

**TOWN OF WEST NEW YORK
COUNTY OF HUDSON**

ORDINANCE #6/16

**AN ORDINANCE AMENDING CHAPTER 148 OF THE CODE OF THE TOWN OF
WEST NEW YORK ENTITLED “CERTIFICATE OF OCCUPANCY”**

WHEREAS, Chapter 148 of the Code (the “Code”) of the Town of West New York (the “Town”) establishes the process to obtain an ownership certificate in order to transfer title to property ; and

WHEREAS, the Town seeks to clarify that an ownership certificate is required for the sale of residential, commercial, mixed use and vacant properties. A business certificate is required for changes in use or tenancy of a commercial property and a residential tenant certificate is required for changes of residential tenants; and

WHEREAS, according to N.J.S. 40:48-1, the Town is permitted to, among other things, adopt ordinances in order to protect the public health, safety and welfare of the municipality and its inhabitants; and

WHEREAS, the Town is desirous of insuring that buildings are safe and comply with construction and safety requirements upon the sale or change in occupancy of the buildings and therefore an inspection of the premises is required and issuance of an ownership/business/tenancy certificate.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Commissioners of the Town of West New York that Chapter 148 entitled “Certificates of Occupancy” shall be amended to delete this Chapter in its entirety and substitute the following:

Section One

**Sale, Transfer or Conveyance of Real Estate
Owners/Business/Residential Tenancy Certificates**

§ 148-1. Ownership Certificate required.

- A. It shall henceforth be unlawful for any owner or prospective purchaser of real property to sell, convey, delivery or transfer, and for any purchaser to purchase, take title or possession of, any residential building or premises until an ownership certificate, to the effect that such residential building or premise complies with and conforms to the provisions of this article, shall have been issued by the Director of the Department of Public Affairs or his designee. The ownership certificate shall be issued after proper an application has been executed and filed

by the owner or the purchaser, as required, and after inspection and approval by an inspector, designated by the Director of the Department of Public Affairs or Construction Code Official. The fee for such inspections shall be as provided for in § 148-7 of this Chapter.

- B. An ownership certificate shall also be required for the sale, transfer or conveyance of any commercial or mixed use building as provided in Section 148A. The fee for such inspections shall be as provided for in Section 148-7 of this Chapter.
- C. A Business Certificate shall be required for the change in tenancy or use of a commercial or mixed use building. The requirements of the Business Certificate are set forth in the application and require the name of the property owner and business owner information. The fee for such inspections shall be as provided for in Section 148-7 of this Chapter.
- D. A residential tenant certificate is required for the change of tenants in any residential property. The requirements for the residential tenant certificate shall be set forth in the application. The fee for the inspection and issuance of the certificate is set forth in Section 148-7 of this Chapter.
- E. A vacant property certificate is required for the sale of any vacant land. The fee for this certificate is set forth in Section 148-7 of this Chapter.

§ 148-2. Procedures for obtaining certificate.

The procedures for obtaining the Ownership Certificate or Business Certificate shall be as adopted, promulgated and set forth by the Director of the Department of Public Affairs and as approved by the governing body of the Town after the Director of Public Affairs has adopted, promulgated and set forth such procedures; further, these procedures may be amended from time to time as the need may arise, with the approval of the governing body of the town.

§ 148-3. Issuance of temporary certificate.

In the event that the agreement of sale, conveyance or transfer of possession provides for or contemplates an “as is” sale, conveyance or transfer, then a copy of such agreement shall be attached to the application, which application must be signed by both the seller, grantor or transferor and the purchaser, grantee or transferee. Upon receipt of the complete application with appropriate fee, the Department of Public Affairs shall arrange for an inspection of the building to determine if there are violations of the Housing, Building, or Fire Codes or Property Maintenance Code of the Town of West New York. If the inspection of the building or premises reveals violations of the Housing, Building, Fire, Electrical or Property Maintenance Codes or ordinances which will not be repaired or corrected before title closing or transfer of possession, then the Director of the Department of Public Affairs or his designee may issue a nonrenewable temporary ownership certificate for a period not in excess of six months from the date of conveyance or transfer of possession. When a temporary ownership certificate is issued, the purchaser or transferee shall acknowledge receipt of such certificate and obligation to comply

with the provisions and requirements of the Housing Code, Building, Fire, Electrical or Property Maintenance Codes and the Town ordinances applicable to the same. The Director of the Department of Public Affairs or his designee is authorized to issue a final Ownership Certificate when his inspection of the premises indicates that the premises are free of violations of the Housing, Building, Fire, Electrical or Property Maintenance Codes of the Town of West New York.

§ 148-4. Responsibility and liability for obtaining certificate.

The responsibility and liability for obtaining or not obtaining the Ownership Certificate is both with the property owner and the prospective purchaser. The responsibility and liability for obtaining the Business Certificate is both with the property owner and business owner. The facts that one or both have abrogated the responsibility hereinabove shall not diminish the liability of either one or the other to the exclusion or inclusion of the other. The responsibility and liability of obtaining the residential tenant certificate shall be with the Landlord.

§ 148-5. Applicability.

This article shall apply to the transfer of ownership of all residential, commercial and mixed use buildings, including one-family, two-family and three-family dwellings, whether owner occupied or not, and all multifamily residential buildings having more than three dwelling units,. It shall also apply to all residential buildings which are to be converted into condominium or cooperative form of ownership. Business Certificates shall be obtained by all property owners who change the use of their buildings or change tenants in their buildings.

§ 148-6. Violations and penalties.

Any person who shall knowingly and willfully violate or assist in the violation of this article shall, upon conviction, be punishable as provided in the general penalty provisions as set forth in Chapter 1, General Provisions, Article II.

§ 148-7. Fees.

The following fee schedule shall apply:

Residential building

- A. Condominiums and Cooperative units and one and two family buildings: \$100.
- B. Three to Ten Residential units buildings: \$250
- C: Each additional residential unit over ten units: \$50

Commercial building

- A. Each Commercial building: \$250

Mixed Use Building

- A. Each Commercial building: \$250 plus the residential fees per the fee schedule.

Business Certificate

- A. Each business: \$350

Residential Tenant Certificate

- A. Change of residential tenant: \$50

Vacant Land Certificate

- A. Each vacant property: \$50

§ 148-8. Fines.

Failure to obtain any Ownership Certificate, Business Certificate, Residential Tenant Certificate or Vacant Land Certificate shall result in a minimum fine of \$100.

Section Two

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section Three

Repealer. All ordinances or portions thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, or the extent of such conflict or inconsistency, it being legislative intent that all ordinances or portions of ordinances now existing or in effect shall remain in effect unless the they are in conflict or inconsistent with any provision of this Ordinance.

Section Four

When Effective. This ordinance shall take effect upon passage and publication as required by law.

SUMMARY OF ORDINANCE

This Ordinance amends Chapter 148 to delete that Chapter and to substitute the requirements for obtaining an Ownership Certificate for the sale of any residential, commercial, vacant or mixed use building. It provides for obtaining a business certificate for any change in commercial tenancy or use of a commercial property. A residential tenant certificate is required for changes in residential tenants.

Introduced: 3/16/2016

Notice

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on **March 16, 2016** and ordered published, and will be further considered before final passage at a public hearing on **April 21, 2016 at 6:30 p.m.** at the Commission Chambers, Municipal Building, West New York, NJ. A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, N.J.

Carmela Riccio, RMC
Town Clerk

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