

TOWNSHIP OF MOUNT LAUREL
ORDINANCE #2019-5
AN ORDINANCE AMENDING CHAPTER 121 OF THE TOWNSHIP CODE

WHEREAS, the Township adopted a Landlord Registration Ordinance in 2012 and amended the Ordinance in 2016 and 2018 to conform with changes in the law; and

WHEREAS, the Township enforced the ordinance consistently since its adoption; and

WHEREAS, a property owner challenged the constitutionality of the ordinance and specifically whether the law permitted the Township to require registrations; and

WHEREAS, the Court upheld the constitutionality of the registration requirement; and

WHEREAS, the plaintiff continues to argue that the Township's inspection requirement also lacks constitutional authority; and

WHEREAS, the Court requested more information on whether this issue was even before the Court because the Township has not requested an inspection of the landlord; and

WHEREAS, instead of engaging in expensive legal battles over an issue not before the Court, the Township Attorney recommended that the parties discuss adding administrative warrant language to the ordinance; and

WHEREAS, the issue of whether an administrative warrant is necessary has never been tested in Mount Laurel but the cost of an amendment to the ordinance is negligible compared to further litigation; and

WHEREAS, an amendment gives the governing body the opportunity to demonstrate the Township policy;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Township Council of the Township of Mount Laurel, County of Burlington, State of New Jersey that, for the reasons addressed in the Preamble, Chapter 121 of the Code of the Township of Mount Laurel be and is hereby amended and supplemented as follows:

Section One. The Township amends 121-1(A) of the Township Code to strike specific wording to ensure consistency with State Law.

Section 121-1(A) of the Township Code shall read as follows:

“§ 121-1 Responsibilities of landlords and owners.

- A. Any landlord and/or owner of leased property consisting of three residential units or less located within the Township of Mount Laurel 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. The landlord/owner's responsibility shall extend to and include, but not be limited to, any behavior or conduct which is a violation of any state statute or of any of the provisions of the Code of the Township of Mount Laurel.”

Section Two. The Township amends Section 121-6 for technical purposes.

Section 121-6 is amended to change the phrase "...on the first day of October 1, 2016..." with the new phrase "...on the first day of October each year..."

Section Three. The Township amends Section 121-8 for technical purposes.

The word "public" in the Section 121-8 heading is amended to state "periodic."

Section Four. The Township amends Section 121-10A for consistency with the remainder of the Ordinance.

Section 121-10A shall read as follows:

"A. It is the goal of the Township to inspect to each rental facility once every twelve months at the time of the registration renewal or at the time of change of occupancy. The owner or agent shall notify the Township at the time of vacancy to coordinate the inspection."

Section Five. The Township supplements Section 121-10 of the Code to confirm the existing process for scheduling inspections.

Section 121-10 is supplemented to add the following new language:

" D. Process for Scheduling Inspection; administrative warrant.

1. At the time of filing of the registration or the receipt of complaint concerning the fitness of the rental facility, the Inspection Officer shall contact the landlord and arrange a time for the inspection during normal business hours.

2. The Inspection Officer shall meet the property owner or tenant at the rental facility at the time scheduled for the inspection. If the inspector determines that the zoning and construction code are in order, the Township will issue the registration. The Township shall adhere to the construction code that existed at the time of issuance of the last Certificate of Occupancy or Certificate of Continuing Occupancy. If the property fails inspection, the landlord shall be provided the reasons for failure and shall have thirty (30) days from the inspection to abate the issues identified by the inspector. If the landlord seeks to contest the finding, the landlord may appeal to the zoning official or the construction board of appeals as appropriate.

3. If the landlord fails to schedule an inspection within thirty (30) days of the initial request, fails to schedule a follow-up inspection if the property failed the initial inspection or fails to permit the inspection at the time scheduled, the Township may move for an administrative warrant to gain access to the property for inspection purposes.

4. Administrative Warrant.

a. The Township Inspector, Township Manager or their designee is authorized to make application to any court of competent jurisdiction to the issuance of an administrative search warrant in order to conduct an inspection of any property covered by this chapter where the owner or managing agent or occupant fails or refuses to allow an inspection of the

rental property, and where there is probable cause to believe that a violation of this chapter has occurred or a violation of the Township's zoning or construction codes has occurred or continues to occur.

b. Except for emergency inspections, nothing in this chapter shall be deemed to authorize the Township inspection officer to conduct an inspection of any premises subject to this chapter without the consent of the owner, managing agent or occupant without a warrant issued by a court of competent jurisdiction.

Section Six. The Township amends Section 121-10A for consistency with the remainder of the Ordinance.

Section 121-12 is amended to remove to read as follows:

"No person shall hereafter occupy any rental unit, nor shall the owner permit occupancy of any rental unit within the Township of Mount Laurel, which is not registered in accordance with this article."

Introduction Date: January 28, 2019

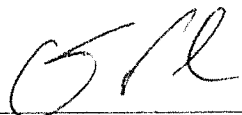
	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Bobo	1	✓				Adv.
Edelson	2	✓				
Folcher		✓				
Pritchett		✓				
Steglik		✓				

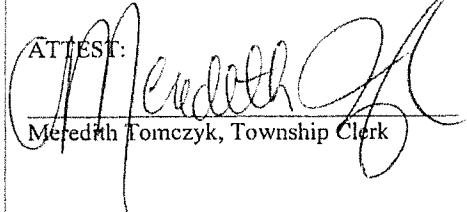
Publication Date: January 31, 2019

Public Hearing Date: February 11, 2019

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Bobo		✓				Adv.
Edelson	1	✓				General
Folcher		✓				Dave B.
Pritchett	2	✓				Bill G.
Steglik		✓				George M.

TOWNSHIP OF MOUNT LAUREL

BY: 
Kurt Folcher, Mayor

ATTEST: 
Meredith Tomczyk, Township Clerk