

**AN ORDINANCE AMENDING CHAPTER 25, SECTION 40.2 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(PERMITS)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 25 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to amend and update the fees for a certificate of continued occupancy for commercial properties to add a maximum cap of \$5,000 for the fee.

II. CHAPTER 25, SECTION 40.2 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

25-40.2 Permits.

a. Building Permits.

1. No building, structure or part thereof shall be erected, constructed, reconstructed, structurally altered or moved until there has been filed with the Construction Official a plan in duplicate, drawn to scale showing the actual dimensions, radii and angles of the lot to be built upon, the exact size and location of the main structure, building or buildings, together with accessory buildings, if any, supplemented by such other information as may be necessary to provide for the enforcement of this chapter, and to determine the propriety of issuance of a Building Permit by the Construction Official, with a prior signoff of the Zoning Officer.
2. No Building Permit shall be issued for the erection, construction, reconstruction, alteration or moving of any building or structure or part thereof, unless the plans indicate that such building or structure or part thereof, is designed and intended to conform in all respects to the provisions of this chapter, and until either the Planning Board or Zoning Board, where applicable, have approved a site plan that conforms with the requirements of this chapter. However, in the case of a permitted single family house, Planning Board or Zoning Board approval is not required prior to the issuance of a Building Permit unless specific conditions have been placed on the property by the Township Council.
3. Prior to the issuance of a Building Permit or Certificate of Occupancy for any permitted or nonconforming use, the applicant shall apply for any required approvals from the Planning Board or Board of Adjustment, such as site plan or variance approval.

4. Prior to the issuance of Building Permits for any application approved by the Planning Board or Zoning Board of Adjustment, the applicant shall submit eight copies of plans (site plans and architectural plans including floor plans and elevations) to the Planning Director to be signed by the Township Engineer, the Board Chairman and the Board Secretary. Signed plans in accordance herewith are required before any construction or other permits may be issued.
5. If any construction takes place that deviates from the plans or resolution of approval by the Planning Board and/or Zoning Board of Adjustment, the approval shall be deemed null and void.
6. If the approval is deemed null and void, all construction must stop.
7. Prior to the issuance of any construction or building permits, all required governmental permits and approvals must be obtained and copies provided to the Director of Planning and Municipal Engineer.

b. Certificate of Occupancy Permit.

1. Upon the completion in compliance with all the provisions of this chapter of any building or structure or alteration or enlargement thereto, upon the putting into use of any premises, lot or land where no building or structure is involved, or upon any change in tenancy for any nonresidential structure or lot, the owner or agent shall apply to the Construction Official and Zoning Officer in writing, for the issuance of a Certificate of Occupancy or use, pursuant to the provisions of this section. The Certificate, when issued by the Construction Official and Zoning Officer, shall show that the building or structure, premises, lot or land or part thereof and the proposed use are in conformity with the provisions of this chapter and of all other applicable ordinances. It shall be the duty of the Construction Official and Zoning Officer to issue a Certificate of Occupancy or use within 10 days after a written request for the same shall be filed in his/her office by the owner or agent, after having determined that the building or structure, premises, lot or land and the proposed use conform with this chapter and all other applicable ordinances.
2. No Certificate of Occupancy shall be issued unless the Township Engineer shall certify, where applicable, that all construction improvements have been installed pursuant to the plans as filed with the Construction Official and Zoning Officer.

3. A Certificate of Occupancy or Use shall be similarly applied for in the name of the owner, in the case of any building, structure, or premises, lot or land proposed to be put into use pursuant to any variance of the provisions of this chapter granted by the Board of Adjustment or by the Planning Board. Such certificate, when issued by the Construction Official and Zoning Officer, shall include a detailed description of the variance.
 4. Upon written application of the owner or agent, the Construction Official shall issue a Certificate of Occupancy or use for any building or structure, premises, lot or land existing and in use on the effective date of this chapter, provided that he shall find that the use of such building or structure, premises, lot or land is in conformity with the provisions of this chapter and of all other applicable ordinances.
 5. Upon written application, the Construction Official is empowered to issue limited and conditional Certificates of Occupancy for nonconforming buildings or structures accessory and incident to building construction or public works projects or to the holding of public, civic or charitable entertainments or exhibition for profit or nonprofit sponsored under public or private auspices; provided that no certificate shall cover a period exceeding six months; and further provided that the certificate shall prescribe such reasonable conditions as will properly protect the public health, safety, morals and general welfare of the neighborhood in which such structure is situated.
 6. The Construction Official shall require from the Planning Board a written order before issuing a Certificate of Occupancy or Use in cases involving a conditional use pursuant to Subsection **b** of this subsection or a variance from the provisions of this chapter pursuant to Subsection **25-24.2**.
 7. (Reserved)
 8. Prior to the issuance of a building permit or Certificate of Occupancy for any permitted or nonconforming use, the applicant shall apply for any required approvals from the Planning Board or Board of Adjustment, such as site plan or variance approval.
 9. Fees. Any person requesting a Certificate of Occupancy shall pay a fee of \$50 per dwelling unit for the inspection.
- c. Environmental Impact Permits shall be issued pursuant to § **25-13**.
 - d. Certificate of Continued Occupancy.

