

First Reading:	06-18-2026
Publication:	06-19-2026
Second Reading:	08-20-2026
Publication:	08-26-2026

ORDINANCE NO. 2863

AN ORDINANCE AMENDING CHAPTERS 2 AND 40 OF THE CODE OF THE BOROUGH OF ROSELLE PARK TO MANDATE RESALE CERTIFICATES FOR THE SALE OF EXISTING BUILDINGS WITHIN THE BOROUGH

WHEREAS, the governing body of the Borough of Roselle Park believes it is necessary and appropriate to ensure that whenever a building or structure, regardless of use, will have new owners that there is a formal procedure in place to ensure all necessary municipal inspections have been completed and the building or structure is safe for occupancy and in compliance with applicable provisions of the Code of the Borough of Roselle Park; and,

WHEREAS, the governing body further believes that certain additional revisions to Chapter 2 and Chapter 40 of the Borough Code are necessary in order to further the purpose and intent of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter 2 and Chapter 40 of the Code of the Borough of Roselle Park be and hereby is amended as follows:

SECTION 1.

§ 40-3103 CERTIFICATE OF OCCUPANCY.

- A. A certificate of occupancy duly issued by the Construction Code Official of the Borough **pursuant to the Uniform Construction Code Act (specifically, N.J.S.A. 52:27D-133)**, which establishes that ~~a building, structure, premises or lot, or a part thereof, which has been improved in any manner whatsoever, as well as the current or proposed use thereof, conforms to the provisions of Part 3, Zoning, of this chapter shall be required in accordance with the terms of this section~~ **a completed project meets the conditions of an issued construction permit, and all prior approvals and has been done substantially in accordance with the code and with those portions of the plans and specifications controlled by the code; that all required fees have been paid in full; that all necessary inspections have been completed and that the completed project meets the requirements of the regulations; that all violations have been corrected and that any assessed penalties have been paid; and that all protective devices and equipment required to be installed by the regulations will continue to be operational as required by the regulations, shall be required when so mandated by the Uniform Construction Code.**
- B. ~~No building structure, premises or lot, or part thereof, shall hereafter be constructed, erected, created, converted or enlarged, wholly or partly, in its use or structure, unless a certificate of occupancy, as hereinabove defined, has been issued by the Construction Code Official of the Borough.~~ **Upon request of the owner of an existing building or structure, the construction official, with the approval of the subcode officials, shall issue a certificate of continued occupancy provided that there are not violations of law or orders of the construction official pending and it is established after inspection and investigation of available municipal records that the alleged use of the building or structure has lawfully existed. The making of such a request shall not relieve the owner from obtaining a resale**

certificate when so required under Section 40-3103A of the Code of the Borough of Roselle Park.

- ~~C. A certificate of compliance shall be required upon the sale of any land or building located within the Borough and upon the lease of any premises devoted to a nonresidential use.~~
- ~~D. The Construction Code Official of the Borough shall approve or deny an application for a certificate of occupancy and/or certificate of compliance within ten (10) days after a request for same has been filed in this office. The Construction Code Official shall issue a certificate of occupancy only upon a finding that the building, structure, premises or lot or part thereof, and upon the finding that the current or proposed use thereof conforms to this chapter, as well as the current or proposed use thereof, conforms to this chapter and all other applicable codes and ordinances of the Borough. A certificate of compliance shall only be issued by the Construction Code Official in accordance with § 40-3006 and upon the finding that the current or proposed use thereof conforms to this chapter.~~
- ~~E. Should the Construction Code Official decline to issue a certificate of occupancy and/or certificate of compliance, the basis for denial shall be stated on two (2) copies of the application. One (1) copy thereof shall be returned to the applicant.~~
- ~~F. In the event that the use or structure of property on which a certificate of occupancy has been granted is changed or altered, a new certificate of occupancy shall be required.~~
- ~~G. A temporary certificate of occupancy for a part of a building or structure may be issued by the Construction Code Official at his or her discretion, provided that the same shall be valid for no more than sixty (60) days and shall not be renewed more than one (1) time.~~
- ~~H. The fee for the issuance of a smoke detector certificate shall be seventy (\$70) dollars for single-family homes, and twenty-five (\$25) dollars per unit, with the minimum of one hundred (\$100) dollars for a multifamily residence.~~
- ~~I. The fee for a certificate of occupancy for a change of use shall be one hundred (\$100) dollars.~~

SECTION 2.

