

TOWNSHIP OF MOUNT LAUREL

ORDINANCE #2016-6
AMENDING CHAPTER 121 RENTAL PROPERTY

Chapter 121. RENTAL PROPERTY

Article I. Landlord Responsibility

§ 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 disorderly conduct, nuisance, offensive language and any other 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.

B.

The landlord/owner of any such property located within the Township of Mount Laurel 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.

§ 121-2. Notice of violation; subsequent violations.

A.

Upon the occurrence of any violation of this article, the landlord or owner of any such property located within the Township of Mount Laurel shall be put on notice by receiving written notification of said violation from the person so designated by the Manager and Township Council 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 to be heard in the Municipal Court of the Township of Mount Laurel.

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 notice for a hearing to be held in the Municipal Court of the Township of Mount Laurel.

§ 121-3. Violations and penalties.

Any person who shall violate the provisions of this article shall, upon conviction, be subject to a fine not to exceed \$1,000, imprisonment for not more than 90 days or a period of community service not to exceed 90 days or any combination thereof.

Article II. Registration of Rental Property

§ 121-4. 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 of 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 house/boardinghouse 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.

DWELLING UNIT

Any room or rooms or suite or apartment, including room or rooms in a rooming house/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.

OWNER

Any person or group of persons, firm, corporation or officer thereof, partnership association or trust that owns, operates, exercises control over, or is in charge of a rental facility.

PERSON

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

RENTAL FACILITY

Every building, group of buildings or a portion thereof consisting of one or more dwelling units, which is 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, to one or more individuals.

RENTAL UNIT

A dwelling unit, which is available for lease or rental purposes. Rental unit shall not include that portion of a rental facility occupied by the owner.

§ 121-5. Registration.

All rental units within a rental facility hereinabove defined shall be registered with the Township Clerk or designee of the Township of Mount Laurel, or such other person as designated by the Manager and Township Council, 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.

§ 121-6. Registration and licensing; term; initial registration provisions.

Each rental unit within a rental facility hereinabove defined shall be registered for a period of one year, or with each change in occupancy, whichever shall occur first. The registration term shall commence on the first day of October 1, 2016 and shall be valid for a period of 12 calendar months, or upon a change in occupancy, whichever shall occur first, at which time it shall expire and a new registration shall be required. The initial registration shall occur on Any lease which has been executed prior to the adoption of this article shall not be affected, but the rental facility must nevertheless be registered and inspected in accordance with this article. No rental facility, or portion thereof, shall hereafter be rented unless the rental facility and units therein are registered in accordance with this article.

§ 121-7. Registration forms filing; contents.

Without in any way intending to infringe upon the requirements of N.J.S.A. 46:8-28, all rental facilities shall be registered, as provided herein. Every owner shall file with the Township Clerk or designee of the Township of Mount Laurel, or such other person as designated by the Manager and Township Council, a registration form for each unit contained within a building or structure, 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 business, 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 Mount Laurel or in Burlington County, the name and address of a person who resides in Burlington County and who is authorized to accept notices from a tenant and to issue receipts therefor and to accept service of process on behalf of the record owner.

C.

The name 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 Burlington County, who may be reached or contacted at any time in the event of an emergency affecting the rental facility 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 rental facility 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.

As to each rental unit, a specification of the exact number of sleeping rooms contained in the rental unit. In order to satisfy the requirement of this provision, an owner shall submit a floor plan, which shall become part of the application and which shall be attached to the registration form when filed by the Township Clerk or designee.

I.

Such other information as may be prescribed by the Township of Mount Laurel.

§ 121-8. Registration form; indexing and filing; public inspection; fee.

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 article. The owners shall post the certificate of inspection.

§ 121-9. 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.

§ 121-10. Periodic inspections.

A.

Each rental unit within the rental facility shall be inspected at least once every twelve period.

B.

Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Township of Mount Laurel, and inspections made by persons or an agency other than the duly authorized and appointed person, persons or agency of the Township of Mount Laurel shall not be used as a valid substitute.

C.

