

CHAPTER 7

BUILDINGS

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ARTICLE 1

STATE UNIFORM CONSTRUCTION CODE ENFORCING AGENCY

Sec. 7.1-1 State Uniform Construction Code Enforcing Agency

- A. There is hereby established in the Township, an enforcing agency to be known as the Township Construction Code Enforcement Agency, consisting of a construction official and sub-code officials for building, plumbing, electrical and fire protection sub-codes, and such other for fire codes as the Commissioner of the Department of Community Affairs shall hereafter adopt as part of the State Uniform Construction Code.
- B. Each such official position shall be filled by qualified persons in accordance with law, and retained by contract as an on-site inspection agency. A person may hold more than one position provided that he is qualified.
- C. The duties of the Township's construction official are as set forth in NJAC 5:23-4.5(h).
- D. The positions of Deputy Electrical Sub Code Official and Deputy Plumbing Sub Code Official are hereby created. The term of these offices shall be one year, commencing on January 1 and ending on December 31. The positions shall be filled by duly adopted resolution of the Township Committee, and the individuals appointed to fill the positions in question shall be paid in accordance with the Township's Salary Ordinance. The Construction Official or appropriate sub code official shall be responsible for the supervision of the deputy sub code officials.
- E. The positions of Deputy Construction Code Officer and Deputy Building Officer-Subcode are hereby created. The term of these offices shall be one year, commencing on January 1 and ending on December 31. The positions shall be filled by duly adopted resolution of the Township Committee, and the individuals appointed to fill the positions in question shall be paid in accordance with the Township's salary ordinance. The Construction Official or appropriate sub code official shall be responsible for the supervision of the deputy sub code officials.
- F. The fees for construction permits and certificates to occupy shall be as contained in The Revised General Ordinances of the Township of Pennsville 2011, Chapter 7.
- G. The construction official shall, with the advice of the sub-code officials, prepare and submit to the Township Committee bi-annually, a report recommending a fee schedule based on the operating expenses of the agency, and any other expenses of the municipality fairly attributable to the enforcement of the State Uniform Construction Code Act. Fees pertaining to the operation of the enforcing agency are as set forth in the schedule attached.

- H. In order to provide for the training, certification, and technical support programs required by the Uniform Construction Code Act and the regulations, the enforcing agency shall collect in addition to the fees specified above, a surcharge of \$.0006 per cubic foot of volume of new construction. Said surcharge fee shall be remitted to the Bureau of Housing Inspection, Department of Community Affairs, on a quarterly basis for the fiscal quarter ending September 30, December 31, March 31 and June 30, and not later than one month next succeeding the end of the quarter for which it is due. In the fiscal year in which the Regulations first become effective, said fee shall be collected and remitted for the third and fourth quarters only.
- I. The enforcing agency shall report annually at the end of each fiscal year to the Bureau of Housing Inspection, and not later than July 31, the total amount of the surcharge fee collected in the fiscal year. In the fiscal year in which the regulations first become effective, said report shall be for the third and fourth quarters only.
- J. The following fire limits are established pursuant to NJAC. 5:23, and the boundaries are established as presently contained in previously adopted ordinances of the Township.
- K. The construction official shall prepare and submit to the Township Committee bi-annually, a report, re-evaluating the delineation of the fire limits. This report shall indicate the recommendations of the construction official, the building sub-code official, and the fire sub-code official regarding those areas which should be designated as within fire limits, with the reasons thereof.

ARTICLE 2. **BUILDING PERMITS; CERTIFICATES OF OCCUPANCY AND INSPECTIONS**

Sec. 7.2-1. **REQUIREMENT OF PERMIT; EXCEPTION.**

No person or its representative shall erect or construct or proceed with the erection or construction of any building or structure, nor add to, enlarge, alter, repair, move, convert, extend or demolish any building or structure, or cause the same to be done, without first obtaining a permit therefor from the Township Building Subcode Official.

No building permit shall be required herein where the value or cost of the work to be done is less than \$100.00, except as where it may be otherwise provided for by any other ordinance of the Township.

Sec. 7.2-2. **APPLICATION FOR PERMIT.**

Any person desiring a building permit as required shall file an application to the building subcode official in writing on approved forms describing the land upon which the work is to be done sufficient to readily identify it and describing the kind and quality of the work to be performed. The building inspector may require the filing of plans when the work involved is of such nature that the building subcode official may require further information before issuance of the permit.

Sec. 7.2-3. **LIMIT AND REVOCATION PERMIT.**

A permit diligently prosecuted shall be good for one year from the date of its issuance.

The building inspector may revoke a permit issued hereto under in the event of a false statement or misrepresentation of vital fact in the application or in the plans, if any are submitted.

Any permit issued shall become invalid if the authorized work shall not have been commenced within six months after issuance or is suspended or abandoned for a period of six months after commencing the work.

Sec. 7.2-4. STOP WORK ORDER.

Whenever the provisions of this Chapter or of the matters contained in the permit application or plans as approved are not complied with, a stop work order shall be served on the property owner or its representative or permittee and a copy thereof may be posted at the site of the operation. Such stop work order shall not be revoked except by written notice of the construction official after satisfactory evidence has been supplied to him/her that the unlawful work has been corrected.

The effect of such stop work order shall require all further work to be stopped until the condition complained of has been remedied.

Sec. 7.2-5. DERELICTION AND ERROR.

No dereliction of duty or error on the part of the building subcode official shall legalize the erection, construction or alteration of any building or structure not in conformity with the requirements of any Township ordinance. No building permit shall be construed as authority to violate, cancel or set aside any provision of any Township ordinance or statute, except such variation as may be legally granted.

Sec. 7.2-6. RIGHT OF ENTRY.

The building inspector is directed and authorized to enforce the provisions of this chapter and he/she shall have the right of entry to any building or premises during the usual hours of his office in the discharge of his duties. The permit issued shall be posted in a conspicuous place on the front premises and in such position as to permit the building inspector to make necessary entries thereon respecting the work. The permit shall be maintained thereas prior to commencement and until completion of the work.

Sec. 7.2-7. SERVICE CONNECTIONS.

A permit to demolish or remove a building or structure shall not be issued until a release is obtained from the Public Utility Company and the municipal official having jurisdiction stating that all abandoned water, electric, sewer and other service connections have been removed, plugged or otherwise sealed in a safe manner. (09-05-63, Sec. 7)

Sec. 7.2-8. FEES.

The basic construction permit fee shall be the sum of the parts computed on the basis of the parts or cost of construction, the number of plumbing fixtures and pieces of equipment, the number of electrical fixtures and the rating of electrical devices, the number of sprinklers, standpipes and detectors (smoke and heat) at the unit rates and/or the applicable flat fees as provided herein plus any special fees.

- A. The fee for plan review shall be 20% of the amount to be charged for a construction permit
 - 1. The fee for plan review of elevator devices in structures of groups other than R-3, R-4 or R-5 and for elevator devices in structures of group R-2 exempted by (1.b) below shall be \$260 for each device
 - 2. The fee for plan review for elevator devices of groups other than R-3, R-4 or R-5 and for elevator devices wholly within dwelling units in structures of group R-2 shall be \$50 for each device.

