

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 5-2022

AMENDING CHAPTER 53 TITLED “CERTIFICATE FOR CHANGE IN OCCUPANCY/OWNERSHIP” OF THE CODE OF THE TOWNSHIP OF MOORESTOWN

WHEREAS, Chapter 53 of the Code of the Township of Moorestown is titled “Certificate for Change in Occupancy/Ownership” and sets forth a required municipal inspection of a property at the time of sale; and

WHEREAS, the Construction Office in the Department of Community Development often encounters new owners of property that have open permits that were never closed out by the former owners of the property; and

WHEREAS, the Township has experienced numerous instances where an owner or occupier of property has encroached upon adjacent property owned by the Township; and

WHEREAS, in the case of Township property purchased with Green Acres funds, these encroachments jeopardize the Township’s eligibility for Green Acres funding; and

WHEREAS, in the case of other Township-owned property, such encroachments may result in a claim of adverse possession of public property by such adjacent owner; and

WHEREAS, the Township Council finds that it is in the best interest of the present and future residents of the Township to amend Chapter 53 as set forth herein.

NOW, THEREFORE, BE IT ORDAINED that Chapter 53 be amended as follows:

Section 1: Chapter 53, Section 53-1 shall be amended to add subsections D. and E. as follows:

D. A review of the permit history of a property is in the best interest of the Township of Moorestown and future property owners to ensure that any outstanding construction permits have been closed out. The time a property transfers ownership is a convenient and appropriate occasion to verify that all work proposed to be performed following obtaining a permit has been inspected and passed all required inspections.

E. The encroachment by adjoining property owners onto Township-owned lands is an important concern since it can lead to loss of state funding or loss of property by adverse possession. Identification of encroachments, removal of current, and prevention of future, encroachments can be achieved by requiring the production of a current survey performed by a licensed land surveyor, with flagging of

property corners, of any property that adjoins, abuts, or shares a boundary with Township-owned property at the time the adjoining property transfers ownership.

Section 2: Chapter 53, Sections 53-2 and -3 shall be deleted and the following sections shall be added as follows:

§53-2 Certificate for Change in Occupancy/Ownership Required.

1. The Township of Moorestown requires the Seller of any property in the Township to obtain a Certificate for Change in Occupancy/Ownership prior to the real estate closing to ensure that:
 - (a) Extraneous flow is not entering the sanitary sewer system.
 - (b) The water meter is functioning properly and accurately records the water usage of the property.
 - (c) The sidewalks are free of any trip hazards and not in a hazardous condition.
 - (d) There are no outstanding permits from the construction office; any improvements to the property have been inspected and the improvements have passed all required inspections so that the permits can be closed out.
 - (e) Township-owned lands have not been encroached upon by the owner or occupier of an adjacent property.

§53-3 Procedure.

1. An inspection of the property shall be conducted by a representative of the Township before a Certificate for Change in Occupancy/Ownership is issued. It shall be the responsibility of the property owner to schedule an inspection with the Department of Public Works.
2. The owner of property that adjoins any Township-owned property shall be required to provide a recent survey (dated no more than ninety (90) days prior) to the Director of the Department of Community Development, or the Director's designee, for examination. Any flags installed by the surveyor when completing the survey shall remain in place and not be disturbed until the real estate closing. In the event the survey discloses an encroachment onto adjacent Township-owned property, an inspection of the property shall be conducted by a Township representative to determine the extent of the encroachment.

§53-4 Standards for Issuance.

1. The following standards shall apply to the issuance of a Certificate of Change in Ownership/Occupancy:

(a) In the event the inspection reveals that sump pumps, roof drains and/or any other drainage devices are connected directly or indirectly to the Township's sanitary sewer system, such extraneous flow connections shall be permanently disconnected from the Township's sanitary sewer system in a manner approved by the Director of Public Works or the Director's designee

(b) In the event the inspection reveals that the water meter is deemed in need of replacement in the sole opinion of the inspector, the Township shall replace the water meter. In cases where modifications to the existing plumbing are necessary to permit replacement of the water meter, the owner shall promptly arrange for a licensed plumber to make said modifications at the owner's own cost and expense.

