

**TOWNSHIP OF FRANKLIN  
O-14-21**

**ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF GLOUCESTER,  
STATE OF NEW JERSEY,  
AMENDING AND REPLACING  
CHAPTER 178 ENTITLED CERTIFICATE OF OCCUPANCY TRANSFER  
OF THE CODE OF THE TOWNSHIP OF FRANKLIN**

**WHEREAS**, the Township Committee of the Township of Franklin have determined that certain amendments to the Code of the Township of Franklin are required.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Franklin that Chapter 178 (“Certificate of Occupancy Transfer”), of the Code of the Township of Franklin is hereby amended in its entirety and replaced as follows (additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

**SECTION 1.** Section 178 of the Code of the Township of Franklin entitled “Certificate of Occupancy Transfer” is hereby replaced as follows:

**§178-2. Definitions.**

**TEMPORARY CERTIFICATE OF OCCUPANCY TRANSFER**

A document issued by the Housing Code Official that allows the occupancy of an existing dwelling unit for up to ~~14~~ **60** calendar days while the owner/occupant completes correction of non-health and safety items found during an inspection of the existing dwelling unit by the Housing Code Official.

**§178-4. Responsibility for obtaining certificate.**

The owner of each dwelling unit subject to this chapter shall be responsible for making written application to the Housing Code Official for a certificate of occupancy transfer. In the event that a change of occupancy is also accompanied by a change of ownership of a dwelling unit, the buyer of such dwelling unit may waive the seller’s responsibility and assume the same; ~~provided~~, however, that such waiver shall be in writing, which said waiver shall further state that the buyer is fully aware that he, she or it is assuming full responsibility for obtaining a certificate of occupancy transfer pursuant to this chapter, and provided further that such written waiver shall be filled with the Housing code Official.

**§178.7. Inspection of existing dwelling units.**

- A. Property identification (911 numbering);
- B. Cleanliness of walls and ceiling;
- C. Doors and all handles, knobs and other door structures;
- D. Windows, storm windows and screens;
- E. Exterior paint;
- F. Exterior maintenance;
- G. A visual inspection of the roof;
- H. A visual inspection of the chimney;
- I. Basement, including windows and screens;
- J. Kitchen, including cleanliness ~~and sink~~ *of sinks, tubs, and showers*;

~~K. Bathroom(s), including cleanliness of sinks, tubs, and showers;~~

K. Smoke detectors;

L. Electrical outlets and electrical switches;

M. Electrical fuse box or panel cover;

O. Electrical outlets and switch cover;

~~P. Sidewalks~~

*P. Windows must be in good condition, no cracks and must have screens;*

Q. Sidewalks;

R. Exterior lawn, shrubs, trees;

S. Maximum bedroom occupancy; and

T. Such other criteria and/or items that the Housing Code Official deems appropriate.

**§178-9. Application fee; inspection and issuance or denial of certificate; reinspection and fee.**

A. The application for a certificate of occupancy transfer *or annual rental inspection* shall be filed with the Housing Code Official's office and be accompanied by a fee of \$100.

***(1) On-site sewage/septic inspection required.***

*As a condition to the submission of a Certificate of Transfer Application or Annual Rental Inspections Application, the owner, purchaser, lessor, lessee, or occupant of each residential unit shall provide to the Housing Office a certificate or report issued by a New Jersey licensed independent inspection company indicating that an inspection of the on-site sewage disposal septic system was conducted and meets the current standards required by the Gloucester County Health Department and/or the New Jersey Department of Environmental Protection.*

***(2) Compliance with Private Well Testing Act required.***

*The Enforcement Officer is hereby authorized and directed, as part of their inspections set forth in the code, to require that all dwellings, dwelling units, rooming units and premises located within the Township comply with all the terms and conditions of N.J.S.A. 58:12A-26, et seq. (Private Well Testing Act). The requirements set forth within the Act shall be a condition of the issuance of a housing permit and/or certificate of occupancy for a resale or rental property. In addition to the requirements set forth in the Act, the owner, prior to a transfer of the structure set forth herein, shall be required to remediate any deficiencies without any exceptions. There shall be no exemptions or temporary permits issued wherein it is determined that there is noncompliance with the Act or the requirements of the Township Code.*

B. The Housing Code Official or his/her representative shall, with 10 working days of the receipt of a fully completed application for certificate of occupancy transfer *or annual rental inspection* and the accompanying fee pursuant to Subsection A, make such inspections as required herein and, upon determining that the requirements of §178-7 have been complied with, issue a certificate of occupancy certificate.

C. If, upon completion of the inspection or inspections, the Housing Code Official or his/her representative finds the subject dwelling unit is not in compliance with the Franklin Township Housing Code, said Official or his/her representative shall notify the applicant in writing of such noncompliance within the said 10 working days. Said notice shall specifically set forth the violation or violations which require correction.

- D. Upon correction of the violations, the applicant shall notify the Housing Code Official in writing. Upon receipt of the notification, the Housing Code Official or his/her representative shall reinspect the subject dwelling. If all violations have been corrected, a certificate of occupancy will be issued ~~without additional fees~~. If all violations have not been corrected, a certificate of occupancy ~~transfer~~ will not be issued. For each subsequent reinspection, the applicant shall notify the Housing Code Official in writing and shall submit a reinspection fee of \$50. This procedure shall be followed until all violations have been corrected, at which time a certificate of occupancy ~~transfer~~ shall be issued. *At the discretion of the Housing Code Official or his/her designee, a temporary certificate shall be allowed to be issued for 60 days when non-life-threatening repairs are found after the initial inspections is conducted will allow a new occupant to occupy the premises after the temporary certificate of transfer form is signed by all parties and the reinspection fee of \$50.00 is paid to the Housing Office.*
- E. The Housing Code Official *or his/her designee* shall furnish copies of all regulations referred to herein to any person requesting the same for a fee commensurate with the costs of reproducing such regulations.

