

**BOROUGH OF ENGLEWOOD CLIFFS
BERGEN COUNTY, NEW JERSEY**

ORDINANCE NO. 2026-16

TITLE: AN ORDINANCE TO REPEAL A PORTION OF SECTION 9-17 OF THE BOROUGH CODE ENTITLED “CERTIFICATE OF CONTINUED OCCUPANCY” AND ADOPTING SECTION 30-18 OF THE BOROUGH CODE ENTITLED “CERTIFICATE OF ZONING COMPLIANCE FOR RESALE, RENTAL, OR TRANSFER OF TITLE”

WHEREAS, the Governing Body of the Borough of Englewood Cliffs believes it is in the best interest of the Borough, in consultation with the Department of Community Affairs, to Repeal Section 9.17 of the Borough Code Entitled “**CERTIFICATE OF CONTINUED OCCUPANCY**” and to Add Section 30-18 of the Borough Code Entitled “**CERTIFICATE OF ZONING COMPLIANCE FOR RESALE, RENTAL, OR TRANSFER OF TITLE.**”

NOW BE IT ORDAINED by the Mayor and Council of the Borough of Englewood Cliffs, County of Bergen, State of New Jersey as follows:

Section 1. Section 9-17 through Section 9-17.5 of the Borough Code is hereby repealed.

~~§ 9-17~~**CERTIFICATE OF CONTINUED OCCUPANCY.**

~~§ 9-17.1~~**Transfer of Ownership Requires Certificate.**

~~[Amended 11-12-2025 by Ord. No. 25-07]~~

~~Each time there is a transfer of ownership of property within the Borough of Englewood Cliffs, a purchaser of such property must obtain from the construction official of the Borough a certificate of continued occupancy certifying that the property may be continued to be used as it is currently being used and certifying that the use of the property is a permitted use in the zone in which the property is located, by virtue of either of the fact that the use is a permitted use in the zone or by virtue of the fact that the use is a nonconforming use in the zone which was established prior to the adoption of an ordinance which prohibits said use in the zone.~~

~~§ 9-17.2~~ **Fees.**

~~[Amended 11-12-2025 by Ord. No. 25-07]~~

~~The fee for a certificate of continued occupancy resale shall be \$100, payable to the Borough of Englewood Cliffs.~~

~~The fee for a certificate of continued occupancy for rentals shall be \$85, payable to the Borough of Englewood Cliffs.~~

~~§ 9-17.3~~ **Inspection.**

~~[Amended 11-12-2025 by Ord. No. 25-07]~~

~~Before a certificate of continued occupancy shall be issued the construction official shall make an inspection of the premises to determine whether the certificate may or may not be issued along with a Lead Safe Inspection for rental properties by licensed lead safe inspector.~~

§ 9-17.4 Application, Requirements.

[Amended 11-12-2025 by Ord. No. 25-07]

a.

~~Rental/Lease Units. No person shall rent, lease, sub-lease or sub-let any dwelling unit to any person intending to use the dwelling unit for residential purposes, or allow any person to inhabit any one and two family dwelling unit, unless a certificate of continued occupancy has been obtained from the code official or the construction official. Any application pursuant to this section must be made at least 10 days prior to any intent of occupancy.~~

1.

~~Inspection. Before a certificate of continued occupancy shall be issued the construction official shall make an inspection of the premises to determine whether the certificate may or may not be issued along with a Lead Safe Inspection for rental properties by licensed lead safe inspector.~~

2.

~~Violations. In the event a purchaser of property in the Borough of Englewood Cliffs fails to obtain a certificate of continued occupancy, the construction official shall notify said property owner of the said violation by posting a notice of violation at the subject premises. In the event that the property owner fails to thereafter obtain a certificate of continued occupancy, the property owner shall be subject to a fine of not less than \$100 for each summons issued. Each day a violation continues beyond the date fixed for compliance in the notice provided for herein, shall constitute a separate offense.~~

b.

~~Standards for Issuance.~~

1.

