough of Tinton Falls shall charge nonrefundable application fees for a ~~certificate of continued occupancy~~ resale/rental certificate of occupancy as follows:

- a. Detached single-family dwelling: \$150 per dwelling.
- b. Attached multifamily dwelling (i.e., condominiums, townhouses, apartments): \$75 per dwelling.
- c. Nonresidential buildings or part thereof: \$50 per 1,000 square feet or part thereof.
- d. Zoning permit for commercial use: \$100.
- e. There shall be no charge for the first reinspection of any unit which fails inspection. There shall be a reinspection fee of \$50 per reinspection thereafter. All fees shall be paid prior to inspection.
- f. Applications not submitted online shall have an additional fee of \$15.
- g. Applications that require processing in 10 days or less shall have an additional processing fee of \$150; this is dependent on availability.
- h. If determined by the Code Official, the need for consultation of an outside professional or agency shall be at the expense of the applicant.

§ 11-4.5. Substandard Properties.

- a. Any dwelling found to be unfit for human habitation, after inspection by the Code Enforcement Officer or Inspector, will not be issued any certifications from the Borough. The buyer of said dwelling may, however, with the approval from the Code Enforcement Official, submit a letter of intent from their attorney stating the following:
 - 1. The buyer acknowledges that the property is unfit or unsafe for human habitation.
 - 2. There will be no occupancy of the dwelling until a ~~certificate of continued occupancy~~ resale/rental certificate of occupancy can be issued by the Borough.
 - 3. Any and all repairs required on the dwelling shall begin within 30 days of the closing date of the property.
- b. Noncompliance with the above shall result in a court summons.

§ 11-4.6. Penalties.

Buying, selling, renting, or change of occupancy without a current ~~certificate of continued occupancy~~ resale/rental certificate of occupancy shall be punishable by law with fines not to exceed \$1,250. This shall be in addition to any court-applied fees and/or fines.

SECTION 2. Repealer.

All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 3. Severability.

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION 4. Effective Date.

This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

Introduced: June 11, 2024.

Adopted: July 9, 2024.

RISA CLAY, COUNCIL PRESIDENT

VITO PERILLO, MAYOR

ATTEST:

MICHELLE HUTCHINSON
BOROUGH CLERK

APPROVED AS TO FORM:

KEVIN N. STARKEY, ESQ.
DIRECTOR OF LAW