

ORDINANCE # 9-2025

ORDINANCE OF THE TOWNSHIP OF EAST GREENWICH, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY AMENDING VARIOUS CHAPTERS ADDRESSING CERTIFICATE OF OCCUPANCY LANGUAGE IN THE CODE BOOK OF TOWNSHIP

WHEREAS, the Department of Community Affairs (“DCA”) has announced amendments to N.J.A.C. 5:23-2.23(a), (c), (d) and (f), to define a Certificate of Occupancy as only being issued for projects of new construction, reconstruction, additions and change of use; and

WHEREAS, the Township’s Code must be amended to change the Certificate of Occupancy language in various chapters/sections; and

WHEREAS, in all other respects, the Township Code shall remain in full force and effect;

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of East Greenwich, County of Gloucester State of New Jersey, and it is hereby enacted and ordained as follows:

SECTION 1. REPEAL

CHAPTER 8.36.080 - Permits and certificate of fire code status.

C. Smoke alarm, carbon monoxide alarm and portable fire extinguishers inspections will be handled through the certificate of occupancy process under Section 15.10.060(H).

CHAPTER 15.04.020 – Permits

E.

9. Certificates of Occupancy. *In its entirety.*

- a. The fee for certificate of occupancy granted for new construction shall be ten (10) percent of the total construction fees, provided the minimum shall be Fifty dollars (\$50.00).
- b. The fee for certificate of continued occupancy for resale or change in tenancy shall be fifty dollars (\$50).
- c. Certificate of continued occupancy for all commercial tenants and resale shall be one hundred seventy-five dollars (\$175.00).

CHAPTER 15.08 – Certificates of Occupancy for Existing Dwelling Units and Residential Rental Units - *In its entirety.*

CHAPTER 15.10.010 - Purpose

4. Prohibit the occupancy of any unit being rented until such time as a certificate of occupancy shall have been issued.

CHAPTER 15.10.060 - Inspection of residential units and certificate of occupancy. *In its entirety.*

CHAPTER 15.44.100 – Re-occupancy and/or sale of the property. – *In its entirety.*

CHAPTER 16.14.090 - Certificates of occupancy. – *In its entirety.*

SECTION 2. AMEND/ADOPT

CHAPTER 8.36.080 - Permits and certificate of fire code status.

C. Smoke alarm, carbon monoxide alarm and portable fire extinguishers inspections will be handled through the certificate of occupancy and certificate of continued occupancy process under Section 15.10.060(H).

CHAPTER 15.04.020 – Permits

E.

9. Certificates of Occupancy. The fee for certificate of occupancy shall be as follows:

- a. The fee for certificate of occupancy granted for new construction shall be ten (10) percent of the total construction fees, provided the minimum shall be Fifty dollars (\$50.00).
- b. The fee for certificate of continued occupancy for resale or change in tenancy shall be fifty dollars (\$50).
- c. Certificate of continued occupancy for all commercial tenants and resale shall be one hundred seventy-five dollars (\$175.00).

CHAPTER 15.08 – Certificates of Continued Occupancy for Existing Dwelling Units and Residential Rental Units

15.08.010 - Required for existing dwelling units and residential rental units.

Certificates of Continued Occupancy shall hereafter be required for human habitation of all existing dwelling units and residential rental units in the township before a change in occupancy of any such unit may be effected.

15.08.020 - Other certificates required.

The certificate of continued occupancy required herein does not repeal or amend requirements for other certificates of occupancy heretofore provided for by ordinances of this township or statutes of the State of New Jersey.

15.08.030 - Application for certificate.

Application for a certificate of continued occupancy for change in occupancy shall be made to the construction code official on a form provided by the township.

15.08.040 - Application fee.

Application for a certificate of continued occupancy to the construction code official shall be accompanied by a fee of fifty dollars (\$50.00).

15.08.050 - Inspection.

The construction code official shall cause an inspection to be made of the subject dwelling unit to determine if such unit is fit for human habitation and in compliance with all applicable township ordinances and laws of the State of New Jersey related to maintenance, safety and health. Such inspection shall be made within ten (10) working days of the receipt of a fully completed application for a certificate of continued occupancy and the accompanying fee.

15.08.060 - Issuance or denial of certificate.

Upon determining that the requirements of this section have been complied with, the construction official shall issue a certificate of continued occupancy.

If, upon the inspection or inspections aforesaid, the construction code official, or his or her representative, finds the subject unit is not in compliance, the construction code official, or his or her representative, shall, within such ten (10) working days, notify the applicant, in writing, of such noncompliance, specifically setting forth the violation or violations which require correction.

