

CITY OF VINELAND

ORDINANCE NO. 2018-6

ORDINANCE DIRECTING THE INSPECTION OF
RESIDENTIAL PROPERTY PRIOR TO CONVEYANCE OF
TITLE AND REQUIRING THE ISSUANCE OF A
CONTINUED CERTIFICATE OF OCCUPANCY TO ASSURE
CONFORMANCE WITH HOUSING STANDARDS

WHEREAS, many residential properties in the City of Vineland are being sold to new owners where said properties do not meet standards necessary for safe occupancy; and

WHEREAS, it is also determined that many residential properties have undergone extensive renovations wherein the use of the premises has been illegally changed without compliance with zoning regulations, such as the conversion of a single-family home into a multi family home without land-use approvals or not in compliance with the Uniform Construction Code or International Property Maintenance Code, as adopted by the City of Vineland; and

WHEREAS, in order to assure the housing stock meets minimum living standards and all land-use regulations, City Council finds it to be in the best interest of the City to mandate that no person or entity shall convey title to any residential property in the City of Vineland without first obtaining a continued certification of occupancy (CCO), certifying that the premises conforms to all land-use and property maintenance standards.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland that Chapter 537, Section 537-10 be amended as follows:

537-10 Occupancy or Rental for Occupancy of Nonconforming Dwelling Unit; Continued Certification of Occupancy or Transfer of Title Upon Sale of Premises

- A. No person shall occupy as owner/occupant or rent to another for occupancy, any dwelling or dwelling unit, for the purpose of living therein, which does not conform to the provisions of the Property Maintenance Code, referred to in Section 537-1, established hereby as the standard to be used in determining whether a dwelling is safe, sanitary, and fit for human habitation.
- B. No person shall convey title to any residential property in the City of Vineland, consisting of fifteen dwelling units or less without first obtaining a Continued Certification of Occupancy for each unit in the manner herein provided, certifying that said premises conforms to the provisions of this Chapter; Chapter 372 Section 10, Certificate of Smoke Detector Installation; Chapter 425, City of Vineland Land Use; Chapter 485, Rental Property.

(1) Issuance of Certificates

- (a) Continued Certification of Occupancy (CCO). Prior to conveying title to any premises described in the preceding subsection, an owner or the legal representative of the owner, shall apply to the Department of Licenses and Inspections for a Continued Certification of Occupancy. Said application shall be on a form approved by the Director of Licenses and Inspections, and shall be submitted not earlier than 10 business days before scheduled closing, without incurring additional costs as specified herein. The Construction Official and Fire Official or their representatives, shall inspect the premises within 5 days of said application and, upon determining that all provisions of the Code of the City of Vineland have been complied with, shall issue a Continued Certification of Occupancy permitting occupancy of said premises. Such Continued Certification of Occupancy shall indicate that compliance has been met. If, upon inspection, the dwelling unit is not found to be in compliance, the Construction Official and/or Fire Official or their representatives, shall notify the owner in writing of such noncompliance, specifically setting forth those violations requiring correction. Upon correction of the violation(s), the owner shall notify the Construction Official and/or Fire Official who shall, within five days, reinspect the required correction(s). This procedure shall be followed until all violations have been corrected, at which time a Continued Certification of Occupancy shall issue as above provided. Such Continued Certification of Occupancy shall be valid for a period of ninety days from the date of its issuance, after which ninety day period, it shall expire. Such expiration date

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shall be stated on the certificate. The 90 day period may be extended for up to an additional period of 90 days provided the owner certifies in writing on forms provided by the Director of Licenses and Inspections that no change in the condition of the unit(s) has occurred from the time of the prior inspection.

(b) In the event the contract purchaser has engaged the services of a New Jersey licensed and insured home inspection company to provide a report of the condition of the residential unit and structures located on the property upon which the unit is located, the report is dated within sixty days of closing date and contains all of the information necessary to determine if the unit conforms to the provisions of the Property Maintenance Code, the Construction Official shall accept the report in lieu of an inspection as required in Section B (1)(a).

