

ORDINANCE NO. 2016- 10

AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 157
"CONSTRUCTION RECORDS CLEARANCE" OF THE TOWNSHIP OF FRANKLIN,
HUNTERDON COUNTY, NEW JERSEY TO CREATE A CONSTRUCTION RECORDS
CLEARANCE REQUIREMENT FOR THE SALE OF RESIDENTIAL PROPERTY.

WHEREAS, the Township Committee wishes to create a Construction Records Clearance requirement for the sale of all residential and commercial properties; and

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of Franklin, County of Hunterdon, State of New Jersey that Chapter 157, "Construction Records Clearance," of the Code of Franklin Township shall be amended as follows:

Section 1:

§ 157-1. Construction records clearance (CRC).

- A. **When required.** No building or structure shall be occupied in whole or in part prior to the issuance of a certificate of construction records clearance (CRC). A CRC shall be required prior to the sale of any residential or commercial structure and prior to the rental of any tenant space in a commercial structure within the Township.
- B. **Exceptions.** The following transactions are exempt from obtaining a CRC as long as no change in physical occupancy occurs:
1. Transfer of title to correct a previously recorded deed.
 2. Title eligible to be recorded as an ancient deed pursuant to N.J.S.A. 46:26A-4
 3. Transfer of title between husband and wife, whether or not relating to divorce, or between former spouses if the transfer is incident to an order or judgment from any court of competent jurisdiction.
 4. Transfer of title relating to new construction for which a certificate of occupancy is required.
 5. Transfer of title by or to an executor, administrator or court order which affects a distribution of a descendant's estate in accordance with the provisions of the descendant's will or the interstate laws of the state.
 6. Transfer of title due to refinancing, home equity loans, second mortgages.
 7. Transfer of title by or to a receiver, trustee in bankruptcy or liquidation, or assignee for the benefit of creditors.
 8. Residential rentals.
- C. **Responsibility.** No owner shall permit the sale of a residential or commercial premises or rental of commercial premises covered under this section unless the requisite CRC has been issued. No purchaser or tenant shall occupy any premises covered under this section until the requisite CRC has been issued. Owners, tenants and occupants shall be jointly and separately responsible for failure to obtain the requisite CRC required hereunder. The owner or his authorized agent shall submit a written application and payment of fees at least 10 business days prior to the change of ownership and/or occupancy on the form provided by the Township.
- D. **Preoccupancy records inspection.** Prior to the issuance of any such certificate for any transaction, the enforcing agency shall conduct a records inspection to ensure that there are no open construction

permits on subject premises. Should there be open permits on subject premises, all final inspections and prior approvals shall be obtained and appropriate Uniform Construction Code certificates shall be issued prior to issuance of the CRC.

E. Fees. The applicant shall submit with the application fees for the CRC as follows to cover the administrative cost: \$150.

F. Violations and penalties.

1. Any person, firm or corporation violating any provisions of this section shall, upon conviction, be punishable by a fine not exceeding \$1,000, imprisonment for a period not exceeding 90 days and/or a period of community service not exceeding 90 days
2. The issuance of a CRC shall not preclude the imposition of penalties upon subsequent discovery of violations

Section 2:

All other sections shall remain unchanged.

Section 3:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 4. Repealer.

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 5. Effective Date.

This Ordinance shall take effect upon final passage and publication.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Committee of the Township of Franklin held on September 8, 2016, and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on October 13, 2016 at 7:30 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 202 Sidney Road, Pittstown, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Ursula V. Stryker
Township Clerk

Adopted: 10-13-2016