

Ordinance No. 1930-07

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LAWRENCE REQUIRING INSPECTION PRIOR TO CHANGE IN OCCUPANCY;
CERTIFICATE OF INSPECTION**

BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that:

Section 1

Inspection prior to change in occupancy; certificate of inspection;

Code Inspection Prior to Sale, Lease, or other Transfer of Realty

- A. Residential (single family):** Prior to any sale, rental or other transfer of any single family residential real estate, or part thereof, to another, the owner shall apply for and obtain a Certificate of Inspection, as provided for herein, issued by the Fire Official or his or her designee.
- B. Residential (rental):** Prior to any sale, rental or other transfer of any rented single family residential real estate, or part thereof, to another, the owner shall apply for and obtain a Certificate of Inspection, as provided for herein, issued by the Fire Official or his or her designee.
- C. Residential (less than three units):** Prior to any sale, rental or other transfer of any residential real estate containing less than three units, or part thereof, to another, the owner shall apply for and obtain a Certificate of Inspection, as provided for herein, issued by the Fire Official or his or her designee.
- D. Non-Residential:** Prior to any sale, rental or other transfer of any Non-Residential real estate, or part thereof, to another, the owner shall apply for and obtain a Certificate of Inspection, as provided for herein, issued by the Fire Official or his or her designee.

Inspection

- A. The owner of real estate, set forth above, shall apply for the issuance of a Certificate of Inspection on forms to be provided by the Fire Official. The application shall at least contain the name of the owner and the name of the person signing the notice and the relationship to the owner; shall describe the property or portion thereof to be transferred by street address or in such other manner as may reasonably be required by the Fire Official and shall be accompanied by the fee set forth by ordinance.**
 - 1. Within fifteen (15) working days of receipt of the application and fee, the Fire Official shall make an inspection and issue a written Inspection Certificate, in duplicate, stating (a) that an inspection of the premises has been made, specifying any violations of any applicable ordinance statute or code relating to the premises, including the BOCA National Property Maintenance Code as adopted or (b) if there are no such violations, stating that there are none, or (c) that an inspection is not required because of the provisions below.**
 - 2. Each certificate shall be dated and the Fire Official shall retain a duplicate copy.**

3. **If the inspection is not conducted within the time specified above, the owner shall be under no further obligation.**
 4. **By such inspection the Township of Lawrence, its agents, servants, employees or officers, does not guarantee quality or soundness of any property or structure and it is not and will not be liable for any act or omission in connection with an inspection or failure to inspect, nor is the Township, its agents, servants, employees or officers, in any way involved in any contractual relationship between owners, tenants and/or purchasers. Such inspections are conducted only to determine compliance with established codes as may be ascertained by reasonable observation.**
 5. **This Ordinance shall not be construed to prohibit a transfer of property; but shall be construed to prohibit occupancy without the issuance of a Certificate of Inspection which is otherwise exempt as provided in this Ordinance.**
- B. If an inspection has been made and a Certificate of Inspection issued within one year prior to the date of receipt of the completed application, or if a Certificate of Inspection has been issued for the premises within one year prior to the date of receipt of such completed application, the Fire Official may, but is not required to, make an inspection.**
- C. If a property transfers between a parent and child, or spouse, a Certificate of Inspection is not required.**
- D. Prior to completing the sale, rental or other transfer, the owner shall inform any transferee(s) of any violations reported by the Fire Official, and shall give the transferee(s) a copy of the Certificate of Inspection.**
1. **All violations shall be corrected prior to completing the sale, rental or other transfer, except as otherwise provided for in this Ordinance.**
 2. **Failure of the owner to comply with this provision does not relieve the transferee(s) from the obligations imposed by this Ordinance, or any of the relevant statutes, ordinances or Codes.**
 3. **The buyer of any residential property for sale under this Ordinance can accept responsibility for outstanding violations. The buyer cannot, though, inhabit the property if any violations are of a life and safety nature. Otherwise, with minor violations, the Fire Official can permit the buyer to occupy the property. A buyer will have forty-five (45) days to complete all repairs before a Certificate of Inspection is issued.**
- E. Any owner who violates this ordinance by failing to apply for a Certificate of Inspection under this Ordinance, or, by failing to inform the transferee(s) of violations, shall be liable upon conviction of such violation, to forfeit and pay a penalty not to exceed five hundred dollars (\$500.00) or ninety (90) days imprisonment or both, in the discretion of the court, for every such violation.**
- F. Upon correction of all violations noted in the Inspection Certificate, the Fire Official shall issue a new Certificate of Inspection.**
- G. Exceptions:**
1. **No inspection under this Ordinance shall be required in the case of the sale, rental or other transfer of unimproved real estate.**

2. Where no immediate occupancy is contemplated in a residential property transfer, an inspection under this Ordinance shall not be required, however, prior to residential occupancy, an inspection under this Ordinance or as required by the New Jersey Uniform Construction Code shall be conducted.
3. Any Non-Residential property for which a certificate of occupancy is required under the New Jersey Uniform Construction Code prior to occupancy shall be exempt from this section.

H. Any owner who desires to appeal from a Certificate of Inspection may file an appeal pursuant to the BOCA National Property Maintenance Code.

Section 2

In addition to the inspections provided for above, the Fire Official shall make or provide for periodic inspections, at least annually, of all structures and premises used for multiple dwelling purposes, such as apartments, motels, hotels and rental cottages. Any violation of any applicable statute, code or ordinance shall be remedied and such penalties shall be imposed as are provided by the applicable statute, code or ordinance. The Fire Official shall issue a Certificate of Inspection specifying such violations if any, and upon request of the owner shall issue a further Certificate of Inspection indicating that the specified violations have been remedied.

Nothing in this section is intended to limit or restrict the application of the provisions of the Hotel and Multiple Dwelling Act of the State of New Jersey, as from time to time amended, to the extent that that act supersedes the provisions of this Ordinance or any ordinances, regulations or codes now or hereafter adopted by the Township of Lawrence.

Section 3

For each inspection made pursuant to Section 1 of this Ordinance, there is established a fee of seventy-five dollars (\$75.00). For each inspection pursuant to Section 1 with multiple dwelling units, the following fees are established:

<u>Number of Units</u>	<u>Cost per unit</u>
For Units 1 through 7	\$33.00 per unit
For Units 8 through 24	\$21.00 per unit
For Units 25 through 48	\$18.00 per unit
For Units 49 and up	\$12.00 per unit

Section 4

If any article, section or part of this ordinance shall be declared to be unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, no such determination shall be deemed to invalidate the remaining articles, sections or part of this ordinance.

Section 5

All ordinances and all provisions thereof inconsistent with this ordinance or any part hereof are hereby repealed. Nothing in this ordinance is intended to limit inspections provided for by an applicable ordinances that may be in addition to the inspection provided for herein.

Section 6

This ordinance shall take effect twenty (20) days after adoption.

Adopted: May 15, 2007