- B. Building subcode fees:
 - 1. Fees for new construction shall be based upon the cubic feet of the structure. The minimum fee shall be \$65.00 except for Groups A 1-5, B, M, H, E, F 1-2 & S 1-2 where the minimum fee shall be \$150.
 - (a) Use groups B, H, I 1-4, M, E, U, R 1-5 .034 x cu ft volume
 - (b) Use groups A 1-5, F 1-2, S 1-2 .19 x cu ft volume
 - (c) Farm use buildings, storage or shelter .0010 x cu ft volume (Maximum fee \$1,443)
 - (d) Manufactured homes (trailers, includes footings & foundations) \$250
 - (e) Modular homes (includes footings & foundations) \$500
 - i. Garages .034 x cu ft volume
 - ii. Porches, decks, etc. \$30 per \$1,000

2. Fees for renovations, alterations and repairs or site construction associated with pre-engineered systems of commercial farm buildings, pre-manufactured construction, and the external utility connection for pre-manufactured construction shall be based upon the estimated costs of work.
 - (a) Up to \$50,000 the fee shall be \$30 per \$1,000 of cost of construction.
 - (b) From \$50,001 to and including \$100,000, an additional \$23 per \$1,000.
 - (c) \$100,001 and above, the additional fee shall be \$19 per \$1,000

For the purpose of determining estimated cost, the applicant shall submit to the enforcing agency such cost data as may be available, produced by the design professional or record, or by a recognized estimating firm, or by the contractor, A bona fide contractor's bid, if available, shall be submitted. The enforcing agency shall make the final decision regarding estimated cost.

3. Additions:
 - (a) Additions shall be computed on the same basis as for new construction for the added portion provided in each case, with the minimum fee of \$65.
 - (b) Renovations and additions (combination) shall be computed as the sum of the fees computed separately in accordance with this section.
 - (c) The fee for tents, in excess of 900 SF or more than 30 ft on any dimension, shall be \$116. This fee shall not be required nor imposed for tents, tensioned membrane structures, and canopies that meet all of the criteria set forth below. Notwithstanding the above, tents, tensioned membrane structures, and canopies meeting the following criteria shall be subject to the permitting requirements of the Uniform Fire Code (NJAC 5:70-2.7).
 - i. The tent, tensioned membrane structure, or canopy is 140 feet or less in any dimension and 16,800 square feet or less in area where it is one unit or is composed of multiple units;

- ii. The tent, tensioned membrane structure, or canopy remains in place or will remain in place for fewer than 180 days.
 - iii. The tent, tensioned membrane structure, or canopy is used or occupied only between April 1 and November 30;
 - iv. The tent, tensioned membrane structure, or canopy does not have a permanent anchoring system or foundation; and
 - v. The tent, tensioned membrane structure, or canopy does not contain platforms or bleachers greater than 11 feet in height.
- (d) The fee for roofing or siding work shall be computed the same as alterations
 - (e) Above-ground swimming pools (surface greater than 550 square feet) shall be \$126. For all smaller pools, hot tubs and spas the fee shall be \$65.
 - (f) In-ground swimming pools (greater than 550 square feet) the fee shall be \$175. All others shall be \$65.
 - (g) For sheds and storage buildings over 100 sq ft and up to 200 sq ft in size shall be calculated as new construction with a minimum fee to be \$65.
 - (h) For sheds over 200 sq ft the fee shall be calculated like garages and additions with minimum fee to be \$65.
 - (i) The fee for retaining walls shall be as follows:
 - i. With a surface area greater than 550 sq ft that is associated with a Class 3 residential structure shall be \$189.
 - ii. With a surface area 550 sq ft or less that is associated with a Class 3 residential structure shall be \$95.
 - iii. Newly constructed retaining wall of any size at other than a Class 3 residential structure shall be based on the cost of the construction with a minimum fee to be \$65.

(j) Open deck structures shall be as follows:

- | | | |
|------|--------------------|----------|
| i. | Under 100 sq ft | \$65.00 |
| ii. | 100 to 200 sq ft | \$100.00 |
| iii. | 201 to 400 sq ft | \$150.00 |
| iv. | 400 sq ft and over | \$200.00 |

4. Elevators: The fee for elevator tests and inspections shall be NJAC 5:23-12.

5. Fees for demolition:

- (a) In-ground pool \$65.
- (b) Storage tanks: Use groups R-3 or R-5, \$55; all others \$85.
- (c) Structures less than 5,000 sq ft and less than 30 ft in height shall be a flat fee of \$82 for group R-3 and R-5 and structures on farms including commercial farm buildings under NJAC 5:23-3.2(d), and \$151 for all other groups.

C. Plumbing subcode fees:

1. Plumbing fixtures and equipment with the minimum permit fee being \$65 shall be as follows:

- (a) The fee shall be \$13 per fixture, stack, piece of equipment or appliance condensate line connected to the plumbing system and for each appliance connected to the gas piping or oil piping system, sump pumps except as indicated below
- (b) The fee shall be \$82 per special device for the following:
 - i. Grease traps
 - ii. Oil separators.
 - iii. Refrigeration units.
 - iv. Utility service connections.

- v. Back flow preventers equipped with test ports (double check valve assembly, reduced pressure zone and pressure vacuum breaker backflow preventers).
- vi. Steam boilers.
- vii. Hot water boilers (excluding those used for domestic water heating).
- viii. Active solar systems.
- ix. Sewer pumps and interceptors.
- x. LP underground gas lines and tanks.
- xi. R-3 and R-5: Vacuum breakers and backflow preventers shall be \$30.
- xii. Well and septic connections shall be \$50 for each one.
- xiii. Soda dispensing and coffee machines
- xiv. Acid neutralizing devices
- xv. Gas piping
- xvi. For cross connections and back flow preventers that are subject to testing, requiring inspection annually, the fee shall be \$58 for each device when they are tested.
- xvii. For heating system conversion units on existing heating appliances (oil to gas) the fee shall be \$15 per conversion unit.

D. Electric subcode fees:

- 1. Electrical fixtures and devices, with a minimum fee of \$65, shall be as follows:
 - (a) One to fifty receptacles, fixtures or devices the fee shall be \$45.
 - (b) For each additional block of up to 25 the fee shall be \$8

- (c) Light standards (mogul base, mercury base or fixtures other than those specified in the previous subsection) –
 - i. For one to five fixtures \$65
 - ii. Each additional lamp \$10
- (d) For each motor/electrical device/transformer/or branch circuit:
 - i. Up to 10 hp/kw/kva \$13
 - ii. Up to 50 hp/kw/kva \$58
 - iii. Up to 100 hp/kw/kva \$116
 - iv. Over 100 hp/kw/kva \$576
- (e) Services/panels/sub panels/disconnects:
 - i. Up to 200 amps \$58
 - ii. Up to 1000 amps \$116
 - iii. Over 1000 amps \$576
- (f) The fee charged for electrical work for each permanently installed private swimming pool as defined in the building subcode, spa, hot tub or fountain shall be a flat fee of \$46 for above ground pools and \$100 for in ground pools which shall include any required bonding and associated equipment such as filter pumps, motors, disconnecting means, switches, required receptacles, heaters, etc., excepting panel boards and underwater lighting fixtures. For public swimming pools, the fee shall be changed on the basis of the number of electrical fixtures and rating of electrical devices in accordance with D. 1 a thru e above.
- (g) Service entrance conductors:
 - i. Up to 200 amps \$40
 - ii. Up to 1000 amps \$70
 - iii. Over 1000 amps \$129

- (h) The fee charged for process equipment shall be based on the ampere rating of the overcurrent device protecting the conductor feeding the process equipment or the cutoff device.
- (i) For the purpose of computing fees, all electrical and communication devices, utilization equipment and motors which are not part of premises wiring, except those which are portable plug-in type, shall be counted.
- (j) Annual fee for inspection of pools, spas and hot tubs (NJAC 5:23-2.18C) shall be \$100.
- (k) Photovoltaic systems: Fee based on the designed kilowatt rating as follows:
 - i. 1 to 50 kilowatts PV system array - \$50 each
 - ii. 51 to 100 kilowatts PV system array - \$100 each
 - iii. Greater than 101 kilowatts PV system array - \$500 (enter on blank line of application)
- (l) Inverters: Listed under "Amp Motor Control Center/Inverter"
 - i. Up to 200 amp - \$58
 - ii. Up to 1000 amp - \$116
 - iii. Over 1000 amp - \$576

