

Mr. Urbanski offered the following Ordinance pass third and final reading and moved on its adoption and authorized its publication according to law:

O-07-20

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER X OF THE
REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLANDS,
AND MORE PARTICULARLY SECTIONS 10-5 HOUSING CODE TO AMEND
CERTIFICATE OF OCCUPANCY REQUIREMENTS**

BE IT ORDAINED, by the Borough Council of the Borough of Highlands that Chapter X of the Revised General Ordinances of the Borough of Highlands be amended and supplemented to read as follows:

New Text denoted by Underline, deletions by ~~Strikeover~~.

10-5 HOUSING CODE.

10-5.2 Certificate of Occupancy Required.

No person shall rent, lease or allow any person to live in or occupy as a tenant, any room, dwelling, apartment or the like except if the same is part of a motel or hotel unless a certificate of occupancy is obtained from the inspector after an inspection certifying that the room, dwelling, apartment or the like is fit for human habitation and is in compliance with all applicable Federal and State laws and borough ordinances.

Notwithstanding anything to the contrary contained herein, no room located within a licensed rooming or boarding house within the Borough of Highlands shall be required to submit to a certificate of occupancy inspection requirement more than once every three months, or four times in any given calendar year, except where otherwise required by State law or regulation.

A certificate of occupancy shall be required of all new construction, new rental situations or re-rental situations or sales or resales. The said certificate of occupancy shall apply only to the tenancy for which it is issued. In the event that the rental unit has been inspected as new construction or a sale or resale of an existing structure and a certificate of occupancy issued, then a subsequent inspection for a rental certificate of occupancy and the receipt of a rental certificate of occupancy shall not be required so long as the unit is rented within 30 days of the issuance of the certificate of occupancy for new construction, sale or resale, and the owner complies with the application provisions of subsection 10-5.3. The inspector shall prepare appropriate application forms for such a certificate of occupancy, which shall be available to applicants at the office of the inspector.

10-5.4 Statement of Vacated Premises.

The owner shall not more than 30 days prior nor less than ten days after a tenant vacates a room, dwelling, apartment or the like, file with the office of the inspector a statement containing the address of the premises and the number or other specific description of the place vacated.

Notwithstanding anything to the contrary contained herein, no owner of a room located within a licensed rooming or boarding house within the Borough of Highlands shall be required to submit to a certificate of occupancy inspection requirement more than once every three months, or four times in any given calendar year, except where otherwise required by State law or regulation.

10-5.5 Inspection Required.

No such vacated room, dwelling, apartment or the like shall be rented or occupied in whole or in part by any new tenant until an inspection has been made by the inspector to determine whether such room, dwelling, apartment or the like is in violation of any applicable Federal and State law or borough ordinance. If no violation exists, the inspector shall issue a certificate of occupancy; otherwise he shall notify the owner in writing setting forth the specific existing violations. The inspection shall be made and either a certificate of occupancy or a notice of violation shall be issued within five days from the date of application. If the inspection is not accomplished in the five day period, the room, dwelling, apartment or the like may be occupied by the new tenant but subject to the right of the borough to inspect the room, dwelling, apartment or the like and if a violation is found, to cause the premises to be vacated within ten days from the date of notice thereof.

Notwithstanding anything to the contrary contained herein, no room located within a licensed rooming or boarding house within the Borough of Highlands shall be required to submit to a certificate of occupancy inspection requirement more than once every three months, or four times in any given calendar year, except where otherwise required by State law or regulation.

All other provisions of this ordinance shall remain in full force and effect except to the extent modified hereby.

This ordinance shall take effect upon final adoption and publication in accordance with law.

Seconded by Mr. Caizza and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Miss Thomas, Mr. Caizza, Mr. Urbanski

NAYES: None

ABSENT: Mayor O'Neil

ABSTAIN: None

DATE: September 19, 2007

NINA LIGHT FLANNERY, Borough Clerk
CAROLYN CUMMINS, Deputy Clerk

Intro: September 5, 2007

Publish: September 8, 2007

2nd Reading: September 19, 2007

Adoption: September 19, 2007

Publication: September 27, 2007

I, _____ Clerk/Deputy Clerk do hereby certify this to
be a true copy of Ordinance # _____ as introduced on September 5, 2007