

APPROVED

2-5-17

MAYOR

ORDINANCE NO. 2017-05

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 116 OF THE MUNICIPAL CODE OF THE TOWNSHIP OF FLORENCE ENTITLED "PROPERTY MAINTENANCE" TO ESTABLISH RENTAL PROPERTY REGULATIONS BY CREATING ARTICLE 3 TO CHAPTER 116 TO ESTABLISH A REGISTRATION REQUIREMENT FOR RENTAL PROPERTIES AND LANDLORDS AND SUPPLEMENTING CHAPTER 2 OF THE MUNICIPAL CODE ENTITLED "FEES"

WHEREAS, municipalities are authorized to regulate buildings used for sleeping, lodging and occupancy purposes, including but not limited to boarding houses, rooming houses, and rental housing or living units pursuant to N.J.S.A. 40:52-1, et seq.; and

WHEREAS, N.J.S.A. 40:48-2.12(a) authorizes the governing body of any municipality to make, amend, repeal and enforce ordinances to regulate buildings and structures and their use and occupation, to prevent and abate conditions therein harmful to the health and safety of the occupants of said buildings and structures and the general public in the municipality; and

WHEREAS, the Township staff and Township Council of the Township of Florence have received and continue to receive complaints related to rental properties located with the Township; and the Township Council has determined that a wide range of problems otherwise diminishing the quality of life for those residents and business operators in the vicinity of the improperly maintained rental units; and

WHEREAS, the problems are exacerbated by absentee landlords who do not properly manage or supervise their rental properties which are considered nuisances in view of their negative effects on nearby properties and the residents or users of those properties acts as a barrier to the Township's continued orderly development and revitalization; and

WHEREAS, it is the express intention of the Township Council to hold landlords accountable for unsafe conditions for units which experience disturbances, damage, and incur public expense resulting from inadequately supervised rental units;

WHEREAS, conditions such as overcrowding, noise complaints and code violations have caused and continue to cause the Township to incur disproportionate costs and expend considerable time and expense in its enforcement efforts, including but not limited an increased amount of property inspections; and

WHEREAS, the Township Council wishes to adopt regulations concerning these issues and provide for appropriate enforcement measures.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Township Council of the Township of Florence, County of Burlington, State of New Jersey as follows:

SECTION 1: AMENDED SECTIONS. Chapter 116 of this Code entitled "Property Maintenance" is supplemented as follows:

1. §116-1 and §116-2 remain unchanged.
2. §116-3 entitled "Definitions" shall be amended and supplemented to include the following:

- a. **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 Chapter. The term does not necessarily mean a licensed real estate broker or salesperson 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 salesperson of the State of New Jersey if such person is designated by the owner as the owner's agent.
- b. The existing definition for "DWELLING" in §116-3 shall be replaced in its entirety with the following: **APARTMENT OR DWELLING UNIT:** Any room or rooms or suite or apartment thereof, whether furnished or unfurnished, which is occupied or intended, arranged, or designated to be occupied for sleeping and 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 improvements connected with the use or occupancy thereof; and which shall include a single family – detached residence designed for use by one family or household unit for living and sleeping purposes.
- c. **LANDLORD:** The legal entity listed upon the title as it appears in the public records after the deed is properly recorded.
- d. **LANDLORD REGISTRATION CERTIFICATE:** The certificate issued by the Construction Code Official of the Township of Florence or his designee authorizing the Certificate holder to maintain, operate, or otherwise conduct the business of landlord in the Township of Florence attesting that the rental unit has been properly registered in accordance with the Article.
- e. **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.
- f. **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.
- g. **PERSON:** An individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof.

- h. **RENTAL FACILITY:** Every building, group of buildings or a portion thereof 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 and is meant to include apartments and apartment complexes.
- i. **RENT OR RENTED:** An apartment or dwelling unit 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 occupancy; and regardless of whether there is a written lease, sublease or oral understanding.

