

ORDINANCE 201

AN ORDINANCE TO AMEND ORDINANCE NO.103 ENTITLED "AN ORDINANCE RELATING TO REPAIR, CLOSING AND DEMOLITION OF DWELLINGS LOCATED IN THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH, AND STATE OF NEW JERSEY, WHICH ARE UNFIT FOR HUMAN HABITATION ADOPTED PURSUANT TO THE PROVISIONS OF THE STATUTES OF THE NEW JERSEY AS EMBODIED IN N.J.S. 40:48-2.3 ET SEQ., AUTHORIZING THE INSPECTION OF DWELLINGS AND PROVIDING FOR CERTIFICATES OF INSPECTION PERMITTING OCCUPANCY UPON RENTAL, LEASE, SALE OR TRANSFER OF REAL ESTATE AND ACCEPTING AND ADOPTING THE "NEW JERSEY STATE HOUSING CODE" AS STANDARDS FOR USE AND DETERMINING THE FITNESS OF A BUILDING FOR HUMAN HABITATION FOR OCCUPANCY OR USE AND FIXING PENALTIES FOR THE VIOLATION THEREOF" SO AS TO SUPPLEMENT SAID ORDINANCE WITH REGULATIONS RELATING TO THE NEED TO OBTAIN A CERTIFICATE OF INSPECTION PERMITTING OCCUPANCY UPON RENTAL, LEASE, SALE OR TRANSFER OF REAL ESTATE IN THE VILLAGE OF LOCH ARBOUR.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF LOCH ARBOUR, IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY, that the Ordinance referred to in the title hereof is amended and supplemented as follows:

Section 1. There is hereby added a new section to be numbered Section 14 and entitled "Certificate of Inspection Permitting Occupancy"

Section 14. CERTIFICATION OF INSPECTION PERMITTING OCCUPANCY.

- a. No person, persons, partnership, firm or corporation, or any agents, servants, or representatives of any of the foregoing, shall occupy, rent, lease, sell, transfer title to, nor suffer the occupancy of, the letting of, the sale of, nor allow any person or persons, partnership, firm or corporation to live in or upon or inhabit as a tenant or tenants or occupants, or to occupy as any new owner or co-tenant or co-owner, any dwelling house or houses, or dwelling unit or units, within the confines of the Village of Loch Arbour unless and until any such aforesaid person persons, partnership, firm or corporation, or any other aforesaid designated individual shall have first obtained from the zoning official of the Village of Loch Arbour, a certificate of inspection permitting occupancy and permit authorizing any of the foregoing when any of the foregoing shall take place subsequent to the adoption of the within Ordinance .
- b. The provisions of the sub-paragraph (a) above shall apply with equal force and effect to any and all new and additional lettings, tenants, transfer of title or premises or any part thereof, and occupancies of any dwelling house or houses or dwelling unit or dwelling units within the Village of Loch Arbour upon the vacating of same by any and each occupant hereafter, whether said occupant was a tenant or owner, or co-owner, or occupant not covered by either of the foregoing, and upon the re-renting or re-occupancy by any of the foregoing, from time to time, as may hereafter occur, whether said re-occupancy is by virtue of transfer of title or said dwelling house or houses or dwelling unit or dwelling units or by virtue of rental of any of the foregoing or by virtue of any other action not specifically herein enumerated.

The foregoing requirements for sub-paragraph (a) and (b) shall be effective whether said occupancy, rental, lease, sale or transfer of title is temporary, seasonal or permanent, or whether or not for a consideration.

- c. A dwelling house, as used in the within Ordinance, shall include, but not be limited to, any and all one family dwellings, and dwellings constructed for, or occupied by, more than one family, not excluding apartments in apartment houses and garden apartments and a dwelling unit as applicable to the within ordinance shall include, but not be limited to, any and all apartments and portions of apartments in dwelling houses, not excluding apartments in apartment houses and garden apartments. The within Ordinance shall apply to each and every dwelling house as aforesaid and to each and every dwelling unit as aforesaid within the Village of Loch Arbour, and shall include all single and multiple dwellings and premises on which a building is located and is used for human occupancy. However nothing contained in the within Ordinance shall exempt any of the dwellings or buildings, or parts of buildings, covered by the within Ordinance, from full and complete compliance with any other provisions of any other

Ordinance or Ordinances of the Village of Loch Arbour as the same may be applicable.

- d. Prior to the rental, transfer of title, or occupancy of any dwelling house or houses or any dwelling unit or units, provided for in the within Ordinance, application for a certificate of inspection permitting occupancy shall be made in writing to the zoning official of the Village of Loch Arbour by that person, persons, firm or corporation, agent, servant or representative as set forth in subsection 14 (a) preceding, and consent shall be given therewith unto zoning official to enter upon and examine the said dwelling house or houses and dwelling unit or units and the building or buildings wherein the same may be situate, for which said application is applied for, so that the zoning official may determine whether or not said dwelling house or houses, said dwelling unit or units and the building wherein the same may be situate, fully complies with all municipal ordinances and rules and regulations affecting the use and occupancy of all such dwelling houses and dwelling units and structures. No certificate of inspection permitting occupancy shall be issued unless there is full and complete compliance with all of the foregoing.
- e. All applications for such certificates, as aforesaid, shall be made in writing and shall state the name and address of the owner of the dwelling house or houses, the dwelling unit or units and the building or structure wherein the same may be situate, and the name and address of the owner-occupant, or tenant-occupant or any other occupancy of the same and also the name and address of the new proposed owner-occupant or any other proposed occupant, and shall further state name and address of the renting agent, if any, and shall describe the premises to be occupied, including the street address thereof, and a designation of the portion or portions of said premises or structures for which the specific application is being made, and shall set forth the number of persons who shall occupy any and all portions of said premises including the specific portion for which said application is being made, and the specific room or rooms in said premises to be occupied for sleeping purposes and the number of persons to occupy each said sleeping room.
- f. Any person or persons or partnership or firm or corporation, including any real estate broker or real state agent or any representative, servant or employee of any of the foregoing, who in any manner fail to fully comply with the terms and covenants of the within action and who are a part of any transaction resulting in the violation of any of the terms and provisions of the within section shall be deemed to have violated the terms and provisions of the within section and be subject to the penalties provided in this Ordinance for violation of the same, unless and until a certificate of inspection permitting occupancy as aforesaid shall have been issued.
- g. All violations of the within Ordinance by any person or persons, partnership, firm or corporation, or any agents or servants or representatives as provided in the within Ordinance, whether said persons be the owner of the premises, the agent of any part as aforesaid, or the tenant or the occupant or occupants shall be deemed separate and distinct violations for each and every day that said violation may continue, and all parties violating the within Ordinance as aforesaid, shall be deemed jointly and severally liable for any and all such violations.
- h. The Zoning Official of the Village of Loch Arbour shall have the authority to issue a Certificate of Inspection permitting occupancy under the terms of this Ordinance. The fee for this Certificate shall be \$15.00 and shall be payable upon the filing of an application for the issuance of said Certificate. A Certificate of Inspection permitting occupancy may be conditionally issued, provided however, that the conditions shall be in writing and provide that the Certificate is automatically revoked if the Conditions are not complied with within the time stated in the Certificate.
- i. All building or structures or dwelling houses or dwelling units for which an application shall have been filed by virtue of the within Ordinance shall fully comply with all other municipal ordinances or requisite municipal requirements for

said structures or units, as aforesaid; and, in addition thereto, but not in limitation thereof, any and all structures, dwelling houses or dwelling units for which application for said certificate shall be made by virtue of the within Ordinance shall be deemed violation of the within Ordinance for which said certificate shall not issue, in the event that any such structure, dwelling house or dwelling unit, in the opinion of the zoning official is in need of proper repairs for habitation or is in a dilapidated condition which might constitute a health or fire hazard or if the same has a lack of proper and adequate sewerage facilities, plumbing facilities, proper water or toilet facilities, inadequate electrical wiring or facilities or is unfit for human habitation or proper and health use and occupancy or may be overcrowded by virtue of the number of proposed occupants which might constitute a health or fire hazard or which by virtue of any combination of any of the foregoing or any matters not specifically enumerated which may be deemed hazardous as to the health and welfare of the occupants or proposed occupants or of any adjoining properties or other persons within the municipality. The said zoning official shall be required to specify the corrections to be made to the premises for said certificate to be issued.

- j. All owners or renting agents or real estate agents or any person or persons applying for a certificate as provided herein, shall advise the zoning official of a reasonable time or times that said inspection may be made and have someone present to assist and provide entry for said inspection purposes. The said zoning official shall comply with the request and application within a reasonable time after entry is provided, and when proper, shall issue the certificate within a reasonable time thereafter.
- k. No tenant, owner or occupant shall sublease, sublet, transfer title, permit the use or the occupancy of the dwelling house, dwelling unit or structure provided for herein, without following the procedures set forth and required by the within Ordinance, nor shall any real estate broker or agent or representative of any of the foregoing permit any of the foregoing.

Section 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed, but only to the extent of such inconsistency. Sections 1 through 13 inclusive and section 15 through 18 inclusive of Ordinance No. 103 of the Village of Loch Arbour are hereby ratified and confirmed.

Section 3. This Ordinance shall take effect immediately upon its final passage and publication as provided by law.

Introduction	11/08/84
Publication	11/28/84
Public Hearing	12/06/84
Final Adoption	12/06/84
Publication	12/14/84