

ORDINANCE 2010-_____

**BOROUGH OF WOODSTOWN,
COUNTY OF SALEM, STATE OF NEW JERSEY**

**AN ORDINANCE AMENDING CHAPTER 65
OF THE WOODSTOWN MUNICIPAL CODE
ENTITLED "HOUSING STANDARDS"**

BE IT ORDAINED by the Mayor and Council for the Borough of Woodstown, Salem County, New Jersey that Chapter 65 of the Municipal Code entitled **HOUSING STANDARDS** be amended to revise certain sections and add new sections as follows:

§ 65-1. Enforcement officer.

The housing officer of the Borough of Woodstown is hereby designated as the officer to exercise the powers described in this chapter, and shall serve in such capacity for a term of one year, subject to reappointment by the Mayor and Council. The compensation for this position shall be fixed by the municipal salary ordinance. The powers of the housing officer include, but are not limited to the following:

- A. Investigate dwelling conditions within the Borough to determine which structures are intended for residential occupancy;
- B. Investigate residential housing units to ensure compliance with these regulations and the Property Maintenance Code;
- C. Enter and inspect any structure at reasonable times and perform duties under this ordinance. If entry is refused, or not obtained, the housing officer may obtain an order from the Woodstown Municipal Court or any other court of competent jurisdiction authorizing entry.

§ 65-2. Adoption of standards by reference.

As authorized in *N.J.S.A. 40:49-5.1*, the Property Maintenance Code for the Borough of Woodstown shall be the most recent version of Chapters 2 through 8 inclusive of the International Property Maintenance Code (hereafter referred to as IPMC) and the New Jersey Hotel and Multiple Dwelling Law, *N.J.S.A. 55:13A-1, et seq.* and such regulations adopted pursuant to said law. These codes, statutes and regulations are hereby accepted, adopted and established as the standard to be used in determining whether dwellings in the Borough of Woodstown are safe, sanitary and fit for human habitation, rental and/or sale. A copy of all such standards shall be on file in the office of the Woodstown housing officer and available for public inspection during regular business hours of the municipal housing officer.

§ 65-3. Inspections.

- A. No Change
- B. No Change
- C. Delete in its entirety.
- D. Renumber to “C.” and read:

Whenever a new or used dwelling occupied or intended to be occupied as a single family residence is sold, the owner or manager of such dwelling shall, prior to sale, notify the housing officer of the intended sale and schedule an inspection. An inspection fee of \$60 shall be paid by the owner or owner’s representative to the Borough of Woodstown to cover the cost of inspection. The housing officer shall conduct such inspection within a reasonable time. However, if the housing officer has not conducted his inspection within seven (7) days of receiving notice, the premises may be occupied subject to the housing officer’s inspection. If, upon inspection, the housing officer finds no violation of this chapter, he shall license the owner or occupant of said dwelling to occupy same and shall issue a certificate of occupancy authorizing occupancy. If, upon inspection, the housing officer finds any violations of this chapter or any provision of the municipal ordinance, a conditional certificate of occupancy may be issued for a period not to exceed 30 days, during which time any deficiency shall be corrected. Upon notification to the housing officer that deficiencies have been corrected, the housing officer shall reinspect the premises to determine if the deficiencies have been corrected. If corrected, a permanent certificate of occupancy shall be issued. There shall be no charge for the first reinspection. If a second reinspection is required, a fee of \$25 shall be charged. If a third reinspection is required because deficiencies remain outstanding, a \$45 reinspection fee shall be charged for the fourth and any subsequent reinspection. If at the expiration of the initial 30 day period, deficiencies noted are not corrected, the premises shall be vacated and remain vacant until such time as said deficiencies are corrected. If the premises are not occupied, then occupancy shall be denied until such time as all deficiencies have been corrected and an unconditional certificate of occupancy can be issued.

- E. Delete in its entirety.

§65-4. Notice of Violation; Hearings. No Change

§65-5. Enforcement rules and regulations. No Change

§ 65-6. Occupancy restrictions.

No person shall occupy as owner-occupant or rent to another for occupancy any structure for the purpose of living therein which does not conform to the provisions of the IPMC.

§ 65-7. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AGENT – Any person designated by the record owner as being authorized to perform any duty imposed upon the record owners by this chapter. The term does not necessarily mean a licensed real estate broker or salesman as those terms are defined by *N.J.S.A. 45:15-3*; however, such term may include a licensed real estate broker or salesman if such person is designated by the record owner as his agent.

BOARDINGHOUSE – See *N.J.S.A. 55:13B-3*.

