

**TOWNSHIP OF BORDENTOWN**

**ORDINANCE No. 2020-06**

**ORDINANCE AMENDING THE BORDENTOWN TOWNSHIP MUNICIPAL CODE ADDING  
CHAPTER 8.31 REGARDING COMMERCIAL TENANCY CHANGE**

WHEREAS, the Township Committee of the Township of Bordentown upon the advice and recommendation of the Township Construction Official and the Acting Community Development Director believes that requiring commercial business to notify and seek approval for tenancy changes furthers public safety and Township goals; and

WHEREAS, the Township Committee desires to enact reasonable regulations for commercial businesses so as to not impeded commercial businesses but assure public safety; and

WHEREAS, the Township Committee now seeks to amend the Bordentown Township Municipal Code by adding Chapter 8.31 entitled “Commercial Tenancy Change” with the provisions herein.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Bordentown that:

Section 1. Chapter 8.31 is added to the Bordentown Township Municipal Code with the following:

**Chapter 8.31. Commerical Tenancy Change**

8.31.010 Definition

The Construction Official shall grant approval of commercial changes of occupancy following inspection by the Sub Code Officials for Building, Electrical, Plumbing and Fire. The approval process provides vital information to the Township to oversee safety conditions. It also protects the health, safety and welfare of the occupants. The approval complements a building permit that is issued before construction to indicate that the proposed construction will adhere to ordinances, codes and laws.

8.31.020. Preconditions and Request for Commercial Tenancy Change Approval

- A. Prior to the sale or change of occupancy of any building and/or structure or portion of a building or structure, a determination shall be made by the Zoning Officer that the proposed use of building and/or structure or portion of a building or structure, is a permitted use.
- B. If the proposed use is deemed permissible, application to the Construction Official shall be made by the owner of record, agent or tenant to request an inspection to determine that all visible health and safety features of the building comply with Township and State of New Jersey Codes. The application shall include, but is not limited to, the following:
  - 1. The intended use;
  - 2. The floor plan including square footage; and
  - 3. The number of employees.

8.31.030 Fees

- A. The fee for requesting a Commercial Tenancy Change Approval shall be as follows:  
 \$180 for a proposed commercial space up to and including 5,000 square feet  
 \$250 for a proposed commercial space exceeding 5,000 square feet
- B. The fee for a re-inspection of any commercial space shall be \$50.

8.31.040. Commercial Tenancy Change Approval

- A. The Commercial Tenancy Change Approval shall state the Use Group Classification per the New Jersey UCC and the maximum number of persons that may occupy the premise per the Use Group classification or the allowed number on the Zoning approval.
- B. The Commercial Tenancy Change Approval shall evidence only that a general inspection of the visible parts of the building has been made and that no violation of N.J.A.C. 5:23- 2.14 have been determined to have occurred and no unsafe conditions as per N.J.A.C. 5:23-2.32 (a) have been found. Nothing in this subsection shall prevent the continued lawful use and occupancy of any such lawfully existing building or structure.

Section 2. Repealer. Any and all ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

Section 3. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable to any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that is allows the Township to meet the goals of the Ordinance.

Section 4. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

INTRODUCED: March 9, 2020  
 PUBLIC HEARING: April 13, 2020  
 ADOPTED: April 13, 2020

RECORD OF VOTE													
First Reading: 3/9/20							Second Reading: 4/13/20						
COMMITTEE	AYE	NAY	NV	AB	ORD	SEC	COMMITTEE	AYE	NAY	NV	AB	ORD	SEC
Holliday	✓				✓		Holliday	✓				✓	
Kostoplis	✓						Kostoplis	✓					✓
Mason	✓						Mason	✓					
Fuzy	✓					✓	Fuzy	✓					
Benowitz	✓						Benowitz	✓					

✓ - indicates Vote AB - absent NV - not voting ORD - moved SEC - seconded  
 I, MARIA CARRINGTON, Township Clerk, do hereby certify that this is a true copy of an ordinance adopted by the Township Committee of the Township of Bordentown on the 13th day of April, 2020.

MARIA S. CARRINGTON, Township Clerk