

TOWNSHIP OF WATERFORD

COUNTY OF CAMDEN

STATE OF NEW JERSEY

ORDINANCE # 2015-3

**ORDINANCE OF THE TOWNSHIP OF WATERFORD CAPTIONED
"REGISTRATION AND LICENSING OF RENTAL PROPERTIES"**

WHEREAS, the Governing Body of the Township of Waterford finds that the general public, health, safety and welfare is preserved and sustained by the provision of safe, clean and habitable housing which requires reasonable regulations designed and enforced to encourage the nuisance-free and peaceable enjoyment of residents collectively within the Township as well as to prevent overcrowding in violation of state and local laws; and

WHEREAS, the Governing Body of the Township of Waterford recognizes that a need for an organized and uniform registration and inspection program for all residential rental dwelling units within the Township is necessary and appropriate to ensure that rental property is maintained to properly protect the public health and safety of tenants and their neighbors; and

WHEREAS, the Governing Body of the Township of Waterford recognizes there are instances where residential units are leased to persons who may engage in conduct which constitutes breaches of the peace, and violations of property maintenance standards which has a negative effect on occupants of other rental units and nearby structures, impacts the quality of life of the neighborhood and may devalue the surrounding property. As landlords control both the selection of tenants and their eviction for cause, the Governing Body of the Township of Waterford hereby finds that landlords/owners of rental property can best remedy these adverse conditions; and

WHEREAS, the Governing Body of the Township of Waterford has determined that a procedure should be established to be followed by landlords/owners of rental property in the event that their tenants, or the tenant's invitees and/or guests, fail to properly maintain rental units or engage in any disorderly conduct, nuisance, or other behavior or conduct which is a violation of any state or federal law, regulation or any provision of the Township of Waterford Municipal Code which will provide for a framework to preserve and protect the public health, safety and general welfare of Township citizens; and

NOW THEREFORE, BE IT ORDAINED by the Mayor and Township Committee of the Township of Waterford, County of Camden, State of New Jersey as follows:

SECTION 1:

REGISTRATION AND LICENSING OF RENTAL PROPERTY

ARTICLE I

Definitions

Unless the context clearly indicates a different meaning, the following words or phrases, when used in this article, shall have the following meaning:

AGENT — The individual or individuals designated by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner by this article. The term does not necessarily mean a licensed real estate broker or salesman of the State of New Jersey, 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 of the State of New Jersey, if such person designated by the owner as his agent is so licensed.

APARTMENT or DWELLING — Any apartment, cottage, bungalow, any room or rooms in a rooming/boarding house or other dwelling unit, consisting of one or more rooms occupying all or part of a floor or floors in a building, whether designed with or without housekeeping facilities for dwelling purposes and notwithstanding whether the apartment be designed for residence, for office or the operation of any industry or business or for any other type of independent use. Each dwelling unit shall contain no more than one kitchen or cooking facility.

DWELLING UNIT — Any room or rooms or suite or apartment, including any room or rooms in a rooming/boarding house, whether furnished or unfurnished, which is occupied or intended, arranged or designed to be occupied for sleeping or dwelling purposes by one or more persons, including but not limited to the owner thereof or any of his servants, agents or employees, and shall include all privileges, services, furnishings, furniture, equipment, facilities and improvement connected with use or occupancy thereof. Each dwelling unit shall contain no more than one kitchen or cooking facility.

LICENSE — The license issued by the Township Clerk or his/her designee attesting that the rental unit has been properly registered in accordance with this article.

LIFE SAFETY INSPECTION ITEMS – Shall constitute the following: smoke detectors, lint, mold, heater mechanical malfunctions, roach and/or insect infestation, carbon monoxide detectors, chain locks, tripping hazards, hot water pressure valves, automatic door closures, Romex connectors, electrical receptacles, electrical hazards, railing, exhaust flu pipes, dryer exhaust pipes, and stoves, if applicable and/or required under applicable building/construction codes. Exterior Life Safety Inspection Items shall include trip hazards on steps, sidewalks, and/or sink holes on the property, railings, building identification numbers and/or letters, electrical hazards, environmental hazards and/or spills, broken windows, dead or dying trees, and roofs.