15.08.070 - Correction of violations—Reinspection—Fee.

Upon correction of the violation or violations, the applicant shall notify the construction code official, in writing, and shall submit a first reinspection fee of forty-five dollars (\$45.00), whereupon the construction code official, or his or her representative, shall reinspect the subject existing dwelling unit or residential rental unit within five working days of receipt of such notification and reinspection fee. Any and all requests by the applicant for subsequent reinspection, if any, shall be submitted with a reinspection fee of seventy dollars (\$70.00). This procedure shall be followed until all violations have been corrected, at which time a certificate of continued occupancy shall be issued.

15.08.080 - Smoke detectors required.

In addition to the requirements for a certificate of continued occupancy hereinabove set forth, it shall also be required that each such existing dwelling unit or residential rental unit have installed therein, a minimum of one approved, listed and labeled smoke detector sensing visible or invisible particles of combustion, installed in a manner and location consistent with its listing.

When actuated, the detector shall provide an alarm suitable to warn the occupants within the dwelling.

15.08.090 - Responsibility for obtaining certificate.

The owner of each existing dwelling unit or residential rental unit subject to this chapter is charged with the responsibility for making written application to the construction code official for a certificate of continued occupancy. In the event that a change of occupancy is also accompanied by a change of ownership of the unit, the buyer of such unit may waive the seller's responsibility and assume the same; provided, however, that such waiver shall be in writing, and shall further state that the buyer is fully aware that he or she is assuming full responsibility for obtaining a certificate of continued occupancy pursuant to this chapter. Such written waiver shall be filed with the construction code official.

15.08.100 - Copies of regulations.

The construction code official shall furnish copies of all regulations referred to herein to any person requesting the same for a reasonable fee, commensurate with the costs of reproducing such regulations.

15.08.110 - Violations—Penalties.

Any person charged with the responsibility for obtaining a certificate of continued occupancy who violates the provisions hereof shall be subject, upon conviction thereof, to a fine of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00) or thirty (30) days in jail, or both.

CHAPTER 15.10.010 - Purpose

4. Prohibit the occupancy of any unit being rented until such time as a certificate of continued occupancy shall have been issued.

CHAPTER - 15.10.060 - Inspection of residential units and certificate of continued occupancy.

- A. All buildings or structures used, occupied or proposed to be occupied as residential units and/or rental facilities shall be inspected by the housing code official before every initial occupancy, change in occupancy and/or change in the number of occupants.
- B. No owner, agent, broker or person shall purchase, sell, rent, lease or use any residential unit unless a certificate of occupancy or certificate of continued occupancy has been issued certifying that the residential unit is fit for human habitation and that the residential unit is in compliance with this chapter.
- C. The owner, operator and/or registered agent of the subject property shall be responsible for completing an application for a certificate of occupancy or before any initial occupancy or a certificate of continued occupancy before any proposed change

in occupancy and/or addition to the number of occupants. The housing code official, within ten (10) working days of the receipt of said application, shall make an inspection of the applicable residential unit or units. The owner, operator and/or registered agent must accompany the official, for inspection. For purposes of carrying out the inspection and shall provide access throughout the entire exterior and interior of the building, including areas not necessarily the subject matter of human occupancy, including the basement, heating systems, electrical systems, plumbing systems, air-conditioning systems, smoke detection systems and other systems applicable to the utilization of the building. In addition, the housing officer, or his representative, shall confirm that the property is in compliance the Property Maintenance Code of the Township of East Greenwich.

- D. Upon determining that this chapter and all applicable laws, ordinances, codes, regulations and standards have been complied with, the official shall issue a certificate of occupancy or certificate of continued occupancy permitting occupancy of the inspected residential unit.
- E. If the official finds the residential unit is not in compliance, the owner and/or registered agent shall thereupon be notified in writing within seventy-two (72) hours after the inspection, specifically noting those violations requiring corrections before any new occupancy and/or change in occupancy may commence and that correction of the violations may require construction permits, to be issued upon proper application to the construction code official. The housing code official may designate a time frame for correction of violations, which may be extended by the official for good cause. Good cause for such extension shall include but is not limited to:
 - 1. Delays caused by weather conditions;
 - 2. Unavailability of building/construction materials;
 - 3. Unavailability of contractors to correct the violations or other extenuating conditions;
 - 4. Compliance required by other agencies, including the State of New Jersey;
 - 5. Delays occasioned by the securing of permits, or the corrective action to be taken, whereby under the code or regulation the permit officer may not be required to issue the permit immediately upon application;
 - 6. Other extenuating conditions.
- F. The owner, operator and/or registered agent may file a written request challenging any part of the notice requiring correction of the code violation(s). This written challenge must be filed within ten (10) days of service of the notice of violation with the construction code officer who shall affirm, modify or dismiss the notice of code violation. A notice shall be deemed served upon personal service, upon signing for registered mail, or within two business days of the postmark of regular mail.
- G. No occupation during this period shall be permitted until the certificate of occupancy or certificate of continued occupancy shall have been issued.