§ 40-3103A RESALE CERTIFICATES.

- A. Purpose.** The purpose of this Section is to ensure that whenever a building or structure, regardless of use, is sold within the Borough of Roselle Park, that there is a formal procedure in place to ensure all necessary municipal inspections have been completed and the building or structure is safe for occupancy and in compliance with applicable provisions of the Code of the Borough of Roselle Park.
- B. Resale Certificate required.** Unless otherwise exempted pursuant to this Chapter, no property owner shall sell any building or structure within the Borough of Roselle Park unless that property owner first obtains a resale certificate pursuant to the procedures established in this Chapter.

- C. **Certificate of Occupancy Separately Required.** This Section shall not be applicable when a Certificate of Occupancy is required for a building or structure pursuant to the Uniform Construction Code Act (specifically, N.J.S.A. 52:27D-133), such as for a new building, a reconstructed building, a building with an addition, or a building undergoing a change of use. Nothing in this Section shall limit the owner of a building or structure from full compliance with all applicable provisions of the Uniform Construction Code, which is enforced separately under the oversight of the Borough's Construction Code Official.
- D. **Issuing authority.** A resale certificate shall be issued by the Borough's Code Enforcement Officer, or such other official as be designated by the Borough's Administrator (the "Issuing Authority").
- E. **Issuance of Resale Certificate.** A resale certificate shall only be issued when the Borough's Issuing Authority has inspected the building or structure and confirms that it is in full compliance with the following Chapters and/or Sections of the Borough Code, and other state or municipal regulatory obligations, to the extent that may be specifically applicable to the building or structure:
1. Chapter 16, Section 2, Lead-Based Paint Inspections.
 2. Chapter 18, Section 1, Rental Housing.
 3. Chapter 19, Property Maintenance Code.
 4. Chapter 22, Fire Prevention and Protection.
 5. Certificate of Smoke Alarm and Carbon Monoxide Alarm Compliance (generally known as a "smoke detector certificate") where required, to be issued by the Fire Prevention Official.
 6. No resale certificate may be issued if the property is subject to an open permit from the Construction Code Official or any violation notice issued by the Construction Code Official has not been fully and finally resolved.
- F. **Temporary Resale Certificates.**
1. **Temporary Resale Certificates for Occupancy.** The Issuing Authority may issue a temporary resale certificate when a deficiency has been identified in complying with the terms of this Section, in order to allow for the transfer of property without undue delay, but while ensuring that any such deficiencies will be timely abated. The Issuing Authority may issue a temporary resale certificate for a period not to exceed ninety (90) days, provided that the building is structurally safe to occupy and the deficiencies do not affect the health, safety, or welfare of the occupants, and the purchaser furnishes a sworn affidavit stating that the purchaser is aware of the deficiencies, agrees to abate them within ninety (90) days of the date of transfer of the property, and accepts full legal responsibility for doing so.

