

TOWNSHIP OF WATERFORD

COUNTY OF CAMDEN

STATE OF NEW JERSEY

ORDINANCE NO. 2016-3

AN ORDINANCE AMENDING ORDINANCE 2015-3 OF THE CODE OF THE TOWNSHIP OF WATERFORD CAPTIONED "REGISTRATION 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 for fire safety purposes; 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 and create safety hazards. 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

WHEREAS, N.J.S.A. 40:48-2.12a, 2.12a1, 2.12b, 2.12c, 2.12d and 2.12e authorize the Governing Body of a municipality to enact and enforce ordinances that regulate the use and occupancy of structures and to require registration of rental units within the municipality; and

WHEREAS, the Township of Waterford has determined it is necessary to prevent rental properties from not meeting minimum health and safety standards for the provision of safe and decent rental housing; and

WHEREAS, the Township of Waterford has determined that an amendment of the Township's Licensing/Registering of Rental Property Ordinance is necessary in order to continue to promote safe and decent rental housing for the benefit of all residents of the Township of Waterford in order to abate harmful housing conditions therein.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Township Committee of the Township of Waterford, County of Camden, State of New Jersey, that Ordinance #2015-3 of the Township of Waterford is hereby amended as follows:

ARTICLE I - Registration and Inspection of Rental Property

§1. 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.

LOCAL HOUSING INSPECTOR – Township Official authorized to conduct inspections pursuant to this Ordinance.

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.

LIFE SAFETY INSPECTIONS – 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.

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.

REGISTRATION – The Certificate issued to the owner/agent by the Township Clerk or his/her designee attesting that the rental unit has been properly registered in accordance with this Ordinance.

RENTAL FACILITY --- Every building, group of buildings or condominiums or a portion thereof consisting of more than two 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.

§ 2. 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 in accordance with this Ordinance.

Owners of two family residential property in which one unit is owner occupied, pursuant to the provisions of N.J.S.A. 46:8-28.5, shall not be required to register if (a) the property has been certified to be free of lead-based paint; (b) the property was constructed during or after 1978; and (c) the property is a seasonal rental unit which is rented for less than six (6) months duration each year.

§3. Registration: Time Period

Each rental unit shall be registered annually. The registration shall occur on or before January 1, of each year. For new rental units that come into existence after January 1 of each year, 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.

§4. 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, 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 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 a rental unit shall also be provided.
- I. As to each rental unit, a specification of the exact number and dimensions of sleeping rooms contained in the rental unit. In order to satisfy the requirement of this provision, an owner shall submit a floor plan, drawn appropriately to scale, indicating the use and dimensions of each room covered by the registration, which shall become part of the application and which shall be attached to the registration form when filed with the Township Clerk or designee.

- J. Proof of a satisfactory inspection in accordance with Section 7 below.
- K. Such other information as may be prescribed by the Township of Waterford.
- L. The proposed number of occupants for the rental unit.

§5. Registration form; indexing and filing; public inspection.

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 in a conspicuous place on the premises of the rental unit.

§6. 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.

§7. Periodic inspections.

- A. Each rental unit and rental facility shall be inspected at least once every 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 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. A Certificate of Inspection shall not 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 and registered. 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. However, any such costs incurred by the Township shall be reimbursed by the owner within thirty (30) days of receipt of a documented invoice indicating the amount paid by the Township.

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.

§8. 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 Township 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.

§9. 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 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 who does so in good faith and without knowledge of the requirement that such rental unit must be registered 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 in accordance with this article or, failing to do so, shall vacate said premises or otherwise be subject to the penalty provisions herein.

§10. Registration Form.

A registration form shall be required for each rental unit, even if more than one rental unit is contained in the property. In the event that a registered property is sold, assigned or transferred during the year, an amended registration form is required to be filed in accordance with §6.

§11. Fees.

At the time of the filing of the registration form, 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.

