

BOROUGH OF FANWOOD, UNION COUNTY, NEW JERSEY

ORDINANCE: 2023-11-R

AN ORDINANCE OF THE BOROUGH OF FANWOOD, COUNTY OF UNION, AND STATE OF NEW JERSEY AMENDING CHAPTER 12 OF THE BOROUGH CODE FOR A HOUSING DIVISION WITHIN PROPERTY MAINTENANCE DEPARTMENT

WHEREAS, the Borough of Fanwood maintains Chapter 12, Construction Code Enforcement, Department of; and

WHEREAS, the Mayor & Council for the Borough of Fanwood wishes to enact specifications for the issuance of certificates of approval for continued occupancy ("CACO") for structures within the jurisdiction of the Borough of Fanwood for the health, safety & welfare of its citizens; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Fanwood, County of Union, State of New Jersey as follows:

I. Chapter 12 is hereby enacted as follows:

Section 12-13 Certificate of approval for continued occupancy.

- A. No building or structure shall be occupied or used in whole or part unless and until a certificate of approval for continued occupancy has been issued by the Director of Housing. The Director of Housing shall not issue such certificate unless he or she determines, after inspection, that there are no violations of any applicable laws, ordinances or orders pending at the time of issuing the certificate. The certificate shall be issued upon written request from the owner or his authorized agent.
- B. A certificate of approval for continued occupancy shall be applied for and obtained prior to the use or occupancy of the whole or any part of any building undergoing a change in ownership; undergoing a change of occupancy, except that this provision shall not apply to a change in the occupancy of less than the whole number of dwelling units contained within a building containing more than one dwelling unit when the change of occupancy of such dwelling unit or units occurs within 90 days of the issuance of a prior certificate of approval for continued occupancy for such unit or units. Upon receiving an application for a certificate of approval for continued occupancy, the Director of Housing or the authorized representative shall make an inspection of the building or part thereof for which the certificate is requested and shall forthwith issue the certificate of approval for continued occupancy if the use and occupancy thereof shall be in conformity with the Fanwood Borough Code or other applicable ordinances of the Borough and if the building is safe and does not constitute a nuisance or hazard likely to result in injuries to persons or damages to property; in case the Director of Housing shall decline to issue a certificate of approval for continued occupancy, his or her reasons for doing so shall be stated to the applicant, and a written statement thereof shall be transmitted to the applicant on request.
- C. A certificate of approval for continued occupancy shall be issued to any person having a proprietary or tenancy interest who shall be held responsible for any violations on the premises. A record of all certificates shall be kept on file by the Construction Code Official, and copies shall be furnished to any person having a proprietary or tenancy interest in the building affected.
- D. Fee for certificate of approval for continued occupancy.

(1) A fee of \$175.00 shall be charged and paid to the Borough for each original certificate of

approval for continued occupancy for private property, except that the fee for a certificate of approval for a structure containing more than one habitable unit shall be \$175.00 per unit and \$1 for each copy thereof. If the property was built before 1978, the fee will be \$100.00 per unit.

- (2) A fee of \$200 shall be charged and paid to the Borough for each original certificate of approval for continued occupancy for commercial property with a \$1 charge for each copy thereof.
- E. Temporary certificate of approval for continued occupancy. If, in the opinion of the Director of Housing, a time period is required to conform with the requirements as set forth in the inspection of said structure or dwelling, a temporary certificate of approval for continued occupancy may be issued by the Supervisor for a period of no less than 30 days nor more than 120 days. The fee shall be \$175.00 per unit for private property and \$200 per unit for commercial property.
- F. Any owner-occupant of a building, structure or premises, or any architect, builder, contractor, agent or other person employed in connection therewith, who violates this section or assists in the commission of such violation shall be subject to the penalty set forth in Section 10 of this Subchapter.
- G. Alarm signaling device.
- (1) Every dwelling unit, prior to the issuance of a certificate of occupancy or certificate of continued occupancy, shall have installed therein and maintained thereafter an approved products of combustion detection alarm system or device, except that any system or device sensitive only to heat shall not be approved.
 - (2) Alarm signaling devices shall be so located as to be clearly audible in all areas utilized or designated for sleeping purposes when all intervening doors are closed.

II. If any clause, sentence, paragraph, section or part of this ordinance or any other codes or ordinances incorporated herein shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

III. This ordinance shall become effective twenty (20) days after its final passage.

BE IT FURTHER ORDAINED this amended Chapter 12 shall take effect as provided by law.

Attest:


Courtney Agnello, Deputy Borough Clerk


Colleen Mahr, Mayor

INTRODUCTION DATE: June 19, 2023	ADOPTED DATE: August 21, 2023
MOTION: Carter	MOTION: Banks
SECOND: Mitchell	SECOND: Mitchell
YES: Carter, McElroy-Barker, Mitchell, Walsh	YES: Banks, Carter, Mitchell, Berry, Walsh
NO: none	NO: none
ABSTAIN: none	ABSTAIN: none
ABSENT: Banks, Berry	ABSENT: McElroy-Barker
PUBLISHED: August 3, 2023	PUBLISHED: 8/24/23