

**TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE

No. **23-013**

1ST READING MARCH 21, 2023
2ND READING & PUBLIC HEARING April 4, 2023
WITHDRAWN _____ LOST _____

DATE TO MAYOR _____
DATE RESUBMITTED TO COUNCIL _____
DATE EFFECTIVE _____

APPROVED AS TO FORM AND LEGALITY

FACTUAL CONTENTS CERTIFIED TO BY

TOWNSHIP ATTORNEY

TITLE

ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, CHAPTER 268, HOUSING STANDARDS, § 268-3, INSPECTION PRIOR TO CHANGE IN OCCUPANCY; CERTIFICATE OF APPROVAL

Be It Ordained by the Council of the Township of Hamilton, in the County of Mercer and State of New Jersey, that the *Code of the Township of Hamilton, New Jersey, Chapter 268, Housing Standards, § 268-3, Inspection prior to change in occupancy; certificate of approval*, as amended and supplemented, be further amended and supplemented as follows:

Chapter 268

HOUSING STANDARDS

.....

§ 268-3. Inspection prior to change in occupancy; certificate of approval.

- A. Prior to any change in occupancy of any house, hotel, dwelling, dwelling unit, rooming house, rooming unit, boardinghouse, motel, apartment unit or premises which is used, partially used or intended to be used for human occupancy, a certificate of approval shall first have been obtained from the office of Housing Inspections, stating that the building and premises comply with the requirements of the Township ordinances. In the case of a hotel or motel, this section shall only apply in those cases involving permanent, rather than transient, residence.
- B. An inspection shall be obtained either by the owner or the owner's agent prior to a change in occupancy and shall be performed by the Office of Housing Inspections for the purpose of determining if a certificate of approval may be issued.
- C. Ownership transfer for residential, non-rental properties. "The OTR Inspection" When ownership is transferred on a residential property, with the exception of rental properties as outlined in Subsection D of this section, inspections shall be limited to the following:
 - (1) Smoke alarms must be installed according to the manufacturer's installation instructions. They must be installed at least three (3) feet from any source of air movement or any bathrooms containing a tub or shower. Pursuant to NFPA 72, smoke alarms must be replaced every ten (10) years.
 - (2) Carbon monoxide alarms are required to be in the immediate vicinity of all sleeping areas in all buildings that contain fuel-burning appliances, fireplaces, or have attached garages. They shall be battery operated, hard wired, or of the plug-in variety and installed on the wall, ceiling, or in accordance with the manufacturer's instructions.
 - (3) A fire extinguisher is required in a townhome or single family home.
 - (4) If a fireplace and/or wood burning stove is present and more than three (3) years old, it must be certified safe for use by a chimney sweep that is certified by the National Fire Institute, the National Chimney Sweep Guild, or the Chimney Institute

EXPLANATION

Matter UNDERLINED thus in this legislation is new matter.
Matter contained in BRACKETS [thus] is to be omitted from the law.

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- of America.
- (5) Open, positive or obvious threats to the health, safety or welfare of any potential occupant.
- [C]D. Inspections pursuant to [Subsection B of] this section shall be conducted for rental properties using the following criteria:
- (1) All violations of Township ordinances shall be reflected in the inspection report in order to provide notice to the owner or prospective owner or occupant of such violations.
 - (2) A violation of the plumbing code which poses a positive or obvious major threat to the health, safety or welfare of any potential occupancy, a violation of the electrical code which poses a positive or obvious major threat to the health, safety or welfare of any potential occupancy, or any other condition which poses a positive or obvious threat to the health, safety or welfare of any potential occupancy shall be deemed a major violation of the housing code and shall be designated to the owner, potential owner or occupant separately on the inspection report.
 - (3) For any property sold or transferred where the existing sidewalks are in need of repair or replacement as solely determined by the Chief Housing Inspector, the sidewalks shall be repaired or replaced to the satisfaction of the Chief Housing Inspector prior to the issuance of a certificate of occupancy.
- [D]E. Violations of the kind described in Subsection [C]D(2) of this section must be corrected by the owner of the unit before the issuance of a certificate of approval for occupancy. The responsibility for correction of a violation of the housing code which is not a major violation may, except in the case of a rental, be assumed by the buyer, with the written notification and approval of the seller, buyer and the Chief Housing Inspector. At the time of such assumption of responsibility, a conditional certificate of approval may be issued, and the violations shall be corrected by the buyer within 30 days of the date of issuance of the conditional certificate of approval for occupancy. The Director of Community and Economic Development may grant an extension not exceeding 30 days for just cause.
- [E]F. [An unconditional] A certificate of approval shall be issued by the Office of Housing Inspections at such time as the Chief Housing Inspector and his/her designee is satisfied that all violations have been corrected.
- [F]G. The completed certificate of approval shall contain the names of both the seller or landlord and the buyer or tenant. One copy of the completed certificate of approval as provided by the Township shall remain each with the seller or landlord and the buyer or tenant.
- [G. In the case of a rental, the landlord shall ensure that the tenant shall sign a tenant's receipt as provided by the Township upon receiving the tenant's copy of the certificate of approval. The landlord shall then, within 10 days, upon securing the tenant's signature, forward the signed tenant's receipt to the Chief Housing Inspector.]
- H. A certificate of approval for occupancy is valid for the authorization of occupancy for a period of 90 days after issuance. The Director of Community and Economic Development may authorize extensions of 30 days only upon presentment of sufficient proof that the extension is necessary due to unforeseeable circumstances beyond the control of parties involved.
- I. The purpose of this section is to continue to ensure compliance with the various Township ordinances and the housing code in order to maintain high standards of housing both for

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homeowners and apartment dwellers within the Township. However, the Township, by this section, is not acting as a guarantor of any property insofar as any potential owner or occupant is concerned, nor shall the Township be considered to be involved in any manner in the contractual relationships between the parties.

- J. Requirements for resale of residential property with potable well and individual sewage disposal systems:
- (1) Contact a certified laboratory for sample collection and have the water tested for parameters set forth in accordance with the Private Well Testing Act regulations (N.J.A.C. 7:9E). Total coliform results are good for six months. All other required parameters are good for one year.
 - (2) Contact a licensed septic contractor or home inspection service to perform an inspection of the individual sewage disposal system. The inspection report shall indicate the system is functioning properly. Results are only valid for a period of nine months.

Any Ordinance or Ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

PRESIDENT

MUNICIPAL CLERK

RECORD OF VOTE													
First Reading							Second Reading						
COUNCIL	AYE	NAY	NV	AB	ORD	SEC	COUNCIL	AYE	NAY	NV	AB	ORD	SEC
PASQUALE "PAT" PAPERIO, JR.	✓						PASQUALE "PAT" PAPERIO, JR.						
NANCY PHILLIPS	✓				✓		NANCY PHILLIPS						
RICHARD L. TIGHE, JR.	✓					✓	RICHARD L. TIGHE, JR.						
ANTHONY P. CARABELLI, JR.				✓			ANTHONY P. CARABELLI, JR.						
CHARLES F. WHALEN	✓						CHARLES F. WHALEN						

X - Indicates Vote A.B. - Absent N.V. - Not Voting ORD. - Moved SEC. - Seconded

REJECTED _____

JEFFREY S. MARTIN, MAYOR

DATE

APPROVED _____

RECONSIDERED BY COUNCIL _____

OVERRIDE VOTE

AYE _____

NAY _____