

ORDINANCE NO: 8-10

AN ORDINANCE AMENDING CHAPTER 12-2.3 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT WITH REGARD TO CERTIFICATES OF OCCUPANCY

WHEREAS, pursuant to *N.J.S.A. 40:48-1 et seq.*, the power to adopt public ordinances for public health, safety and welfare of the Borough is conterminous with the power of the legislature; and

WHEREAS, the Mayor and Borough Council of the Borough of Keyport declare that in order to promote public health, safety and welfare it is imperative that the Borough maintain and update its Certificate of Occupancy requirements and/or fees; and

WHEREAS, the Borough has determined that there is a need to change the manner in which Certificate of Occupancy approvals are issued; and

WHEREAS, the Mayor and Council of the Borough of Keyport wish to amend Chapter 12-2.3 of the Revised General Ordinances of the Borough of Keyport which governs requirements for Certificates of Occupancy.

NOW THEREFORE, BE IT ENACTED by the Mayor and Council of the Borough of Keyport that:

Chapter 12-2.3 is amended as follows.

c. **Section PM-105.12 Certificate of Occupancy Requirement:**

No owner shall occupy or let an occupant, nor shall any person lease or occupy, any vacant dwelling, lodging or commercial unit unless a Certificate of Occupancy, which certifies that the unit is fit for human habitation as set forth in this Code, shall first be obtained from the Code Official. Application forms for a Certificate of Occupancy shall be prepared by the Borough and made publicly available at the office of the Code Official.

Upon filing an application, an applicant shall ~~be charged~~ pay a non-refundable application fee of ~~twenty~~ seventy-five dollars (~~\$25~~ 75) for a dwelling or lodging unit or for a commercial unit, ~~thirty-five dollars (\$35) for a commercial unit~~, by to the Borough to cover the cost of inspection. If the application is rejected, one (1) reinspection shall be provided with no additional fee. However, if a third inspection is required, ~~Following a rejection of an application,~~ a new application fee of same amount shall be payable prior to reinspection of the premises. The Code Official shall make such inspections within ten (10) business ~~(10)~~ days after the request therefor, or as soon as reasonably possible thereafter.

If it is necessary to perform the function of inspection in an expedited manner, the following fee schedule shall apply:

\$ 155.00 Certificate of Occupancy to be performed between 4 and 10 days from the date of the application

\$ 210.00 Certificate of Occupancy to be performed less than 4 days from the date of the application

If any part or parts of the Ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this Ordinance.

All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

This Ordinance shall become effective immediately upon its final passage and publication as required by law.

Introduced: April 27, 2010

Public Hearing: May 18, 2010

Adopted: May 18, 2010

Valerie T. Heilweil, RMC

Borough Clerk

Borough of Keyport

Robert J. Bergen, Mayor

Borough of Keyport