E. Fire Protection Subcode Fees:

- 1. For fire protection and hazardous equipment:
 - (a) Sprinklers, standpipes, detectors (smoke and heat), pre-engineered suppression systems, gas and oil fired appliances not connected to the plumbing system, kitchen exhaust systems, incinerators and crematoriums – the minimum permit fee shall be \$65, or the fee shall be as follows:

Sprinklers:

 - i. 20 or fewer heads - \$82
 - ii. 21 heads to and including 100 heads - \$151

- iii. 101 heads to and including 200 heads - \$289
 - iv. 201 heads to and including 400 heads - \$748
 - v. 401 heads to and including 1000 heads - \$1,036
 - vi. 1001 heads and above - \$1,323
- (b) The fee for smoke detectors shall be as follows:
- i. 1 to 12 detectors - \$45
 - ii. 13-37 detectors - \$48
 - iii. 38-62 detectors - \$60
 - iv. 63-87 detectors - \$72
 - v. 88-112 detectors - \$84
 - vi. 113-137 detectors - \$96
 - vii. 138 and over detectors - \$120
- (c) The fee for each standpipe shall be \$289.
- (d) The fee for each independent pre-engineered system shall be \$116 each. (Wet chemical, dry chemical, CO2 suppression, foam suppression, FM 200 suppression, etc)
- (e) Heating Systems: The fee for each gas or oil fired appliance that is not connected to the plumbing system shall be \$58 per appliance.
- (f) The fee for installation of an above-ground oil tank shall be \$46.
- (g) The fee for each commercial kitchen exhaust system shall be \$150.
- (h) The fee for each incinerator shall be \$460
- (i) The fee for each crematorium shall be \$460.
- (j) The fee for fire pumps shall be \$175 each.

- (k) Gasoline and Propane Tanks: The fee shall be \$65 each for above and in ground tanks.
- (l) The fee for supervisory devices (i.e. tampers high/low air) shall be \$15 each.
- (m) The fee for signaling devices (i.e., horn/strobes, bells) shall be \$15 each.
- (n) Dry Pipe Alarm & Pre-Action Valves: The fee shall be \$58 each.
- (o) Smoke Control Systems: The fee shall be \$58 each.
- (p) Permits for the installation of fireplaces, wood stoves and solid fuel burning appliances shall be \$30 per \$1,000 of estimated costs per unit. Minimum fee of \$65 per appliance or device.
- (q) Fireplace Venting/Metal Chimney Liner - \$65 each

F. Fees for certificates and other permits:

1. The fee for demolition or removal permit for a structure of less than 5,000 sq ft in area and less than 30 ft in height, for one- or two-family dwellings (R-3/R-5 of the building subcode), structures on farms including commercial farm buildings under NJAC 5:23-3.2(d) shall be \$82 and \$151 for all other groups.
2. A sign shall be in the amount of \$5 per sq ft of surface area of sign computed on one side only for double-faced signs. The minimum fee shall be \$65.
3. The fee for a certificate of occupancy shall be \$35.
4. The fee for a certificate of occupancy granted pursuant to a change of the use group shall be \$150.
5. The fee for a certificate of continued occupancy issued under NJAC 5:23 shall be \$150
6. The fee for the first issuance and renewal of a temporary certificate of occupancy shall be \$35 and an additional \$30 for each extension.

7. The fee for plan review of a building for compliance under the alternate systems and nondepletable energy source provisions of the energy subcode shall be \$345 for one- and two-family dwellings (group R-3 or R-5 of the building subcode), and for light commercial structures having the indoor temperature controlled from a single point, and \$1,725 for all other structures.
8. The fee for an application for a variation in accordance with NJAC 5:23-2.10 shall be \$725 for Class I structures and \$150 for Class II or Class III structures.
9. The fee for a permit for lead hazard abatement work shall be \$175. The fee for a lead abatement clearance certificate shall be \$35.
10. Permits for the installation of fireplaces, wood stoves and solid fuel burning appliances shall be \$30 per \$1,000 of estimated cost per unit, stove or fireplace, with a minimum fee of \$65 per appliance or device.
11. A fee to erect a fence shall be \$10 per \$1,000 of estimated cost provided that in each case there shall be a minimum fee of \$65.
12. Fee for reinstatement of expired construction permit shall be at the rate of 75% of the original permit fee. The fee is to be calculated with the use or current fee schedule, less 25% for reinstatement fees.
13. The fees for commercial asbestos hazard abatement projects shall be as follows:
 - (a) An administrative fee of \$118.00 for each construction permit issued for an asbestos hazard abatement project.
 - (b) An administrative fee of \$24.00 for each Certificate of Occupancy issued following the successful completion of an asbestos hazard project.

G. Mechanical systems:

1. Oil/electric heat to gas heat
 - (a) Permits required:
 - i. Building
 - ii. Electric
 - iii. Plumbing
 - iv. Fire
 - v. DCA

2. Oil/gas heat to heat pump:

(a) Permits required:

- i. Building
- ii. Electric
- iii. DCA

3. Oil/electric to propane

(a) Permits required:

- i. Building
- ii. Plumbing
- iii. Fire
- iv. DCA

H. For cross connections and back flow preventers that are subject to testing, requiring inspection annually, the fee shall be \$46 for each device when they are tested.

I. Annual permit requirements

1. The fee that is charged for a construction permit shall be charged annually. The fee shall be a flat fee based upon the number of maintenance workers who are employed by the facility, and who are primarily engaged in work that is governed by a subcode. Managers, engineers, and clericals shall not be considered maintenance workers for the purpose of establishing the annual construction permit fee. Annual permits may be issued for building, fire protection, electrical and plumbing.

(a) Fees for annual permits shall be as follows:

- i. One to twenty-five workers (including foreman) \$840 per worker. Each additional worker over 25 - \$292 per worker.

- ii. Prior to the issuance of the annual permit, a training registration fee of \$140 per subcode and a list of not more than three individuals to be trained per subcode shall be submitted by applicant to the Department of Community Affairs, Bureau of Code Services, Education Unit along with a copy of the construction permit (Form F 170). Checks shall be made payable to "Treasurer, State of New Jersey". The Department shall register these individuals and notify them of the courses being offered.
2. The fees for elevator device inspections and tests shall be as set forth in NJAC 5:23-12.
3. The mechanical subcode permit in a structure of group R-3 or R-5 by a mechanical inspector shall be \$54 for the first device and \$13 for each additional device. No separate fee shall be charged for gas, fuel, oil or water piping connections associated with the mechanical inspection.
4. The fee for the annual electrical inspection of swimming pools, spas or hot tubs shall be \$100.
5. The fee for a permit for the removal of a building or structure from one lot to another or to a new location on the same lot shall be \$20 for each \$1,000 estimated cost for moving and placement in a completed condition at the new location, provided that there shall be a minimum fee of \$65. The new foundation shall be computed as for new construction.
6. For charitable, philanthropic, fraternal and religious organizations holding exempt status, the fee shall be 25% of the regular fees to cover the cost of plan review, inspections and administration.
7. For plans already reviewed, those plans processed as prototype, there will be a discount of five percent (5%) of the construction permit. Said prototype plan approvals shall be valid for the purpose of applying for the new construction permit. When submitting under prototype plan review, the Construction Code Official shall be notified.
8. The fee for a fish pond in R-3 and R-5 use group that meets the definition of a swimming pool shall be flat fee of \$45.

