

## ORDINANCE #2001-956

### AN ORDINANCE ENTITLED “RESIDENTIAL RENTAL PREMISES, REQUIRING THE REGISTRATION AND INSPECTION OF CERTAIN CATEGORIES OF RESIDENTIAL RENTAL PROPERTY”

BE IT ORDAINED by the Mayor and Council of the Borough of Manville, in the County of Somerset and State of New Jersey as follows:

#### 1. PURPOSE

The Borough of Manville recognizes a need for an organized inspection program of residential rental premises within the Borough in order to upgrade rental units to meet Borough and State life safety, health, fire and zoning codes, and to provide a more efficient system compelling both absentee and local landlords to correct violations and to maintain rental property in proper condition. The Borough hereby determines that the most efficient system to provide for regular inspections is the creation of a program requiring the registration of all residential rental premises so that orderly inspection schedules may be arranged and implemented.

#### 2. DEFINITIONS

As used in this Ordinance:

*Dwelling unit:* means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Dwellings:*

*Single-family dwelling:* means a building containing one dwelling unit.

*Two-family dwelling (duplex):* means a building containing two dwelling units.

*Multifamily dwelling:* means a building containing more than two dwelling units.

*Person:* means any corporation, firm, partnership, association, organization, or other entity, as well as an individual.

*Premises:* means a rental dwelling unit, the public and/or common areas of the dwelling of which the unit form a part, and the real property upon which such dwelling is located.

*Rental unit:* means any non-owner occupied unit for the usage of which the occupant provides consideration to the owner.

*Unit:* means a component part of a building.

#### 3. REGISTRATION REQUIREMENTS

No person shall rent or allow to be rented to another person for occupancy, any dwelling unit without first having made and filed a registration statement with the Clerk of the Borough of Manville. Registration shall be effected upon forms furnished by the clerk for such purpose and shall include the following minimum information:

- A. Name, address and phone number of the dwelling unit owner.
- B. Name, address, and phone number of the local property manager, if different from the dwelling unit owner.
- C. Street address of the dwelling.
- D. The number of rental dwelling units within the dwelling.
- E. The maximum number of occupants permitted for each rental dwelling unit.
- F. Name, address and phone number of the person authorized to make or order the making of repairs or performance of services for the dwelling unit if in violation of code, law, rule, regulation, or ordinance, if different from the owner or local manager or in the event of an emergency and an inability to contact the person primarily authorized.
- G. In the event there is not common ownership of the dwelling unit and the premises, the information specified in paragraphs A through F shall also be included concerning the premises.

#### **4. MANNER OF REGISTRATION**

Every dwelling must be registered on or before December 1, 2001, and annually thereafter on or before December 1, of each year. Only one registration statement shall be required for each dwelling in which all units are under common ownership.

#### **5. TRANSFER OF OWNERSHIP**

Every new owner of rental dwelling unit, whether as a fee owner or contract purchaser, shall furnish the Clerk, prior to taking possession, with any changes in the registration information occasioned by the change in ownership. Provided the prior owner has complied with all the requirements of this Chapter and there are no outstanding violation notices, no new registration fee shall be required until the next annual registration is required.

#### **6. FEES**

The annual registration fee shall be as follows:

- A. \$75.00 for each single-family rental dwelling.
- B. \$100.00 for each two-family or multifamily rental dwelling.
- C. There shall be no registration fee for a two-family dwelling, one unit of which is owner occupied.

#### **7. INSPECTION REQUIRED**

All premises except those specifically herein exempted, shall be systematically inspected by the Code Enforcement Officer, and his designees to determine compliance with all provisions of applicable codes, laws, rules, regulations, and ordinances.

The following rental dwellings and premises shall not be subject to inspection pursuant to this Chapter:

- A. Dwellings and premises owned and operated by any governmental unit or agency.
- B. Dwellings and premises licensed and/or inspected by the State of New Jersey.
- C. Rooming houses and premises.
- D. Two-family dwellings, one unit of which is owner occupied and premises.

