



**Borough of Manville**  
**Ordinance # 2021-1271**

**An Ordinance By The Mayor & Council Of The Borough Of Manville Amending Ordinance #2020-1232, Providing For Rental Housing Registration, Inspection And Permits In The Borough Of Manville**

**Statement of Purpose**

The purpose of this Ordinance is to amend Ordinance #2020-1232.

**WHEREAS**, the Mayor & Council previously adopted Ordinance #2020-1232, which enacted a uniform system for the registration, licensing, and inspection of landlords and residential rental property Owners; and

**WHEREAS**, the Mayor & Council find it to be in the best interests of the Borough of Manville to amend Ordinance #2020-1232 to clarify that the penalties, fines, and late fees contained in Ordinance #2020-1232 apply not only to properties in violation of the zoning or housing code, but also apply to properties which fail to timely Register, and providing the terms and conditions for same;

**NOW, 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:

**SECTION 1:** Amendments to Ordinance #2020-1232 Sections 5(d), 6, 8, 18, 19, and 24(a)

Ordinance #2020-1232 is hereby amended, at its respective Sections 5(d), 6, 8, 18, 19 and 24(a), as indicated below, to now read as follows:

**Section 5. LICENSED REGISTERED RENTAL OPERATOR APPLICATION**

(d) Duty to Notify of Changes in Information. It is the responsibility of the Licensed Registered Operator to notify the Housing Official of the Borough of any changes of tenants, or changes in the information required in Sections 5(a) or 5(b) above, within the Registration Period. A Re-Inspection fee for Fire Certification will be charged in the amount of \$50.00

**Section 6. LICENSED REGISTERED RENTAL OPERATOR FEE**

Consistent with the provisions of this Ordinance, each Licensed Registered Rental Operator will pay a single annual fee. The Licensed Registered Rental Operator fee shall be one hundred fifty dollars (\$150) per rental unit per Registration Year. There will be a fifty dollar (\$50.00) per month late fee assessed on the first day of each month beginning on September 1st of the Initial Registration Period, through January 1, 2022. Commencing January 1, 2022, the \$50.00 per month late fee will increase to \$100.00 per month, as there will be a one hundred dollar (\$100.00) per month late fee assessed on the first day of each month after the February 1 Annual Registration Deadline, beginning February 1 of each year and accruing at an additional \$100.00 on the 1st of each month thereafter.

**Section 8. FAILURE TO REGISTER**

A failure to file the required rental Property Registration Statement shall be deemed to be abandonment of any right to a provisional rental license regardless of actual intent. Failure to register within fifteen (15) days of a certified-mailed notice by the Borough of Manville that the property is not registered shall result in the additional fees and penalties set forth in Sections 6 and 18 of this Ordinance, in addition to the usual \$150 Licensed Registered Rental Operator Fee

## **Section 18. PENALTIES FOR OFFENSES**

18(A) Violations of the Property Maintenance Code and Borough Zoning Code in conjunction with this Ordinance will constitute a municipal infraction and will be subject to the penalties under this Ordinance, in addition to those imposed by any other applicable code or ordinance. For violation of any provision of this Ordinance, unless a specific penalty is otherwise provided in connection with the provision violated, the maximum penalty upon conviction of the violation shall be one or more of the following: (i) imprisonment in the County Jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding ninety (90) Days; (ii) by a fine not exceeding three thousand dollars (\$3,000) or (iii) by a period of community service not exceeding ninety (90) days.

18(B) For violations of a property maintenance code, zoning code, or housing code section, the Housing Official (or Zoning Official, as applicable) shall provide a regular-mail and certified-mail Notice describing the violation and providing a fifteen (15) day period in which the Owner or Landlord shall be afforded the opportunity to abate the housing code condition(s) including, if applicable, to register the property and pay all past-due registration fees and shall also be afforded an opportunity to within said fifteen (15) days apply for a hearing before a court of competent jurisdiction for an independent determination concerning the violation. Subsequent to the expiration of the fifteen (15) day period, a fine of two thousand dollars (\$2,000) shall be imposed for each violation where upon re-inspection of the property, it is determined that the abatement has not been substantially completed. Court appearance shall be required. Except as otherwise provided, every day in which a violation continues to be unabated of any provision of this Ordinance (including a failure to register) shall constitute an additional one hundred dollar (\$100) per day penalty until violation(s) has been abated.