CONSIDERATION – Money or anything of value.

DWELLING or DWELLING UNIT – Any structure used or intended to be used for residential occupancy.

HOTEL – See *N.J.S.A. 55:13A-3*.

LICENSEE – The person to whom a certificate of occupancy is issued pursuant to this chapter. The term includes “agent” where applicable.

MOTEL – See *N.J.S.A. 55:13A-3*.

MULTIPLE DWELLING – See *N.J.S.A. 55:13A-3*.

OWNER-OCCUPIED RENTAL UNIT – Up to three dwelling units situate on single rental unit premises of which one dwelling is permanently occupied on a year-round basis by the person or persons owning the rental unit premises and the rental units and dwelling situate thereon.

PERSON – Any individual, partnership, limited partnership, corporation, limited liability company, trust, estate or other entity, or combination thereof.

RECORD OWNER – Any person who holds record or other legal ownership of the rental unit.

RENTAL UNIT – Each and every individual, house, building or structure, or any separate apartment unit, room or other space within any of the foregoing, which is rented, leased, provided or otherwise made available for residential living, dwelling or sleeping space, by or through the record owner, for consideration. For example, if a single-family house is leased to two tenants, the house is the rental unit. If a person owns a duplex which is leased to tenants, each side or section is a separate rental unit, and the owner must obtain two rental certificates of occupancy. Each apartment in an apartment complex is a separate rental unit. If a person owns a bed and breakfast, guest house or similar facility where the owner lives in the structure and provides other rooms therein which do not have separate egress to the outside of the structure for rent, the structure is considered the rental unit, and only one certificate of occupancy need be

obtained. In a hotel, motel, rooming or boardinghouse, registered with the State, the structure or structures containing the unit or units is the rental unit, and only one certificate of occupancy need be obtained. In a multiple dwelling, any dwelling unit permanently occupied by the rental premises owner is not considered a rental unit.

RENTAL UNIT PREMISES – The land, specifically the tax lot, or the condominium unit on which a rental unit or units are situated.

ROOMING HOUSE – See *N.J.S.A. 55:13B-3*.

§ 65-8. Certificate of Occupancy required.

No person shall rent, lease, provide or make available any rental unit for occupancy by any person unless and until that rental unit has been inspected in accordance with this chapter, and a certificate of occupancy has been lawfully issued.

§ 65-9. Time for registration.

The record owner, or authorized agent of the record owner, of every rental unit and every owner-occupied rental unit shall file a registration pursuant to this ordinance with the housing officer for each rental unit as follows:

- A. The initial registration for existing rental units shall be filed on or before December 1, 2010.
- B. Thereafter, a new registration for each existing rental unit shall be filed by the 31st day of November in each year.
- C. Following December 1, 2010, the record owner, or authorized agent for the record owner, shall register each new rental unit no later than 10 days prior to the time contemplated for occupancy by the first tenant in any newly constructed or other newly-created rental unit.
- D. Upon the change of rental unit premises ownership, the new owner or the new owner's agent shall file a new registration certificate with the housing officer within 10 days of taking title.

§ 65.10. Term of registration.

- A. Other than owner-occupied rental units, each rental unit registration shall expire and be void on September 1 of the year following the year in which the registration was filed with the housing officer.
- B. Each owner-occupied rental unit registration shall expire and be void on December 1 of the third year following the year in which the registration was filed with the housing officer. This means an owner-occupied registration filed in 2009 will expire on December 1, 2012.

- C. Each rental unit registration shall expire and be void upon the change of ownership of the rental unit premises.
- D. A rental unit registration shall become void, in the same manner as if it expired, upon revocation of the registration or certificate of occupancy in accordance with § 65-14 of this chapter.

§ 65-11. Requirements for certificate of occupancy; registration; fee; payment of taxes.

- A. No rental unit or owner-occupied rental unit certificate of occupancy shall be issued until the owner of the rental unit files or causes to be filed a registration certificate on forms provided by the Municipal Housing Officer for said rental unit, which shall include the following information:
 - (1) The name and business address of the owner or owners of the rental unit premises and the owner or owners of the rental business if not the same person. In the case of a partnership, the names and business addresses of all general partners shall be provided, together with the business telephone numbers where each may be reached during the day and evening hours. If the record owner is a corporation, the name and business address of the registered agent and the corporate officers of said corporation shall be provided, together with the business telephone numbers for each of such individuals indicating where they may be reached during the day and evening hours.
 - (2) If the business address of any owner not residing in Salem County, the name and business address of a person who resides in Salem County and who is authorized to accept notices from a tenant and to issue receipts therefore and to accept service of process on behalf of the owner.
 - (3) The name and business address of the managing agent of the rental unit premises, if any.
 - (4) The name and business address, including the dwelling unit number, of the superintendent, janitor, custodian or other individual employed by the owner or agent to provide regular maintenance service, if any.
 - (5) The name, business address and business telephone number of an individual representative of the owner or agent who may be reached or contacted at any time in the event of an emergency affecting the rental unit, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the rental unit and any repair thereto or expenditure in connection therewith.
 - (6) The name and business address of every holder of a recorded mortgage on the rental unit premises.