2. **Temporary Resale Certificates for Demolition or Renovation.** If the building is to be demolished, the purchaser shall furnish a sworn affidavit stating that the building shall not be occupied and is intended to be demolished within sixty (60) days of acquisition. If the building is to be renovated such as to require a new or amended Certificate of Occupancy under the Uniform Construction Code, the purchaser shall furnish a sworn affidavit stating that the purchaser is aware that the building shall not be occupied until repairs are completed and the Certificate of Occupancy is issued. In such instance, the purchaser shall submit a renovation plan for approval by the Construction Code Official within sixty (60) days of acquiring the property.
 3. The issuance of a temporary resale certificate shall not restrict the Borough from separately issuing penalties for a violation of this Section, including, but not limited to, the failure to timely abate any deficiencies noted in a temporary resale certificate issued by the Borough.
- G. **Borough's responsibility.** Unless the Borough's Issuing Authority determines there are grounds for further inquiry, the inspection conducted for a resale certificate shall be a general visual inspection and if required, a review of available Borough records. This inspection is not undertaken pursuant the Uniform Construction Code and is not and shall not be deemed a guarantee or warranty of any kind regarding the safety of the building or structure being inspected.
- H. **Inspections not required.** A resale certificate inspection shall not be required if the property containing the building or structure is sold within three (3) months after the issuance of a Certificate of Occupancy by the Construction Code Official, provided that the property owner selling the property provides an affidavit that no rehabilitation work was done on the property since the issuance of the Certificate of Occupancy.
- I. **Forms and fees.** The Issuing Authority shall develop application procedures and establish appropriate forms for a resale certificate, which may be submitted on-line. Fees shall be separately established in the Borough's fee schedule. Inspections shall normally be scheduled within ten (10) days after the application is submitted and required fees paid.
- J. **Violations and penalties.**
1. Any person or persons, partnership, firm, corporation, holding company, foreign corporation, limited liability company or any other entity, whether or not incorporated in this or any other state or country, or any representative or employee of any of the foregoing, who in any manner fails to fully comply with the provisions of this Ordinance, and who is part of any transaction resulting in the violation(s) of any of the provisions of this Ordinance shall be deemed to be in violation of this Ordinance, and shall be subject to the penalties stated herein for a violation of the Ordinance.
 2. All violations of this Ordinance shall be deemed separate and distinct violations for each and every day that said violations may continue, and all parties violating this Chapter shall be deemed jointly and severally liable for any and all such violations.

3. For each and every violation committed in violation of this Ordinance, violators shall be subject to a minimum penalty of \$100 and a maximum penalty of \$2,000 as determined by the municipal court, exclusive of any court fees and costs that may be separately incurred. Additional penalties for a repeat offender shall imposed pursuant to N.J.S.A. 40:49-5.

SECTION 3.

§ 2-68.3 Fire Department.

Fees charged by the Fire Department are established as follows:

Item	Fee
~~a-~~ Copies of fire reports	\$10
Single family smoke detector certificate	\$70
Multi-family smoke detector certificate	\$100 for up to 4 dwelling units, then \$25 for each additional unit

SECTION 4.

§ 2-68.10 Code Enforcement Officer

Item	Fee
Resale Certificate (residential)	\$60 for first dwelling unit, then \$20 for each additional unit
Resale Certificate (commercial and industrial)	\$0.012 per square foot of floor area, including all floors and basements, with a minimum fee of \$100.00 and a maximum fee of \$850.00.

SECTION 5. Invalidity.

If any section or portion of a section of this Ordinance shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

SECTION 6. Inconsistent Ordinances Repealed.

All Ordinances or parts of Ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

SECTION 7. Captions and Editing Indications.

Any captions contained in this Ordinance have been included only for the purpose of facilitating reference to the various sections and are not intended and shall not be utilized to construe the intent and meaning of the text of any section. Likewise, editing indications are structured such that all strikethrough text, ~~thusly~~, should be considered a deletion from exiting Borough Code, and all bolded text, **thusly**, should be considered an addition to existing Borough Code.

SECTION 8. Referral to Municipal Land Use Board.

Pursuant to N.J.S.A. 40:55D-26, the foregoing Ordinance, after introduction by the governing body, shall be referred to the Municipal Land Use Board of the Borough of Roselle Park for a Master Plan consistency review. The Municipal Land Use Board shall provide a written report outlining their findings and recommendations with respect to said Ordinance within thirty-five (35) days of its referral.

SECTION 9. Effective Date.

This Ordinance shall become effective upon publication of the Notice of Final Adoption prepared by the Office of the Borough Clerk.

Introduction: June 18, 2026

Adoption: August 20, 2026

Attest: _____
Madeline Colandro, RMC
Borough Clerk

Joseph Signorello, Jr.
Mayor

Record of Vote – Introduction				
	Aye	Nay	Abstain	Absent
Petrosky	X			
Johnson				X
Robaina	X			
Lyons	X			
Patel	X			
Casalins				X

Record of Vote – Adoption				
	Aye	Nay	Abstain	Absent
Petrosky	X			
Johnson	X			
Robaina	X			
Lyons				X
Patel				X
Casalins	X			

Copy To: **Kimberly Brown (Zoning Officer), Richard Belluscio (Construction Official), Joseph Kopf (Fire Official), Steven A. Thompson (Fire Chief), Alexander Mirabella (Business Administrator).**