- H. No certificate of occupancy or certificate of continued occupancy shall be issued unless smoke and carbon monoxide detection systems as may be required shall have been inspected and approved by the Township of East Greenwich, which is authorized to provide such inspections and approvals. The carbon monoxide system shall not be older than permitted by code.
- I. Upon correction of any violations, the owner or registered agent shall notify the housing code official of the corrections, and within seven days a reinspection will be made of the required corrections.
- J. The owner, operator and/or registered agent shall be charged a fee of fifty dollars (\$50.00) per unit for the initial inspection as well as subsequent inspections triggered by change in occupancy or occupants. If reinspection is required due to correction of violations, an additional fee of forty-five dollars (\$45.00) per unit must be paid.

K. Penalties.

- 1. The penalty for a violation of this chapter for failure to obtain a certificate of occupancy or certificate of continued occupancy as provided herein or for the failure to register as required herein shall be:
 - a. For a first offense: A fine of not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00), and/or community service to be set at the discretion of the municipal judge.
 - b. For a second offense: A fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) and/or Community service to be set at the discretion of the municipal judge.
 - c. For a third or subsequent offense: A mandatory fine of not less than one thousand dollars (\$1,000.00) nor more than two thousand five hundred dollars (\$2,500.00) and Community service to be set at the discretion of the municipal judge.
- 2. With respect to the violations and penalties set forth above, a person shall be guilty of a separate offense for each thirty-day period that the person fails to comply with an order to correct and abate a code violation, fails to obtain a valid certificate of occupancy or certificate of continued occupancy, or fails to register as required herein.
- 3. The owner of the property shall be liable for any and all attorney's fees/costs incurred by the Township of East Greenwich to collect fines assessed hereunder.
- L. The housing code official may perform additional inspections in the interests of the health, safety and welfare of the public without charge to the owner. However, if the official issues any notices of violation as a result of said additional inspections, the

owner shall be required to pay the applicable reinspection fees upon the correction of the violations.

CHAPTER 15.44.100 – Re-occupancy and/or sale of the property.

A vacant building or structure on abandoned or foreclosed property shall not be occupied until all violations have been corrected in accordance with the violation or correction notices issued and an inspection for Certificate of Continued Occupancy has been issued by the township construction office. All mechanical, electrical, plumbing and structural systems shall be certified by a licensed contractor as being in good repair, the provisions of the international property maintenance code, or its successor, complied with and all blight removed. In addition, a Certificate of Continued Occupancy shall not be issued until all outstanding costs, assessments and or liens owed to the township have been paid in full.

Prior to transferring title to such a property, the buyer or seller shall obtain a housing code inspection from the municipality, and all deficiencies noted in the resulting inspection report shall be addressed to the satisfaction of the inspector prior to the issuance of a Certificate of Continued Occupancy. Transfer of title may occur after the report is issued but before a Certificate of Continued Occupancy is issued, with the understanding that the property is not to be occupied until the certificate is attained.

CHAPTER 16.14.090 - Certificates of Occupancy.

- A. The following shall be unlawful until a Certificate of Occupancy shall have been applied for and issued by the construction code official:
1. Occupancy and use of a building hereafter erected, structurally altered or moved or any change in the use of an existing building.
 2. Any change in the use or occupancy of any land.
 3. Any change in the use of a nonconforming use.
- B. No Certificate of Occupancy shall be issued for any conditional use of a building or of land requiring the approval of the planning board unless and until the board has duly approved such conditional use. Every certificate of occupancy for a conditional use or in conformance with a duly granted variance granted by the board, shall contain a detailed statement of such conditional use or variance and of such conditional use or variance and of any conditions to which the same is subject.
- C. Application for a certificate of occupancy, on a form furnished by the construction official, for a new building or for an existing building which has been altered as per Section 16.14.020, shall be made after the erection of such building or part thereof has been completed in conformity with the provisions of this chapter and, in the case of a new building,

shall be accompanied by an accurate survey prepared by a land surveyor licensed by the state, showing the location of all buildings as built, and required information detailed in Section 16.14.040. Such certificate shall be issued within ten (10) days after receipt of the application, but only provided that all requirements of this chapter and of all other applicable codes and ordinances in effect are complied with.

