

ORDINANCE 2018-03

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AMENDING CHAPTER 13, ENTITLED "HOUSING", OF THE *REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN*

WHEREAS, the Housing Inspector, in coordination with the Construction/Zoning Official recommends certain changes to the Housing ordinance of the Borough; and

WHEREAS, The Mayor and Council of Hightstown Borough have determined that said revision to the Housing ordinance is required pursuant to the request.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Hightstown as follows:

1. Section 1. The following subsections of Chapter 13, "Housing", of the *Revised General Ordinances of the Borough of Hightstown* are hereby amended and supplemented as follows (deletions in ~~strikeout~~ text, additions underlined):

Subsection 13-7-1 Certificate of Compliance Required for Occupancy/Transfer of Title.

Pursuant to N.J.S. 40:48-2.2(a), at least thirty (30) days prior to the scheduled date of a new occupancy of any dwelling house which has been sold or is under contract to be sold, the seller or buyer thereof, or the authorized agent of either, shall apply to the Housing Office for a certificate stating that the building and premises comply with the requirements of this chapter. A Certificate of Compliance is still required for any dwelling house which has been sold and in which occupancy is not immediately planned. The new owner has to obtain the Certificate of Compliance within ten (10) business days after closing on the house. The Housing Inspector needs to determine the safety of the house and inform First Responders of any hazardous conditions in the dwelling unit. In the event occupancy is to take place more than one hundred (120) days after the issuance of the certificate, an additional inspection and new certificate shall be required prior to occupancy. No such dwelling shall be occupied prior to the issuance of such a certificate unless such occupancy is permitted in writing, on a temporary basis, by the Housing Inspector, for a term to be determined by him depending upon the particular circumstances of each case; provided, however, that such term shall not exceed a cumulative period of one hundred twenty (120) days. The Housing Inspector may, upon receiving a written petition detailing unique circumstances, and upon good cause shown, permit an extension of the one hundred twenty (120) day term for an additional sixty (60) days. ~~It is the intent of this section to regulate the occupancy not the transfer of real property.~~ A dwelling house shall mean an owner-occupied single-family house or an owner-occupied dwelling unit in a building containing more than one (1) owner-occupied dwelling unit, including a condominium unit. See subsection 13-8.1 for Certificate of Occupancy requirements for rental units. (1991 Code § 121-46; Ord. No. 823 § 6; Ord. No. 94-6 § 4)

Subsection 13-7-2 Fees; Inspections.

The Housing Code Certificate required by subsection 13-7.1 hereof shall be secured from the Borough Housing Inspector. At the time of the fully completed application for such certificate, a fee of one hundred (\$100.00) dollars shall be paid, if submitted a minimum of 10 business days prior to the closing date. For fully completed applications submitted less than 10 business days prior to the closing date, a fee of one hundred fifty (\$150.00) dollars shall be paid. For fully completed

applications submitted less than 5 business days prior to the closing date, a fee of two hundred (\$200.00) dollars shall be paid. The fee shall cover the application and initial inspection of the premises and the issuance of the Certificate. In the event that any additional inspections of the premises are required because of a failure of the owner to comply with the provisions of this chapter, an additional fee of fifty (\$50.00) dollars shall be paid for each additional inspection required. All fees shall be made payable to the Borough of Hightstown and be delivered to the ~~Housing Inspector~~ Borough Offices and turned over to the Borough Treasurer. In the event of cancellation of a requested inspection, the Housing Department must be notified within twenty-four (24) hours prior to the scheduled inspection time. Failure to do so will result in forfeiture of the inspection fee. (1991 Code § 121-47; Ord. No. 823 § 6; Ord. No. 94-6 § 4; Ord. No. 2004-31 §4; Ord. No. 2008-09 § 7; Ord. No. 2015-22)

Subsection 13-12-10 Violations; Penalties

~~Any person who violates any provision of this Ordinance shall, upon conviction in the Municipal Court of the Borough of Hightstown or such other court having jurisdiction, be liable to a fine not exceeding \$1,250.00 or imprisonment for a term not exceeding 90 days, or both. Each day that a violation exists or occurs shall be deemed a separate and distinct violation subject to penalty provisions of this Ordinance. (Ord. No. 2015-22)~~

- a. **General Penalty.** Except as otherwise set forth herein, any person who shall violate any of the provisions of this chapter shall be subject to penalties as set forth in Section 1-5 of the Revised General Ordinances of the Borough of Hightstown. Each violation of any of the provisions of this chapter and each day that such violation shall continue shall be deemed to be a separate and distinct offense.

b. **Payable violations.**

Subsection 13-3-1	Maintenance.
Subsection 13-3-3	Water Supply.
Subsection 13-3-2	Sump Pump and Sewer Line Clean-Outs.
Subsection 13-3-4	Plumbing and Heating
Subsection 13-3-5	Electrical.
Subsection 13-3-6	Smoke and Carbon Monoxide Alarms Required
Subsection 13-3-7	Fences
First offense	\$100
Second offense	\$200. Court appearance required
Subsequent Offenses	Not to Exceed \$2,000 Court appearance required

Subsection 13-3-12	Signs
Subsection 13-4-4	Minimum Standards for Heating
Subsection 13-4-5	Egress.
Subsection 13-4-7	Additional Maintenance Requirements
Subsection 13-4-8	Additional Responsibilities Concerning Garbage, Rubbish and Recyclable Materials
Subsection 13-4-9	Additional Responsibilities Concerning Insects and Rodents
Subsection 13-4-10	Owner Responsible
First offense	\$150
Second offense	\$300 Court appearance required
Subsequent Offenses	Not to Exceed \$2,000 Court appearance required

Subsection 13-3-8	Use and Occupancy of Space.
Subsection 13-6-13	Compliance Required
Subsection 13-7-1	Certificate of Compliance Required for Occupancy
Subsection 13-8-1	Certificate of Compliance Required

Subsection 13-12-2	Registration Required
Subsection 13-12-6	Maximum Number of Occupants; Posting
Subsection 13-12-8	Occupant Standards
First offense	\$250
Second offense	\$500 Court appearance required
Subsequent Offenses	Not to Exceed \$2,000 Court appearance required

- c. Lien to be Placed on Property. In addition to the foregoing, and all other remedies available to the Borough, the Borough Treasurer, upon appropriate notification from the Mayor and Council and appropriate certification from the enforcement officer, shall place a lien on any property determined by the enforcement officer to be in violation of the provisions of this code, in the amount of any and all administrative expenses and any and all actual expenditures for work necessary in order to maintain the property and/or abate the violation, including the cost of removal of any offensive construction materials, refuse, hazards, overhanging objects or any other offending physical object. The lien placed upon such lands shall be added to and become and form a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes. Costs shall be in addition to any penalties imposed for any violation of this Chapter.

Section 2. This Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

Section 3. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

Introduction:

Adoption:

ATTEST:

DEBRA L. SOPRONYI
MUNICIPAL CLERK

LAWRENCE D. QUATTRONE
MAYOR