Such inspection shall be for the purpose of determining Zoning Ordinance¹¹ compliance, and to the extent applicable, to determine if the property complies with the Property Maintenance Code, Uniform Construction Code, BOCA Maintenance Code, Housing Code and/or Uniform Fire Safety Act.

[1]:

Editor's Note: See Ch. 154, Zoning.

D.

Unsatisfactory inspection. In the event that the inspection(s) of a rental unit within the rental facility is deemed unsatisfactory, such property shall not thereafter be registered 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, so as 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, and, if not made within that time period, 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 § 121-21 of this article. The owner, however, shall be permitted to apply for extension of time to make repairs or corrections so as to comply with this article, for good cause shown.

§ 121-11. 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 houses/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 houses/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 houses/boarding houses at all reasonable times. The owner or occupant of every rental facility, rental unit and rooming house/boarding house shall give the inspecting officer free access to the rental facility, rental unit and rooming house/boarding house at all reasonable times, to promote the purposes of this article.

B.

Every occupant shall give the owner of the rental facility, rental unit and rooming house/boarding house access to any part of such rental facility, rental unit and rooming house/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.

§ 121-12. Prohibitions on occupancy.

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.

§ 121-14. Fees.

At the time of the filing of the registration form, the owner or agent of the owner must pay a fee for the purposes of covering administrative costs associated with the administration of this article in accordance with the following:

A.

An annual registration fee of:

(1)

Two hundred dollars per rental unit for the first 10 rental units of a rental property; and

(2)

Twenty five dollars per rental unit for a rental property not subject to § 121-14A(1) above.

B.

Fees under this section shall be due and payable on the first day of October of each and every year. If any fee is not paid within 30 days of its due date, a late charge of \$25 will be assessed.

§ 121-15. 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 guest house 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).

§ 121-16. Maximum number of occupants; posting.

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 § 121-21 of this article.

B.

Only those occupants whose names are on file with the Township of Mount Laurel, as required in this article, may reside in the registered premises. It shall be unlawful for any other person to reside in said premises, and any owner, agent, tenant or registered tenant allowing a nonregistered party to reside in said premises shall be in violation of this section and shall be subject to the penalty provisions of § 121-21 of this article.

§ 121-17. Taxes and other municipal charges; payment precondition for registration.

No rental unit may be registered for any property containing a rental unit, unless all municipal taxes and any other municipal assessments are paid by the owner or applicant and are current on the date of the application.

§ 121-18. Other rental standards.

All dwelling units shall be maintained in accordance with the Uniform Construction Code and the BOCA National Property Maintenance Code.

§ 121-19. Occupant(s) stands.

A.

Occupants. Only those occupants whose names are on file with the Township Clerk, as provided in this article, may reside in the registered premises. It shall be unlawful for any other person to reside in said premises, and this provision may be enforced against the landlord, tenant or other person residing in said premises.

B.

Nuisance prohibited. No rental facility shall be conducted in a manner which shall result in any unreasonable disturbance or disruption to the surrounding properties and property owner or of the public in general, such that it shall constitute a nuisance, as defined in the ordinance of the Township of Mount Laurel.

C.

Compliance with other laws. The maintenance of all 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 Mount Laurel, and with all applicable state and federal laws.

D.

Penalties. Any landlord, tenant or other person violating the provisions of this section shall be subject to the penalty provisions of § 121-21 of this article.

§ 121-21. Violations and penalties.

Any person who violates any provision of this article shall, upon conviction in the Municipal Court of the Township of Mount Laurel 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.

Introduction Date: July 18, 2016

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Van Noord	2	✓				Paper
Edelson		✓				
Riley	1	✓				
Bobo		✓				
Keenan		✓				

Publication Date: July 21, 2016

Public Hearing Date: August 15, 2016

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Van Noord	1	✓				Vince
Edelson		✓				Ed
Riley	2	✓				Bonnie C.
Bobo					✓	General Code
Keenan		✓				

TOWNSHIP OF MOUNT LAUREL

BY: Linda Bobo
Linda Bobo, Mayor

ATTEST: Meredith Tomczyk
Meredith Tomczyk, Township Clerk