9. The Township shall remit fees to the Bureau on a quarterly basis, in conjunction with report number R-840A, State Training Fee Report in accordance with NJAC 5:23-4.5(d).

- J. Wavier of construction permit fees for residential accessibility improvements: Pursuant to New Jersey Public Law 1996, Chapter 92 (NJAC 52:27D-127 e) disabled persons, as so defined, or a parent or sibling of a disabled person shall not be required to pay any municipal fee or charge in order to secure a construction permit for any construction, reconstruction, alteration or improvements which promotes accessibility to the disabled person's living unit.

Sec. 7.2-9. CERTIFICATE OF OCCUPANCY.

No building or structure erected, constructed, enlarged or altered shall be occupied and used, in whole or in part, with respect to that erected, constructed, enlarged or altered, for any purpose until a certificate of occupancy shall have been issued by the inspector, certifying that such building or structure conforms to the application or plans on file, with other applicable requirements of the Township ordinances. More specifically, no such Certificate of Occupancy shall be issued to the owner of any building or structure without submission of proof that Township taxes, sewer and water accounts are current. For purposes of this section, placing furniture (excluding washers, dryers, stoves, ranges, cooktops, ovens and refrigerators) in such premises shall constitute rebuttal evidence of occupancy.

Depending upon the nature of the work to be completed, the subcode official shall endorse upon the building permit the need for obtaining a certificate of occupancy at the time of issuance of the permit.

Notwithstanding the provisions of the New Jersey State Housing Code and/or the current International Property Maintenance code, all residential structures shall contain smoke detectors and carbon monoxide alarms and ground fault interrupters (hereinafter GFI) to be placed as follows:

- A. A smoke detector shall be installed on each level of the dwelling, including basements, and excluding the attic or crawl space, and in each bedroom.

- B. A smoke detector and carbon monoxide alarm shall be installed outside each separate sleeping area, within 10 feet of bedrooms.

- C. Any receptacle within 72 inches of water source shall be a GFI type or equipped with a circuit breaker of the GFI type with the affected receptacles properly labeled as such.

The following fees shall be collected for issuing construction code certificates of occupancy:

1.	Residential	\$30.00
2.	Commercial (in multi, each unit)	30.00
3.	Garage	30.00
4.	Addition	30.00
5.	Temporary Certificate of Occupancy	28.00
6.	Special property verification letters	10.00

Sec. 7.2-10. INSPECTIONS.

The inspector shall make the necessary inspections of every building and construction operation for which a building permit may be issued upon notification from the applicant that the work being performed is ready for inspection as herein required.

Where applicable, there shall be made the following inspections:

- A. Upon completion of trench and prior to pouring footing.
- B. Closing in inspection of the frame work after the structural members are secured in place and before plaster or other finished coverings are installed so as to permit inspection of all wood framing and bracing.
- C. A final inspection is required and shall be made upon completion of the building or structure or any other construction operation requiring a permit and before issuance of the certificate of approval or certificate of occupancy.

Depending upon the nature of the work to be completed, the subcode official shall endorse upon the building permit the inspections which shall be required under the permit. Before the issuance of a permit, the inspector may make such inspection of a lot as is reasonably necessary to examine the property lines to determine the pertinent open spaces and other physical information that he/she may need to determine the issuance of a permit.

Sec. 7.2-11 EXEMPTION

Notwithstanding any other provision of this Article, and consistent with the provisions of NJS 52:27D-126e, any disabled person, or a parent or sibling of a disabled person, shall not be required to pay a construction permit fee for any construction, reconstruction, alteration or improvement which promotes accessibility to his or her own living unit. For the purposes of this section, "disabled person" means a person who has the total and permanent inability to engage in any substantial gainful employment by reason of medically determinable physical or mental impairment, including blindness, and shall include, but not be limited to, any resident of this state who is disabled pursuant to the Federal Social Security Act (42 USC Sec. 416), or the Federal Railroad Retirement Act of 1974 (45 USC Sec. 231, et seq), or is rated as having a 60% disability or higher pursuant to any federal law administered by the United States Veterans Act or person who is qualified for a handicapped identification card in accordance with the provisions of NJS 39:4-24, et seq. For purposes of this paragraph, "blindness" means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered as having a central visual acuity of 20/200 or less. It shall be the applicant's responsibility to provide the Construction Code Official with appropriate and sufficient documentation in support of any claim for the exemption provided for in this section.

Sec. 7.2-12 PENALTY

A. For any violation of this Article, upon conviction in the court having jurisdiction, the violator shall be subject to the general penalty provision of these revised ordinances, Section 1.1-6. In addition, the court may impose reasonable abatement terms as part of its order, and the failure to comply with such terms shall give the court continuing jurisdiction over the offense, with power to modify or impose additional penalties at the court's discretion.

B. In the event the Township abates a condition which is the subject matter of a violation then the cost of such abatement shall be at the expense of the owner of the premises in question, with the cost being assessed to said owner. When the cost is certified to the Township Tax Collector, it shall create a lien against the subject property.

ARTICLE 3. NUMBERING OF BUILDINGS AND LOTS; DISPLAY

Sec. 7.3-1. DECLARATION OF INTENT; RETROACTIVE EFFECT.

The intention of this amendment is to apply retroactively and include existing lots and buildings as well as those created after the effective date of this amendment.

Sec. 7.3-2. NUMBERING OF BUILDING AND LOTS.

All buildings and lots of land established within the Township shall be subject to being numbered for proper identification.

Sec. 7.3-3. ESTABLISHMENT OF NUMBERS.

The Township Engineer is hereby authorized to file in his office maps of the lots of land established within the Township and designate thereon a system of numbering of such lots for proper identification.

The Engineer is further authorized to assign numbers to buildings erected upon such lots for proper identification.

As standards for such designation and assignment, the Engineer shall give due regard to the need for a logical and uniform sequence of assignment along the streets and roads of the Township to obtain better identification and convenience for location.

Sec. 7.3-4. APPLICATION FOR NUMBER; DISPLAY; EXPENSE.

The property owner shall apply to the Township Engineer to obtain the number assigned to the owner's building, and upon making such application, the Engineer shall issue to the applicant the number assigned to its building.

Thereupon, the owner shall affix and display upon the main building the assigned number in numerical fashion.

No number shall be placed upon any building for the purpose of this Article, unless said number shall be that number which has been assigned under the authority of this Article, and correspond with the numbers placed upon the maps on file with the Engineer. In the absence of an application, the Township Engineer is empowered to notify the property owner of the number assigned to its building, and it shall be the obligation of the owner to affix and display the number in accordance herewith.

Sec. 7.3-5. SPECIFICATIONS.

The size of the number required to be affixed and displayed shall be not less than three inches in height and shall be numerical style. It shall be placed in a conspicuous location upon the front portion of the main building at a location thereon to provide a clear and legible identification of the building.

Sec. 7.3-6. PENALTY.

A person who shall refuse, fail or neglect to comply with the provisions of this Article shall be subject to a penalty upon conviction as described as the general penalty in The Code, Section 1.1-6.

ARTICLE 4. CONDEMNATION OF UNFIT BUILDINGS

Sec. 7.4-1. DETERMINATION THAT CERTAIN CONDITIONS EXIST.

There exists in the Township dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary or dangerous or detrimental to the residents of the Township.

Sec. 7.4-2a. CREATION OF POSITION OF HOUSING OFFICER.

A public officer, to be known as the Housing officer, shall be appointed by the Township Committee to exercise the powers prescribed by this Chapter, the term of which office shall be for a term of four (4) years (with the exception of any appointment made subsequent to the adoption of this Ordinance but prior to January 1 of the next succeeding year, in which case the appointment shall be for the four-year period beginning the first day of January plus the balance of the original year of appointment.)