B. An amended registration fee as follows:

(1) \$25 per unit

A re-inspection fee as follows:

(1) \$25 per unit.

D. Late Charges

For any fee paid more than 30 days after its due date there shall be a late fee of \$20.00.

E. If the owner of the property is a senior citizen who resides in a unit of the property and rents out the remaining unit(s) and who would otherwise qualify for the State Property Tax Deduction pursuant to N.J.S.A. 54:4-8.41, then the fees shall be one half of the stated amounts.

F. The fees assessed are for the cost of administering, inspecting and enforcing the requirements of this Ordinance.

§12. 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).

§13. Maximum number of occupants; posting standards;

A. 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. 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 II - Landlord Responsibility AND Revocation of Registration; Procedure

§1. Responsibilities of landlords and owners

A. Any landlord and/or owner of leased property located within the Township of Waterford shall be responsible for any activities, actions, events and conduct of any person and/or animal which occur in, on or about said premises or property.

B. The landlord/owner of any such property located within the Township of Waterford shall be responsible and liable for the conduct and actions of any tenant, invitee, guest or any other person who is in, on or about the premises and/or property with the permission, either express or implied, of the landlord, owner, tenant, guest or invitee.

§2. Revocation of Registration; Procedure

In addition to any other penalty prescribed herein, any owner may be subject to the revocation or suspension of the registration issued hereunder upon the happening of one or more of the following:

(1) Conviction of a violation of this Ordinance in the Municipal Court or any other court of competent jurisdiction.

(2) Determination of a violation of this Ordinance at a hearing held pursuant to Subsection B herein.

- (3) Continuing, after notice, to rent the unit or units to a tenant or tenants who are convicted of a violation of the Noise and/or Nuisance Ordinances of the Township on more than one occasion.
- (4) Continuing, after notice, to permit the rental unit to be occupied by more than the maximum number of occupants as defined in this Ordinance.
- (5) Maintaining the rental unit or units or the property in which the rental unit(s) is a part in an uninhabitable and/or dangerous condition likely to result in injury to person or property.
- (6) Failing to pursue eviction of lessee or tenant for Good Cause as defined by N.J.S.A. 18-61.1g which includes a tenant or lessee who:
- i) has continued to be, after written notice to cease, so disorderly as to destroy the peace and quiet of the occupants or other tenants residing in said house or neighborhood; or
 - ii) has willfully or by reason of gross negligence caused or allowed destruction, damage or injury to the premises; or
 - iii) has continued, after written notice to cease, to substantially violate or breach any of the landlord's rules and regulations governing said premises which have been accepted by tenant or made a part of the lease at the beginning of a lease term; or
 - iv) has been convicted of or pleaded guilty to an offense, or if a juvenile, has been adjudicated delinquent on the basis of an act which committed by an adult would constitute an offense under the Comprehensive Drug Reform Act of 1987 (N.J.S.A. 2C:35-1 et seq.) involving the use, possession, manufacture, dispensing or distribution of a controlled dangerous substance, controlled dangerous substance analog or drug paraphernalia within the meaning of that act within or upon the leased premises or the building or complex of buildings and land appurtenant thereto and has not in connection with his sentence for that offense either (1) successfully completed or (2) been admitted to and continued upon probation while completing, a drug rehabilitation program pursuant to N.J.S.A. 2C:35-14; or, being the tenant or lessee of such leased premises, knowingly harbors or harbored therein a person who has been so convicted or has so pleaded, or otherwise permits or permitted such a person to occupy those premises for residential purposes, whether continuously or intermittently; or
 - v) has been convicted of or pleaded guilty to, or if a juvenile, has been adjudicated delinquent on the basis of an act which if committed by an adult would constitute an offense under N.J.S.A. 2C:12-1 or N.J.S.A. 2C: 12-3 involving assault, or terroristic threats against the landlord, a member of the landlord's family

