

**BOROUGH OF WOODLAND PARK
COUNTY OF PASSAIC, STATE OF NEW JERSEY
ORDINANCE NO. 22-23**

**AN ORDINANCE TO AMEND CHAPTER 17, SECT. 17-8
CERTIFICATE OF OCCUPANCY AND WATER METER
REQUIREMENTS FOR CHANGE OF OWNERSHIP, OCCUPANCY
OR TENANT FOR RESIDENTIAL DWELLINGS WITHIN THE
BOROUGH OF WOODLAND PARK, AND REQUIRED
ADJUSTMENT(S) FOR WATER METERS**

BE IT ORDAINED, by the Borough Council of the Borough of Woodland Park, in the County of Passaic and State of New Jersey as follows:

I. AUTHORITY

This ordinance is adopted pursuant to the authority established within the Borough of Woodland Park, pursuant to N.J.S.A. 59: 1-1, et. seq.

A. Dwelling Certificate. (I.E.: CERTIFICATE OF OCCUPANCY). This Ordinance is to supplement and be read in conjunction with Borough Ordinance 22-50.2, regarding Certificates of Occupancy. This Ordinance is not to supersede or invalidate Ordinance 22-50.2, in any manner, shape or form.

1. Definitions. As used herein, the following words shall have the following meanings:

DWELLING CERTIFICATE – A certificate filed with the Zoning Officer of the Borough of Woodland Park, or his designee, certifying the occupants and location of a dwelling unit – for purposes of Residential Occupancy. As such, no residential premises may be changed in tenancy, use or ownership – unless a Certificate of Occupancy has been issued by the Code Enforcement Officer.

DWELLING INSPECTION – An inspection conducted to determine compliance with the Code of the Borough of Woodland Park: Smoke Detectors, Park Housing Standards and Zoning Standards.

DWELLING UNIT – As defined herein and the Borough’s Ordinances:

2. Dwelling certificates required; filing and contents. Every owner of a residential unit(s) within the Borough of Woodland Park, who intends to lease or rent the said unit(s), must file with the Zoning Officer of the Borough of Woodland Park, or his designee, a Dwelling Certificate on a form prescribed by the Borough of Woodland Park – within the time parameter set forth in this chapter. At that time, the owner will be required to certify to the truthfulness of the information submitted therein.

(a) Every owner shall file a dwelling certificate upon the change of occupancy for a residential unit – either by sale or tenancy – prior to the occurrence of the said change in title or residency. In addition, where a new owner takes possession of a residential unit(s), that new owner must also file a Dwelling Certificate, for the existing tenant(s) at that property.

(b) Every new owner shall file a Dwelling Certificate not more than 30 days immediately prior to any conveyance of title of a one-or-two unit dwelling. As such, the prospective owner must start this process with the Code Enforcement Official as soon as reasonably possible, to insure compliance with this ordinance.

- (c) This ordinance also requires that: 1. When ownership changes, and/or 2. An owner registers a new tenant(s), that the owner will provide to the Code Enforcement Official the identities of all people (adults and children) who will occupy the premises. Additionally, the owner and the prime tenant will certify to the truthfulness of the information submitted by signing the Dwelling Certification(s); and all related information requests.
- (d) Enforcing Authority.

The Administrative and enforcing authority for the provisions of this section will be the Construction Code Official for the Borough of Woodland Park. All violations of this ordinance will be prosecuted by the Woodland Park Municipal Court.

- (e) Standards. This section shall constitute the standards to guide the Construction Code Official in determining the fitness of any dwelling, dwelling unit, or premises which is used for residential purposes.
- (f) This Certificate of Occupancy Ordinance is applicable to the sale of all residential homes in the Borough of Woodland Park which shall include but not be limited to, multi-family dwellings. It will be the obligation of the purchaser of a home (property) in Woodland Park, to make contact with the Construction Code Official's Office to schedule an inspection(s) and fill out applications for the Certificate of Occupancy Ordinance (and related forms).

2.1. In addition, this Ordinance will apply to all rental units within the Borough of Woodland Park.

As such, it will be the obligation of the owner (either existing or prospective)/landlord, to have communication with the Borough Construction Code Official's Office prior to leasing or taking possession of premises, in order to be certain that a Certificate of Occupancy is issued to the proper parties and filed with the Code Official's Office.

2.2 If there are problems or issues with regard to remedying defects in the subject premises, the Construction Code Official will be allowed to issue a Temporary Certificate of Occupancy (T.C.O.) for ninety (90) days, within his or her discretion – provided there are no public safety issues at the said premises.

Specifically, this provision is provided to insure that the parties will make all necessary repairs and/or remediations that are required to make the said premises habitable in accordance with the Borough's Codes and Regulations.

2.3 The purchaser of residential premises in Woodland Park will be obligated to present to the Building Inspector proof of their intent to purchase or rent the said property. This proof can be in the form of a Contract or Memorandum of Understanding to purchase or rent the said premises, prior to applying for a Certificate of Occupancy. In addition, for purposes of public safety, the actual purchaser of the said premises will be required to place their photo I.D. on record with the Building Code Official and will be designated as the contact person for the said premises. It is also the obligation of the contact person to provide the names of all individuals who will be living in the said premises. This provision of this ordinance also applies to instances where a property is purchased and there are existing tenancies. As such, in this instance – the purchaser of property who has existing tenancies – will also have to abide by this

provision of this ordinance, and provide the Photo I.D. for the existing prime tenant and the identity of all inhabitants of the said premises.