Sec. 7.4-2b CREATING THE POSITION OF ASSISTANT HOUSING OFFICER

A public officer, to be known as the Assistant Housing officer, shall be appointed by the Township Committee to exercise the powers prescribed by this Chapter, the term of which office shall be for a term of four (4) years (with exception of any appointment made subsequent to the adoption of this Ordinance but prior to January 1 of the next succeeding year, in which case the appointment shall be for the four-year period beginning the first day of January plus the balance of the original year of appointment.) The Assistant Housing Officer shall fulfill the duties as set forth in this Chapter in conjunction with the Township's Housing Office and/or to render such services in the absence of the Housing Officer and as directed by the Township Committee. Any reference in Chapter 7 to the Housing Officer shall hereinafter include the Assistant Housing Officer.

Sec. 7.4-3. PETITION; INVESTIGATION; ISSUANCE OF COMPLAINT.

Whenever a petition is filed with the Housing Officer by a public authority or by at least five (5) residents of this Township charging that any dwelling is unfit for human habitation or whenever it appears to the Housing Officer (on their own motion) that any dwelling is unfit for human habitation, the Housing Officer shall, if their preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling a complaint.

Sec. 7.4-4. CONTENTS OF COMPLAINT.

The complaint shall state the charges and contain a notice that a hearing will be held before the Housing Officer (or his designated agent) at a place therein fixed not less than ten (10) days nor more than thirty (30) days after the serving of said complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Housing Officer.

Sec. 7.4-5. CONDITIONS THAT MUST EXIST.

The Housing Officer may determine that a dwelling is unfit for human habitation if he/she finds that conditions exist in such dwelling which are dangerous or injurious to the health or safety of the occupants of such dwelling, the occupants of neighboring dwellings, or to the residents of the Township; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects; uncleanliness.

Sec. 7.4-6. HEARING; ORDER.

If, after such notice and hearing, the Housing Officer determines that the dwelling under consideration is unfit for human habitation, he/she shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof and parties in interest an order;

- A. If the repair, alteration or improvement of the said dwelling can be made at a reasonable cost in relation to the value of the dwelling, requiring the owner (to the extent and within the time specified in the order) to repair alter or improve the said dwelling to render it fit for human habitation or, at the option of the owner, to vacate and close-the dwelling as a human habitation; or
- B. If the repair, alteration or improvement of the said dwelling cannot be made at a reasonable cost in relation to value of the dwelling requiring the owner (to the extent and specified in the order) to-remove or demolish such dwelling.

Sec. 7.4-7. FAILURE TO COMPLY WITH ORDER; REMEDY.

If the owner fails to comply with an order to repair, alter or improve or, at the option of the owner, to vacate and close the dwelling, the Housing Officer may cause such dwelling to be repaired, altered or improved, or to be vacated and closed; that the Housing Officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

Sec. 7.4-8. DEMOLITION.

If the owner fails to comply with an order to remove or demolish the dwelling, the Housing Officer may cause such dwelling to be removed or demolished.

Sec. 7.4-9. LIEN; SURPLUS MONEY.

The amount of the cost of repairs, alterations or improvements or vacating and closing, or removal or demolition shall be a municipal lien against the real property upon which such cost was incurred. If the dwelling is removed or demolished by the Housing Officer, he/she shall sell the materials of such dwelling and shall credit the proceedings of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the Superior Court, Chancery Division, by the Housing Officer, shall be secured in such manner as may be directed by such Court, and shall be disbursed by such court.

Sec. 7.4-10. AUTHORITY FOR ADMINISTRATION.

Process and procedure for the administration of this Article shall be governed by NJSA 40:48-2.3 to 40:48-2.12 and any amendments that may be made thereto.

Sec. 7.4-11. GENERAL POWERS

The Housing Officer shall have the right to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this Article, including the following power in addition to the others herein granted:

- A. To investigate the dwellings conditions in the Township in order to determine which dwellings therein are unfit for human habitation.
- B. To administer oaths, affirmations, examine witnesses and receive evidence.
- C. To enter upon premises for the purpose of making examinations provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession.

Sec. 7.4-12. SERVICE OF COMPLAINT OR ORDERS.

Complaints or orders issued by the Housing Officer pursuant to this ordinance, shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by said Housing Officer in the exercise or reasonable diligence, and the said Housing Officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two successive weeks in a newspaper printed and published in the Township of Pennsville, a newspaper circulating in the Township, if none be therein published. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order, and a copy of such complaint or order shall be duly recorded or lodged for record with the county recording officer.

Sec. 7.4-13. STANDARDS.

Pursuant to the provisions of NJSA 40:49-5.1, et seq, and the current version of the "International Property Maintenance Code" as may be amended or supplemented are hereby accepted, adopted, and established as standards to be used as a guide in determining the fitness of a building for human habitation, occupancy or use. Copies are on file in the office of the Township Clerk and are available to persons desiring to use and examine same.

Sec. 7.4-14. CONSISTENT INTENT.

Nothing in this ordinance shall be construed to abrogate or impair the power of the Township or any officer or department to enforce any provisions of its ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by his ordinance shall be in addition and supplemental to the powers conferred upon the Township by any other law or ordinance.

The provisions of the Code set forth in Section 1.1-2 dealing with the severability of parts and section 1.1-6 dealing with general penalty shall apply to the provisions of this ordinance.

ARTICLE 4A. AUTHORIZING THE INSPECTION OF DWELLINGS

Sec. 7.4A-1. PERSON AUTHORIZED.

The Housing Officer of the Township of Pennsville be and he/she is hereby designated as the officer to exercise the powers prescribed by the within ordinance, and he/she shall serve in such capacity without any additional salary.

Sec. 7.4A-2. STANDARDS.

Pursuant to the provisions of NJSA 40:49-5.1 and the Current Version of the "International Property Maintenance Code" as may be amended or supplemented, are hereby accepted, adopted and established as standards to be used as a guide in determining whether dwellings in this municipality are safe, sanitary and fit for human habitation and rental. Copies are on file in the office of the Township Clerk and are available to all persons desiring to use and examine the same.

Sec. 7.4A-3. INSPECTION; ENTRY.

The Housing Officer is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units and premises located within the Township of Pennsville in order that he/she may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections the Housing Officer is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units and premises. The owner or occupants of every dwelling, dwelling unit and rooming unit, or the person in charge thereof, shall give the Housing Officer free access to such dwelling, dwelling unit or rooming unit and its premises at all reasonable times for the purpose of such inspection, examination on and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this ordinance or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this ordinance.

Sec. 7.4A-4. NOTICE OF VIOLATION.

Whenever the Housing Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this ordinance, or of any rule or regulation adopted pursuant thereto, he/she shall give notice of such alleged violation to the person or persons responsible therefor as hereinafter provided. Such notice shall (a) be put in writing; (b) include a statement of the reasons why it is being issued; (c) allow a reasonable time-for the performance of any act it requires; and (d) be served upon the owner or his agent, or the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him/her personally; or if a copy thereof is sent by registered mail to his last known address; or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice; or if he/she is served with such notice by any other method authorized or required under the laws of this State. Such notice may contain an outline of remedial action, which, if taken, will affect compliance with the provisions of this ordinance and with rules and regulations adopted pursuant thereof: (e) The notice shall also state that in the event of non-compliance, the owner of the premises in question shall be subject to penalties as set forth in Sec. 7.4A-11.

Sec. 7.4A-5. REQUEST FOR HEARING; PETITION.