1. Prior to the sale or rental of any existing residential structure containing one unit or more, a Certificate of Continued Occupancy must be obtained which shall be issued by the Construction Official or designated agency or department provided with the authority to grant and issue such certificates. The application of such permit shall be made by the owner of record and shall comply with such administrative provisions as required by the Construction Official in accordance with N.J.A.C. 52:27D-198.1. The Certificate of Continued Occupancy shall be proof that the structure in question complies with all health and safety codes of the Township and State of New Jersey, that it is in compliance with all fire safety requirements as set forth in Chapter **18**, § **18-3**, of the Township Code, and that it is in compliance with the Land Use Regulations of the Township or is considered a legal nonconforming use.
2. Prior to the sale or change in occupancy of any unit in an existing commercial structure, a Certificate of Continued Occupancy shall be issued by the Construction Official. The application of such permit shall be made by the owner of record and shall comply with such administrative provisions as required by the Construction Official. The Certificate of Continued Occupancy shall be proof that the structure in question complies with all health and safety codes of the Township and State of New Jersey that it is in compliance with all fire safety requirements as set forth in § **25-40.3** of this chapter of the Township Code, and that it is in compliance with the Land Use Regulations of the Township or is considered a legal nonconforming use.
3. The Certificate of Continued Occupancy shall state the maximum number of persons that may lawfully occupy the premises covered by the certificate. The occupancy number must match the documentation submitted.
4. The fee for requesting the issuance of a Certificate of Continued Occupancy shall be as follows:

Single Unit Residential Dwelling	\$100
2 Unit Residential Dwelling	\$150
3 Unit Residential Dwelling	\$200
4 Unit Residential Dwelling	\$250
5 Unit Residential Dwelling	\$300
6 Unit Residential Dwelling	\$350
Sale or Change in Occupancy of Commercial Space	\$100 per unit up to 1,000 square feet or \$0.10 per square foot for 1,001 square feet to 5,000 square feet or \$0.15 per square foot for 5,001 square feet and up to a maximum of \$5,000.
Reinspection fee	\$50

5. It shall be the responsibility of the Tax Assessor of the Township to advise individuals requesting tax assessment searches that a Certificate of Continued Occupancy is required in connection with the sale of any single unit residential dwelling, any sale or change in occupancy of any residential structure containing one or more units or any change in occupancy of any existing commercial unit.
6. Any person seeking a determination from the Construction Official that a Certificate of Continued Occupancy is not required prior to the sale of any existing building, dwelling unit or residence shall pay to the Township a fee of \$25 for such determination.
7. Notwithstanding anything to the contrary herein, anyone who obtains title or held an ownership interest without first obtaining a Certificate of Continued Occupancy shall be fully responsible and liable under this ordinance.
8. To the extent that an owner fails to obtain a Certificate of Continued Occupancy and closes title, the owner shall remain liable for a separate violation on each day until a Certificate of Continued Occupancy is issued. This continuing violation for each and every day shall be consistent with § 25-59b.
9. Any person who serves as an agent, employee or representative of any party to a real estate transaction, including but not limited to any licensed real estate broker, attorneys for seller, buyer, and/or lender may be found liable for a violation hereunder and punished to the full extent of the law.
10. Upon inspection of any building, premises, apartment or any other dwelling unit, the Construction Official, upon finding that the dwelling unit contains only minor violations of this chapter which are not related to the health, safety and welfare of a prospective tenant so as to prohibit occupation of the tenant, may allow a Temporary Certificate of Continued Occupancy to be issued which shall be conditioned upon the property owner's, landlord's or tenant's complying with the provisions of this chapter and the Uniform Construction Code within a reasonable period of time not to exceed 30 days or as per the construction official in writing from the issuance. A permanent Certificate of Continued Occupancy, when all requirements are met within the given time period, shall have no additional fee.

III. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

IV. SEVERABILITY

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

V. EFFECTIVE DATE

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

ROBERT D. PARISI, MAYOR

**CINDY MATUTE BROWN
COUNCIL PRESIDENT**

**KAREN J. CARNEVALE, R.M.C.
MUNICIPAL CLERK**

INTRODUCED: November 9, 2021

ADOPTED: November 23, 2021

Legislative History

This ordinance amends and updates the fees for a certificate of continued occupancy for commercial properties to add a maximum cap of \$5,000 for the fee.