LICENSE YEAR – The year beginning on the date that the license is issued and continuing for the calendar year.

LICENSEE — The owner to whom the license is issued pursuant to this article. The term licensee includes within its definition the term agent, where applicable.

OWNER — Any person or group of persons, firm, corporation or officer thereof, partnership association or trust who owns, operates, exercises control over, or is in charge of a rental facility. This includes a condominium association which any rental facility exists.

OWNER-OCCUPIED — A portion of a rental facility, dwelling, commercial unit or dwelling unit shall be considered owner-occupied if the owner makes his primary residence therein. A person may have only one primary residence in the Township.

PERSON — An individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof.

RENTAL FACILITY — Every building, group of buildings or condominiums or a portion thereof consisting of more than three dwelling units, kept, used, maintained, advertised or held out to be a place where living accommodations are supplied, whether furnished or unfurnished, for pay or other consideration for one or more individuals.

RENTAL UNIT — A dwelling unit which is used, occupied or offered for occupancy by lease, rent or otherwise, to persons other than the owner. Rental unit shall not include that portion of a rental facility, dwelling, commercial unit or dwelling unit that is owner-occupied. For purposes of this Article, any dwelling unit where the dwelling unit is occupied by a person or persons other than the owner, even if rent or other consideration is not being charged or collected, shall be considered a rental unit.

RENT or RENTED — Occupied by any person or persons other than the owner, regardless of whether there is a written or oral agreement and regardless of whether the owner receives consideration for the occupancy.

TENANCY — Occupancy of the unit by one or more tenants.

TENANT — Occupant in a unit other than the owner.

ARTICLE II

Registration

All rental units and rental facilities shall hereafter be registered with the Township Clerk or designee of the Township of Waterford, or such other person as designated by the Township Committee, in writing, on forms which shall be provided for that purpose, and which shall be obtained from the Township Clerk or designee. Such registration shall occur on an annual basis, as provided herein. No rental unit shall hereafter be rented unless the rental unit is registered and licensed in accordance with this Ordinance.

ARTICLE III

Registration: Initial Registration Provisions

Each rental unit shall be registered annually prior to the license year. The initial registration shall occur on or before April 1, 2015. Any lease which has been executed prior to the adoption of this Ordinance shall not be affected, but the rental unit must nevertheless be registered, inspected and licensed in accordance with this article. Any license obtained in 2014 shall be valid for 2015 with re-registration on January 1, 2016. For new rental units that come into existence after April 1, 2015, the initial registration shall occur before the creation of the first tenancy in any new rental unit or newly constructed or reconstructed building. Each rental unit shall be re-registered with each change in occupancy.

ARTICLE IV

Registration forms; filing; contents

Without in any way intending to infringe upon the requirements of N.J.S.A. 46:8-28, all rental units and rental facilities shall be registered and licensed, as provided herein. Every owner shall file with the Township Clerk or such other person as designated by the Township Committee, a registration form for each unit contained within a building or structure and for each rental facility which shall include the following information:

- A. The name and address of the record owner or owners of the premises and the record owner or owners of the rental unit, if not the same persons. In the case of a partnership, the name and addresses of all general partners shall be provided, together with the telephone numbers for each of such individuals, where such individual may be reached both during the day and evening hours.
- B. If the address of any record owner is not located in Township of Waterford or in Camden County the name and address of a person who resides in Camden County and who is authorized to accept notices from the Township or a tenant and to issue receipts therefrom and to accept service of process on behalf of the record owner shall be provided.

