

Chapter 28A

CERTIFICATES OF OCCUPANCY

- § 28A-1. Certificate required.
- § 28A-2. Compliance with other standards.
- § 28A-3. Enforcement authority.
- § 28A-4. Application.
- § 28A-5. Powers and duties of enforcement authority.
- § 28A-6. Fees.
- § 28A-7. Issuance or denial by Construction Official.
- § 28A-8. Expiration of certificate.
- § 28A-9. Grounds for denial.
- § 28A-10. Violations and penalties.

[HISTORY: Adopted by the Mayor and Council of the Borough of Helmetta 10-18-1989. Amendments noted where applicable.]

GENERAL REFERENCES

Uniform Construction Codes — See Ch. 29A.
Housing standards — See Ch. 39.

Be it ordained by the Mayor and Council of the Borough of Helmetta, County of Middlesex and State of New Jersey:

§ 28A-1. Certificate required.

- A. No person, firm, partnership or corporation shall sell, rent, lease, suffer or allow any person or persons, firms, partnerships or corporations to live in or inhabit as a tenant or lessee any house, apartment or other structure, including a mobile

home and modular unit, unless said person, firm, partnership or corporation shall first obtain from the Borough of Helmetta an occupancy permit or continued certificate of occupancy in accordance with this chapter.

- B. No person, group of persons, association, partnership or corporation or any combination thereof which owns, manages, conducts or operates a dwelling unit shall sell, rent, lease, sublet or permit the same to be occupied or rented, nor shall any person, group of persons, association, partnership or corporation or any combination thereof purchasing or acquiring in any manner occupancy or dwelling units permit the same to be occupied without first securing from the Construction Official as head of the Code Enforcement Agency or his designated representative of the Borough of Helmetta a certificate of occupancy or a continued certificate of occupancy for said dwelling unit.

§ 28A-2. Compliance with other standards.

No certificate of occupancy or continued certificate of occupancy shall be issued for a dwelling unit unless the condition of the same complies with all of the statutes of the State of New Jersey, the rules and regulations issued thereunder, the ordinances of the Borough of Helmetta now in existence or hereinafter enacted pertaining to building, plumbing, electrical, zoning, health, safety, fire and minimum housing standards, including but not limited to the BOCA Basic/National Building Code, BOCA Basic/National Mechanical Code, BOCA Basic/National Fire Prevention Code, BOCA Basic/National Energy Conservation Code, BOCA Basic/Property Maintenance Code, CABO One and Two Family Dwelling Code, Barrier Free Code, regulations providing for accessibility to and usability by the physically handicapped, the Code of the Building Officials and Code Administrators International, Inc., the National Electrical Code and the National Standard Plumbing Code and any other codes, rules and regulations established by the State of New Jersey and the Borough of Helmetta, to the extent that, in the opinion of the appropriate Construction Code Official or Code Enforcement Officer of the borough, there shall be no violation of the same which would constitute a substantial health or safety hazard.

§ 28A-3. Enforcement authority.

The Construction Official or Code Enforcement Officer his assistants and deputies of the Borough of Helmetta shall be the persons who have the duty to enforce this chapter.

§ 28A-4. Application.

All applications for certificates of continued occupancy shall be made in writing to the Construction Official and shall contain:

- A. The names and addresses of the owner or owners of the premises.
- B. A description of the premises and dwelling or dwelling unit to be sold.
- C. The name and address of any agent, person or firm or corporation, if any, appointed by said owner as a representative with respect to the sale.
- D. The names and addresses of the proposed purchasers of the premises.
- E. The number of persons who shall occupy the dwelling or dwelling unit if the sale is consummated.
- F. The consent of the owner or owners to any necessary inspection of the premises being made by the Construction Official or other borough official required to fulfill the intent and purpose of this chapter.

§ 28A-5. Powers and duties of enforcement authority.

The Construction Official or Code Enforcement Officer, his deputies and assistants shall have such powers as may be necessary to carry out the intent and purpose of this chapter, including but not limited to the following enumerated powers:

- A. To investigate the conditions of dwellings within the Borough of Helmetta, in order to determine which

houses, apartments or structures, including mobile homes and modular units, are unfit for human habitation.

- B. To enter into the lands and premises at reasonable times for the purpose of making housing inspections incidental to official duties.
- C. To delegate any official functions and powers to persons designated by the Borough Council of the Borough of Helmetta who are licensed to administer the codes referenced in § 28A-3.
- D. Upon application of a property owner, to make an inspection of any house, apartment or other structure for which there has been made an application for an occupancy permit or continued certificate of occupancy, within five working days from the receipt of such application and the payment of the proper fee.
- E. The Construction Official or Code Enforcement Officer, his assistant or deputies shall make a report promptly after such inspection and advise the applicant of any violations of the codes, statutes and ordinances governing said premises in the Borough of Helmetta.

§ 28A-6. Fees. [Amended 2-28-1996 by Ord. No. 3-1996]

A charge, to cover the cost of inspection in connection with such application, shall be paid to the Construction Official at the time the application is filed and shall not be refundable. Fees for the initial inspection, reinspection and each additional inspection shall be established by the borough and revised from time to time as necessary.

§ 28A-7. Issuance or denial by Construction Official.

- A. Within 10 days of the receipt of the application and application fee, the Construction Official shall either issue a certificate of continued occupancy pursuant to

this chapter or issue a denial of the request for the certificate, specifying the necessary corrections or repairs which must be made in order to cause the premises to comply with the standards set forth in § 28A-2 above.

- ✓ B. The Construction Official may issue a temporary certificate of continuing occupancy for a period not to exceed 90 days if the structure substantially complies with the standards set forth in § 28A-2 above. In such event, the temporary certificate of continued occupancy shall be conditioned upon the completion of such items specified by the Construction Official and within the time period established by said official.

§ 28A-8. Expiration of certificate.

No certificate issued under the terms hereof shall be valid for a period longer than 90 days. In the event that any of the occurrences set forth under § 28A-1 shall occur later than 90 days from the date of the inspection called for hereunder, any certificate issued as a result of such inspection shall no longer be of any force or effect, and a reinspection of any premises shall be required. All certificates issued hereunder shall set forth such limited period of validity.

§ 28A-9. Grounds for denial.

Violations of the foregoing statutes, codes, ordinances, rules and regulations or noncompliance therewith shall be grounds for denial of an occupancy permit or a continued certificate of occupancy.

§ 28A-10. Violations and penalties.

Any individual, person, group of persons, associations, partnerships or corporations or any combination thereof violating any of the terms of this chapter shall, upon conviction

§ 28A-10

HELMETTA CODE

§ 28A-10

thereof, be subject to a fine not in excess of \$1,000 or to imprisonment for a term not in excess of 90 days, or both.