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this ordinance, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matters before the Housing Officer, provided such person shall file in the office of the Housing Officer a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten days after they say the notice was served.

Sec. 7.4A-6. HEARING; POSTPONEMENT.

Upon receipt of such petition the Housing Officer shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten days after the day on which the petition was filed; provided that upon application of the petitioner the Housing Officer may postpone the date of the hearing for a reasonable time beyond such 10-day period, if in his judgment the petitioner has submitted a good and sufficient reason for such postponement.

Sec. 7.4A-7. SUSTAIN, MODIFY OR WITHDRAW NOTICE; APPEAL.

After such hearing, the Housing Officer shall sustain, modify, or withdraw the notice, depending upon his findings as to whether the provisions of this Ordinance and of the rules and regulation adopted pursuant thereto have been complied with. If the Housing Officer sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this Ordinance shall automatically become an order if a written petition for a hearing is not filed in the office of the Housing Officer within ten days after such notice is served. The proceedings at such hearing, including the findings and decision of the Housing Officer shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Township Clerk. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Housing Officer may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the State.

Sec. 7.4A-8. EMERGENCY; PETITION FOR HEARING; ORDER.

Whenever the Housing Officer finds that an emergency exists which requires immediate action to protect the public health, or safety, he/she may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he/she deems necessary to meet the emergency. Notwithstanding the other provisions of this ordinance, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Housing Office shall be afforded a hearing as soon as possible. After such hearing, depending upon his findings as to whether the provisions of this Ordinance and of the rules and regulations adopted pursuant thereto have been complied with, the Housing Officer shall continue such order in effect, or modify it, or revoke it.

Sec. 7.4A-9. RULES AND REGULATIONS.

The Housing Officer is hereby authorized and empowered to make and adopt such written rules and regulations as he/she may deem necessary for the proper enforcement of the provisions of this ordinance, provided, however, that such rules and regulations shall not be in conflict with the provisions of this ordinance, nor in anywise alter, amend or supersede any of the provisions thereof. The Housing Officer shall file a certified copy of all rules and regulations which he/she may adopt in his office and in the office of the Clerk of the Township.

Sec. 7.4A-10. OCCUPANCY PROHIBITED.

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 "New Jersey State Housing Code" and the current version of the "International Property Maintenance Code" established hereby as the standards to be used in determining whether a dwelling is safe, sanitary and fit for human habitation.

The provisions of Revised Ordinances of the Township, Section 1-2 dealing with severability of parts and Section 1.1-6 dealing with general penalty shall apply to the provisions of this Ordinance.

Sec. 7.4A-11 PENALTY

A. For any violation of this Article, upon conviction in a court having jurisdiction, the violator shall be subject to the general penalty provision of these revised ordinances, Section 1.1-6. In addition, the court may impose reasonable abatement terms as part of its order, and the failure to comply with such terms shall give the court continuing jurisdiction over the offense, with power to modify or impose additionally penalties at the court's discretion.

B. In the event the Township abates a condition which is the subject matter of a violation, then the cost of such abatement shall be at the expense of the owner of the premises in question, with the cost being assessed to said owner. When the cost is certified to the Township Tax Collector, it shall create a lien against the subject property.

ARTICLE 4B. **INSPECTION OF PREMISES PRIOR TO CHANGE IN
OCCUPANCY; ISSUANCE OF CERTIFICATION OF OCCUPANCY**

Sec. 7.4B-1. **PERSON AUTHORIZED.**

The Housing Officer of the Township of Pennsville be and he/she is hereby designated as the officer to exercise powers and duties prescribed by this Article.

Sec. 7.4B-2. **STANDARDS.**

Pursuant to the provisions of Chapter 2 I, P .L. 1946 (NJSA 40:49-5.1) the "New Jersey State Housing Code" and the current version of the "International Property Maintenance Code" as approved by the State Departments and filed in the Secretary of State's Office is hereby accepted, adopted and established as standards to be used as a guide in determining whether dwellings in this municipality are safe sanitary and fit for human habitation and rental. Copies of the "New Jersey State Housing Code" and the current version of the "International Property Maintenance Code" have been placed on file in the office of the Township Clerk and are available to all persons desiring to use and examine the same.

Sec. 7.4B-3. **DECLARATION OF INTENT.**

This Article is to regulate against sub-standard dwelling structures in features of structure, equipment; maintenance or occupancy, and intends to abate such conditions which adversely affect the public health and safety and which contribute to create blight conditions. The inspection of dwelling structures and determination of such adverse conditions to cause correction thereof will promote the public health, safety and welfare of the community by enforcement of acceptable housing standards.

Sec. 7.4B-4. **DEFINITION; DWELLING STRUCTURE.**

A dwelling structure shall mean a building or portion of a building containing a room or space or group of rooms or spaces combined to provide living facilities for one or more persons with facilities for living, sleeping and cooking. This shall include, but not limited to, an apartment unit and mobile home.

Sec. 7.4B-5. **PROHIBITION; REQUIREMENT OF CERTIFICATE.**

No person, firm or corporation which owns, operates or manages any dwelling structure, as defined herein, shall rent, lease, let or permit to be occupied such dwelling structure without first securing a certificate of occupancy from the Township; nor shall any person, firm or corporation acquiring or purchasing, in any manner, occupy any such dwelling structure or allow, abet or permit same to be occupied by any other person without first securing such certificate of occupancy.

Sec. 7.4B-6. APPLICATION; INSPECTION.

Application to secure a certificate of occupancy shall be made to the Housing Officer's Office upon approved form, submitting all required information.

Upon making of said application, the Housing Officer shall arrange for inspection of the dwelling structure to determine that its condition complies with the regulations governing zoning, the building, plumbing, electrical, health and safety, fire or fire prevention and minimum housing standards and any rules or regulations established pursuant there to as referred to in Sec. 7.4B-2 of this Article. No Certificate of Occupancy shall be issued to the owner of any building or structure whose real property taxes are not current, except when the application results from a change of ownership of the dwelling or structure, in which case the housing officer may issue a conditional Certificate of Occupancy, with the condition being payment of taxes by the settlement agent at the time of transfer to title.

Sec. 7.4B-7. ENTRY AND EXAMINATION.

By the making of said application, the applicant shall consent to and give free access to such dwelling structure to the examining officer for the purpose of making examination of the premises and issuance of the certificate.

Sec. 7.4B-8. NOTICE OF CONDITIONS.

Upon completion of inspection, the examining officer shall give notice to the applicant of any repairs or alterations of such dwelling structure which are necessary to effect compliance with the provisions of this Article. Such notice shall be in writing, setting forth the repairs or alterations to be made and served upon the applicant or its agent

Sec. 7.4B-9. ISSUANCE OF CERTIFICATE.

A certificate of occupancy shall be issued by the Housing Officer and/or the Construction Official, if

- A. Upon inspection, the premises are in compliance with requirements,
or
- B. Upon reinspection and completion of required repairs or Alterations.
 - 1. No occupancy shall be authorized and no certificate shall be issued therefor during the time that such required repairs or alterations are being made, and

C. Upon production of documentation by the applicant that Township taxes, sewer and water bills are current and there are no outstanding open building permit(s), violations of the Township's housing ordinance, the codes set forth in Paragraph 7.4B-2 above, and/or judgments of a court of competent jurisdiction prohibiting occupancy of the premises in question.