- C. The name, phone number and address of the agent of the premises, if any.
- D. The name and 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.
- E. The name, address and telephone number of an individual representative of the owner or agent or the owner, if domiciled in Camden County, who may be reached or contacted at any time in the event of an emergency affecting the premises or any unit of dwelling space therein, including such emergencies; as the future of any essential service or system and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith.
- F. The name and address of every holder of a recorded mortgage on the premises.
- G. If fuel oil is used to heat the building and the landlord furnishes the heat in the building, the name and address of the fuel oil dealer servicing the building and the grade of fuel oil used.
- H. The address of the rental unit. If the rental unit is located in a building with more than one dwelling unit, the address of the building, the number of dwelling units within the building, and the portion of the building to be used as rental units shall also be provided.
- I. As to each rental unit, the exact number of sleeping rooms contained in the rental unit.
- J. Proof of a satisfactory inspection in accordance with Article VII below.
- K. Such other information as may be prescribed by the Township of Waterford.
- L. The number of occupants for the rental unit, including the number of children attending school from Kindergarten through the 12th Grade or any other person under the age of 18 years old.

ARTICLE V

Registration form; indexing and filing; public inspection; fee

Upon receipt of a completed registration form complying with the requirements of Section 4 above, the Township Clerk or designee shall index and file the registration forms. In doing so, the Township Clerk or designee shall follow the mandates of N.J.S.A. 46:8-28.1, as amended and supplemented, so that the filing of the registration form 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 Ordinance. The owner shall post the certificate of inspection or license in a conspicuous place on the premises of the rental unit.

ARTICLE VI

Registration form; amendments; filing

Every person required to file a registration form pursuant to this article shall file an amended registration form within 20 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 premises is changed.

ARTICLE VII

Periodic inspections.

- A. Each rental unit and rental facility shall be inspected at least once every license year. Each rental unit shall be inspected before every initial occupancy, change in occupancy and/or change in the number of occupants, and the owner shall be required to obtain a Certificate of Inspection in accordance with this section before any occupancy shall be permitted.
- B. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Township of Waterford and inspections made by persons or an agency other than the duly authorized and appointed person, persons or agency of the Township of Waterford shall not be used as a valid substitute.
- C. Such inspection shall be for the purpose of determining zoning ordinance compliance, and to the extent applicable, compliance with this Ordinance, the Township's Property Maintenance Code, the Uniform Construction Code, Housing Code and/or Building Code and/or Uniform Fire Safety Act. Inspections will be done on all interior, exterior, grounds, roads and driveways of all rental properties to ensure public health, safety and welfare of all occupants and the general public. Inspections will be for enforcement of the Township's Property Maintenance Code, the Uniform Construction Code, the Fire Safety Act, Department of Health Regulations, the Regulations for Maintenance of Hotels and Multiple Dwellings Code, and The National Electric Code and National Standard Plumbing Code. In addition to the above, the owner of a rental unit shall comply with the following:
 - (1) All carpeting, where provided or installed by the owner, shall be kept in good repair, properly attached to the floor surface which it is covering, and shall be steamed cleaned or cleaned by other means acceptable to the Local Housing Inspector, prior to occupancy by tenants or a change in tenants. Carpeting which is worn, damaged or becomes a trip hazard shall be properly repaired or replaced,
 - (2) All appliances which are provided or installed by the owner, including but not limited to, stoves, ovens, refrigerators, washers, dryers, freezers, and light fixtures, shall be maintained in proper working order at all times, and promptly repaired or replaced whenever necessary.

Where the inspection of the rental unit results in a satisfactory inspection, the inspector shall issue a Certificate of Inspection for the rental unit. The Certificate of Inspection shall state the maximum number of occupants for the rental unit, as determined by the inspection.