~~The code official or the construction official if, after a general inspection of the visible parts of the structure, determines that the dwelling unit is fit for human habitation and complies with the Property Maintenance Code of the Borough of Englewood Cliffs, and all other Ordinances of the Borough of Englewood Cliffs pertaining to building, plumbing, electrical, health, safety, fire and minimum building standards, and that no violations of State law or of the State Uniform Construction Code exist, which would prevent the issuance of a certificate of continued occupancy pursuant to that code, or the regulations pursuant to that code shall issue the certificate. If a certificate of continued occupancy cannot be issued because of any violations, the code official or construction official will provide a notice of violations and if a certificate of continued occupancy cannot be issued it shall be enforced pursuant to this section.~~

(a)

~~Any person violating or failing to comply with any of the provisions of this section shall, upon conviction thereof, be punishable by a fine of not less than \$100 nor more than \$1,250, by imprisonment for a term not to exceed 90 days, or by community service as determined in the discretion of the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.~~

(b)

~~The violation of any provision of this article shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.~~

2.

~~If the Inspector as a result of a general inspection of the visible parts of the structure, finds any violation as set forth in paragraph 1, he shall notify the owner of the violation and allow the owner~~

~~14 days to correct the violation, by mailing a written notice by certified mail, return receipt and regular mail, or by delivering the notice to the owner or his agent. The notice shall identify the premises and specify the violations and any remedial action. The notice shall state that the failure to correct the violations within the time specified shall constitute a violation of this section and may be punishable in accord with Chapter 9, subsection 9-17.4 pursuant to paragraph a2 penalty clause.~~

~~3.~~

~~Any violation of the ordinances, Codes and New Jersey Statutes shall be grounds for the denial of a certificate of continued occupancy.~~

~~c.~~

~~Rental Units. No building or portion thereof shall be rented for residential purposes or offered for rent to a family as defined in subsections 9-6.3 and 9-6.4 for the period of less than six months. It is the intent of this section to prohibit short term rentals which are not occupied for at least six months by the tenant.~~

~~d.~~

~~Applications for Certificate.~~

~~1.~~

~~Any owner intending to rent, lease, sub-lease or sub-let any dwelling unit or allowing any person to inhabit a dwelling unit, shall apply to the code official or his agent for a certificate of continued occupancy. Said application shall include the name and address of the person to be renting the property, the telephone number where said person can be reached, the telephone number of the owner where he can be reached and a copy of the agreement in regard to the rental, lease, sub-lease or sub-let. Within seven days of the receipt of the payment of the required fee and the application form, the owner shall afford the Inspectors the opportunity to inspect the structure and shall consent to the inspection. Within 14 days of the inspection, the code official or his agent will issue a certificate of continued occupancy or deny the same, setting forth the reasons as set forth above. The fee for said inspection shall be \$85. The fee for a second and any additional reinspection shall be \$50.~~

~~(a)~~

~~In the event the property is under lease and the lease expires, the property owner shall immediately advise the Construction Official, or his representative, of the termination of the lease or the renewal of same, depending upon the circumstances, and shall again furnish a copy of the new rental, lease, sub-lease, or sub-let agreement. In the event that the same tenant becomes a non-lease tenant, this information shall be furnished to the Construction Official or his representative, setting forth the terms of the new agreement. The owner shall comply with all other terms of this section, specifically in regard to the extension of any lease or agreement, and shall give the Construction Official, or his representative, seven days' notice, if there is a continuation of occupancy by the same tenant, a new Certificate of Continued Occupancy shall not be required.~~

~~2.~~

~~All applications for such certificates shall be made in writing and shall state the name and address of the owner of the structure, the name and address of the owner-occupant or tenant-occupant or any other occupant structure, the name and address, if a sale or transfer of title, of the seller, transferor, buyer and the new proposed occupancy, and the name and address of the renting agent. It shall also describe the premises to be occupied, including the street address thereof, and a designation of the portion or portions of the premises or structures for which the specific~~

application is being made and shall set forth the number of persons who shall occupy any and all portions of the premises.