D. If the proposed use is in conformity with the provisions of this chapter and of all other applicable laws and ordinances, a certificate of occupancy for the use of vacant land or for a change of use of a nonconforming use shall be issued by the construction official within ten (10) days after receipt of a written application, therefore. If a certificate of occupancy is denied, the construction official shall state the reasons therefore in writing.

E. Application for Certificate of Continued Occupancy shall be on a form furnished by the Construction Official for when there is a change of title prior to the buyer occupying the premises or upon each change or addition of tenant/tenants or annually, whichever occurs first.

Upon the making of an application, an inspection of the building or appurtenant structure, if necessary, to determine that the condition of the building in question complies with the standards as set forth in the Township Code book and the issuance or denial of a Certificate of Continued Occupancy shall occur within ten (10) days of application.

F. Inspections.

1. The construction official shall issue an initial certificate of occupancy or a certificate of continued occupancy for a residential dwelling if inspection establishes that:

a. There are no visible safety problems, such as missing hand or guardrails, or smoke detectors or visible safety defects.

b. There has been no illegal work performed without permits and inspections.

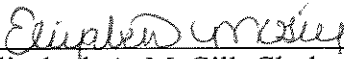
c. No illegal conversions have been made, i.e., one-family to two-family or two-family to three-family homes, etc.

2. The purpose of this change is to ensure that there are no violations of either the zoning or building codes; specifically, to check to see that there are no illegal conversions of single-family homes to two-family and to check for safety violations.

3. The fee for such inspection shall be fifty dollars (\$50.00); payable to the Township of East Greenwich. Twenty-five dollars (\$25.00) shall be remitted to the construction official upon verification of inspection and issuance of a certificate of occupancy or certificate of continued occupancy.

G. Every application for a certificate of occupancy or certificate of continued occupancy shall state that the building or the proposed use of a building or land complies with all applicable provisions of this chapter.

further considered for final adoption upon a second reading and subsequent to a public hearing to be held on such ordinance at which time any interested person(s) may be heard. Said meeting to be conducted on the 25th day of November, 2025 at the East Greenwich Township Municipal Building, 159 Democrat Road, East Greenwich Township, New Jersey, and beginning at 7:00 p.m.



Elizabeth A. McGill, Clerk

H. A certificate of occupancy or certificate of continued occupancy shall be required of all nonconforming uses.

- 1. Such certificate shall specify each condition or use not conforming to this chapter.
- 2. A certificate of continued occupancy shall be required if there is any change in use or ownership from that specified.
- 3. The construction official shall issue such certificates if inspection establishes that no provision of this chapter has been violated.

I. A record of all certificates of occupancy and certificates of continued occupancy shall be kept in the office of the construction official, and copies shall be furnished on request to any agency of the township or to any persons having a proprietary or tenancy interest in the building or land affected.

SECTION 3. SEVERABILITY.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. REPEALER.

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

BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately upon final passage and publication as required by law. Introduced at a regular meeting of Township Committee on November 12, 2025 and passed upon a second reading of Township Committee held on November 25, 2025.

TOWNSHIP OF EAST GREENWICH

BY: 
JAMES R. PHILBIN, JR., MAYOR

ATTEST:


ELIZABETH A. MCGILL, TOWNSHIP CLERK

CERTIFICATION

The foregoing Ordinance was introduced upon first reading by the Township Committee of the Township of East Greenwich at a meeting held on the 12th day of November, 2025. It will be

**TOWNSHIP OF EAST GREENWICH
ORDINANCE NO. 10-2025**

**AN ORDINANCE ADOPTING CHAPTER 13.04.025 WATER SERVICE LINE
INSPECTION**

Notice is hereby given that the above entitled ordinance was adopted by East Greenwich Township Committee at a meeting held on November 25, 2025.

Elizabeth A. McGill
Township Clerk

PUBLIC NOTICE

TOWNSHIP OF EAST GREENWICH
ORDINANCE NO. 9-2025

AN ORDINANCE AMENDING CHAPTER
15.08 CERTIFICATES OF OCCUPANCY FOR
EXISTING DWELLING UNITS AND
RESIDENTIAL RENTAL UNITS

Notice is hereby given that the
above entitled ordinance was adopted
by East Greenwich Township Committee
at a meeting held on November 25, 2025.

Elizabeth A. McGill
Township Clerk

Cost \$15.77
12/3/25 1T (11049353)