- D. Unsatisfactory inspection. In the event that the inspection(s) of a rental unit does not result in a satisfactory inspection, such property shall not thereafter be registered, nor shall a license or Certificate of Inspection issue, and the owner of the property or his agent shall not lease or rent such property, nor shall any tenant occupy the property, until the necessary corrections have been made to bring the property and rental unit into compliance with the applicable code, and the property is thereafter subsequently inspected, registered and licensed. In the event that the property is occupied when such conditions are discovered, all such corrections shall be made within 30 days, unless the nature of the deficiency and the applicable law upon which the inspection is made mandates a shorter time for repairs, in which event the shorter time shall govern. In the event that the conditions are not corrected within the thirty-day time period, or sooner where required, the owner shall be deemed in violation of this article, and, every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of this Ordinance. The owner, however, shall be permitted to apply for an extension of time to make repairs or corrections so as to comply with this article, for good cause shown. Where the applicable law upon which the inspection is made mandates that the property be vacated, the owner or its agent shall cause the rental unit to be vacated and any such failure to do so shall be a violation of this Ordinance. Where applicable, the Relocation and Assistance Act shall apply to any removal of a tenant due to a violation of this Ordinance.

- E. Multiple Inspections: It is the intent of this ordinance that each rental unit be inspected at least once a year but not necessarily more than once a year. In those instances where a unit is inspected for a reason other than the annual inspection under this ordinance, that inspection shall count as the annual inspection under this ordinance provided the same is permitted by the Administrative Code of the State of New Jersey. The owner shall be responsible for providing proof to the Township Housing Inspector that said inspection(s) was made and for obtaining written confirmation from the Township that said inspection(s) satisfies the requirements of this Ordinance.
- F. Waiver of annual inspection: If eighty-five percent (85%) of the units in a complex are issued a satisfactory rating following the Township's annual inspection for two (2) consecutive calendar years all units within the complex shall be exempt from the Township's annual inspection in the next subsequent year. This waiver is not absolute and the Township reserves the right to inspect before every initial occupancy, change in occupancy or upon a complaint from a tenant as described in Subsection A of this Section.

ARTICLE VIII

Access for inspections; repairs

- A. The inspection officers are hereby authorized to make inspections to determine the condition of rental facilities, rental units and rooming/boarding houses, in order that they may promote the purposes of this article to safeguard the health, safety and welfare of the occupants of rental facilities, rental units and rooming/boarding houses and of the general public. For the purposes of making such inspections, the inspecting officers are hereby authorized to enter, examine and survey rental facilities, rental units and rooming/boarding houses at all reasonable times. The owner or occupant of every rental facility, rental unit and rooming/boarding house shall give the inspecting officer free access to the rental facility, rental unit and rooming/boarding house at all reasonable times, for the purpose of such inspections, examinations and surveys.
- B. Every occupant shall give the owner of the rental facility, rental unit and rooming/boarding house access to any part of such rental facility, rental unit and rooming/boarding house at all reasonable times for the purpose of making such repairs or alterations, as are necessary, to effect compliance with the provisions of this article or any lawful order issued pursuant thereto.
- C. Complaints. Within 10 days of receipt of a complaint alleging a reported violation of this article, an inspecting officer shall conduct an inspection as hereinbefore provided.
- D. In the event that the owner and/or occupant of a unit subject to inspection under this ordinance refuses access to an inspection officer that officer shall make application to the Waterford Municipal Court, with notice to the objector, for an administrative search warrant which the Court will issue if the Court concludes that the reason for the proposed inspection is the enforcement of the Ordinance.

ARTICLE IX

Prohibitions on occupancy

- A. No person shall hereafter occupy any rental unit, nor shall the owner permit occupancy of any rental unit within the Township of Waterford which is not registered and licensed in accordance with this article.
- B. No owner, agent, broker or person shall purchase, sell, rent, lease or use in such a manner as to result, permit or allow any person(s) to occupy or live in, as occupant, tenant or

otherwise, any dwelling unit or rental unit or other structure, unless a Certificate of Occupancy shall first have been obtained.

- C. A landlord/owner who places a tenant in a rental unit which is not registered and/or licensed and who does so in good faith and without knowledge of the requirement that such rental unit must be registered and licensed and who is supplied a written warning advising of the requirements of this Article, shall have a period of three business days to cause the rental unit to be registered and licensed in accordance with this article or, failing to do so, shall vacate said premises or otherwise be subject to the penalty provisions herein.

