

Borough of Norwood

Ordinance No.07:10

**Amending the Code of the Borough of Norwood
to Modify and Redesignate Section 231-13
Requiring Change of Use Approval**

WHEREAS, the purpose of this ordinance is to modify and redesignate Section 231-13 of the Code of the Borough of Norwood requiring change of use approvals to establish a new Chapter 106 in the Code to require certificates of continued occupancy, to better protect the health, safety, and welfare of the residents of the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Norwood as follows:

Section 1: The Code of the Borough of Norwood is amended to add a new Chapter 106 to state:

Chapter 106, Certificates of Continued Occupancy

§ 106-1. Certificate of Continued Occupancy Required.

- A. Any change in use, ownership, or occupancy of an existing building or structure shall require approval of a certificate of continued occupancy by the Construction Code Official.
- B. Upon receipt of an application for approval of a certificate of occupancy, the Construction Code Official shall determine whether the use is in compliance with the Borough's zoning ordinance and the provisions of the Municipal Land Use Law, and whether any proposed use is of a nature, extent, and intensity that is so similar to the previous use to not constitute a change in use. The Construction Code Official may either issue a certificate of continued occupancy or refer the matter to the Planning Board or Zoning Board. In either event, the applicant for a certificate of continued occupancy shall pay any fee established for this purpose.
- C. The applicant for a structure other than a one or two family residence shall be

required to submit with the application a sketch plat indicating the location and layout of all existing structures, lot configuration, general parking and loading areas, lighting, drainage, landscaping, and other general site factors. In lieu of a sketch plat, the applicant may refer to prior site plans for the premises filed with the approving authority with appropriate notations indicating any changes made on the premises since the earlier site plan approval.

- D. If the Construction Code Official determines that any proposed change in the nature, extent, or intensity of any use does not require additional improvements or approvals, then the Construction Code Official may approve the application or conditionally approve the application.
- E. If the Construction Code Official determines that improvements are required or that the nature, extent, or intensity of the use should be reviewed, he shall deny the application and require submission of the application to the Planning Board or Zoning Board of a partial or complete site plan application or other appropriate development application as provided by this chapter.
- F. No certificate of continued occupancy may be issued as to a residential building or any portion thereof unless approved smoke detectors, fire extinguishers, and carbon monoxide detectors have been installed as required by applicable state statute and local ordinances.

§ 106-2. Fees

The fees for certificates of continued occupancy shall be \$100 for the application and initial inspection and \$25 for each reinspection.

§ 106-3. Enforcement and Penalties.

This ordinance shall be enforced by the Borough's Construction Code Official. Any person convicted on a charge of violating the provisions of this ordinance shall be subject to the penalties set forth in Chapter 174.

Section 2: Section 231-13 of the Code, titled "Change of Use Approval," is hereby repealed.

Section 3: All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of any inconsistencies.

Section 4: The provisions of this ordinance are severable. If any part or parts of this ordinance is or are declared to be unconstitutional or invalid by any Court, the remaining parts of this ordinance will remain in full force and effect.

Section 5: This ordinance shall take effect upon final approval and publication, according to law.

Introduced and passed first reading: May 1, 2007


Passed second reading: June 6, 2007

ATTEST:

APPROVED BY:



Lorraine L. McMackin, Borough Clerk



James P. Barsa, Mayor