

TOWNSHIP OF MAPLEWOOD



ORDINANCE

2739-13

**AN ORDINANCE
TO AMEND
CHAPTER 204
OF THE CODE
OF THE TOWNSHIP OF MAPLEWOOD
ENTITLED
"TRANSFER OF PROPERTY"**

"Interpretive Statement"

This ordinance will shift the obligation of securing a Certificate of Continued Use upon the transfer of ownership of property from the Purchaser to the Seller.

WHEREAS, the present ordinances of the Township of Maplewood ("Township") requires that on the transfer of ownership of property a Purchase of such property must obtain, from the Construction Official, a Certificate of Continued Use; and

WHEREAS, it has been suggested that the obligation to secure the Certificate of Continued Use, would better be placed upon the Seller of the property.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey, that Chapter 204 of the Code of the Township of Maplewood entitled "Transfer of Property" be amended as follows:

FIRST: Certificate of Continued Use

Section: 204-1. "Certificate required" shall be amended to read as follows:

Each time there is a transfer of ownership of property, or in the case of a rental property a change in tenancy, within the Township of Maplewood, a seller or lessor of such property must obtain from the Construction Official of the Township of Maplewood prior to the transfer of ownership or change of tenancy a certificate of continued occupancy certifying that the property may be continued to be used as it is currently being used, certifying the use of the property is a permitted use in the zone in which the property is located by virtue of either the fact that the use is a permitted

use in the zone or by virtue of the fact that the use is a nonconforming use in the zone which was established prior to the adoption of an ordinance which prohibited said use in the zone and establishing the maximum number of individuals who may legally occupy the premises as established under the 2006 IPM Code (the International Property Maintenance Code).

Section: 204-2. Fees.

- A. Fee for certificate. The fee for a certificate of continued occupancy shall be \$100 per dwelling unit or commercial space.
- B. Reinspection fee; fee for expedited processing. A reinspection fee of \$50 if the residence or commercial space is not in compliance. If an application is filed six to nine business days prior to a closing day, a fee of \$200 is in order to expedite processing. If an application is filed five or fewer business days prior to a closing date, a fee of \$300 is in order to expedite processing. If all permits are closed and no violations are found a certificate will be processed expeditiously to comply with the closing date noted.

Section: 204-3 Inspection prior to issuance.

Before a certificate of continued use and occupancy shall be issued, the Construction Official or his representative shall make an inspection of the premises to determine whether the certificate may or may not be issued. Before a certificate of continued use and occupancy will be issued, all open permits must be closed out.

Section: 204-4 Application; issuance.

Applications for a certificate of continued use and occupancy shall be submitted by the seller or lessor to the Construction Official of the Township of Maplewood, and once the application has been received by the Construction Official, the certificate indicating whether the present use may or may not be continued and the number of individuals who may legally occupy the premises shall be issued within six business days of the receipt of said application. In all cases, the seller or lessor shall personally sign a receipt indicating that the seller or lessor has received the certificate of continued use and occupancy. Additionally, all lessors shall provide to the Township Construction Official a certification establishing that a copy of the certificate of continued use and occupancy has been provided to and receipt acknowledged by each tenant. All applications must include the prospective owner's driver's license number or other recognized identification such as a passport. The issued certificate is only recognized for the buyer listed on the application form.

Section: 204-5 Failure to obtain certificate; fine.

In the event that the seller or lessor of property within the Township of Maplewood fails to obtain a certificate of continued use and occupancy prior to transferring ownership or permitting occupancy of a rental unit, the seller or lessor shall be subject to a fine of \$1,000. Additionally, a lessor is prohibited, upon a change of tenancy, from collecting rent on any rental unit until a certificate of continued use and occupancy is issued for the rental unit. The issuance of this certificate, in the case of a property required to be registered under the rental registration regulations of Maplewood Chapter 209, Article II, shall satisfy the initial registration of said rental under the ordinance as it pertains to rental registration for the first year.

SECOND: Severability

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

THIRD: Repeal of Prior Ordinances

Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any such inconsistencies.

FOURTH: Effective Date

This Ordinance shall take effect after final passage and publication and as provided by law.

PUBLIC NOTICE is hereby given that the foregoing proposed Ordinance was introduced and read by title for the first time at a meeting of the Township Committee of the Township of Maplewood, held on November 18, 2013, and that Committee met again on December 3, 2013, at 7:30 p.m. at the Municipal Building, 574 Valley Street, Maplewood, New Jersey, at which time and place the Committee proceeded to consider the said Ordinance on second reading and final passage.

ELIZABETH J. FRITZEN, R.M.C.
Township Clerk