

**BERNARDSVILLE BOROUGH
ORDINANCE 2018- 1757**

**AN ORDINANCE ESTABLISHING A CONSTRUCTION RECORDS CLEARANCE
CERTIFICATE AND SUPPLEMENTING AND AMENDING CHAPTER XII OF THE
BOROUGH CODE ENTITLED "BUILDING AND HOUSING"**

BE IT ORDAINED by the Council of the Borough of Bernardsville, in the County of Somerset, State of New Jersey that Chapter XII of the Borough Code entitled "Building and Housing" is hereby supplemented and amended as follows:

Section 1. There is hereby created a new section 12-4 entitled "Construction Records Clearance Certificate" which reads as follows:

12-4 CONSTRUCTION RECORDS CLEARANCE CERTIFICATE

12-4.1 When Required.

a. 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 Borough.

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. 46:16-7.
- 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 intestate 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.

12-4.2 Responsibility.

No owner shall permit the sale of a residential or commercial premises or rental of a residential or 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 Borough.

12-4.3 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.

12-4.4 Fees.

The applicant shall submit with the application a \$35.00 fee to cover the administrative cost:

12-4.5 Violations and Penalties.

- a. 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 no exceeding 90 days.
- b. The issuance of a CRC shall not preclude the imposition of penalties upon subsequent discovery of violations.

Section 2. Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall become effective immediately upon final passage and publication as required by law.

**COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET**

ATTEST:

Anthony Suriano, Acting Clerk

By: _____
Kevin Sooy, Mayor

Introduction: _____

1st Publication: _____

Public Hearing and Adoption: _____

2nd Publication: _____