Notwithstanding the provisions of the New Jersey State Housing Code and/or the current version of the International Property Maintenance code, all residential structures shall contain smoke detectors, carbon monoxide alarms and ground fault interrupters (hereinafter GFI) to be placed as follows:

- A. A smoke detector shall be installed on each level of the dwelling, including basements, and excluding the attic or crawl space, and in each bedroom.
- B. A smoke detector and carbon monoxide alarm shall be installed outside each separate sleeping area, within 10 feet of bedrooms.
- C. Any receptacle within 72 inches of a water source shall be a GFI type or equipped with a circuit breaker of the GFI type with the affected receptacles properly labeled as such.

The following fees shall be collected for issuant Certificates of Occupancy:

HOUSING OFFICER INSPECTION/REINSPECTION

Inspection of apartment unit, mobile home which is for sale, house for rent (for occupancy)	\$50.00 per house/unit
First inspection of above (for same certificate)	\$50.00 per house/unit
Second or subsequent inspection (for each for same certificate)	\$100.00 per house/unit

COMMERCIAL INSPECTION

	\$35.00
Performed by the Construction Code Department	\$120.00

Sec. 7.4B-10.

**APARTMENT COMPLEXES – CERTIFICATION OF
OCCUPANCY INSPECTIONS AND ISSUANCES OF
CERTIFICATES OF OCCUPANCY.**

An apartment complex owner, or its agents, servants or employees, may request a Certificate of Occupancy inspection when one of their apartments is empty even if they have not found a new tenant. In such cases the applicant shall supply the Housing Officer or his designated representative with the name of the tenant within thirty (30) days of the inspection, which name will be added to the application, with a copy retained by the Housing Officer and with a copy being sent by regular mail to the applicant. (Regular mail to be deemed received unless returned.) In no event shall an apartment complex permit re-occupancy of a vacant apartment without the apartment being inspected in accordance with the provisions of this chapter.

Sec. 7.4B-11 PENALTY

Upon conviction of violation of this ordinance by a court of competent jurisdiction, the violator shall be subject to the general penalty provision of Revised Ordinances Sec. 1.1-6.

ARTICLE 5. **MINIMUM CONSTRUCTION REQUIREMENTS FOR RESIDENTIAL STRUCTURES**

Sec. 7.5-1. **SPECIFICATIONS.**

A. Foundations and Masonry

1. The lowest finished grade of the lot at the exposed base of the structure shall be established to be not less than one foot above the crown of the existing or proposed grade of the street, whichever shall be the greater. The proper grade specification shall be that as determined by the Township Engineer.

B. Design and Other Requirements.

1. In any new construction, concrete curb, gutter and sidewalk shall be required to be installed on the property in accordance with the procedures and specifications of the Revised Land Development Ordinances.
2. In construing paragraph (B.1) above, in any application for residential construction, the Township Committee may determine that the requirement for the installation of curb, gutter or sidewalk may be waived for any of the reasons set forth below:
 - (a) A hardship would result in the use of the property other than financial; or
 - (b) An impractical physical result to the property would occur; or
 - (c) Such improvement would not be supported by the development of surrounding properties in the neighborhood.

In the making of his determination, the Township Committee may accept the recommendations of the Township Engineer, but such determination shall be based upon actual circumstances and be strictly construed against the applicant, and giving due regard to the standards set forth in the Land Development Ordinances of the Township.

In the alternative, the Township Committee may require any applicant who requests a waiver from the installation of either, curb, gutter or sidewalk along their property frontage to post the estimated construction value of said improvement as determined by the Township Engineer in an interest bearing escrow account to be maintained by the Township Treasurer. After passage of five years from the date of deposit, if the Township has not used said funds to construct the curb, gutter and sidewalk along the frontage of said property, the said funds and all accrued interest shall be returned to the applicant.

ARTICLE 6. MAINTENANCE OF EXTERIOR PREMISES

Sec. 7.6-1. PURPOSE.

There exists in the Township a need to enforce against the conditions under which some property is allowed to remain or failed to be maintained which is an annoyance to neighboring owners and to the community.

This is an ordinance to promote the public health, safety and welfare of the inhabitants of the Township in all existing premises by establishing minimum requirements for the safe and sanitary maintenance of lands whether occupied or vacant in both residential and non-residential areas, and to provide for the administration, enforcement and penalties of such conditions.

This ordinance is related to the manner in which lands are maintained concerning structural deficiencies, the growth of vegetation thereon and the accumulation of trash and garbage.

Sec. 7.6-2a RESPONSIBILITY FOR UNLAWFUL CONDITIONS:

The owner or occupant of any improved residential tract of land located within the Township of Pennsville shall be responsible for compliance with this section. The owner of any unimproved tract of land located within the Township of Pennsville which is four acres in size or less and which adjoins an improved residential tract of land shall also be responsible for compliance with this section.

Sec. 7.6-2b UNLAWFUL CONDITIONS

It shall be unlawful for any person, firm, or corporation to maintain, control, occupy, or use any real property in this Township when any of the following conditions exist:

- A. To have on the premises weeds or plant growth in excess of (10) inches in height or length measured by standard rule (254 mm. metric).

"Weeds or plant growth" shall be defined for this paragraph to mean all grasses, annual plants and vegetation other than trees, shrubs, cultivated flowers and gardens.

The extent of such unlawful growth on any premises does not require that the entire area be so overgrown; and it shall be sufficient to be in violation hereof; if at least ten (10%) of the total growing area is so covered with such unlawful weeds or plant growth.

- B. To have on the premises an accumulation of trash or garbage which is not stored in leak proof containers with close fitting covers, intended to be disposed of by curbside pickup, which accumulation gives an unclean or unsanitary appearance.

The provisions of Chapter 20, Pennsville Recycling Program, shall be standards for definition and proper maintenance method for this Article.

- C. A swimming pool containing more than residual water (meaning less than 2 inches) when the premises is uninhabited.
- D. An unoccupied structure with one or more broken windows.
- E. Broken tree trunks or branches.
- F. An accumulation of trash or debris that constitutes a safety or health hazard.
- G. Structural deficiencies which could lead to the collapse or partial collapse of a building or structure, thus endangering the public.

The Township may abate the above conditions by cutting the grass, removing trash and garbage, pumping the pool, boarding up windows, trimming the trees, and supporting or demolishing sections of a premises that is in danger of collapse.

None of the above paragraphs shall include municipal lands held in reserve or for the specific purpose of solid waste management.

Sec. 7.6-3. ENFORCEMENT OFFICER; DUTIES AND POWERS.

The Housing Officer shall be the enforcement officer of this Article. In the absence of such officer and there are existing exigent circumstances requiring immediate attention, the Zoning Administrative Officer shall act as such enforcement officer.

The enforcement officer shall have the authority and responsibility to:

- A. Issue notices or orders to abate unlawful or unsafe conditions of maintenance. Only one such notice shall be required in any calendar year. In the event of a complaint in a subsequent year only one additional notice will be issued for that calendar year and each calendar year thereafter.
- B. Enter the premises at reasonable times to inspect or perform duties under this Article; if he/she is interfered within the making of such entry, he/she is empowered to seek such judicial relief as deemed needed.
- C. Arrange for the coordination of other offices to fulfil inspection or other enforcement matters herein.

- D. Keep records of all business and activities undertaken under the authority of this Article.
- E. Institute enforcement actions and other acts in connection therewith, including abatement of the nuisance, either with or without prior notice.

The giving of such notice, after the initial notice in any one calendar year, shall not be required to effectuate the purpose of this Article. After the first notice in any one calendar year the enforcement officer may proceed with a formal complaint or, in his discretion, abate the condition, again without giving second or subsequent notice. The Initial Notice shall state that the Township may abate similar conditions in the future without giving prior notice.