~~3.~~

~~All owners or renting agents of real estate or person or persons applying for a Certificate as provided herein shall advise the Code Official or his agent of a reasonable time or times that the inspections may be made and have someone present to assist and provide entry for the inspection purposes.~~

~~4.~~

~~Required Fees:~~

~~(a)~~

~~The fee for a certificate of continued occupancy for a transfer of ownership of property within the Borough of Englewood Cliffs shall be \$100, payable to the Borough of Englewood Cliffs.~~

~~(b)~~

~~The fee for a certificate of continued occupancy for a rental unit shall be \$85, payable to the Borough of Englewood Cliffs.~~

~~(c)~~

~~Requests for a CCO received fewer than four business days prior to the closing or change of occupant shall add an additional \$150 to required fee.~~

~~(d)~~

~~The fee for a second and any additional reinspection shall be \$50 per inspection.~~

~~e.~~

~~Smoke Detector and Carbon Monoxide Detector Required in all Residential Buildings. No certificate of continued occupancy may be issued to a residential building or any portion thereof unless approved smoke detector and carbon monoxide detectors have been installed as required by applicable State statute and local ordinance.~~

~~f.~~

~~Failure to Comply. If, after inspection by the enforcement officer, a certificate of continuing occupancy may not be issued to the residential building or portion thereof because of the existence of a violation of any code or failure to comply with the standards set forth herein, notice shall be given by the enforcement officer to the owner detailing the violations of applicable laws, regulations or ordinance. The enforcement officer shall have the authority to issue any summons or complaint for any violation of any ordinance, statute or regulation against the owner and/or occupant of the residential building or portion thereof wherein the violation exists.~~

~~g.~~

~~Expiration. If a dwelling unit is not occupied within six months of the issuance of a certificate of continued occupancy, the certificate will expire, and a new certificate must be obtained before occupancy.~~

~~h.~~

~~Exceptions. This section shall not apply to hotels, rooming houses or motels that are generally occupied by tenants or guests for less than 30 successive days, dwelling units not intended for human habitation or new construction, for which inspection and a certificate of occupancy is required by the Uniform Construction Code.~~

~~§ 9-17.5 Violations.~~

~~In the event a purchaser of property in the Borough of Englewood Cliffs fails to obtain a certificate of continued occupancy, the construction official shall notify said property owner of the said violation by posting a notice of violation at the subject premises. In the event that the property owner fails to thereafter obtain a certificate of continued occupancy, the property owner shall be subject to a fine of not less than \$100 for each summons issued. Each day a violation continues beyond the date fixed for compliance in the notice provided for herein shall constitute a separate offense.~~

Section 2.

Chapter 30 Zoning of the Borough Code is hereby amended to add Section 30-18 as follows:

§30-18 Certificate of Zoning Compliance for Resale, Rental or Transfer of Title.

- A. No building or structure shall be occupied or used in whole or in part unless and until a certificate of zoning compliance has been issued by the Construction Official. The Construction Official shall not issue such certificate unless he determines, after site inspection, that there are no violations of any applicable laws, ordinances or orders pending at the time of issuing the certificate. The certificate shall be issued upon written request from the owner or authorized agent upon such forms as may be approved by the building department.**
- B. A certificate of zoning compliance shall be applied for and obtained prior to the use or occupancy of the whole or any part of any building:
 - 1. Undergoing a change of ownership. Resale**
 - 2. Undergoing a change of occupancy. Rental**
 - 3. Undergoing change of use.**
 - 4. Undergoing construction or alteration.****
- C. Upon receiving an application for a certificate of zoning compliance, the Construction Official shall make an inspection of the building or part thereof for which the certificate is requested and shall forthwith issue the certificate of zoning compliance if the building or alteration has been completed and if the use and occupancy thereof shall be in conformity with the Revised Ordinances of the Borough of Englewood Cliffs or other applicable ordinances of the borough and if the building is safe and does not constitute a nuisance or hazard likely to result in injuries to persons or damages to property. In case the Construction Official shall decline to issue a certificate of zoning compliance, the reasons for doing so shall be stated to the applicant, and a written statement thereof shall be transmitted to the applicant on request. The reasons to decline the issuance of the certificate of zoning**

compliance are limited to violations of Chapter 10, Property Maintenance Code of the Code of the Borough of Englewood Cliffs, and/or violations of other codes which violation results in a direct threat to health and safety.