(c) Issuance of Certificate of Transfer of Title (CTT). Notwithstanding the provisions of subsection B(1)(a) of this section, an owner conveying title to any residential premises to a contract purchaser who, upon conveyance of the premises, intends and does utilize the premises for a residential use, may make application for a certificate known as a "Certificate of Transfer of Title," where renovations to the residential premises are required to be made so as to meet the standards for the issuance of a Certificate of Continued Occupancy. The application shall be signed by both the owner and the contract purchaser. The application for the issuance of a Certificate of Transfer of Title shall be made not earlier than ten days prior to the intended settlement date, as set forth in the contract of sale. The contract purchaser shall certify in writing on forms provided by the Director of Licenses and Inspections that they acknowledge the residential unit(s) are not habitable and further that they will perform all necessary repairs/remediations to meet the requirements set forth herein for the issuance of a Continued Certificate of Occupancy. Such Certificate of Transfer of Title shall be valid for a period of one hundred twenty days from the date of settlement on the property between owner and contract purchaser. The purchaser/owner of the premises may apply to extend the one hundred twenty day period to complete the renovations, but such application shall be filed prior to the expiration of the initial one hundred twenty day period. The Construction Official may grant the extension, in his/her sole discretion, for a period not to exceed one hundred twenty days provided the purchaser/owner has commenced and is actively renovating the premises. Prior to the expiration of the one hundred twenty day extension period, should the repairs/remediation be substantially completed and upon submitting proof necessary to the Construction Official that unexpected/extraordinary circumstances occurred during the renovations/remediation which prohibited the completion of the same within the one hundred twenty day extension period, the Construction Official may grant one additional thirty day extension in his/her sole discretion.

(1) Upon notification to the Construction Official and Fire Official that renovations have been completed, the Construction Official and/or Fire Official or their representatives, shall inspect the premises within ten days of said notice. Upon finding that all renovations have been completed and compliance with this section has occurred, the Construction Official shall then take appropriate action for the issuance of a Continued Certification of Occupancy in accordance with subsection B(1)(a) of this section. Provided no further inspection is required and a Continued Certificate of Occupancy is issued, the fee for an inspection shall be charged in accordance with subsection C, below.

(d) Should the property be deemed abandoned, vacant and/or a nuisance as defined in Section 530-1 no Certificate of Transfer of Title shall be issued to any purchaser/owner unless the owner is in compliance with section 530-1 et seq. of the Code of the City of Vineland.

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(e) The owner or contract purchaser of any property subject to the terms hereof which is serviced by a private potable water well shall submit to the Construction Official copies of the well test results required by N.J.S.A. 58:12A-26 prior to closing of title.

C. The owner making application for a Continued Certification of Occupancy shall be charged a fee of \$125.00 per unit and an owner making application for a Certificate of Transfer of Title shall be charged a fee of \$25.00 per unit. A fee of \$50.00 per unit will be charged for all reinspections by the Construction Official. The fee charged in accordance with this subsection for a Continued Certification of Occupancy shall include the fee set forth in Section 372-10 for the certificate of smoke detector inspection by the Fire Official. Should an application be made for the issuance of a Continued Certification of Occupancy or Certificate of Transfer of Title less than ten days before closing, the fee for the Continued Certification of Occupancy shall be \$200.00 and \$100.00 for each reinspection and \$50.00 for the Certificate of Transfer of Title. No inspection shall take place if less than 3 business days' notice is given. In the event the contract purchaser submits a home inspection report as specified in Section B (1)(b) and no inspection or reinspection is required, the charge for the Continued Certification of Occupancy, inclusive of the smoke detector inspection, shall be \$60.00.

D. Failure to comply with any portion hereof shall be punishable in accordance with Article II Section 1-15 of the Code of the City of Vineland. Further, each day in which a violation hereof is determined to exist shall be considered a separate and subsequent offence punishable in accordance with said Article II Section 1-15 of the Code of the City of Vineland.

BE IT FURTHER ORDAINED that any Ordinance or portion thereof that is inconsistent with the terms of this Ordinance shall be repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED that should any portion of this Ordinance be deemed void by a Court of Competent Jurisdiction, the balance hereof shall remain in full force and effect.

Passed first reading:

Passed final reading:

President of Council

Approved by the Mayor:

Mayor

ATTEST:

City Clerk