3. §116-4 shall be amended and shall read as follows:

No owner, owner of rental properties, agent of owner, buyer, real estate agent or broker, firm, company, partnership, corporation or person or persons shall buy, sell, rent, transfer, grant, lease, let mortgage with right of occupancy or otherwise dispose of the ownership or occupancy thereof, whether or not for a consideration and whether such disposal of ownership or occupancy is temporary or permanent, any residential dwelling unit, motel, apartment, rental unit or premises on which a building is located and is used for human occupancy or commercial purposes unless a Continued Certificate of Occupancy (CCO), certifying that the building and premises are in compliance with all ordinances of the Township of Florence, shall first be obtained from the Construction Code Official or the appropriate official as designated by the governing body of the Township of Florence. Such a Continued Certificate of Occupancy (CCO) shall be granted or denied within ten (10) business days from the day of the application for same. In instances where, as a result of initial review of the Landlord Registration Form, a Continued Certificate of Occupancy (CCO) inspection is deemed to be required, a Landlord Registration Certificate shall be issued within three (3) business days following the successful completion of the CCO inspection.

- 4. §116-4A, §116-4B, and §116-4F remain unchanged.
- 5. §116-4C, §116-4D, and §116-4E shall be repealed from Chapter 116 of the Township Code, and as provided for herein shall be amended and incorporated into Chapter 2 of the Township Code entitled "Fees".

6. §116-5 through §116-10 remain unchanged.
7. §116-11 shall be amended and supplemented and shall read as follows:
 - a. It shall be the duty and responsibility of the owner, operator, or occupant of the premises to comply with any and all of the requirements and standards hereof, to keep the premises free of conditions which constitute violations hereof and to promptly remove, prevent, and/or abate such conditions and violations.
 - 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 owners or of the public in general, such that it shall constitute a nuisance as defined in the ordinances of the Township.
 - 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 and with all applicable state and federal laws.
 - d. All dwelling units shall be maintained in accordance with the Uniform Construction Code and the current Township Property Maintenance Code.
8. §116-12 through §116-15(D) remain unchanged.
9. §116-15(E) is hereby amended and shall read as follows:
 - a. Access for inspections and repairs.
 - i. The inspection officers are hereby authorized to make inspections to determine the condition of rental facilities, rental units and rooming houses or boardinghouses 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/boardinghouses and of the general public. For the purpose of making such inspections, the inspecting officers shall be vested with the authority set forth in this Chapter. The owner or occupant of every rental facility, rental unit and rooming house or boardinghouse shall give the inspecting

officer free access to the rental facility, rental unit and rooming house or boardinghouse at all reasonable times for the purpose of such inspections, examinations and surveys.

- ii. Every occupant shall give the owner of the rental facility, rental unit and rooming house or boardinghouse access to any part of such rental facility, rental unit and rooming house or boardinghouse 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.

10. §116-16 through §116-28 remain unchanged.

SECTION 2. “Article III” is hereby created and titled “Landlord Registration” and existing Code reference sections §116-1 through and including §116-28 shall be incorporated into Article III. Article III shall add the following new sections which shall read as follows:

§116-29. Landlord Registration Required.

- a. Registration Required. No person(s), corporation or business entity shall offer any residential property for rent, lease or let any residential property to any person(s) without first obtaining a Landlord Registration Certificate from the Township. The Landlord Registration Form, which is required to be completed in order to obtain a Landlord Registration Certificate, may be obtained from the Construction Code Official or his designee during normal business hours. Registration shall not be required for individual units contained within an entire structure containing three (3) or more units that are owned by one person or party and where none of the individual units is a stand-alone parcel as defined by having a unique lot identifier on the tax rolls of the Township of Florence.
- b. The initial registration shall occur within 30 days following the final adoption of this Chapter. The initial term for the Landlord Registration Certificate shall be for a term not to exceed of eighteen (18) months, or December 31, 2018. Thereafter, the Landlord Registration Certificate shall be renewed annually and amended, as necessary, within 20 days of each change of ownership or occupancy of any rental unit. No rental unit shall hereafter be rented unless the rental unit is registered in accordance with this Chapter. The Landlord Registration Certificate shall not include approval for the use and occupancy of a rental unit. Consistent with §116-4 and

