

ORDINANCE NO. 2015-02

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 59,
CONSTRUCTION CODE, UNIFORM PERMITS ARTICLE II
SUBSECTION 59-10.1: MUNICIPAL CERTIFICATE OF CONTINUED
OCCUPANCY FOR ABANDONED/VACANT PROPERTIES, UNSAFE
STRUCTURE, NOTICE, ENFORCEMENT AND PENALTY**

WHEREAS, Washington Township desires to supplement the definition and enforcement of a municipal Certificate of Continued Occupancy and unsafe structures.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Washington, County of Warren, State of New Jersey that Chapter 59, Construction Code, Uniform; Section 59-10.1 be amended and supplemented to be read as follows:

Section 1:

- A. Prior to any change in occupancy of any building, dwelling, dwelling unit, or part that has been uninhabited for a minimum of one hundred and twenty (120) consecutive days, a municipal Certificate of Continued Occupancy shall be obtained from the Construction Official or his designee stating that the premises complies with the requirements of the New Jersey State Housing Code adopted by this chapter, Uniform Fire Code and Township of Washington Code.
- B. A municipal Certificate of Continued Occupancy shall not be issued if there are open Uniform Construction Code permits on the subject property.
- C. Any violation of the New Jersey State Housing Code, Uniform Fire Code and Township of Washington Code must be corrected and any open Uniform Construction Code permit must be closed by the owner of the building, dwelling, dwelling unit, or part thereof prior to the issuance of a municipal Certificate of Continued Occupancy. The responsibility for the correction of the violation or the closing of the permit may be assumed by the buyer with the written approval of the owner and buyer and written notification to the Construction Official or his designee. At the time of the assumption of responsibility, a conditional certificate shall be issued, and the violations shall be corrected, or the permit closed within 30 days of the date of the issuance of the conditional certificate. The Construction Official or his designee may grant an extension, not exceeding 30 days, for the violations to be corrected or the permit closed.
- D. A municipal Certificate of Continued Occupancy issued pursuant to this section shall be valid for a period of 180 days after issuance.
- E. The fee for a municipal Certificate of Continued Occupancy shall be \$75.00 for residential properties and \$130.00 for commercial properties and shall be remitted with the application for the certificate.
- F. The requirement of 59-10.1 shall not apply to a change in occupancy in an assisted-living facility, bed-and-breakfast, boarding or rooming house, hotel, nursing home, or motel.

G. Violators of any part of this section shall be subject to the penalties set forth in Uniform Construction Code, as same may be amended from time to time.

Section 2:

All buildings or structures that shall become unsafe, or unsanitary, or that contain deficient or blocked exitway facilities, or which constitute a fire hazard or are otherwise dangerous to human life or the public welfare, or that by reason of illegal or improper use or occupancy shall be deemed unsafe buildings or structures, shall be taken down and removed or made safe and secure. A vacant building that is unguarded or open at door or window shall be deemed a fire hazard and unsafe within the meaning of this chapter.

1. Examination and record of damaged structure: The appropriate subcode official shall examine every building or structure reported as dangerous, unsafe structurally, unsanitary or constituting a fire hazard and shall prepare a report to be filed in a docket of unsafe structures and premises, stating the use of the structure, the nature of the hazard, the nature and estimated amount of damages, if any, caused by collapse or failure.
2. Notice of unsafe structure: If an unsafe or unsanitary condition is found in a building or structure, the Construction Official shall serve a written notice describing the building or structure deemed unsafe and specifying the required repairs or improvements to be made to render the building or structure safe and secure, or requiring the unsafe building or structure or portion thereof to be vacated or demolished within a stipulated time. Such notice shall require the person thus notified to immediately declare to the Construction Official his or her acceptance or rejection of the terms of the order. Such person may seek review before the Construction Board of Appeals within 15 days of receipt of the notice.
3. Restoration of unsafe structure: A building or structure condemned by the Construction Official may be restored to a safe condition in accordance with N.J.A.C. 5:23-6, Rehabilitation Subcode. A certificate of approval or certificate of occupancy, as appropriate, shall be obtained prior to re-occupancy of the building or structure.
4. Posting notice of unsafe structure: If the person addressed with a notice of unsafe structure cannot be found within the municipality after diligent search, then such notice shall be sent by registered or certified mail to the last known address of such person, as on file with the office of the Tax Collector, and a copy of the notice of unsafe structure shall be posted in a conspicuous place on the premises, and such procedures shall be deemed the equivalent of personal notice.
5. Upon refusal or neglect of the person served with a notice of unsafe structure to comply with the requirements of the order to abate the unsafe condition, the Construction Official shall, in addition to any other remedies herein provided, forward the matter to the legal counsel of the jurisdiction for an action to compel compliance.

Section 3:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 4:

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby replaced as to their inconsistencies only.

Section 5:

Effective date: This Ordinance shall take effect upon final passage and publication as provided by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Committee on the first reading at a meeting of the Township Committee of the Township of Washington, held on February 17, 2015 and will be considered for a second reading and final passage at a regular meeting of the Township Committee to be held on March 17, 2015, at 7:30 p.m., at the Municipal Building, located at 211 Route 31 North, Washington, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Anna C. Godfrey, RMC
Township Clerk

ak