ARTICLE X

License

Upon the filing of a completed registration form, payment of the prescribed fee set forth in §11 hereof, and a satisfactory inspection, as evidenced by the issuance of a Certificate of Inspection pursuant to Article VIII herein, the owner shall be entitled to the issuance of a license commencing on the date of issuance and expiring on the same day of the next calendar year, at which time a new registration and license shall be required. A registration form shall be required for each rental unit, and license shall issue to the owner for each rental unit, even if more than one rental unit is contained in the property. In the event that a licensed property is sold, assigned or transferred during the license year, the rental license shall be transferable to the new owner, provided that an amended registration form is filed in accordance with Article VI.

ARTICLE XI

Fees

At the time of the filing of the registration form, and, prior to the issuance of a license, the owner or agent of the owner must pay a fee in accordance with the following:

- A. An annual registration fee (which includes the annual inspection fee) as follows:

- (1) \$50 per rental unit, and
- (2) \$150 per building of four (4) or more units

- B. A Re-Inspection fee as follows:

- (1) \$25 per unit
- (2) \$75 per building of four (4) or more units

- C. Late Charges

For any fee paid more than 30 days after its due date there shall be a late fee of \$40.00.

- D. No License shall be issued without payment in full of all fees required in this Ordinance.

ARTICLE XII

Providing registration form to occupants and tenants

Every owner shall provide each occupant or tenant occupying a rental unit with a copy of the registration form required by this article. This particular provision shall not apply to any hotel, motel or guesthouse registered with the State of New Jersey, pursuant to the Hotel and Multiple

Dwelling Act, as defined in N.J.S.A. 55:13A-3. This provision may be complied with by posting a copy of the registration certificate in a conspicuous place within the rental unit(s).

ARTICLE XIII

Maximum number of occupants; posting

The maximum number of occupants shall be posted in each rental unit. It shall be unlawful for any person, including the owner, agent, tenant or registered tenant, to allow a greater number of persons than the posted maximum number of occupants to sleep in or occupy overnight the rental unit for a period exceeding 29 days. Any person violating this provision shall be subject to the penalty provisions of this Ordinance.

ARTICLE XIV

Occupant(s) standards

- A. Occupants. The maximum number of occupants shall be posted in each rental unit. It shall be unlawful for any person to allow a greater number of occupants than the posted maximum number to occupy the rental unit for sleeping or dwelling purposes except as noted in Article XIII. For purposes of this subsection the term "person" is intended to mean owner, tenant or guest of the rental unit.
- B. Nuisance prohibited. No rental unit or rental facility shall be used, operated or maintained in a manner which shall result in any unreasonable disturbance or disruption to the surrounding properties and property owners or of the public in general, such that it shall constitute a nuisance, as defined in the ordinances of the Township of Waterford.
- C. Compliance with other laws. The maintenance of all rental units and rental facilities and the conduct engaged in upon the premises by occupants and their guests shall at all times be in full compliance with all applicable ordinances and regulations of the Township of Waterford and with all applicable state and federal laws.

ARTICLE XV

Revocation of license; procedure

- A. Grounds. In addition to any other penalty prescribed herein, an owner may be subject to the revocation or suspension of the license issued hereunder upon the happening of one or more of the following:
 - (1) Conviction of a violation of this article in the Municipal Court or any other court of competent jurisdiction.
 - (2) Determination of a violation of this article at a hearing held pursuant to this section.
 - (3) Continuously renting the unit or units three or more times to a tenant or tenants who are convicted of a violation of any Township Ordinance.
 - (4) A pattern of permitting the rental unit to be occupied by more than the maximum number of occupants as defined in this article.
 - (5) Maintaining the rental unit or units or the property in which the rental unit is a part in a dangerous condition likely to result in injury to person or property.
 - (6) A false, misleading or fraudulent statement made in connection with the registration, licensing or inspection of a rental unit or rental units.
 - (7) Maintaining a rental unit or rental units, or the property in which the rental unit is located in such a way as to create a nuisance, as defined by N.J.S.A. 2C:33-12.
 - (8) A pattern of failing to maintain a rental unit or rental units, as evidenced by three (3)

or more unsatisfactory inspections pursuant to §7 above. It need not be shown that the unsatisfactory inspections were during any single license term.