§30-18.1 Deferral of Certificate of Zoning Compliance

Notwithstanding 30-18(A) or (C) above, in instances where title to one-family and two family detached dwellings and one-family attached dwellings is being transferred, the Construction Official shall, after the appropriate application and inspection described in 30-18(C) above, defer the requirement that a certificate of zoning compliance issue if:

- A. The person acquiring title certifies under oath that no person will use or occupy the dwelling for any purpose except to perform necessary repairs until all violations are corrected; and
- B. The person acquiring title shall countersign the writing in which the deferral shall be granted acknowledging that:
 - 1. No person shall use or occupy the dwelling for any purpose except to perform necessary repairs until all violations are corrected;
 - 2. No certificate of zoning compliance shall be issued until there is full compliance with 30-18(A) and (C) above;
 - 3. Applicant is aware of the violations noted on the inspection report prepared by the Construction Official or his designee;
 - 4. Applicant permits the Construction Official or his designee to inspect the property upon reasonable notice;
 - 5. The person acquiring title shall report the progress of repairs to the Construction Official at such reasonable intervals so that the Construction Official may determine the status of necessary repairs; and
 - 6. Failure to file the appropriate report or occupancy of the premises in violation of this section may, in the discretion of the Construction Official, result in such enforcement action as the Construction Official deems appropriate, including the filing of a complaint with the Municipal Court.

§30-18.2 Enforcement Rights of Construction Official

Issuance of a conditional certificate of zoning compliance pursuant to 30-18 or deferral of the certificate of zoning compliance requirement pursuant to 30-18.1 shall not affect the right of the Construction Official to take such enforcement action as he deems appropriate for violations of law or any ordinance.

§30-18.3 Certificate of Zoning Compliance Fees and Administration

- A. A certificate of zoning compliance shall be issued to any person having a proprietary or tenancy interest who shall be held responsible for any violations on the premises. A record of all certificates shall be kept on file by the Construction Official, and copies shall be furnished to any person who has a proprietary or tenancy interest in the building affected.
- B. A copy of certificate of zoning compliance shall be submitted to Tax Assessor once in compliance.
- C. Certificate of Zoning Compliance Fees as follows:

1. If closing date, or move in date for a rental, is OVER two weeks away from date application is submitted payment shall be \$100.00
2. If closing date or move in date for a rental. is LESS than two weeks away from date application is submitted payment shall be \$150.00
3. Fee for reinspection and any additional inspection shall be \$50.00 and must be paid prior to inspection.

§30-18.4 Penalty for failure to obtain a Certificate of Zoning Compliance. Any person or entity that fails to obtain a certificate of zoning compliance shall be subject to a fine not exceeding two thousand dollars for each offense.

§30-18.5 Severability. In the event any portion of this Ordinance is determined to be invalid, all other provisions of this Ordinance shall remain in full force and effect.

Section 3. This Ordinance shall take effect immediately upon passage and publication as required by law.

Section 4. All prior ordinances that are inconsistent with this ordinance are repealed.

**Introduction and First Reading:
September 9, 2026**

COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Recuse	Absent
Biegacz	X		X				
Liang	X		X				
Patel			X				
Kapsaskis		X	X				
Lee			X				
Koutroubas			X				
Mayor Park							

**Second and Final Reading of Ordinance Adoption:
October 14, 2026**

COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Recuse	Absent
Biegacz							
Liang							
Patel							
Kapsaskis							
Lee							
Koutroubas							
Mayor Park							

Mark Park, Mayor

**This Ordinance was duly passed on second and final reading
by the Council of the Borough of Englewood Cliffs
at a meeting held October 14, 2026.**

**Intashan Chowdhury, MPA
Temporary Deputy Municipal Clerk**