

**ORDINANCE NO. 2018 – 09**

**AN ORDINANCE OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 156 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF LITTLE EGG HARBOR, ENTITLED “CERTIFICATES OF OCCUPANCY”**

**BE IT ORDAINED**, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey, as follows:

**SECTION 1.** The Township Code of the Township of Little Egg Harbor is hereby amended and supplemented so as to amend Chapter 156, entitled “Certificates of Occupancy,” so as to amend §156-1 entitled “Inspection upon initial occupancy or change of occupancy” so as to remove reference to the Construction Code Official and replace with “Zoning Officer or his/her designee” so that it shall read as follows:

All buildings, structures and units thereof that are leased or rented regardless of term, in the Township of Little Egg Harbor, for living or sleeping purposes, commercial or business purposes, or any other purpose shall be inspected by the Zoning Officer or his/her designee on every initial occupancy or change of occupancy, but there shall not be more than one such inspection fee of each leased or rented building, structure or units thereof in any calendar year.

**SECTION 2.** The Township Code of the Township of Little Egg Harbor is hereby amended and supplemented so as to amend Chapter 156, entitled “Certificates of Occupancy,” so as to amend §156-3 entitled “Responsibility of owner, agent or manager.” so as to remove reference to the Construction Code Official and replace with “Zoning Officer or his/her designee” so that it shall read as follows:

The owner, rental agent or manager of all buildings and structures and units thereof which are subject to inspection pursuant to this article shall be responsible for notifying, in writing, the Zoning Officer or his/her designee that such premises are leased or rented or being offered to be leased or rented so that an inspection or reinspection may be made.

**SECTION 3.** The Township Code of the Township of Little Egg Harbor is hereby amended and supplemented so as to amend Chapter 156, entitled "Certificates of Occupancy," so as to amend §156-4 entitled "Issuance of certificate." so as to remove reference to the Construction Code Official and replace with "Zoning Officer or his/her designee" so that it shall read as follows:

Upon completion of an inspection of the premises and the same being determined by the Zoning Officer or his/her designee to comply with this article, a rental certificate of occupancy shall be issued. A copy of the certificate shall be posted by the owner, rental agent or manager of the inspected property in each separate leased or rented unit. No tenant shall occupy any building, structure or any units thereof until a rental certificate of occupancy has been issued.

**SECTION 4.** The Township Code of the Township of Little Egg Harbor is hereby amended and supplemented so as to amend Chapter 156, entitled "Certificates of Occupancy," so as to amend §156-5 entitled "Notification of violations." so as to remove reference to the Construction Code Official and replace with "Zoning Officer or his/her designee" so that it shall read as follows:

In the event that the Zoning Officer or his/her designee determines after an inspection that the premises in question are in violation of this article, the Zoning Officer or his/her designee shall notify, in writing, the owner, rental agent or manager of the violations noted. Upon the correction of the violations, the owner, rental agent or manager shall notify, in writing, the Zoning Officer or his/her designee that the corrections have been made so that a reinspection of the property may occur. If, upon reinspection of the property, the Zoning Officer or his/her designee determines that the previous violations were not corrected or new violations exist, then the Zoning Officer or his/her designee shall again, in writing, notify the owner, rental agent or manager of the inspected property of the violations, and this process shall continue until all violations have been corrected.

**SECTION 5.** The Township Code of the Township of Little Egg Harbor is hereby amended and supplemented so as to amend Chapter 156, entitled "Certificates of Occupancy," so as to amend §156-7 entitled "Revocation of certificate." so as to remove

reference to the Construction Code Official and replace with "Zoning Officer or his/her designee" so that it shall read as follows:

If, subsequent to the issuance of a rental certificate of occupancy, the Zoning Officer or his/her designee learns or becomes aware of violations of this article, an inspection shall be made of the subject premises. If violations are found to exist, then notification in writing shall be given to the owner, rental agent or manager, and said person shall have 10 days from service of notice to correct all deficiencies noted therein. In the event that the same have not been corrected within 10 days, then the rental certificate of occupancy may be revoked by the Zoning Officer or his/her designee by mailing a revocation by certified mail to the owner, rental agent or manager and to the tenant or tenants, and the premises will be vacated.

**SECTION 6.** The Township Code of the Township of Little Egg Harbor is hereby amended and supplemented so as to amend Chapter 156, entitled "Certificates of Occupancy," so as to amend §156-9 entitled "Fees." so as to amend §156-9D to remove reference to the Construction Code Official and replace with "Zoning Officer or his/her designee" so that it shall read as follows:

D. The aforesaid fees shall be paid to the Zoning Officer or his/her designee prior to any inspection being made hereunder.

**SECTION 7.** The Township Code of the Township of Little Egg Harbor is hereby amended and supplemented so as to amend Chapter 156, entitled "Certificates of Occupancy," so as to amend §156-10 entitled "Certificate required." so as to remove reference to the Construction Code Official and replace with "Zoning Officer or his/her designee" so that it shall read as follows:

No single-family dwelling or dwelling unit of a multifamily dwelling or building or structure used for commercial or business purposes, may be sold and title transferred until a continued certificate of occupancy has been issued by the Zoning Officer or his/her designee or appropriate subcode official, or their agents, stating that said property so described therein complies with the Uniform Construction Code for a continued certificate of occupancy.

**SECTION 8.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 9.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 10.** This ordinance shall take effect after second reading and publication as required by law.

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Little Egg Harbor held on the 24<sup>th</sup> day of May, 2018, and will be considered for second and final passage at a meeting of the Township Committee to be held on the 14<sup>th</sup> day of June, 2018, at 7:30 p.m. at the Municipal Building located at 665 Radio Road, Little Egg Harbor, 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.

*Diana K. McCracken, RMC*  
**DIANA K. MCCRACKEN, RMC, Clerk**  
Township of Little Egg Harbor

**Motion to Introduce:** Stevens

**Second:** Kehm

<u>yes</u>	Crea	<u>yes</u>	Gormley	<u>yes</u>	Kehm
<u>yes</u>	Schlick	<u>yes</u>	Stevens		

**Motion to Approve:** Schlick

**Second:** Stevens

<u>yes</u>	Crea	<u>yes</u>	Gormley	<u>Absent</u>	Kehm
<u>yes</u>	Schlick	<u>yes</u>	Stevens		