18© For Failure to Timely Register a property as required by this Ordinance, the Housing Official shall provide a regular-mail and certified-mail Notice of Failure to Register describing the violation and providing a fifteen (15) day period in which the Owner or Landlord shall be afforded the opportunity to abate the Failure to Register and to pay all past-due registration fees and monthly late fees, and shall also be afforded an opportunity to within said fifteen (15) days apply for a hearing before a court of competent jurisdiction for an independent determination concerning the violation. Subsequent to the expiration of such fifteen (15) day period, a fine of two thousand dollars (\$2,000) shall be imposed for Failure to Register. Court appearance shall be required. If a property has not been timely registered as required by this Ordinance, including the payment of past-due registration fees, late fees, fines and penalties, within fifteen (15) days of a notice of failure to register, then (1) the unpaid registration fees, late fees, fines and penalties shall be applied by the Borough Tax Collector as a Lien against the property in favor of the Borough of Manville; and (2) the Housing Official may revoke the Certificate of Occupancy of the premises until such Failure to Register has been abated and all past-due registration fees, late fees, fines and penalties have been paid.

## **Section 19. RIGHT OF ENTRY, RIGHT TO INSPECT, AND PENALTIES FOR OBSTRUCTION, DELAY OR INTERFERENCE**

No person shall:

- a. Obstruct, hinder, delay or interfere with by force or otherwise, the Housing Official or Multiple Dwelling Inspector in the exercise of any power or discharge of any function or duty under the provisions of P.L.1967,c.76(C.55:13A-1et seq.)
- b. Prepare, utter or render any false statement, report document plans, or specifications permitted or required to be prepared, uttered or rendered under the provisions of P.L.1967,c.76(C.55:13A-1et seq.)
- c. PENALTY: Any person who violates, or causes to be violated, any provisions of the subsection 19(a) or (19(b) of this Ordinance shall be liable to a penalty of not less than \$ 250.00 nor more than \$500.00 for each violation, and a penalty of not less than \$2000.00 nor more than \$5,000.00 for each continuing violation. (N.J.S.A. 55:13A-19).

## **Section 24. HOUSING OFFICIAL'S REPORTING REQUIREMENT**

- a. Valid rental license report. No later than January 31 of each year , the Housing Official shall prepare a report listing the address, unit number, and maximum occupancy of each rental unit within the Borough of Manville, having a valid rental license. A copy of the report shall be submitted to the Mayor and Borough Council.

## **SECTION 2: REPEALER**

All other Ordinances or other local requirements that are inconsistent or in conflict with this ordinance are hereby repealed to the extent of any inconsistency or conflict, and the provisions of this ordinance shall apply.

## **SECTION 3: SEVERABILITY**

In the event that any provision of this Ordinance, or the application of thereof to any person or circumstance is adjudged invalid, such adjudication of invalidity shall not affect the validity of the remaining provisions which shall be deemed severable therefrom.\

## **SECTION 4: PURPOSE OF CAPTIONS**

Captions contained in this Ordinance have been inserted only for the purpose of facilitation 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.

## **SECTION 5: EFFECTIVE DATE**

This Ordinance shall take effect after adoption, passage and publication according to law.

Borough of Manville,



Richard M. Onderko, Mayor

**ORDINANCE # 2021-1271**

**FIRST READING:**

**ROLL CALL**

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		Petrock	✓			
	✓	Lukac	✓			
		Maeder	✓			
		Magnani	✓			
✓		Szabo	✓			
		Zamorski	✓			
		Onderko				

Attest:



Wendy Barras,  
Borough Clerk

**INTRODUCED** this 8<sup>th</sup> day of November, 2021

**SECOND READING AND FINAL ADOPTION:**

**ROLL CALL**

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		Petrock	✓			
	✓	Lukac	✓			
		Maeder	✓			
		Magnani	✓			
✓		Szabo	✓			
		Zamorski	✓			
		Onderko				

Attest:



Wendy Barras, Borough Clerk

**[ADOPTED]** [DEFEATED] this 22<sup>nd</sup> day of November, 2021