

TITLE: AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF ORANGE TOWNSHIP, COUNTY OF ESSEX, STATE OF NEW JERSEY, AMENDING CHAPTER 74 OF THE MUNICIPAL CODE OF THE CITY OF ORANGE TOWNSHIP, TITLED "CONSTRUCTION CODES, UNIFORM", AND CHAPTER 156 OF THE MUNICIPAL CODE OF THE CITY OF ORANGE TOWNSHIP, TITLED "PROPERTY MAINTENANCE", IN ORDER TO UPDATE LANGUAGE AND TRANSFER CERTAIN FUNCTIONS WITHIN THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT FROM THE BUILDING AND CONSTRUCTION DIVISION TO THE CODE ENFORCEMENT DIVISION.

WHEREAS, certain amendments to the Municipal Code ("Code") of the City of Orange Township ("City") are necessary to achieve certain operational and administrative efficiencies, as well as to correct inaccuracies; and,

WHEREAS, the Municipal Council now wishes to update and restructure the Municipal Code to accomplish the goals outlined herein.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ORANGE TOWNSHIP, COUNTY OF ESSEX, STATE OF NEW JERSEY as follows:

Section 1 Amendment to Municipal Code.

Part II (General Legislation) of the Municipal Code, as amended, is hereby further amended as follows:

Chapter 74 Construction Codes, Uniform

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§ 74-1 Enforcing agency.

A. Enforcing agency established.

(1) There is hereby established in the City of Orange Township a State Uniform Construction Code enforcing agency within the Department of Planning and Economic Development to be known as the "Division of Building ~~{Inspections}~~ and Construction ~~{Code Enforcement Department}~~", consisting of a Construction Official, Building Subcode Official, Plumbing Subcode Official, Electrical Subcode Official, Fire Protection Subcode Official and such other subcode officials for such additional subcodes as the Commissioner of the Department of Community Affairs, State of New Jersey, shall hereafter adopt as part of the State Uniform Construction Code. The Construction Official shall be the chief administrator of the enforcing agency. The enforcing agency shall be a division of the Department of Planning and Economic Development.

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§ 74-3 Construction Codes; Uniform Fees.

A. The fee for a construction permit shall be the sum of the subcode fees listed in Subsection A(1) through (7) hereof and shall be paid to the City of Orange Township before the permit is issued.

(UNDERScores ARE ADDITIONS, ~~{BRACED STRIKEOUTS}~~ ARE DELETIONS)

 A. MURPHY

(1) The Building Subcode fee shall be as follows:

....

(g) Fees for inspections and issuance of certificates of occupancy, approval and compliance shall be as follows:

....

[5] Prior to sale or change in occupancy of any unit in an existing commercial structure, a certificate of continued occupancy shall be issued. ~~{Four inspectors (building, plumbing, electrical and fire) are required for this inspection.}~~ The certificate of continued occupancy shall be proof that the structure in question complies with all health and safety codes for the City of Orange Township and State of New Jersey ~~{and is considered a legal nonconforming use}~~. Unit owners and/or occupants ~~{All units purchased by an}~~ operating as a partnership (general or limited), corporation or LLC will be required to provide proof of the entity's registration, incorporation or formation (as appropriate) and a valid Employer Identification Number ~~{a certificate of formation for all units purchased as well as the LLC's tax ID}~~.

....

~~{[12]}~~ ~~Prior to sale of any residential structure legally listed as a condo or townhouse, a certificate of continued occupancy shall be issued. The certificate of continued occupancy shall be proof that the structure in question complies with all health and safety codes for the Township and State of New Jersey and is considered a legal nonconforming use. All units purchased by an LLC will be required to provide a certificate of formation.~~

....

Chapter 156 Property Maintenance

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Article VII Certificates of Habitability for Residential Property Transfers

§156-41 Certificate required; application; fees; inspections; temporary certificates; duty to obtain.

A. It shall ~~{henceforth}~~ be unlawful to sell, purchase, convey or transfer title to ~~{for}~~ any ~~{owner and/or prospective purchaser of}~~ residential real property located in the City, including without limitation any townhouse, condominium, or other unit within a horizontal property regime ~~{to sell, convey, deliver or transfer and for any purchaser to purchase, take title or possession of any building or premises}~~ until a certificate of habitability is ~~{has been}~~ issued by the Division of Code Enforcement, ~~{to the effect}~~ signifying that said ~~{building or premises}~~ property complies with and conforms to the provisions of this chapter, ~~{, by the Director of the Building Inspections and Code Enforcement Department or his designee}~~. The certificate of habitability shall be issued after proper application has been executed and filed by the property's owner and/or ~~{the}~~ purchaser as required, and after inspection and approval by the Division of Code Enforcement ~~{a housing inspector designated by the Director of the Department}~~.

