

ORDINANCE 16-5

**CITY OF BRIDGETON
ORDINANCE AMENDING CHAPTER 265, PROPERTY MAINTENANCE, OF THE
CODE OF THE CITY OF BRIDGETON**

WHEREAS, there exists a need for the City of Bridgeton to provide a Certificate of Inspection (CI) or Certificate of Occupancy (CO) at the time of sale of residential property; and

WHEREAS, provisions for such inspections for rental property and owner occupied property are provided under Chapter 277 Rental Property which creates confusion for owner occupied residential sales; and

WHEREAS, there is no requirement to issue occupancy certificates for commercial property; and

WHEREAS, the Division of Housing and Code Enforcement recommends separating owner occupied residential property and rental residential property Certificate of Inspection or Certificate of Occupancy requirements;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Bridgeton as follows:

1. Chapter 265, Article V is hereby created and titled Sale of Residential Property and shall read:

§265 – 32. Certificate of Occupancy Required

A. Certificate of Inspection/Occupancy required at sale of property.

- (1) No owner or agent thereof shall hereafter sell or convey, whether legal or equitable title, any dwelling or dwelling unit, or premises, except vacant land, unless prior to such sale or conveyance a certificate of inspection /certificate of occupancy has been obtained from the Code Enforcement Officer.
- (2) The Code Enforcement Officer shall make an inspection prior to the date of sale. The owner or agent shall cooperate with the Code Enforcement Officer in arranging for the inspection. If the owner or agent cooperates with the Code Enforcement Officer and if the Code Enforcement Officer fails to inspect or to issue a certificate of inspection as set forth herein, the sale or conveyance may proceed without a certificate of inspection.
- (3) Failure of the City to issue a certificate of inspection as set forth in this subsection shall not affect the necessity of an owner or agent, subsequent to a sale or transfer, from obtaining a certificate of occupancy as required in subsection B. Nothing in this subsection prohibits a buyer and seller from negotiating the payment of the fees set forth in §149 – 20 of the Code of the City of Bridgeton.
- (4) If, at the time of inspection, the property meets all requirements for a certificate of occupancy, indicating that the property is fit for human habitation and otherwise complies with the applicable provisions of the Property Maintenance Code and the Municipal Code of the City of Bridgeton for occupancy, then a certificate of occupancy may be issued in lieu of a certificate of inspection.

B. Certificate of Occupancy Required at Occupancy. After sale or conveyance of legal title and/or equitable title to property, no owner or agent thereof shall occupy any such dwelling or dwelling unit, without obtaining a certificate of occupancy from the Code Enforcement Officer indicating the unit, premises or facility is fit for human habitation or otherwise complies with the applicable provisions of the Property Maintenance Code.

§265 – 33. Fees.

The fee for all residential inspections and Continued Certificate of Occupancy shall be as set forth in Chapter 149, Fees, Article II, Schedule of Fees.

§265 – 34. Violations and penalties.

Violations of the provisions of this chapter shall be punishable as provided in Chapter 1, Article III, General Penalty.

ADOPTED at a regular meeting of the City Council of the City of Bridgeton held on the 15th day of March, 2016.

ATTEST:

Darlene Richmond,
City Clerk

J. Curtis Edwards
Council President

APPROVED:

Albert Kelly, Mayor