

**BOROUGH OF FREEHOLD
COUNTY OF MONMOUTH
NO. 2014/2**

ORDINANCE AMENDING CHAPTER 8.40 (PROPERTY MAINTENANCE CODE), SECTION 8.40.040A (CERTIFICATES OF OCCUPANCY) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FREEHOLD

BE IT ORDAINED AS FOLLOWS:

Chapter 8.40 (Property Maintenance Code), Section 8.40.040 (certificates of occupancy) shall be amended as follows:

SECTION 1

8.40.040 A. Section P.M. 901.-1a is amended and supplemented to read as follows:

A. Section P.M.-901-1a is amended to read as follows:

- a. A Certificate of Occupancy must be obtained by the owner of real property prior to the sale, transfer, lease, rental or occupancy or change of occupancy of any structure, dwelling unit, apartment, office, store, commercial or industrial buildings located within the Borough of Freehold. The Certificate of Occupancy shall certify that said property is in compliance with all of the provisions of the B.O.C.A. Basic Property Maintenance Code and all other applicable ordinances of the Borough of Freehold.
- b. Upon the sale, transfer, lease, rental or occupancy of any structure, dwelling unit, apartment, office, store, commercial or industrial buildings located in the Borough of Freehold, the Seller or Landlord, prior to the closing of title and transfer of deed, shall obtain a Certificate of Inspection or Occupancy or a Conditional Certificate of Inspection or Occupancy for the building or structure being purchased, leased or occupied. A Certificate of Inspection or Occupancy shall be issued by the municipality upon the inspection of the building or structure by the code enforcement office and a finding that the building or structure is in compliance with all of the provisions of the B.O.C.A. Basic Property Maintenance Code and all other applicable ordinances of the Borough of Freehold. A Conditional Certificate of Inspection or Occupancy shall be issued for buildings or structures which are not in full compliance with the provisions of the B.O.C.A. Basic Property Maintenance Code or any other applicable ordinances of the Borough of Freehold. The purchaser of such a building or a structure shall not permit the building or structure to become occupied until said building or structure is reinspected and a Certificate of Inspection or Occupancy is issued.
- c. Reserved.
- d. Where the Planning Board or the Board of Adjustment has granted an approval for the use or the expansions of the use of a building or structure, a Certificate of Occupancy shall not be issued until the required improvements including landscaping, traffic controls and any other

improvements which may have been required in the granting of the approval for the use or the expansion of the use are inspected and found to be in place, functioning and being properly maintained in accordance with the provisions of the B.O.C.A. Basic Property Maintenance Code and all other applicable ordinances of the Borough of Freehold.

e. On the serving of notice by the Zoning Officer, Director of Code Enforcement, Housing Enforcement Officer or Code Enforcement Officer of the Borough of Freehold to the owner of any structure, dwelling unit, apartment, office, store, commercial or industrial building of a violation of any of the provisions or requirements of the B.O.C.A. Basic Property Maintenance Code or any applicable ordinances of the Borough of Freehold, the Certificate of Occupancy shall be deemed to be in violation and subject to a penalty. A new Certificate of Occupancy shall be required for any further use of such land or building.

f. No Certificate of Occupancy shall be issued unless a chimney cap has been placed on fireplace chimneys to prevent raccoons and other animals from entering the chimney.

g. No Certificate of Occupancy shall be issued unless a two and one-half (2 1/2) pound type ABC Dry Chemical Fire Extinguisher is mounted or maintained in the kitchen of any dwelling or within ten feet of the oven and stove except that the requirement for a fire extinguisher shall not apply in the event when the dwelling contains a full sprinkler system.

h. No Certificate of Occupancy shall be issued for any structure, dwelling unit, apartment, office, commercial or industrial building unless all construction permit fees and penalties, fire prevention permit fees and penalties and all other required fees have been paid in full, the property taxes are current and the water and sewer charges are paid in full as of the date of the inspection by the code officer.

Section 2

If any part of this Ordinance shall be deemed invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining part of this Ordinance.

Section 3

Any Ordinance or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed and superseded.

Section 4

This Ordinance shall take effect upon final passage and publication in accordance with Law.

Offered By: Griffiths

Seconded By: Kane

Roll Call:

Ayes: DiBenedetto, Kane, Griffiths, Schnurr, Shutzer, Sims

Nays: None

Absent: None

Abstain: None

NOTICE IS HEREBY GIVEN that Ordinance #2014/2 was introduced at a meeting of the Freehold Borough Council in the County of Monmouth, New Jersey, held on March 3, 2014 and passed on first reading and that such Ordinance will be further considered for final passage after public hearing at a meeting of said Mayor and Council to be held at the Municipal Building, 51 West Main Street in said Borough on March 17, 2014 at 7:00 PM or at any meeting to which that meeting may be adjourned, at which time all persons who may be interested therein will be given an opportunity to be heard.

TRACI L. DI BENEDETTO
BOROUGH CLERK