

ORDINANCE #1043

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING CHAPTER 295 "PROPERTY MAINTENANCE" TO CREATE NEW ARTICLE "CERTIFICATES OF OCCUPANCY"

WHEREAS, the Oceanport Code Enforcement Officer has recommended the establishment and setting of standards for certificates of continued occupancy both residential and commercial,

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth, in the State of New Jersey, that the following amendments be made to Chapter 295 entitled "Property Maintenance":

SECTION I. § 295-2 (E) is removed in its entirety.

SECTION II. New Article V. "Housing & Commercial Certificates of Occupancy" is hereby created.

§ 295-__ PURPOSE.

This article is adopted in order to protect the health, safety and welfare of those purchasing or renting dwelling units or commercial structures within the Borough of Oceanport, County of Monmouth, State of New Jersey.

§ 295-__ DEFINITIONS.

As used in this article, the following terms shall have the meanings indicated:

DWELLING, SINGLE-FAMILY

A detached residential structure designed to provide living facilities, including kitchen, for one family only.

DWELLING UNIT

Defined as a single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

APARTMENT UNIT

A dwelling unit which includes living space, sleeping space, storage space, a kitchen and at least one full bathroom.

FAMILY

Shall mean one or more persons customarily living together as a single housekeeping unit whether or not related to each other by birth or marriage, as distinguished from a group occupying a boarding house, lodging house, hotel or motel.

HOTEL OR MOTEL UNIT

A temporary dwelling unit for transient use, having limited or no storage space and at least one full bathroom.

SHORT-TERM/TRANSIENT RENTAL

A rental for 90 days or less to a person having a permanent residence elsewhere.

§ 295-__ CERTIFICATE REQUIRED.

- A. Certificate of occupancy is required for rental/resale and transfer of title for all residential and commercial units.
- B. No owner, owner of rental properties, agent of owner, real estate agent or broker, firm, company, partnership, corporation or person or persons shall sell, rent, transfer, grant, lease, let or mortgage with right of occupancy or otherwise dispose of the ownership or occupancy thereof, whether or not for a consideration and whether such disposal of ownership or occupancy be temporary or permanent, any dwelling unit, hotel, motel, rooming unit, boardinghouse or premises on which a building is located and is used for human occupancy or commercial unit unless a certificate of occupancy has been issued by the Housing Inspector verifying that the property is in compliance with all applicable zoning and property maintenance laws of this Borough, site plans, building permits and

Tax Assessor records. The owner or agent of the residential, commercial or industrial building, or part thereof, or tenant is responsible for submitting an approved zoning permit or Planning Board approval resolution with the required application and fees in accordance with this section.

- C. A Certificate of Occupancy in accordance with A. and B. above shall not be issued until a certificate is secured from the Fire Official, verifying that the property is in compliance with Chapter 223 "Fire Prevention" requirements.
- D. Such certificate of occupancy shall be granted or denied within 21 days from the date of the application for same. All applications are subject to review for open permits or outstanding violations, which shall be satisfactorily addressed prior to any inspection by the Housing Inspector being scheduled.
- E. For Commercial units, the owner or agent of the commercial or industrial building, or part thereof, or tenant is responsible for submitting an approved zoning permit or Planning Board approval resolution with the required application and fees in accordance with this section.
- F. Whenever the Housing Inspector shall have made an inspection of any property as herein provided in connection with a proposed sale of such property and upon determining that one or more violations of this code exist, the Housing Inspector shall, upon request of the owner of such property, distinguish between those violations that may endanger the public health or safety and those which do not. All public health and safety violations shall be corrected immediately. Upon receipt of a letter signed by any prospective purchaser of such property acknowledging the existence of those violations which do not endanger the public health or safety and accepting responsibility for the corrections of such violations, the Housing Inspector may issue a conditional certificate of occupancy enumerating the violations remaining to be corrected and specifying the time within which such violations should be corrected, which time shall be commensurate with the nature of the violations to be corrected.
- G. The Owner, or their agent, shall be responsible for resolving any open permits with the construction department prior to submitting an application for a Certificate of Occupancy.