**§178-10. Other rental unit standards.**

- A. *Cellars and basements. No cellar area or any part thereof shall be used for sleeping purposes. Basements may be used for sleeping purposes, provided that they entire basement complies with all requirements of this chapter, that all furnaces or other heating or hot water facilities are so located, insulated and separated from living areas by resistive partitions of two-hour fire rating, that fire extinguishers are provided at an accessible locations in proximity thereto for use in case of fire and that the floors, ceilings and walls are impervious to leakage of underground and surface runoff water and are insulated from and free from dampness and moisture.*
- B. *Heat. Every rental facility shall have heating facilities which are properly installed, maintained in good and safe working condition and capable of safely and adequately heating all applicable rooms, bathrooms and water closets located therein to a temperature of at least 70°F. when the outside temperature is 0°F. The temperature shall be read at a height of three feet above floor level at the center of the room.*
- C. *All heating facilities located on the same floor with sleeping or living facilities shall be separated from said sleeping or living facilities by a fire-resistant wall.*
- D. *Lighting and Ventilation.*
- (1) *Every habitable room shall have at least one window or skylight facing directly to outdoors, which shall be of sufficient size and location so that, when combined with artificial lighting and ventilating devices, said room will be fit for human occupancy, in accordance with the minimum standards hereinafter set forth with respect to lighting and ventilation.*
  - (2) *Means of ventilation shall be provided for every habitable room. Such ventilation may be provided by an easily operable window or skylight, or by other acceptable means, which will provide at least two air changes per hour.*
  - (3) *Means of ventilation shall be provided for every bathroom or water closet compartment. Such ventilation may be provided by an easily operable window or skylight or by other acceptable means which will provide at least six air changes per hour.*
- E. *Kitchen. Every dwelling unit in which the regular preparation of meals is to be accomplished must be equipped with a means of natural ventilation or mechanical ventilation sufficient to promptly remove cooking odors to the exterior of the premises.*
- F. *Maintenance.*
- (1) *Every foundation, floor, wall, ceiling, door, window, roof or other part of a building shall be kept in good repair and capable of the use intended by its*

*design, and any exterior parts or part thereof subject to corrosion or deterioration shall be kept well painted.*

- (2) Every inside and outside stairway and porch and appurtenance thereof shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon and kept in sound condition and good repair. Every stairway having three or more steps shall have a handrail per code.*
- (3) Every porch, balcony, roof and/or similar place higher than 30 inches above the ground used for egress or for use by occupants shall be provided with adequate railings. Such protective railings shall be properly balustraded and shall not be less than three feet in height.*
- (4) Every roof, wall, window, exterior door and hatchway shall be free from holes or leaks that would permit the entrance of water within a dwelling or be a cause of dampness.*
- (5) Every foundation, floor and wall shall be free from chronic dampness.*
- (6) Every rental facility shall be free from rodents, vermin and insects. Rodents or vermin extermination and rodent proofing or vermin proofing may be required by the inspecting officer or the Board of Health.*
- (7) Every rental facility shall be clean and free from garbage or rubbish and other hazards go safety. Lawns, hedges, trees, bushes, and other forms of vegetation shall be kept trimmed and shall not be permitted to become overgrown and unsightly. Fences shall be kept in good repair.*
- (8) The inspecting officer, Code Official or Board of Health may issue an order to clean, repair, paint, whitewash or paper such walls or ceilings when a wall or ceiling in a dwelling has deteriorated so as to provide a harborage for rodents or vermin, or when such wall or ceiling has become stained or soiled or where the plaster wallboard has become loose or badly cracked or missing.*

*G. Fire protection. Each rental facility shall contain a fire extinguisher on every floor or portion thereof used as a rental facility. These should be kept in a designated location in a condition which will permit efficient operation without delay.*

#### **§178-11. Violations and penalties.**

Any person charged with the responsibility for obtaining a certificate of occupancy pursuant to this chapter who violates the provisions hereof shall be subject, upon conviction thereof, to a fine of not less than ~~\$100~~ **\$200** nor more than ~~\$200~~ **\$400** at the discretion of the Court. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

#### **SECTION 3**

This Ordinance shall take effect upon final passage and publication according to law.

#### **SECTION 4**

If any part of this Ordinance shall be deemed invalid by an administrative agency or court of competent jurisdiction, such decision shall not affect the legality and enforceability of any other provision hereof.

#### **SECTION 5**

All ordinances, policies and or procedures or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency.

**SECTION 6**

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

ATTEST:

TOWNSHIP OF FRANKLIN

\_\_\_\_\_  
Barbara Freijomil, Clerk

\_\_\_\_\_  
John Bruno, Mayor

**CERTIFICATION**

I, Barbara Freijomil, Clerk of the Township of Franklin, County of Gloucester, do here certify that the foregoing Ordinance was introduced at the Regular Meeting of the Township of Franklin held on October 26, 2021 and thereafter duly advertised in the legal newspaper of the Township at least seven (7) days prior to it being considered for final passage and adoption at a subsequent meeting to be held on December 14, 2021 at which time any person interested therein will be given an opportunity to be heard.

\_\_\_\_\_  
Barbara Freijomil, Municipal Clerk

Introduced October 26, 2021

<u>Name</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
<u>Doyle</u>				
<u>Deegan</u>				
<u>Petsch-Wilson</u>				
<u>Flaim</u>				
<u>Bruno</u>				

Adopted December 14, 2021

<u>Name</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
<u>Doyle</u>				
<u>Deegan</u>				
<u>Petsch-Wilson</u>				
<u>Flaim</u>				
<u>Bruno</u>				