

TOWNSHIP OF ROCHELLE PARK

ORDINANCE NO. #1004-09

**AN ORDINANCE TO REQUIRE THE ISSUANCE OF A
CERTIFICATE OF CONTINUING OCCUPANCY FOR
COMMERCIAL, INDUSTRIAL AND RESIDENTIAL PREMISES**

WHEREAS, the Township Committee of the Township of Rochelle Park determined that it is the obligation of the Township of Rochelle Park to protect public health, safety and welfare as it pertains to the proper maintenance of real estate situated within the municipality; and

WHEREAS, the Township Committee believes that the regular inspection of real property within the Township will prevalent hazardous conditions and preserve and maintain property values, as well as ensure compliance with occupancy limitations and the like; and

WHEREAS, it is further determined that periodic inspections of buildings used for commercial, industrial and residential purposes will promote the public health, safety and welfare of all citizens.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Rochelle Park, County of Bergen, State of New Jersey, as follows:

SECTION 1. **Definitions** - As used in this Chapter, the following terms shall have the meanings indicated:

ENFORCEMENT OFFICER - The Construction Official of the Township of Rochelle Park or such other officer designated by the Township Committee to enforce the provisions of this Chapter.

MULTIPLE DWELLING - Any building or structure containing two (2) or more rented or leased dwelling units occupied or intended to be occupied by two (2) or more persons, together with all appurtenant land, buildings and structures.

OCCUPANCY - The lawful possession of a dwelling unit, commercial or industrial space.

RESIDENTIAL BUILDING - Includes one (1), two (2) and three (3) family homes, multiple family dwellings and units therein and individual condominium and cooperative units.

OWNER - The person or persons holding a legal or equitable fee simple interest in a commercial, industrial or residential building, or in case of premises held in the cooperative form of ownership, the person or persons hold legal or equitable title to the cooperative shares allocated to a dwelling unit.

SECTION 2. CERTIFICATE OF CONTINUING OCCUPANCY REQUIRED.

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 Occupancy subject to the requirements of Section 3 here. 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, 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.

SECTION 3. CERTIFICATE REQUIRED FOR OCCUPANCY

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 Occupancy in accordance with the standards set forth in Section 2 of this Ordinance.

SECTION 4. SMOKE DETECTORS REQUIRED IN RESIDENTIAL BUILDINGS

No Certificate of Continuing Occupancy 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.

SECTION 5. APPLICATION FOR CERTIFICATE OF CONTINUING OCCUPANCY

Prior to any rental, lease or sale of any building or any portion thereof, as set forth in Section 3 above, the owner thereof shall apply to the Enforcement Officer on an appropriate form for a Certificate of Continuing Occupancy.

SECTION 6. TIME LIMIT FOR ISSUANCE OR DENIAL OF CERTIFICATE

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 thirty (30) days after completion of said application and shall issue a Certificate of Continuing Occupancy provided that the standards set forth in Section 2 of this Ordinance 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.

SECTION 7. FAILURE TO COMPLY

If after inspection by the Enforcement Officer, a Certificate of Continuing Occupancy 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 Section 2 of this Ordinance, 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 Occupancy.

SECTION 7-1. CORRECTION OF DEFICIENCIES

In the event that, upon inspection of the Enforcement Officer, a violation exists which reveals that the property is being utilized in violation of local ordinances regarding occupancy limitation or number of separate dwelling units, the following shall be required in order to satisfy the Enforcement Officer that said condition has been abated:

- A. If separate and distinct utility services are installed at the premises for the “illegal units”, these utility services must be removed to the satisfaction of the Enforcement Officer; and
- B. The present owner and contract purchaser, if any, must execute a statement, under oath, acknowledging that they are aware that the premises are to be used in a manner which is consistent with all local and state laws and they are further aware that all providers of municipal services and other municipal officials shall be obligated to report any violation of this Ordinance or any other ordinances of the Township of Rochelle Park and that they will be subject to fines and other penalties consistent with law in the event of said future violation.

SECTION 8. FEES

The following fees shall be applicable for the inspection and issuance of a Certificate of Continuing Occupancy:

- A. For one (1) family homes and individual condominiums, cooperative units and apartment units: \$ 75.00
- B. For two (2) family dwellings: \$ 75.00 per unit
- C. For multiple family dwellings: \$ 75.00 per unit
for the first two (2) units and
for each additional unit: \$ 25.00
- D. For commercial or industrial property:
 - (i) less than 3,000 square feet of gross floor area: \$200.00
 - (ii) between 3,000 and 10,000 square feet of gross floor area: \$250.00
 - (iii) more than 10,000 square feet of gross floor area \$250.00
plus \$25.00 for each 1,000 square feet.

SECTION 9. REPEALER:

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

SECTION 10: 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 11: EFFECTIVE DATE:

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

ATTEST:

VIRGINIA DE MARIA,
Municipal Clerk