The notice set forth above shall direct to each responsible party to abate the nuisance setting forth the following facts:

- A. The location of the premises involved;
- B. A statement of the complained conditions;
- C. A time by which abatement shall occur which shall be not more than 7 days following receipt of such notice;
- D. A statement that the failure to comply with the terms of the notice shall result in either the filing of a formal complaint in the court of competent jurisdiction and/or abatement of the condition by the Township;
- E. A statement of the penalty for violation hereof; or assessment of the cost of abatement; and
- F. The names of all parties noticed.

The failure to include the responsible party shall not, however, be grounds to invalidate the proceedings against any other party;

In the event the condition or conditions complained of are not corrected or removed within the time permitted, the enforcement officer shall either institute a complaint before the court having jurisdiction to seek the relief or penalty provided for herein, or cause and abatement of the condition in question.

Sec. 7.6-4. SERVICE OF NOTICE.

The Notice in Sec. 7.6-3 shall be deemed to have been given if made by personal service or by certified mail directed to the responsible person or persons according to the address of the premises involved; or, in the event no address is listed for the premises, then directed to the name of the owner as appears upon the tax assessment record of the Township.

In the event the property is posted with a common type realtor's sign indicating the premises are offered for sale, the realtor shall be considered a responsible party as the owner's agent and a Notice shall also be provided to the office of such agency.

Sec. 7.6-5. PENALTY – NUISANCE FEE SCHEDULE

- A. For any violation of this Article, upon conviction in the court having the jurisdiction, the violator shall be subject to the General Penalty provision of Revised Ordinances, Sec. 1.1-6. In addition, the court may impose reasonable abatement terms as part of its order and the failure to comply with such terms shall give the court continuing jurisdiction of the offense with power to modify or impose additional penalty within said Section.
- B. In the event the Township abates the condition, a bill will be sent to the owner of the premises with a notice that it must be paid within 30 days. Then the cost of said abatement shall be at the expense of the owner of the premises in question with the cost being assessed to said owner, and when the cost is certified to the Township Tax Collector, it shall create a lien against the subject property. The "cost" as set forth above shall be established by the Township Committee by way of Resolution and amended thereafter as they deem appropriate. The notice as set forth above will set forth the possible penalty provided for by Section 1.1-6 of these ordinances as well as the potential cost as set forth on the nuisance fees schedule.
- C. In the event the abatement process involves use of inmates from the Salem County Correctional Facility, the property owner (and/or lenders, as the case may be) shall only be charged for the use of Township equipment and personnel, and, more specifically, there shall be no labor charge for services rendered by the inmates as set forth above.

Sec. 7.6-6. SEVERABILITY.

The provision of The Code, Sec. 1.1-2, Severability of Parts, shall apply to this Article.

ARTICLE 7

**FIRE DAMAGED PROPERTIES – PAYMENT OF BACK TAXES
AND DEMOLITION COSTS FROM THE PROCEEDS OF FIRE
INSURANCE POLICIES**

Sec. 7.7-1 RESTRICTION ON PAYMENT OF CLAIMS

No insurance company authorized to issue fire insurance policies in the State of New Jersey shall pay to a claimant any claim in excess of Two Thousand Five Hundred Dollars (\$2,500) for fire damages on any real property located within the Township of Pennsville pursuant to any fire insurance policy issued or renewed after the adoption of his Ordinance and the filing of this Ordinance with the State Commissioner of Insurance until such time as:

- A. All taxes and assessments and all other municipal liens or charges due and payable, including anticipated costs of demolition appearing on the official certificate of search for municipal liens pursuant to NJSA 54:5-12 shall have been paid either by the owner of such real property or by the insurance company; or
- B. The Township of Pennsville submits to the insurance company a copy of a resolution adopted pursuant to Section 2 of this ordinance.

In the event that an appeal is taken on the amount of any lien or charge, other than an appeal on the assessed valuation of real property pursuant to NJSA 54:3-21, the insurance company shall withhold seventy-five percent (75%) of the full amount of lien or charge being contested pending termination of all proceedings, at which time such moneys and all interest accruing thereon, at a rate paid on interest-bearing accounts in banking institutions or savings and loan associations in the State of New Jersey, shall be disbursed in accordance with the final order or judgment of the court.

Sec. 7.7-2 COST OF DEMOLITION

The Township Fire Chiefs shall immediately notify the Township Clerk in the event that a structure on real property located within the Township of Pennsville has been damaged or destroyed by fire. In the event of receiving such a notice, the Clerk shall immediately request that the Township's Construction Code Official and Fire Official inspect the property, after which they shall prepare a report containing their opinion with regard to the extent of the damage of the premises in question and whether it can be repaired and/or whether the property should be demolished. The reports shall be forwarded to the Township Clerk within seven (7) days of notice to the above mentioned officials. Upon receipt of the notice, the Clerk shall immediately list the matter for discussion by the Township Committee at their next regular meeting. In the even the Committee determines that the property must be demolished, they will authorize the Township Clerk to solicit quotes and/or bids for the cost of demolition, which quotes and/or bids shall be returned to the Clerk within ten (10) days of posting. Thereafter the Clerk shall advise the Committee of the amount of the quotes. The Committee, utilizing such

quotes, shall determine the cost of demolition, which amount shall be certified by the Township Clerk to the Township Tax Collector who shall then add the cost of demolition to the tax account in question.

Sec. 7.7-3 AGREEMENT FOR INSTALLMENT PAYMENTS

The Township Committee of the Township of Pennsville may, by resolution, enter into an agreement with the owner of any fire-damaged property, situated in the Township of Pennsville, to pay in full all delinquent taxes, assessments or other municipal liens by installments pursuant to NJSA 54:5-19 or for the redemption of a tax sale lien or installment payments to Article 7 of Chapter 5 of Title 54 of the Revised Statutes of New Jersey, if the Township Committee is satisfied that the claim for fire damages is to be used to restore or improve the fire-damaged property.

In the event of such a resolution, a certified copy of said resolution shall be sent to the insurance company authorizing the insurance company to make full payment on the claim to the insured.

Sec. 7.7-4 PAYMENT TO MORTGAGEE

Notwithstanding the provisions of Sec. 7.7-1 of this Ordinance, an insurance company may pay proceeds of a fire insurance policy to a mortgagee of fire-damaged real property where the fire insurance policy, at the time of loss, listed the mortgagee as a named insured, provided that said payment may not be in an amount which exceeds the mortgage contract.

Any claim on behalf of the Township of Pennsville made in accordance with the provisions of this Ordinance and P.L. 1978, c. 184, shall be paramount to any other claims on the proceeds of the fire insurance policy, except the claim of a holder of a mortgage on the fire-damaged property, where the fire insurance policy at the time of the loss listed the mortgagee as a named insured, in which event the claim of the mortgagee to the proceeds shall be paramount to the municipal lien only to the extent of the amount due and payable to the mortgagee under the mortgage contract.

Sec. 7.7-5 AMENDMENT OR MODIFICATION OF OFFICIAL CERTIFICATE OF SEARCH

The official certificate of search may, from time to time, be altered by the bonded official responsible for preparing such certificates in order to cancel any error or omissions or to add any municipal liens or related charges due and payable subsequent to the preparation of the official certificate.

Sec. 7.7-6 FILING OF ORDINANCE WITH COMMISSIONER OF INSURANCE

Upon the adoption of this Ordinance, a certified copy shall be filed by the Clerk of the Township of Pennsville with the State Commissioner of Insurance, pursuant to Section 2 of P.L. 1978, Chapter 184.

Sec. 7.7-7 INCORPORATION OF STATE LAW

All other powers conveyed and reserved to the Township of Pennsville by NJSA 17:36-8 through 17:36-13, as now or hereafter amended, not specifically set forth in this Ordinance, are hereby incorporated by reference and enacted by the Township of Pennsville.