- (7) If fuel oil is used to heat the rental unit and the landlord furnishes the heat in the building, the name and business address of the fuel oil dealer servicing the building and the grade of fuel oil used.
 - (8) A specification of the exact number of sleeping rooms contained in the rental unit.
 - (9) The number and names of all tenants authorized to occupy the rental unit if same is then currently occupied. The names of tenants occupying space in a motel, hotel, bed and breakfast, rooming or boarding house are not required.
 - (10) Such other information as may be required by *N.J.S.A. 46:8-28*, as amended or supplemented, so that the registration certificate contains all information required to be disclosed thereby.
 - (11) Such other information as may be prescribed by the Municipal Housing Officer.
- B. Every person required to file a registration certificate pursuant to this chapter shall file an amended registration certificate within 10 days after any change in the information required to be included thereon. No fee shall be required for the filing of an amendment except where the ownership of the rental unit premises is changed.
- An amendment for changes in the occupant names is not required for rental units, which are motels, hotels, bed and breakfasts or rooming or boarding houses if:
- (1) The rental thereof is based upon a daily or weekly basis to transient or temporary renters; and
 - (2) The rental unit property is registered with the State of New Jersey.
- C. Every landlord shall provide the occupant or tenant occupying a rental unit with a copy of the registration certificate required by this chapter. If there is an amended certificate, the landlord shall furnish each occupant or tenant with a copy of the amended certificate within seven days of the filing thereof. This particular provision shall not apply to any multiple dwelling, hotel, motel, rooming or boarding house registered with the State of New Jersey. Posting a copy of the registration certificate in a conspicuous place within the rental unit shall satisfy this section.
- D. The Municipal Housing Officer (as designee of the Borough Clerk) shall index and file the registration certificates in a manner consistent with the mandates of *N.J.S.A. 46:8-28.1*, as amended and supplemented, so that filing the registration certificate will simultaneously satisfy the registration requirements of *N.J.S.A. 46:8-28* to the extent that it applies to the property being registered and will also satisfy the registration requirements of this chapter.

E. No rental unit shall be occupied unless:

- (1) The rental unit has been inspected and a certificate to occupy has been issued for that rental unit by the Municipal Housing Officer.
- (2) If the rental unit is a hotel, motel, rooming or boarding house, registered with the State of New Jersey, the rental unit has been inspected by the State and a validated certificate of registration for the rental unit has been issued by the State.

F. Failure to pay:

- (1) No certificate of occupancy shall be issued for any rental unit unless the registration is accompanied by a fee of \$60 per unit payable to the Borough of Woodstown. Failure to register any unit by the required date will be a violation of this code. A civil penalty for failing to timely register and pay the registration fee shall be assessed by the housing officer in an amount not less than \$25 nor more than \$5 for each day the unit is in violation, which sum shall be payable to the Borough of Woodstown. If the housing officer files a complaint with the municipal court, the civil penalty required in this section shall be in addition to any fine levied pursuant to Section 65-16 herein.
- (2) In addition to the rental unit registration fee, all rental units are subject to inspection by the housing officer. The annual inspection and first reinspection, if needed are included with the registration fee. Second and subsequent reinspection fees are due in accordance with section 65-13 (C) herein.

G. No rental unit certificate of occupancy shall be issued unless the real estate taxes, water and sewer charges and/or other municipal assessment or charges due to the Borough of Woodstown associated with the rental unit premises are paid current.

§ 65-12. Issuance of certificate of occupancy.

Upon due compliance with all requirements for a rental unit, the Municipal Housing Officer shall issue a certificate of occupancy for that rental unit.

§ 65-13. Inspection requirements.

A. The inspections required in this section are to be scheduled so as to coincide with changes in occupancy, whenever such scheduling is possible and practical. In all other instances, routine certificate of occupancy inspections shall be scheduled with no less than two weeks notice to the landlord, who shall provide no less than one week's notice to the tenant. The housing officer shall coordinate with the landlord, to the extent reasonably practical, to schedule inspections for the time between tenancies, when there is a change in occupancy.

