

EXPLANATION: This Ordinance establishes a construction records clearance requirement in connection with the purchase and sale of real property within the Borough.

**BOROUGH OF FAR HILLS
ORDINANCE NO. 2020-14**

AN ORDINANCE ESTABLISHING CONSTRUCTION RECORDS CLEARANCE IN CONNECTION WITH THE TRANSFER OF REAL PROPERTY WITHIN THE BOROUGH OF FAR HILLS.

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Far Hills, in the County of Somerset and State of New Jersey as follows:

Section 1. The following requirements and regulations shall be established in the Borough of Far Hills:

CONSTRUCTION RECORDS CLEARANCE REQUIREMENTS

Article I 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 of Far Hills.
- 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 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.

Article II 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 CRC required hereunder. The owner or his authorized agent shall submit a written application and payment of fees at least ten (10) business days prior to the change of ownership and/or occupancy on the form provided by the Borough.

Article III Preoccupancy Records Inspection.

Prior to the issuance of any CRC, the enforcing agency shall conduct a records inspection to ensure that there are no open construction permits or zoning permits for the subject premises. Should there be open permits on subject premises, all final inspections and prior approvals shall be obtained, including the obtainment of any required land use board approval, and appropriate Uniform Construction Code certificates or zoning certificates shall be issued prior to issuance of the CRC. The Borough shall not be responsible for any permits or approvals not identified in connection with the issuance of any CRC, with same remaining the responsibility of the property owner(s).

Article IV Fees.

The applicant shall submit with the application, along with the following fees for the CRC as follows to cover the administrative cost:

- A. Requests more than ten (10) business days from change of occupancy or closing: \$45.00
- B. Requests within ten (10) business days from change of occupancy or closing: \$90.00
- C. Requests within four (4) business days from change of occupancy or closing: \$161.00

The Borough does not guarantee that a CRC will be issued as of the date for a change of occupancy or closing if the request/application is filed two (2) business days or less from such date. All fees under this section are subject to change in accordance with the New Jersey Uniform Fire Code, N.J.A.C. 5:70-2.9(d).

Any request for a duplicate CRC shall require a fee of \$25.00 per certificate.

Article V Violations and Penalties.

- A. Any person, entity or organization violating any provisions of this section shall, upon conviction, shall be subject to the general penalty provisions of the Borough of Far Hills.

- B. Each violation of this Ordinance shall constitute a separate offense.
- C. The issuance of a CRC shall not preclude the imposition of penalties upon subsequent discovery of violations.

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

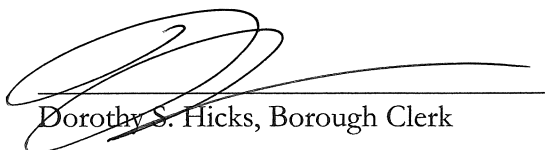
Section 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Far Hills, the provisions hereof shall be determined to govern, and the inconsistencies of the prior ordinance are hereby repealed. All other parts, portions and provisions of the Ordinances of the Borough of Far Hills are hereby ratified and confirmed, except where inconsistent with the terms hereof.

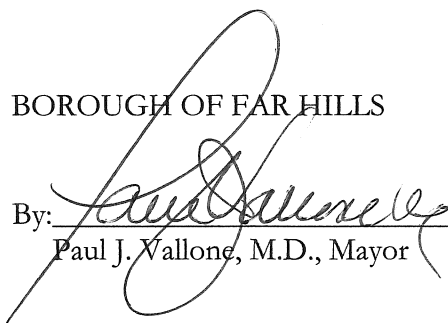
Section 4. Within five (5) days after its adoption by the Council, this Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40A:60-5(d). If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

Section 5. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40A:60-5(d); and (3) publication in accordance with the laws of the State of New Jersey.

Introduced: August 10, 2020
Published: August 13, 2020
Adopted: August 24, 2020
Published: August 27, 2020

ATTEST:


Dorothy S. Hicks, Borough Clerk

BOROUGH OF FAR HILLS
By: 
Paul J. Wallone, M.D., Mayor