or an employee of the landlord; or, being the tenant or lessee of such leased premises, knowingly harbors or harbored therein a person who has been so convicted or has so pleaded, or otherwise permits or permitted such a person to occupy those premises for residential purposes, whether continuously or intermittently; or

vi) has been convicted of or pleaded guilty to, or if a juvenile, has been adjudicated delinquent on the basis of an act which if committed by an adult would constitute an offense under N.J.S.A. 2C;20-1 involving theft of property from the landlord, the leased premises or other tenants residing in the same building or complex; or, being the tenant or lessee of such leased premises, knowingly harbors or harbored therein a person who has been so convicted or has so pleaded, or otherwise permits or permitted such a person to occupy those premises for residential purposes, whether continuously or intermittently; or

- (7) False or misleading information given or provided in connection with the registration application or renewal; or
- (8) Failure to correct violations in the time period prescribed; or
- (9) Failure to permit lawful inspections; or
- (10) Failure to pay any fee herein provided for; or
- (11) Violation of the provisions of this article or any other ordinance or law pertaining to the use of the property.

B. Procedure; written compliant; notice; hearing

(1) A complaint seeking the revocation or suspension of the registration 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 registrant of the charges, so as to permit the registrant 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 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 Governing Body, unless, in its discretion, the Township determines that the matter should be heard by a Hearing Officer, who shall be appointed by the Township Governing Body. If the matter is referred to a Hearing Officer, such officer shall transmit his findings of fact and conclusions of law to the Township Governing Body within 30 days of the conclusion of the hearing. The Township Governing Body 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 Governing Body, then it 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 registration, or determining that the registration 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 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 registration 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.

§2. Notice of violation; subsequent violations.

A. Upon the occurrence of any violation of this article, the landlord or owner of the property shall be put on notice by receiving written notification of said violation from the person so designated by the Township Committee to forward said notice. Said notice shall generally inform the landlord and/or owner of the nature of the violation and the date upon which said violation occurred. Said notice shall also state that any subsequent violation of this article may result in said landlord and/or owner being cited and otherwise charged with a violation of said article, which may result in a hearing on said violation pursuant to Article II, Section 2B of this Ordinance.

B. If any violation of this article occurs subsequent to written notification being sent to said landlord and/or owner in accordance with the above provisions, then said landlord and/or owner shall be cited for violation of this article and noticed for a hearing pursuant to Article II, Section 15 of this Ordinance.

Article III - Violations, Penalties, Severability, Inconsistencies

§1. Violations/Penalties. 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 \$300.00, for the a first offence, a fine of not less than \$400.00 nor more than a \$1,000.00 for a second or subsequent offence, 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.

§2. Severability.

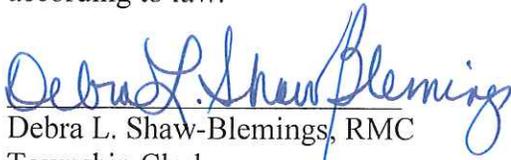
If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance and the remainder of this Ordinance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

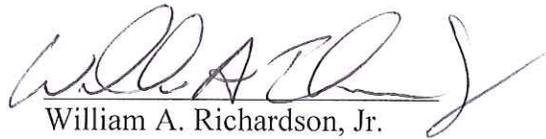
§3. Inconsistencies-Repealer

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

§4. Adoption.

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


Debra L. Shaw-Blemings, RMC
Township Clerk

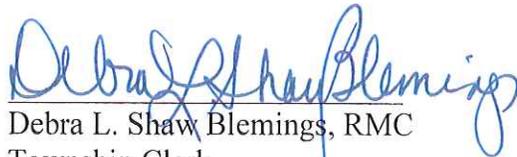

William A. Richardson, Jr.
Mayor

Introduced: February 10, 2016

Hearing: February 24, 2016

Adopted:

Certified to be a true copy of an Ordinance introduced by the Mayor and Township Committee of the Township of Waterford at a regular meeting held on February 10, 2016.


Debra L. Shaw Blemings, RMC
Township Clerk