- B. Owner-occupied rental units are to be inspected for a certificate of occupancy no less than once every three years.
- C. All other rental units are to be inspected for a certificate of occupancy every year.
- D. The registration fee of \$60 shall be paid by the owner or manager of the rental units to the Borough of Woodstown, which registration fee shall cover the cost for the inspection and one reinspection if the first inspection reveals any deficiencies requiring correction. The housing officer shall conduct such inspections in accordance with a schedule to be established by the housing officer for all owner-occupied rental units and rental units registered and licensed within the Borough of Woodstown. If upon inspection, the housing officer finds no violation of this Chapter, he shall issue a certificate of occupancy permitting the unit to be rented. If, upon inspection, the housing officer finds any violations of this chapter, a conditional certificate of occupancy may be issued for a period not to exceed 30 days, during which time any deficiencies shall be corrected. In the event the inspection revealed any deficiencies, the housing officer shall reinspect the property, which reinspection shall occur no later than 30 days after the initial inspection. If the deficiencies have been corrected, a certificate of occupancy shall be issued. If any deficiencies are not corrected, or in the event the housing officer shall find additional deficiencies, the unit shall be vacated until such time as said deficiencies are corrected. The charge for a second reinspection shall be \$25, and if needed, the charge for a third or subsequent reinspection shall be \$45 per reinspection, which payment shall be made to the Borough of Woodstown prior to the issuance of a certificate of occupancy. If the unit is not occupied at the time of inspection or reinspection, then occupancy shall be denied until such time as all deficiencies have been corrected and a certificate of occupancy can be issued. No certificate of occupancy can be issued unless the subject unit has a current registration.
- E. The inspection and/or reinspection fee shall be charged whenever the housing officer arrives at the subject property for a scheduled inspection. If the housing officer is unable to complete the inspection for any reason, the owner or manager will still be charged with the cost for an inspection or reinspection.
- F. If a valid certificate of occupancy is in effect, a landlord may obtain a new certificate of occupancy for the balance of the registration term, if there is a change of tenant. Before such a new certificate of occupancy can be issued, the landlord shall pay an inspection fee of \$25 to the Borough of Woodstown, and the rental unit and rental unit premises shall be in a condition approved by the housing officer for the issuance of a certificate of occupancy.

§ 65-14. Revocation or suspension of certificate of occupancy; procedure.

- A. In addition to any other penalty prescribed herein, a rental unit certificate of occupancy granted under this chapter is subject to revocation, suspension, and/or the imposition of special conditions, including but not limited to the installation/implementation of appropriate security measures, including physical facilities such as fencing, lighting,

gating, etc., and/or deployment of security personnel, and including the requirement for a bond, letter of credit or other adequate security to ensure performance of any such conditions upon the happening of one or more of the following:

- (1) A finding that there was any misstatement of material fact in the registration certificate.
- (2) The occurrence of any fact which, had it been known before issuance of the certificate of occupancy, would have resulted in the denial same.
- (3) Repeated violations, or failure to correct a violation of any applicable building, housing, health or safety code or regulations.
- (4) Refusal to allow access to any portion of the rental premises at all reasonable times, in order that officers or agents of the Borough, or any official charged with enforcement of any building, housing, health or safety code or regulation applicable to the rental premises, may determine compliance with such codes or regulations.
- (5) Revocation by the Department of Community Affairs of the operator's license or other authorization to operate, if the rental unit is a hotel, multiple dwelling or rooming or boarding house regulated by the State of New Jersey.
- (6) Notification by the Department of Community Affairs, that the rental unit or units are not suitable for operation.
- (7) Failure or refusal to comply with any lawful regulation or order of the Borough of Woodstown.
- (8) Conviction of a violation of this chapter in the municipal court or any other court of competent jurisdiction.
- (9) Determination of a violation of this chapter at a hearing held pursuant to Subsection B hereafter.
- (10) If in any twelve-month period on two separate occasions tenants of a residential unit and/or persons frequenting said unit with the permission or acquiescence of the tenant are convicted of offenses involving noisy, unruly or tumultuous behavior on or about the rental unit property, and/or otherwise attributable to the occupancy of the rental unit, and the landlord has not prosecuted a complaint in the Superior Court to evict the tenants.

- (11) If, after a proper hearing on the matter, a determination is made that the owner or manager has not installed/implemented adequate measures and the rental unit(s) or premises of which the rental unit(s) are a part have required over the preceding 12 months repeated law enforcement response/intervention and/or been the location of more than one serious crime incident.