§116-5, a Continued Certificate of Occupancy inspection is required for each unit. Such Landlord Registration Certificate shall be granted or denied within ten (10) business days from the day of the application for the same to determine whether or not a Continued Certificate of Occupancy (CCO), certifying that the building and premises are in compliance with all ordinances of the Township of Florence, shall first be obtained from the Construction Code Official or the appropriate official as designated by the governing body of the Township of Florence.

§116-30. Rental Property Registration.

a. The owner of every rental property, with the exception of owner-occupied properties, in the Township of Florence shall file a Landlord Registration Form with the Construction Code Official or his designee. The Construction Code Official or his designee shall provide a copy of same to the Police Chief, Township Clerk and Fire Chief. When providing a copy of same to any other person or entity requesting same, the Township Clerk, Construction Code Office and Fire and Police Departments shall redact the names and addresses, age and gender of the tenants.

b. The Landlord Registration Form shall be filed on an annual basis on or before 31st of January of each year.

c. Without in any way intending to infringe upon the requirements of N.J.S.A. 46:8-28, all rental units shall be registered and licensed as provided herein. Every owner shall file with the Construction Code Official or his designee a Landlord Registration Form for each unit contained within a building or structure which shall include the following information:

1. The name, address and telephone number of the owner or owners of the premises and the record owner or owners of the rental business, if not the same person(s). In the case of a partnership, the names and addresses of all general partners shall be provided, together with the telephone numbers for each individual partner, indicating where such individual may be reached both during the day and evening hours. If the record owner is a corporation, the name and address of the registered agent and corporate officers of said corporation shall be provided, together with the telephone number for each such individual, indicating where such individual may be reached both during day and evening hours. If the record owner is an LLC, the name and address of the Managing Member(s) shall be provided, for each such member, indicating where such member (or its principal officers if a corporation) may be reached both during day and evening hours. All registration addresses shall be physical addresses; post office boxes are insufficient.

2. If the address of the owner of record is not located in the County of Burlington, the name, address and telephone number of a person who resides in the County of Burlington and who is authorized to accept notices from a tenant and to issue receipts therefore; and to accept service of process on behalf of the owner of record.

3. The name and address of the managing agent of the premises, if any, and the telephone number where such individual may be reached both during day and evening hours.

4. The name and address of the superintendent, janitor, custodian or other individual employed by the owner of record or managing agent to provide regular maintenance service, if any, and telephone number where such individual may be reached both during day and evening hours.

5. The name, address and telephone number and cellular telephone number of at least one individual representative of the owner of record or managing agent 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 failure 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 and shall, at all times, have access to a current list of building tenants that shall be made available to emergency personnel as required in the event of an emergency.

6. The names and addresses of all holders of recorded mortgages on the property.

7. The owner shall be obligated to supply the required fuel type or energy utilized by the heating system and maintain said heating system in good operating condition so that it can supply heat as required, notwithstanding any contractual provision seeking to delegate or shift responsibility to the occupant or third person, except that the owner shall not be required to supply fuel or energy for heating purposes to any unit where the occupant thereof agrees in writing to supply heat to his own unit of dwelling space and the said unit is served by its own exclusive heating equipment for which the source of heat can be separately computed and billed.