- (9) Failing to pay any fee or fine required under this chapter or any other municipal ordinance when due, or failing to pay municipal taxes, water and sewer charges or any other municipal assessments, on a current basis.

B. Procedure; written complaint; notice; hearing.

- (1) A complaint seeking the revocation or suspension of a license may be filed by any one or more of the following: Director of Public Safety, Chief of Police, Construction Code Official, Local Housing Inspector, Zoning Enforcement Officer or any other person or office authorized to file such complaint. Such complaint shall be in writing and filed with the Township Clerk or designee. The complaint shall be specific and shall be sufficient to apprise the licensee of the charges, so as to permit the licensee to present a defense. The individual(s) filing the complaint may do so on the basis of information and belief, and need not rely on personal information.
- (2) Upon the filing of such written complaint, the Township Clerk or designee shall immediately inform the Mayor and Township Committee, and a date for a hearing shall be scheduled, which shall not be sooner than 10 nor more than 30 days thereafter. The Township Clerk or designee shall forward a copy of the complaint and a notice, as to the date of the hearing, to the licensee and the agent, if any, at the address indicated on the registration form. Service upon the agent shall be sufficient.
- (3) The hearing required by this section shall be held before the Township Committee, unless, in its discretion, the Township determines that the matter should be heard by a Hearing Officer, who shall be appointed by the Township Committee. If the matter is referred to a Hearing Officer, such officer shall transmit his findings of fact and conclusions of law to the Township within 30 days of the conclusion of the hearing. The Township 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 that the matter is not referred to a Hearing Officer and is heard by the Township Committee, then the Township shall render a decision within 30 days of the conclusion of the hearing. Following the hearing, a decision shall be rendered either dismissing the complaint, revoking or suspending the license, or determining that the license shall not be renewed or reissued for one or more subsequent license years.
- (4) A stenographic transcript may be made of the hearing. All 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 controls administrative hearings.
- (5) The Township Solicitor or his/her designee shall appear and prosecute on behalf of the complainant in all Hearings conducted pursuant to this section.

C. Defenses. It shall be a defense to any proceeding for the revocation, suspension or other disciplinary action involving a rental license that the owner has taken appropriate action and has made a good faith effort to abate the conditions or circumstances giving rise to the revocation proceeding, including but not limited to the institution of legal action against the tenant(s), occupant(s) or guests for recovery of the premises, or eviction of the tenant(s) or other enforcement action. The burden of proving such defense shall be on the owner.

ARTICLE XVI

Violations, penalties, severability

SECTION 1.

Any person who violates any provision of this article shall, upon conviction in the Municipal Court of the Township of Waterford , or such other court having jurisdiction, be liable to a fine not exceeding \$1,000, or imprisonment, for a term not exceeding 30 days, or both. Each day that a violation occurs shall be deemed a separate and distinct violation, subject to the penalty provisions of this article. Each separate rental unit that fails to conform to this Ordinance shall be deemed a separate and distinct violation for each day that the violation occurs within the particular rental unit.

SECTION 2. Severability.

If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

SECTION 3.

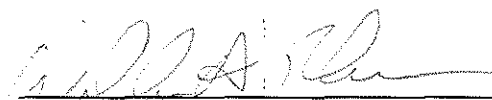
All ordinances or portions thereof inconsistent with this Ordinance are repealed to the extent of such inconsistency.

SECTION 4. Adoption.

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



Debra L. Shaw-Blemings
Acting Township Clerk



William A. Richardson
Mayor


Introduction: January 28, 2015

Final: February 25, 2015

Adopted: February 25, 2015

Certified to be a true copy of an Ordinance adopted by the Mayor and Township Committee of the Township of Waterford at a regular meeting held on February 25, 2015.

Dated: February 25, 2015



Debra L. Shaw-Blemings
Acting Township Clerk