§ 295-___ REGISTRATION OF LANDLORD

The landlord of a single unit dwelling or two (2) unit dwelling not owner-occupied shall be registered with the Clerk of the Borough of Oceanport, pursuant to N.J.S.A. 46:8-28, and provide a copy of the registration to each individual tenant by separate forms, the name, age and rental unit address of each occupant or tenant 18 years or older occupying a rental unit, and a floor plan of the rental unit. These forms shall be filed with the Borough Clerk and shall not be available for public inspection. For multi-family dwellings, a copy of the certificate of registration filed with the New Jersey Bureau of Housing Inspection shall be filed with the Clerk of the Borough of Oceanport.

§ 295-___ REGISTRATION FORMS.

In accordance with N.J.S.A. 46:8-28, all rental units shall be registered and licensed as provided herein.

A. Every owner shall file with the Housing Inspector or his designee a registration form or other forms developed by the Borough for each rental unit contained within a building or structure, which shall include the following information:

(1) The name, address and telephone number of the owner or owners of the premises and the record owner or owners of the rental business, if not the same persons, shall be provided. In the case of a partnership, the names and addresses of all general partners shall be provided, together with the telephone numbers for each individual partner, indicating where such individual may be reached both during day and evening hours, which telephone numbers shall include cell phone numbers. If the record owner is a corporation, the name and address of the registered agent and corporate officers of said corporation shall be provided, together with the telephone number for each such individual, indicating where such individual may be reached both during day and evening hours, which shall include providing the cell phone numbers of each such individual. All registration addresses shall be physical addresses; post office boxes alone are insufficient.

(2) If the address of the owner of record is not located in the County of Ocean, the name, address and telephone number of a person who resides in the County of Ocean who is authorized to accept notices from a tenant and to issue receipts therefor and to accept service of process on behalf of the owner of record.

(3) The name, address and telephone number of the managing agent of the premises, if any.

(4) The name, address and telephone number of the superintendent, janitor, custodian or other individual employed by the owner of record or managing agent to provide regular maintenance service, if any.

(5) The name, address and telephone number and cellular telephone number of an individual representative of the owner of record or managing agent who may be reached or contacted at any time in the event of an emergency affecting the premises or any unit of dwelling space therein, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith.

(6) As to each rental unit, a specification of the exact number of sleeping rooms contained in the rental unit and the exact number of sleeping accommodations contained in each of the sleeping rooms, identifying each sleeping room specifically by number and location within the apartment or dwelling and by the square footage thereof.

(7) As to each rental unit, the maximum number of occupants as established by the New Jersey State Housing Code.

(8) Name, address and telephone number of any and all rental agencies with the authority to lease or otherwise permit occupancy of the subject premises.

(9) Number of occupants or tenants occupying the rental unit.

(10) Whether or not the landlord has conducted a tenant screening for each new tenant and authorized adult household member.

(11) Such other information as may be prescribed by the Borough on the appropriate form or otherwise by ordinance or resolution.

§ 295-___ REGISTRATION FORM AMENDMENTS.

Every person required to file a registration form pursuant to this Article shall file an amended registration form within 20 days of any change in the information required to be included thereon. No fee shall be required for the filing of an amendment, with the exception of a change in ownership of the premises.

§ 295-___ SHORT-TERM/TRANSIENT RENTALS.

A. Short-term rental property prohibited uses. Notwithstanding anything to the contrary contained in the Borough Code, it shall be unlawful for an owner, lessor, sublessor, any other person(s) or entity(ies) with possessory or use rights in a dwelling unit, their principals, partners or shareholders, or their agents, employees, representatives and other person(s) or entity(ies), acting in concert or a combination thereof, to receive or obtain actual or anticipated consideration for soliciting, or advertising, offering, and/or permitting, allowing, or failing to discontinue the use or occupancy of any dwelling unit, as defined herein, for a period of 90 days or less. Nothing in this section will prevent formation of an otherwise lawful occupancy of a dwelling unit for a rental period of more than 90 days.

B. Sublease of any rental property. Any conditions pertaining to subleasing of rental property will require a new certificate of occupancy and full disclosure from the property owner.

