

**TOWNSHIP OF MANALAPAN
ORDINANCE 2024-16**

**AN ORDINANCE OF THE TOWNSHIP OF MANALAPAN AMENDING AND
SUPPLEMENTING CHAPTER 128, "HOUSING STANDARDS", ARTICLE II,
"CERTIFICATE OF CONTINUED OCCUPANCY", TO PROVIDE FOR A HOUSING
CERTIFICATION.**

BE IT ORDAINED, by the Township of Manalapan, County of Monmouth, State of New Jersey as follows:

Section One. Chapter 128, "Housing Standards", Article II, "Certificate of Continued Occupancy", be and the said is hereby deleted and the following substituted therefor:

(Deletions are [bracketed], additions are **underlined and bolded**)

**"ARTICLE II
HOUSING CERTIFICATION**

§ 128-11. Definitions.

As used in this article, the following terms shall have the meanings indicated:

HOUSING CERTIFICATION -- The certificate issued by the Township Construction Code Department serves notice that based on a general inspection of the visible parts of the dwelling or dwelling unit there are no unsafe conditions found and the dwelling is approved for continued occupancy.

DWELLING UNIT, APARTMENT, LIVING UNIT, OR OTHER SIMILAR DESIGNATION -- Any room or group of rooms located within a dwelling or building and forming a single habitable unit, for one or more persons, for the purpose of living, sleeping, cooking and sanitation needs.

HOUSING INSPECTOR -- A Township code enforcement officer designated by the Township Construction Code Official as the Township Housing Inspector.

OWNER -- Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property,

including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

OCCUPANT -- Any individual living or sleeping in a building, or having possession of a space within a building.

§ 128-12. **Housing Certification** required.

- A. No owner of any dwelling or dwelling unit shall rent, sell, renew the lease of, or otherwise permit occupancy of same or any part thereof by any person not a member of his/her family unless he/she shall first obtain a **housing certification** from the Construction Code Department of the Township of Manalapan.

In the event of a lease, sale or other occupancy as above described without the issuance of a **housing certification**, both the owner and/or seller and the purchaser and/or lessee shall be deemed to have violated this section, and the Housing Inspector shall summon such person or persons before the Municipal Court of the Township without further notice.

- B. An owner shall make application for a **housing certification** a reasonable time prior to closing of title on any residential premises. A **housing certification** shall be valid ninety (90) days after date of the issuance of the certificate, after which the certificate will expire. An application for an extension may be applied for an additional ninety (90) days. A **housing certification** shall not be required when there is no change of occupancy.

§ 128-13. Adoption of property maintenance standards by reference.

- A. Prior to the issuance of a **housing certification**, the Housing Inspector shall conduct an inspection of the dwelling unit, residential premises or any other building. The inspection shall be in accordance with the provisions of the International Property Maintenance Code of 2018 or such amendments and additional additions as may from time to time be adopted by the International Code Council and is hereby adopted. Chapter 1 thereof, "Administration", shall be deleted in its entirety.

This code establishing the minimum regulation governing the condition and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and habitation, or use.

- B. A copy of the International Property Maintenance Code 2018 or such amendments and additional additions as may from time to time be adopted by the International Code Council shall be placed on file in the office of the Township Construction Code Official and will remain on file there for the use and examination of the public.

§ 128-14. Well and/or septic system approvals required.

- A. Prior to the issuance of a **housing certification**, all units having wells and/or septic systems shall obtain the necessary approvals from the **Freehold Area Health Department**.

§ 128-15. Violations and penalties.

- A. Any person found violating any provision of this article shall be subject to a fine for each separate offense not exceeding \$1,000, or imprisonment for a period not exceeding 90 days, or both.
- B. Any person who is found guilty of violating any provision of this article in connection with the ownership or operation of a multiple dwelling or apartment house shall be fined a minimum of \$50 for each separate offense.

§ 128-16. Fee for **housing certification**.

- A. The fee for **housing certification** for all dwelling units shall be [~~\$110.00~~] **\$150.00**.
- B. The fee for an extension of time for a **housing certification** shall be [~~\$25.00~~] **\$35.00**.

§ 128-17. Rule-making authority and modifications.

- A. The Construction Code Official or his representative shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures to interpret and implement the

provisions of this ordinance and code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other condition.

- B. Whenever there are practical difficulties involved in carrying out the provisions of this ordinance or code, the Construction Code Official or his representative shall have the authority to grant modifications for individual cases, provided the code official shall first find that the special individual reason makes the strict letter of this ordinance or code impractical and the modifications is in compliance with the intent and purpose of the ordinance or code and that such modifications do not lessen the health and safety requirements.
- C. Neither the construction Code Official nor his representative shall be deemed to be granted any authority under this section to act in any manner inconsistent with the requirements, restrictions or obligations of the Uniform Construction Code, Chapter 23 of the New Jersey Administrative Code.”

Section Two. All ordinances or parts of ordinances inconsistent with this ordinance are thereby repealed to the extent of such inconsistency.

Section Three. If any section, paragraph, clause or other portion of this Ordinance be adjudged invalid, such decision shall not affect or impair the remaining portions of this Ordinance.

Section Four. This Ordinance shall take effect upon its passage and publication according to law.

NOTICE OF PUBLIC HEARING

The Ordinance published herewith was introduced and approved at a meeting of the Township Committee of the Township of Manalapan held on [June 12, 2024](#) and will be further considered for final passage after a Public Hearing thereon before the Township Committee of the Township of Manalapan during a meeting to be held on [July 10, 2024](#) at the Municipal Complex, 120 Route 522 and

Taylor's Mill Road, Manalapan, New Jersey at 7:30 p.m. or as soon thereafter as the matter may be reached, or at any meeting to which that meeting may be adjourned, at which time any and all persons who may be interested therein will be given an opportunity to be heard.

The proposed Ordinance in its entirety is on file in the Municipal Clerk's Office and copies may be obtained without charge between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday. A complete copy may also be obtained from the Manalapan Township web-site www.mtnj.org by clicking on the Ordinance title listed on the Agenda posted for the Township Committee meeting of [July 10, 2024](#).

SHARI ROSE, RMC
Municipal Clerk