BOROUGH OF EMERSON
COUNTY OF BERGEN
NOTICE OF ADOPTION

ORDINANCE NO. 1614-20

Introduced: June 9, 2020
Adoption: June 23, 2020

NOTICE IS HEREBY GIVEN that the following ordinance was adopted on the second reading after a Public Hearing at the Regular Meeting of the Borough Council of the Borough of Emerson on the 23rd day of June, 2020. A copy of Ordinance 1614-20 is on file in the Borough Clerk's Office in the Municipal Building, 1 Municipal Pl., Emerson, NJ 07630.

AN ORDINANCE TO AMEND CHAPTER 128 CERTIFICATES OF OCCUPANCY, SECTION 1

BE IT ORDAINED by the Mayor and Council of the Borough of Emerson, County of Bergen, State of New Jersey, as follows:

Section 1: Chapter 128 of the Code of the Borough of Emerson, entitled "Certificates of Occupancy," is hereby amended as follows:

§ 128-1 Issuance and application for certificate of occupancy.

A. It shall be unlawful to occupy or use any building which has been erected, structurally altered, moved or changed in use until such time as a certificate of occupancy has been issued by the municipal Construction Official, or his designee, in accordance with the requirements of this section.

B. Application for a certificate of occupancy on a form furnished by the Construction Official for a new building, or for an existing building which has been altered, shall be made after the erection of the building, or part thereof, has been completed in conformity with the provisions of all municipal and state building codes and, in the case of a new building or where an existing building has been modified so as to change the footprint, the application shall be accompanied by an accurate survey prepared by a land surveyor licensed by the State of New Jersey showing the location of all buildings as built. The certificates shall be issued within 10 days after receipt of the application, but only provided that all requirements of this section and of all other applicable codes and ordinances in effect are complied with.

C. If the proposed use is in conformity with the provisions of this chapter and of all other applicable laws and ordinances, a certificate of occupancy for the use of vacant land, or for a change of use of a nonconforming use, shall be issued by the Construction Official within 10 days after receipt of a written application therefore. If a certificate of occupancy is denied, the Construction Official shall state the reasons in writing.

D. An application for a residential certificate of occupancy or temporary certificate of occupancy shall be accompanied by a fee of $150. Commercial certificates shall be accompanied by a fee of $250. Copies of such certificate will be made available upon payment of $10 per copy.

E. If inspection fails, a reinspection fee of $45.00 is required.

F. Every application for a certificate of occupancy shall state that the building, or the proposed use of a building or land, complies with all applicable provisions of this chapter.

G. A ce1tificate of occupancy shall be required for both initial and continued occupancy, and use of the building or land to which it applies, as certified.

H. A certificate of occupancy shall be required for all nonconforming uses.

I. The certificate shall specify each condition or use not conforming to this chapter.

Section 2: Severability and Effectiveness Clause:

(a) If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

(b) Any ordinance inconsistent with the terms of this ordinance is hereby repealed to the extent of such inconsistency.

Section 3: Effective Date:

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

ATTEST:

Jane Dietsche, RMC
Borough Clerk

Danielle DiPaola
Mayor

COUNCIL	MOVED	SECONDED	AYES	NAYES	ABSENT	ABSTAIN
Bayley			X			
McGuire	X		X			
Dinallo			X			
Hoffman			X			
Gordon		X	X			
Argenzia			X			

I hereby certify that the above Ordinance was duly adopted by the Borough of Emerson at a meeting held on June 23, 2020.

Attest:

Municipal Clerk