(c) In the event the inspection reveals the sidewalk is in need of repair or replacement due to tripping hazards or due to other hazardous condition, the owner must perform such repairs or replacement as are deemed necessary by the inspector.

(d) In the event a search of the permit history reveals the existence of any open permits, the owner must close out any such open permits.

(e) In the event there is an encroachment onto adjacent Township-owned property, the owner shall remove the encroachment and restore any damage resulting from the removal of the encroachment.

2. The Township shall issue a Certificate for Change in Ownership/Occupancy only after all of the above standards have been met. A Certificate shall be valid for a period of sixty (60) days once issued. In the event the closing of the property does not occur within sixty (60) days of the Certificate's issuance, a new Certification shall be required.

§53-5 Temporary Certificates.

1. A Temporary Certificate for Change of Ownership/Occupancy shall be permitted to be issued in only the following circumstances:

(a) In the event weather conditions or other compelling justification exists that prevents the repair or replacement of the sidewalk prior to closing, a Temporary Certificate for Change in Occupancy/Ownership may be issued provided a sufficient sum, determined in the sole discretion of the Director of Public Works, or the Director's designee, is set aside in escrow to guarantee the completion of said work after closing. A temporary Certificate issued pursuant to this subsection shall only be valid for a period of ninety (90) days, unless extended in the sole discretion of the Director of Public Works, or the Director's designee. Upon inspection and approval by the Department of Public Works of the repair or replacement, the escrow shall be released to the one who posted the escrow. In the event the repair or replacement is not completed within ninety (90) days, or any extended period, the Township may request that the escrow be paid to the

Township to allow the Township to make such repair and/or replacement as is deemed necessary.

(b) In the event any encroachment onto Township-owned property is of such a magnitude that it cannot reasonably be removed prior to closing, a Temporary Certificate for Change in Occupancy/Ownership may be issued provided a sufficient sum, determined in the sole discretion of the Township Manager, or the Manager's designee, is set aside in escrow to guarantee the removal of the encroachment and restoration of any damage resulting from the removal of the encroachment. A Temporary Certificate issued pursuant to this subsection shall only be valid for a period of ninety (90) days, unless extended in the sole discretion of the Township Manager, or the Manager's designee. Upon inspection and approval by a Township representative of the removal of the encroachment and restoration of any damage, the escrow shall be released to the one who posted the escrow. In the event the removal of the encroachment and restoration of any damage is not completed within ninety (90) days, or any extended, period, the Township may request that the escrow be paid to the Township to allow the Township to remove the encroachment and restore any damage resulting from the removal of the encroachment.

§53-6 Fees.

1. The following schedule of fees, which shall be noted on the tax search and collected at the time of closing, are hereby established for the Certificate for Change in Occupancy/Ownership inspection:

(a) For all residential and commercial properties: \$75.00.

(b) For second floor condominium properties: \$50.00.

Section 3: Repealer. Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistencies.

Section 4: Severability. In the event that any section paragraph, clause phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

Section 5: Effective Date. This ordinance shall take effect the later of June 1, 2022, or 20 days after adoption.

Section 6: Short Title. This Ordinance may be cited as Ordinance No. 5-2022.

NOTICE

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, held on April 11, 2022. This ordinance will be further considered for final passage by the Township Council, after a public hearing thereon, at a meeting to be held at 111 West Second Street, Moorestown, NJ on April 25, 2022 at 7:00 pm or at any date, time and place to which such meeting may be adjourned. For those attending virtually or telephonically, the agenda for said meeting will provide instructions for public participation; all persons interested will be given the opportunity to be heard concerning such ordinance. The ordinance may be viewed in full on the Township's website at www.moorestown.nj.us. In addition, during the week prior to and including the date of such further consideration, copies will be available from the Municipal Clerk's Office to any member of the general public who shall request such copies.

Patricia L. Hunt, RMC
Township Clerk