B. Procedure, complaints; hearings.

- (1) A complaint seeking the revocation or suspension of a certificate of occupancy may be filed by any person interested in the matter, or initiated directly by the Municipal Housing Officer. In the event the complaint is initiated by a person other than the Municipal Housing Officer, the complaint shall be referred to the Municipal Housing Officer, who shall promptly review and investigate the matter. In the event the Municipal Housing Officer's investigation indicates that there is not sufficient evidence or probable cause to justify further proceedings, the Municipal Housing Officer shall notify the complainant of such conclusion and the reasons therefore in writing, and the matter shall be concluded. In the event the complaint is initiated directly by the Municipal Housing Officer, or in the event that a third party complaint is investigated and the Municipal Housing Officer determines that sufficient evidence or probable cause exists, and therefore further proceedings are warranted, the Municipal Housing Officer shall promptly consult the Borough Attorney and provide a copy of the complaint and all materials associated therewith. If the Borough Attorney concurs with the Municipal Housing Officer that further proceedings are justified, the Municipal Housing Officer shall file the complaint with the Borough Clerk.
- (2) Upon filing of such complaint with the Borough clerk, the Borough Council shall be immediately informed, and a date for a hearing shall be scheduled which shall not be sooner than 10 nor more than 30 days thereafter. The Borough clerk shall forward a copy of the complaint and a notice as to the date of the hearing to the complainant, the Housing Officer, the licensee and the owner's agent, if any, at the address indicated on the registration certificate by certified mail.
- (3) The hearing required by this section shall be held before the Borough Council unless, in its discretion, Council determines that the matter should be heard by a Hearing Officer or Officers who shall be appointed by Council as provided in N.J.S.A. 40:48-2.12(p). If the matter is referred to a Hearing Officer, such Officer shall transmit his findings of fact and conclusions of law to the Borough Council within 30 days of the conclusion of the hearing. Council shall then review the matter and may accept, reject or modify the recommendations of the Hearing Officer based on the record before such Hearing Officer. In the event the matter is not referred to a Hearing Officer and is heard by Council, then Council shall render a decision within 30 days of the conclusion of the hearing. Following the hearing, a decision shall be rendered, dismissing the complaint, revoking or suspending the certificate of occupancy, determining that the certificate of

occupancy shall not be renewed or reissued for one or more subsequent years, or suspending or revoking the certificate of occupancy unless the licensee pays a specific fine, posts financial security in accordance with N.J.S.A. 40:48-2.12(q) to reasonably ensure future compliance or abatement of the problem, or fulfills other requirements imposed as are appropriate under the circumstances.

- (4) At the hearing, witnesses shall be sworn prior to testifying. The strict rules of evidence shall not apply, and the evidential rules and burden of proof shall be that which generally control administrative hearings.
- (5) The Borough Attorney or his designee shall appear and prosecute on behalf of the complainant in all hearings conducted pursuant to this section.

§ 65-15. Powers and Duties.

The housing officer shall have those powers which are necessary to carry out the intent and purposes of this ordinance; including the power:

A. To delegate any of the functions and powers of the housing officer to the construction code official or such other municipal employee as the housing officer shall designate when authorized by the Mayor and Council for the Borough of Woodstown.

B To enter any structure at reasonable times for the purpose of making inspections and performing duties under these ordinances. If entry is refused, or not obtained, the housing officer may obtain an order from the municipal court of any other court of competent jurisdiction authorizing entry.

§ 65-16. Violations and penalties.

A person who violates any provision of this chapter shall, upon conviction in the Municipal Court of the Borough of Woodstown or such other court having jurisdiction, be liable to a fine of not less than \$200 or more and \$1,000 and/or imprisonment and/or community service for a term not exceeding 90 days. Each day that a violation occurs shall be deemed a separate and distinct violation subject to the penalty provisions of this chapter.

§65-17. Review process.

The Municipal Housing Officer shall perform an annual review of the process regulated by this chapter. A written report shall be submitted to Borough Council, which shall include, but need not be limited to, the following information:

- A. Number of landlords registered.
- B. Compliance with this chapter.
- C. Suggestions for improvement and/or modification of the regulations.

This ordinance shall take effect upon adoption and publication according to law.

BOROUGH OF WOODSTOWN

Date: _____

By: Richard S. Pfeffer, Mayor

ATTEST:

Cynthia Dalessio, Clerk

Woodstown/Landlord Ordinance R1866-BA Ordinance 01