Additionally, if the purchaser of property within the Borough of Woodland Park is a corporation – the corporation must provide the identity of the president of the corporation and a copy of his or her Photo I.D. Likewise, if the purchaser of property will be utilizing a management company to conduct its affairs within the Borough of Woodland Park, the management’s agent who will be handling the said property will be required to act as the contact person and post their Photo I.D. with the Code Official’s Office.

- (g) Costs. The costs to conduct the inspection for residential units within the Borough of Woodland Park will be as follows:
 - (1) For an inspection of an individual apartment, which is contained in a single family or two-family unit, the cost will be Fifty (\$50.00) Dollars;
 - (2) For an inspection of a home that is a single family or two-family unit, i.e.: for purposes of a sale/change of ownership, the cost will be One Hundred (\$100.00) Dollars; and
 - (3) For an inspection of apartment units in a building which contains more than two (2) residential units, the cost will be Fifty (\$50.00) Dollars per unit.
- (h) INSPECTIONS. The Code Enforcement Officer is hereby authorized to conduct inspections of residential premises upon receipt of an Application advising of a pending change in tenancy, use or ownership.
 - (1) The Code Enforcement Official shall, within ten (10) business days after receipt of a written application for a Certificate of Occupancy, either issue said certificate provided that the inspections reveal that the residential premises complies with the requirements contained herein; or in the event of non-compliance, notify the applicant as to the reason(s) why the residential premises failed the inspection. The Code Enforcement Officer will then advise the applicant of what remedial action must be taken to correct the said condition(s). Thereafter, if the applicant makes good faith progress in remedying all deficiencies, the Code Enforcement Officer may decide whether or not to issue a Temporary Certificate of Occupancy.
 - (2) The Borough of Woodland Park does not guaranty to the purchaser, mortgagor, mortgagee or lessee, that the residential premises inspected is free from latent or patent defects; nor is the Borough liable for damage or injury caused to any person as a result thereof, if any violation is not reported in the inspection report, nor is the Borough liable for any damages, claim or injuries to property which is the subject of inspection.

B. CHANGE OF WATER METERS WITH THE SALE OF A HOME OR RENTAL OF A HOME OR APARTMENT IN THE BOROUGH OF WOODLAND PARK.

This portion of this Ordinance is being enacted to provide an update to the infrastructure of the Borough of Woodland Park’s Water System and to insure that safety requirements are adhered to. As such, it will be the obligation of all property owners who intend to have a Certificate of Occupancy issued for the sale of, or rental of their property, to be certain that the water meter(s) contained on the premises shall have remote meter reading applications, at the property

owners own expense. This provision of this ordinance requires all property owners (existing or prospective) to provide that remote meter reading equipment is installed on their property at the current cost of the meter. This provision is in accordance with the upgrade of the water infrastructure for the Borough of Woodland Park and Public Safety. With regard to these water issues, property owners (existing and prospective) will have to coordinate with the Director of the Department of Public Works regarding all issues for the changing of water meters, pricing, and scheduling to conduct the change-over of water meters. There will be a separate and distinct form that property owners (existing and prospective) will be required to obtain from the Director of the D.P.W. to demonstrate compliance with this aspect of the ordinance, which must be presented to the Code Enforcement Official's Office before a Certificate of Occupancy can be granted. The Director of the D.P.W. will have the discretion to coordinate with property owners for the appropriate time parameter to accomplish the change in the water meter from manual reading to remote reading. In the event that there is an issue with regard this process, such as the water meter not being available or crews not being available to accomplish the work – the property owner (existing or prospective) will be required to deposit monies with the Borough's Water Department (In Escrow) to cover the cost for the said project - until the time that the project can be completed. In the meantime, the owner of the said property (existing or prospective) will be able to obtain a Temporary Certificate of Occupancy, provided all of the required is filed with the Director of the D.P.W. and the Code Enforcement Official's Office.

C. VIOLATIONS AND PENALTIES.

Any person who violates any provision of this Ordinance, which shall include but not be limited to: corporate entities, shall – upon conviction, be punishable by a fine of up to:

- (1) Five Hundred (\$500.00) Dollars for the first offense;
- (2) One Thousand (\$1,000.00) Dollars for the second offense; and
- (3) Two Thousand (\$2,000.00) Dollars for the third offense and any offense thereafter.

These penalties apply to violations of the Certificate of Occupancy and Water Meter Provisions of this Ordinance.

II. ENFORCEMENT

This Ordinance may be enforced by any properly qualified New Jersey Code Enforcement Officer, who is employed by the Borough of Woodland Park.

III. INCONSISTENCIES

If any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion(s) of the Ordinance.

Attest:

Approved:

Sandra Olivola, Municipal Clerk

Keith Kazmark, Mayor

Introduced: December 7, 2022

Adopted: