

**BOROUGH OF HILLSDALE
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 18-18
(Adoption)**

**AN ORDINANCE TO AMEND CHAPTER 310: LAND USE OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF HILLSDALE TO REQUIRE A
CONTINUING CERTIFICATE OF INSPECTION FOR THE SALE OF A ONE OR TWO
FAMILY RESIDENCE**

WHEREAS, the General Code of the Borough of Hillsdale, Chapter 310, provides guidelines and restrictions for Land Use in the Borough of Hillsdale; and

WHEREAS, the Mayor and Council of the Borough of Hillsdale desire to supplement Chapter 310 to require anyone selling a one or two-family home in the Borough to obtain a Continuing Certificate of Inspection.

THEREFORE, BE IT ORDAINED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF HILLSDALE AS FOLLOWS:

Section 1. Chapter 310 of the Borough Code is hereby amended and supplemented by adding a new Section entitled Continuing Certificate of Inspection (“CCI”) as follows:

RESIDENTIAL CONTINUING CERTIFICATE OF INSPECTION

§__-1 **Purpose.**

§__-2 **Definitions.**

§__-3 **Residential certificate required.**

§__-4 **Conditions.**

§__-5 **Application.**

§__-6 **Temporary Continuing Certificate of Inspection**

§__-7 **Enforcement.**

§__-8 **Fees.**

§__-9 **Violations and Penalties.**

§__-1 **Purpose.**

There is a need to have an inspection requirement of all residences upon sale, transfer or change of ownership, vacancy and reoccupancy, re-rental or re-lease of one and two family dwellings.

§__-2 **Definitions.**

As used in this section, the following terms shall have the meanings indicated:

CHANGE IN USE - Any change in use defined by Hillsdale Zoning Code or New Jersey Uniform Construction Code.

CODE ENFORCEMENT OFFICIAL - A person who has to be appointed by the Mayor and Council to enforce the municipal ordinances of Hillsdale.

RESIDENTIAL CONTINUING CERTIFICATE OF INSPECTION - A certificate issued by the Enforcement Code Official to indicate that all the conditions outlined herein for continued residential use or occupancy have been met.

USE - As defined by the Hillsdale Zoning Code and the New Jersey Uniform Construction Code.

§ ___-3 **Residential certificate required & responsibility of owners.**

No person shall occupy, rent, lease, transfer title, or inhabit as a tenant or tenants or occupy as a new owner of any residential use unless and until the current owner has applied for and secured a CCI from the Building Department of the Borough of Hillsdale. The owner, landlord or agent of all residential premises shall be responsible for notification to the Hillsdale Building Department of pendency of any new tenancy or ownership and for obtaining the required certificate of continued occupancy.

§ ___-4 **Conditions.**

A Certificate of Smoke Detector and Carbon Monoxide Alarm Compliance (CSDCMAC) and Residential Fire Extinguisher Compliance for One and Two-Family Dwellings shall be issued by the Hillsdale Fire Prevention Bureau before a CCI may be issued. Proper installation and placement of all smoke detectors, carbon monoxide alarms and fire extinguishers are required before a CCI shall be issued as per the NJ Uniform Fire Code. An inspection shall be conducted by the Enforcement Code Official or his designee to ensure that there are no violations of law or orders of the Enforcement Code Official pending and it is established after inspection and investigation of available municipal records that the alleged use of the building and structure has lawfully existed. The inspection shall also ensure that the sump pump, if any, is redirected out of sanitary sources. Any construction work for which a Uniform Construction Code permit was issued shall be inspected and closed.

§ ___-5 **Application.**

The current owner, landlord or agent of any residential premises, about to be sold or newly occupied, as indicated, shall apply on forms provided by the Hillsdale Building Department for a CCI. All information requested shall be provided to be a complete application. Upon receipt and review of said complete application by the Code Enforcement Official or his/her designee, shall, within 10 days, either issue a CCI or a written report of the reason for denial.

§ ___-6 **Temporary Continuing Certificate of Inspection.**

A temporary CCI may be issued at the request of the current owner with money held in escrow as established to cover any and all requested conditions for a permanent CCI. Escrow monies will be held in accounts of attorneys of record, as agreed. The term of temporary certificate will

not exceed 90 days unless extenuating circumstances can be shown or no occupancy may take place during the term and the temporary CCI.

§__-7 Enforcement.

The Code Enforcement Official or his/her designee shall enforce the provisions of this chapter.

§__-8 Fees.

A nonrefundable fee is required at time of application for inspection to be scheduled and a certificate to be issued as specified in Chapter 138, Fees and Deposits.

§__-9 Violations and Penalties.

Any person or entity that violates any of the provisions of this section, upon conviction therefor, shall be subject to a penalty as set forth in Chapter 226, Penalties, of this Code.

All Ordinances of parts or Ordinances inconsistent herewith are hereby repealed as to such inconsistencies only.

In the event that any word, phrase, clause, section or provision of this Ordinance is found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause or provision shall be severable from the balance of this Ordinance and the remainder of this Ordinance shall remain in full force and effect.

This Ordinance shall take effect upon passage and publication as provided by Law.

Council member	Motion	Second	Yes	No	Absent	Abstain	Recuse
DeRosa, Anthony	X		X				
Horvath, Zoltan			X				
Karcich, Scott					X		
Lundy, Abby		X	X				
Pizzella, Frank					X		
Segalas, Steven					X		
Ruocco, John							

Adoption: December 4, 2018

Attest: Denise Kohan
Denise Kohan
Municipal Clerk

John Ruocco
John Ruocco
Mayor