§ 295-___ FEES.

The Borough shall charge nonrefundable fees for a CCO. Payment of fees shall be made at the time the application is submitted, and prior to the Borough official making any inspection as follows:

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| A. | Rentals/resales and transfers of ownership: | \$65 |
| B. | Commercial or industrial buildings or parts thereof: | \$100. |
| C. | Reinspection, each time: | \$50 |
| D. | Eligible Expedited certificate: | \$125 |

§ 295-___ OFFICIAL TO ISSUE CCO

The issuing officer for CCOs in the Borough of Oceanport shall be the Housing Inspector or his designee, if the designee has been approved by the governing body.

§ 295-___ ACCESS FOR INSPECTION.

A. Within 10 days of the receipt of a complaint alleging a reported violation of this chapter, the Housing Inspector shall

conduct an inspection as provided for below.

B. The Housing Inspector is hereby authorized to make inspections to determine the condition of rental facilities, rental units, hotels and rooming houses in order that they may promote the purposes of this chapter to safeguard the health, safety and welfare of the occupants of rental facilities, rental units, hotels and rooming houses and of the general public. For the purposes of making such inspections, the Housing Inspector is hereby authorized to enter, examine and survey rental facilities, rental units, hotels and rooming/boarding houses after giving 48 hours' notice, unless there is an emergency requiring immediate access. The owner or occupant of every rental facility, rental unit, hotels and rooming/boarding house shall give the inspecting officer free access to the rental facility, rental unit, hotel or rooming house at all reasonable times for the purpose of such inspections, examinations and surveys, including inspections of the registration forms and other forms required to be supplied to each tenant.

C. Every occupant shall give the owner of the rental facility, rental unit and rooming house access to any part of such rental facility, rental unit, hotel and rooming house after giving 48 hours' notice, unless there is an emergency requiring immediate access, for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or any lawful order issued pursuant thereto.

§ 295-___ OCCUPANT STANDARDS.

A. Only those occupants whose names are on file with the Borough Clerk as provided in this chapter may reside in the licensed premises. It shall be unlawful for any other person to reside in said premises, and this provision may be enforced against the landlord, tenant, or other person residing in said premises.

B. No rental facility shall be conducted in a manner which shall result in any unreasonable disturbance or disruption to the surrounding properties and property owners or the public in general, such that it shall constitute a nuisance as defined in the ordinances of the Borough of Oceanport.

C. The maintenance of all rental facilities and the conduct engaged in upon the premises by occupants and their guests shall at all times be in full compliance with all applicable ordinances and regulations of the Borough of Oceanport and state and federal laws.

D. Any landlord, tenant, or other person violating the provisions of this section shall be subject to the penalty provisions of this chapter.

§ 295-___ DISCLAIMER OF LIABILITY.

The Borough shall not be liable to any person or entity by reason of the inspections required by this Article or the issuance of a Housing Certificate of Occupancy. The issuance of a Housing Certificate of Occupancy by the Borough of Oceanport is not a warranty or guarantee that there are no defects in the residential dwelling or unit. The inspection of the land use, exterior and interior of the dwelling unit is limited to the visual inspection only. The Borough does not guarantee or approve, and shall not be responsible for, defects not noted in any inspection report or for any latent, structural or mechanical defects thereto.

§ 295-___ VIOLATIONS AND PENALTIES

Any person or organization that shall violate any provision of this article shall be subject to a penalty as set forth below: Unless another penalty is expressly provided by New Jersey statute, any person, firm or corporation in violation of this section may be subject to a penalty of \$500. A second offense of this section may be subject to a fine of \$1,000. A third offense of this section may be subject to a fine of \$2,000.

BE IT FURTHER ORDAINED, any article, section, paragraph, subsection, clause, or other provision of the Code of the Borough of Oceanport inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED, if any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, this ordinance shall take effect upon its passage and publication and filing with the Monmouth County Planning Board, and as otherwise provided for by law.

APPROVED ON FIRST READING

DATED: August 19 2021

JEANNE SMITH
Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED: September 16, 2021

JEANNE SMITH
Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____.

JOHN F. COFFEY, II
Mayor