## **8. FREQUENCY OF INSPECTIONS**

All premises subject to inspection pursuant to this Chapter shall be inspected at least once every five years. For a period of five years immediately following completion and issuance of a certificate of occupancy for newly constructed buildings, no further inspections shall be systematically scheduled. The owner of any dwelling unit subject to this Chapter shall notify the Code Enforcement Officer, in writing, of any change of tenant within thirty (30) days of such change; and the Code Enforcement Officer shall inspect such premises within ninety (90) days thereafter. Provided, however, the provisions of this section shall not be construed to preclude more frequent inspections should same be determined appropriate in the reasonable judgment of the Code Enforcement Officer.

## **9. INSPECTION CERTIFICATE REQUIRED**

No person shall rent, or be allow to be rented to another person for occupancy, any dwelling unit subject to inspection pursuant to this Ordinance without first having obtained a valid, current certificate of inspection.

## **10. INSPECTION PROCEDURE**

If, upon completion of an inspection, the premises are in compliance with all applicable codes, laws, rules, regulations and ordinances, the Borough shall issue a certificate of inspection for the dwelling.

If, upon completion of an inspection, the premises are not in such compliance, a written notification of violation of the specific substantive code, law rule, regulation or ordinance shall be served upon the owner or designated local property manager. The failure of the owner to correct any such violation in accordance with the provisions of the applicable substantive code, law, rule, regulation or ordinance shall also be considered a violation of this Ordinance.

## **11. REQUEST FOR INSPECTION**

Any owner or designed local property manager may request an inspection of a dwelling.

## **12. CERTIFICATE TRANSFERABILITY**

A certificate of inspection shall be transferable to a new owner provided that the new owner has complied with the registration requirements of item number 5, the prior owner has complied with all requirements of this Ordinance, and there are no outstanding violation notices.

### **13. CERTIFICATE OF AVAILABILITY**

Upon request of an existing or prospective tenant, the owner or the owner's agent shall exhibit the certificate of inspection.

### **14. PENALTY**

Upon conviction for violation of any provision of this Ordinance, the maximum penalty shall be one or more of the following: a fine not to exceed One Thousand (\$1,000.00) Dollars, imprisonment in the County Jail for a period not to exceed ninety (90) days, and/or a period of community service not to exceed ninety (90) days. Each and every day upon which a violation of any provision of this Ordinance exists shall constitute a separate violation.

### **15. CONSTRUCTION**

Where consistent with the context in which used in this Ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and, words importing one gender shall include all other genders.

### **16. INCONSISTENCY**

Should any provision of this Ordinance be inconsistent with the provisions of any prior Ordinances, the inconsistent provisions of such prior Ordinances are hereby repealed, but only to the extent of the inconsistencies.

### **17. SEVERABILITY**

In the event that any provision of this Ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this Ordinance which may be given effect, and to realize this intent, the provisions and applications of this Ordinance are declared to be severable.

### **18. PURPOSE OF CAPTIONS**

Captions contained in this Ordinance have been inserted 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.

### **19. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon final adoption, approval and publication in accordance with law.

Borough of Manville

Angelo Corradino, Mayor

ATTEST:



Philip E. Petrone, Borough Clerk

## **Statement of Purpose**

The purpose of this Ordinance is to establish a system of registration and inspection of certain classes of residential rental property in order to better provide for the public health, safety, and welfare.

ORDINANCE #2001-956

FIRST READING:

ROLL CALL

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		JASIAK				
√		ALLAN				
	√	PETROCK				
		POLAK				
		WEISS				
		WIERZBA				
		MAYOR CORRADINO				

PASSED this 11<sup>th</sup> day of June, 2001.

Attest:

Philip E. Petrone, Borough Clerk

SECOND READING:

ROLL CALL

Introduced	Seconded	Council	Yes	No	Abstain	Absent
√		ALLAN	√			
		JASIAK	√			
		PETROCK	√			
		POLAK	√			
	√	WEISS	√			
		WIERZBA	√			
		MAYOR CORRADINO				

ADOPTED this 25<sup>th</sup> day of June, 2001.

Attest:

Philip E. Petrone, Clerk