B. Application; Inspection; Fees.

(UNDERSCORES ARE ADDITIONS, {BRACED STRIKEOUTS} ARE DELETIONS)

(1) To apply for a certificate of habitability, the property's owner and/or purchaser must submit a complete application~~(a letter)~~ and the required fee, as listed below~~, requesting a certificate of habitability~~.

....

- C. ~~(In the event that)~~If the agreement of sale~~(, conveyance or transfer of possession)~~ for the property ~~(provides for or)~~contemplates an "as is" conveyance or transfer, then a copy of said agreement shall be attached to the application, ~~(which)~~and the application must be signed by ~~(both)~~the ~~(seller, grantor or transferor)~~owner and the purchaser~~(, grantee or transferee)~~. If ~~(the)~~an inspection of the ~~(building or premises)~~property by the Division of Code Enforcement reveals violations of the Housing, Building, Plumbing, Fire and Electrical ~~(C)~~Subcodes and/or ordinances ~~(which will)~~that cannot be repaired or corrected before title closing or transfer of possession, then the ~~(Director of the Department of Building Inspections and)~~Division of Code Enforcement~~(Department)~~ may issue a nonrenewable temporary certificate of habitability, ~~(which certificate will be)~~valid for ~~(a period not in excess of)~~no more than ~~(six (6))~~ months ~~(from)~~following the date of conveyance or transfer of possession. When a temporary certificate of habitability is issued, the purchaser~~(or transferee)~~ shall acknowledge receipt of said temporary certificate~~(and)~~, along with the purchaser's obligation to comply with the provisions and requirements of the Housing, Building, Plumbing, Fire and Electrical ~~(C)~~Subcodes and ~~(the city)~~all ordinances applicable to same.
- D. The owner and purchaser shall have equal responsibility~~(and/or liability)~~ for obtaining the certificate of habitability for the property,~~(is both with the property owner and/or prospective purchaser. The fact that one () and a failure to do so by 1()~~ or both parties~~(have abrogated the responsibility hereinabove)~~ shall not diminish the liability of either ~~(one or the other)~~party to the exclusion and/or inclusion of the other.

§ 156-42 Exemptions.

The ~~(following)~~transfer~~(s)~~, conveyance or delivery of any residential property ~~(building or premises are)~~under the following circumstances shall be ~~(hereby)~~exempt from the requirement ~~(of an application for)~~to obtain a certificate of habitability:

- A. ~~(Whenever a transfer, conveyance or delivery of premises is)~~if made between immediate family members~~(of a family)~~, including ~~(but not limited to)~~without limitation spouses~~(husband and wife)~~.
- B. ~~(Whenever a)~~if the property ~~(or premises has been)~~was inspected and a certificate of habitability ~~(has been)~~was issued within ~~(six ()~~the immediately preceding 6() months~~(prior thereto)~~.
- C. ~~(Whenever)~~if the property ~~(premises are)~~was purchased specifically for the building thereon to be demolished, (then,)in ~~(that event)~~which case, notice of said intention~~(s)~~ shall be given to the ~~(Director of Building Inspections and)~~Division of Code Enforcement in writing and the necessary demolition permit shall be applied from the applicable department within the City of Orange Township.
- D. ~~(Transfer or delivery of premises)~~if the property was transferred by reason of probate proceedings~~(. This shall be exempted only if the purchaser or purchasers, or)~~, provided

that the grantees ~~{or grantors,}~~ are heirs or beneficiaries under a probated last will and testament.

Section 2 Severability of Ordinance Provisions.

Each Section of this Ordinance is an independent Section and any part hereof found unconstitutional, void or ineffective for any cause shall not affect the validity or constitutionality of any other parts hereof.

Section 3 Conflicts and Inconsistencies.

All other Ordinances and parts of Ordinances that conflict or are inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency.

Section 4 Effective Date.

Following final passage, this Ordinance shall take effect upon the expiration of 20 days after publication, unless otherwise provided by the Municipal Council.

PURPOSE: To correct errors and transfer duties between administrative divisions.

FISCAL IMPACT: None.

Adopted:

Joyce L. Lanier
City Clerk

Tency A. Eason
Council President

Approved:

Dwayne D. Warren, Esq.
Mayor

ORDINANCE NO. 62-2023

REGULAR MEETING – September 19, 2023

MOTION TO ADOPT: Ross

SECOND: Montague, III

YEAS: Coley, Hilbert, Montague, III, Ross, Wooten & Council President Eason

NAYS: None

ABSTENTIONS: None

ABSENCES: Summers-Johnson

PUBLIC HEARING– SECOND READING: October 17, 2023