

**WEST DEPTFORD TOWNSHIP**

**ORDINANCE 2016-05**

**AN ORDINANCE AMENDING CHAPTER 115 OF THE CODE OF THE TOWNSHIP  
OF WEST DEPTFORD  
(OCCUPANCY, CERTIFICATES OF)**

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of West Deptford, County of Gloucester and State of New Jersey that Chapter 115 be and is hereby amended as follows:

**Section 1:** Chapter 115 of the Code of the Township of West Deptford is hereby amended and supplemented by adding the underlined text and deleting the struck-out text, as follows:

Section 2. The title of Chapter 115 is hereby renamed to "Change of Occupancy Certificate".

Section 3. § 115-1. When Required.

Change of Occupancy Certificate ("Certificate") shall hereafter be required for human habitation of all existing dwelling and commercial units in the Township of West Deptford before a change in occupancy of any such unit may be effected.

Section 4. § 115-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**EXISTING DWELLING UNITS** – Any building or structure presently used or used hereafter for habitation by any human beings, whether the same is occupied or to be occupied by an owner or tenant or occupied on any other basis.

**EXISTING COMMERCIAL UNIT:** Any building used as a place of business requiring a fire safety registration through the Township Fire Prevention Office.

Section 5. §115-3. Other requirements for Certificates unaffected.

The Change of Occupancy Certificate required herein does not repeal or amend requirements for other certificates heretofore provided for by ordinances of this Township or statutes of the State of New Jersey.

Section 6. §115-4. Application for certificate.

- A. Application for a Change of Occupancy Certificate for change in occupancy shall be made to the Construction Code Official of this township on a form provided by said Construction Code Official.
- B. The Construction Code Official shall thereupon cause inspection to be made of the subject dwelling unit to determine if such unit is fit for human habitation and in compliance with the West Deptford Township Chapter 144, Swimming Pools and the following sections at the BOCA National Property Maintenance Code/1996 PM-303.7, PM-304.1, PM304-2, PM-304.3, PM-304.13, PM-305.7, PM-307.1, PM-404.2, PM-405.6, PM506.1, PM-506.4, PM-507.1, PM-507.1, PM-602.2, PM-603.1, PM-605.1, PM-702.9, PM-704.1, PM75.1
- C. Construction Code Official shall thereupon cause inspection to be made to subject commercial unit to determine if such unit is fit for human habitation and meets all the requirements of the current Uniform Fire Code as enforced by the Township Fire Official or designee.

Section 7. §115-5. Smoke detector required.

In addition to the requirement for a Change of Occupancy Certificate hereinabove set forth, it shall also be required that each such dwelling unit shall comply with N.J.A.C. 5:70-4.19. Detectors shall be installed as follows:

- A. On each level of the premises; and
- B. Outside of each separate sleeping area
  - (1) The smoke detectors required in all Use Group R-3 dwellings shall be located in accordance with the building code at the time of issuance of the original CO and maintained in working order.
- C. The detectors shall not be required to be interconnected.
  - (1) Smoke detectors may be battery-powered and shall be listed in accordance with ANSI/UL 217.
- D. A/C powered smoke detectors shall be accepted as meeting the

requirements of this section.

E. Carbon Monoxide in the vicinity of the sleeping area.

Section 8. §115-5.1. Final reading and replacement (if applicable) of inside water meter.

In addition to the requirement for a Change of Occupancy Certificate hereinabove set forth, it shall also be required that each such unit shall comply with West Deptford Township's rules and regulations concerning water meters, as follows:

- A. In order to obtain a Change of Occupancy Certificate, the Water Department shall be granted access to the property and be permitted to inspect and obtain a final reading of the inside water meter; and
- B. If upon said inspection \ the Water Department determines pursuant to West Deptford Township Rules and Regulations that the water meter must be replaced, then the appropriate water meter must be installed in order to obtain a Change of Occupancy Certificate. The cost of the replacement/installation of the meter shall be paid by the current owner.

Section 9. §115-6. Responsibility for obtaining certificate.

The owner of each unit subject to this chapter is hereby charged with the responsibility for making written application to the Construction Code Official for a Change of Occupancy Certificate. In the event that a change of occupancy is also accompanied by a change of ownership of a unit, the buyer may waive the seller's responsibility and assume the same; provided, however, that such waiver shall be in writing, which said waiver shall further state that the buyer is fully aware that he, she or it is assuming full responsibility for obtaining the Change of Occupancy Certificate pursuant to this chapter, and provided further that such written waiver shall be filed with the Construction Code Official.

Section 10. §115-7. Fee for certificate; inspection; issuance or denial; reinspection; regulations.

- A. Application to the Construction Code Office shall be accompanied by a fee of sixty dollars (\$60). If an inspection is needed to take place

within 48 hours (i.e., due to a settlement), then the Application shall be accompanied by a fee of one hundred twenty dollars (\$120).

