



**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

## **ORDINANCE O-19-16**

### **AN ORDINANCE ADDING SECTION 10-14 OF THE BOROUGH CODE TO ESTABLISH REQUIREMENTS FOR BUSINESS CERTIFICATES OF OCCUPANCY**

**WHEREAS**, Chapter X of the Borough Code entitled Buildings and Housing regulates the construction standards for buildings in the Borough of Highlands, in accordance with the applicable State Statutes and the Rules and Regulations of the Department of Community Affairs; and

**WHEREAS**, the governing body of the Borough of Highlands has determined that it is in the best interest of the Borough to add Section 10-14 to provide requirements for business certificates of occupancy for non-residential structures whenever a change in occupancy occurs.

**NOW, THEREFORE, BE IT ORDAINED** by the governing body of the Borough of Highlands as follows:

#### **SECTION I.**

Borough Code Section 10-14 "Business Certificate of Occupancy" shall be added as follows:

#### **10-14 BUSINESS CERTIFICATE OF OCCUPANCY.**

10-14.1 New tenants or owners required to obtain business certificate of occupancy.

No premises or portion of premises of a commercial or industrial property, whether in a commercial or industrial zone or in a different zone by reason of a nonconforming use, shall be relet, rerented or sold and thereafter occupied by a new tenant or owner without the appropriate application for and issuance of a business certificate of occupancy.

10-14.2 Application; review and inspection; fees; notice of requirement.

- a. The new owner or tenant of the premises about to be newly occupied or their respective agents shall apply to the Construction Official for a business certificate of occupancy and shall supply, as necessary information on said application, all facts relating to the nature of the new owner's or tenant's business, occupation or industry, the manufacturing or

other processes involved and the nature of all materials intended to be stored on the premises, to be part of said premises or pertinent to said new business use or occupation, with the form of application to be set by the Construction Official.

- b. Within ten (10) business days of receipt of said application, the Construction Official shall issue or deny the application after reviewing it and inspecting the building or structure with the Bureau of Fire Prevention Fire Official, Board of Health and other subcode officials as deemed necessary by the Construction Official to determine whether the premises comply with all of the provisions of this article or any other ordinance of this Township. If the building or structure, as intended to be used, meets the requirements hereof, the Construction Official shall forthwith issue a business certificate of occupancy. If the building or structure does not meet the requirements hereof, the Construction Official shall notify the applicant of the details in which the building or structure does not meet the requirements hereof. When such details have been perfected, the applicant shall notify the Construction Official, in writing, that the items have been corrected and reinspection shall be made with the certificate of occupancy being issued or denied within five business days of receipt of the notice of correction.
- c. A fee as set forth in Chapter 10, Section 10-2, Fees, shall be charged for the first inspection by the Building Department. Any reinspections, if required, shall be performed at a charge as set forth in Chapter 10, Section 10-2, Fees.

#### 10-14.3 Responsibility of owners.

The owner or owners of all commercial and industrial premises shall be responsible, in addition to the perspective tenant, for notification to the Construction Official of the pendency of any new tenancy or ownership.

#### 10-14.4 Violations and Penalties.

Any person adjudicated as having violated any provision of this article shall be subject to the penalties in Chapter 1, General, Section 1-5, of this Code.

### **SECTION II.**

Borough Code Section 10-2.3 “Business Certificate of Occupancy” shall be added as follows:

#### 10-2.3 Business Certificate of Occupancy.

Pursuant to Section 10-14, Business Certificate of Occupancy, the following fees are hereby established:

- a. First inspection by Department of Building and Inspections: \$225.

b. Any subcode reinspection: \$50.

**SECTION III. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

**SECTION IV. REPEALER.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION V. EFFECTIVE DATE.** This ordinance shall take effect immediately upon its passage and publication in accordance with law.

**Motion to Introduce Ordinance 19-16:**

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON		X	X			
MAZZOLA			X			
RYAN	X		X			
O'NEIL			X			

I, Matthew Conlon, RMC, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held September 18, 2019. WITNESS my hand this 4<sup>th</sup> day of October 2019.

Matthew Conlon, RMC  
Municipal Clerk  
Borough of Highlands, New Jersey

**Public Hearing, Final Reading and Adoption Of Ordinance 19-16:**

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL				X		
BROULLON				X		
MAZZOLA			X			
RYAN		X	X			
O'NEIL	X		X			

I, Matthew Conlon, RMC, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held October 2, 2019. WITNESS my hand this 4<sup>th</sup> day of October 2019.

Matthew Conlon, RMC  
Municipal Clerk  
Borough of Highlands, New Jersey