- B. The Construction Code Official or his representative shall, within ten (10) working days of the receipt of a fully completed application for a Change of Occupancy Certificate and the accompanying fee pursuant to this chapter make such inspections as are required hereinabove and, upon determining that the requirements of §115-4B above have been completed with, issue a Change of Occupancy Certificate.
- C. If upon the inspection or inspections aforesaid, the Construction Code Official or his representative finds the subject unit is not in compliance, said Official or his representative shall thereupon and within the said ten (10) working days, notify the applicant in writing of such noncompliance, specifically setting forth the violation or violations which require correction.
- D. Upon correction of the violations, the applicant shall notify the Construction Code Official in writing and shall submit a reinspection fee of thirty dollars (\$30) with such notification whereupon the Construction Code Official or his representative shall reinspect the subject unit upon receipt of such notification and reinspection fee. This procedure shall be followed until all violations have been corrected, at which time a Change of Occupancy Certificate shall be issued.
- E. The Construction Code Official shall furnish copies of all regulations referred to herein to any person requesting the same for a reasonable fee, commensurate with the costs of reproducing such regulations.
- F. Conditional Certificate: A conditional certificate will be granted based on extraordinary conditions that would prevent the applicant from

meeting the requirements of this chapter within the allotted time. This can only take place after an initial inspection has taken place listing the deficiencies. A notarized letter from the applicant will be needed stating the hardship for not being able to meet the requirements along with a fee of thirty dollars (\$30). The conditional certificate will be granted by the Housing Official for a period of thirty days. By the end of this period all condition must be met, or required permits issued to address the conditions. Conditional Certificates will not be issued for water meter issues.

Section 11. §115-8. Violations and penalties

Any person charged with the responsibility for obtaining a Change of Occupancy Certificate pursuant to this chapter who violates the provisions hereof shall be subject, upon conviction thereof, to the penalties provided for in §1-15 of Chapter 1, General Provisions, of this Code.

Section 12. §115-9 Means of appeal.

Any person affected by a decision of the Construction Code Official or a notice or order issued under this chapter shall have the right to appeal. The means of appeal shall be that set out at the BOCA National Property Maintenance Code/1996 PM-111.0 through PM-111.7, which is adopted and made a part hereof, as if fully set out in this chapter, except as amended and changed, as follows:

A. Subsections PM-111.2 and PM-111.2.1 of the BOCA National Property Maintenance Code/1996, being a part of Chapter 115 of the Code of the Township of West Deptford, shall be amended to read as follows:

PM-111.2 Appeals Board: The Board of Appeals shall be the Property Maintenance Code Appeals Board, hereafter referred as the "Board", which was created and exists under Chapter 127,

Property Maintenance, Subsection 127-4A.

PM111.2.1 Membership: Said Board, as created and existing under Chapter 127, Property Maintenance, Subsection 127-4A consists of the members of the Township Committee of the Township of West Deptford.

PM-111.2.2 Delete

**Section 13. Repealer**

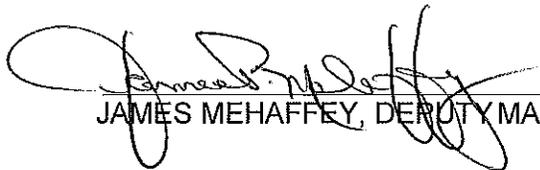
All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

**Section 14. Severability:**

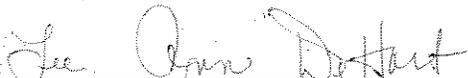
Each section of this Ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective, shall not be deemed to affect the validity or constitutionality of any other sections or parts hereof.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect immediately upon final passage and publication as required by law

**TOWNSHIP OF WEST DEPTFORD**

  
JAMES MEHAFFEY, DEPUTY MAYOR

**ATTEST:**

  
\_\_\_\_\_  
LEE ANN DEHART, ACTING MUNICIPAL CLERK

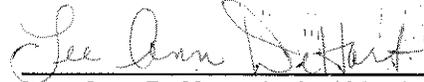
**INTRODUCED** at a meeting of the Township Committee of the Township of West Deptford, held on the 16<sup>th</sup> of March, 2016.

<b>ROLL CALL VOTE</b>				
	<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Denice DiCarlo	✓			
Jeff Hansen	✓			
James Mehaffey	✓			
Jerry Maher	✓			
Adam Reid	✓			
<b>TALLY:</b>	5	0	0	

**ADOPTED** at a meeting of the Township Committee of the Township of West Deptford, held on the 6<sup>th</sup> of April, 2016.

	<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Denice DiCarlo	✓			
Jeff Hansen	✓			
James Mehaffey	✓			
Jerry Maher	✓			
Adam Reid	✓			

**PLEASE TAKE NOTICE** that an Ordinance of the Township of West Deptford Amending Occupancy, Certificates of, Chapter 115, of the Code of the Township of West Deptford, County of Gloucester, State of New Jersey, was passed on second reading by the Township Committee of the Township of West Deptford at its meeting on April 6, 2016 at 7:00 p.m. held at the West Deptford Township Municipal Building located at 400 Crown Point Road, West Deptford, New Jersey after a public hearing was held thereon. Copies of the Ordinance are available for inspection in the Office of the Township Clerk.

A handwritten signature in cursive script, reading "Lee Ann DeHart".

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**Lee Ann DeHart, Acting Municipal Clerk**