8. For each such Rental Unit the Landlord shall provide:

a. A description by number or letter and floor of each such Rental Unit;

b. The name, age and gender of each and every tenant in each unit, including children. The information contained in the Landlord Registration Form must set forth information for each unit within the rental property and must include all tenants in each units.

c. The square footage of living space within each such Rental Unit and the number of rooms;

d. Provide a detailed floor plan with the exact number of sleeping rooms contained in each Rental Unit and the exact number of sleeping accommodations contained in each of the sleeping rooms, identifying each sleeping room specifically by number and location within the apartment or dwelling and by the square footage thereof. This information shall be provided with the initial Landlord Registration Form and shall be updated as part of the annual renewal process should the floor plan change. If no changes to the floor plan were made during the course of the preceding year, then the registrant shall not be required to submit an updated floor plan;

e. Whether such Rental Unit is equipped with a kitchen;

f. Whether the Rental Unit is equipped with a fire suppression or fire sprinkler system, a fire extinguisher, a carbon monoxide alarm, a smoke detector alarm, fixed fire escape ladders or systems for emergency egress;

g. The term on the lease and a copy of the current Continued Certificate of Occupancy (CCO).

h. A copy of the most recent valid certificate of inspection issued by the State of New Jersey Bureau of Housing, Department of Community Affairs, if applicable.

i. A certification as to who is paying the Property Taxes and Water/Sewerage Charges.

j. The information referenced in Subsections a) through i) hereof may be provided by attaching the landlord registration statement mandated by N.J.S.A. 46:8-28 certifying that the information contained therein remains true and accurate or, in the

event of any change, amend said registration certificate accordingly.

k. A copy of the completed Federal Lead Based Paint Disclosure Form, if applicable.

l. Such other information as may be prescribed by the Township on the appropriate Landlord Registration Form or otherwise by ordinance or resolution.

§116-31. Amended Registration Certificate.

Every person required to file a Landlord Registration Form pursuant to this Chapter 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 has changed.

§116-32. Occupancy of unregistered premises prohibited.

No person shall hereafter occupy any rental unit, nor shall the owner permit occupancy of any rental unit within the Township, which is not registered and licensed and for which a registration certificate has not been issued in accordance with this article.

§116-33. Issuance of a Landlord Registration Certificate.

1. Upon the filing of a completed Landlord Registration Form, payment of the prescribed fee, and a satisfactory inspection, when required and as necessary, the owner shall be entitled to the issuance of a Certificate commencing on the date of issuance and expiring on December 31st of that calendar year. A Landlord Registration Form shall be required for each rental unit, and a Landlord Registration Certificate shall be issued to the owner for each rental unit, even if more than one rental unit is contained in the property.

2. At the time of the filing of the registration form, the owner or agent of the owner must pay a registration fee as provided in Chapter 2, Fees. After the initial registration, there shall be no fee for an amended registration regarding a change of occupancy; the registration fee for a change of ownership is as provided in Chapter 2, Fees.

3. Providing registration form to occupants and tenants. Every owner shall provide each occupant or tenant occupying a rental unit with a copy of the Landlord 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 section may be complied with by posting a copy of the Landlord Registration Certificate in a conspicuous place within the rental unit(s).

4. 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 section shall be subject to the penalty provisions of §116-19 of this article.

5. Only those occupants whose names are on file with the Township as required in this section may reside in the licensed premises. It shall be unlawful for a nonregistered person to reside in said premises and any owner, agent, tenant or registered tenant allowing a nonregistered person to reside in said premises and the nonregistered person, shall be in violation of this subsection.

§116-34. Inspections.

1. Complaint based inspections, inspection following a finding of non-valid Continued Certificate of Occupancy and/or those inspections required as a result of a finding of no prior Continued Certificate of Occupancy, shall be performed by such person, persons or agency duly authorized and appointed by the Township pursuant to the direction of the Construction Code Official. Inspections made by persons or an agency other than the duly authorized and appointed person, persons or agency of the Township shall not be used as a valid substitute.

2. Such inspection shall be for purpose of determining if the property complies with the Uniform Construction Code, the current Township Property Maintenance Code, housing code and/or building code and the Uniform Fire Safety Act. Upon compliance, the Construction Code Official shall cause to be issued a Landlord Registration Certificate pursuant to the provisions of this Article.

3. Unsatisfactory inspection. In the event that the inspection(s) of a Rental Unit indicates the need for maintenance and/or repairs, such property shall not thereafter be registered, and the landlord of the property, or his agent, shall not lease or rent such property, nor shall any

tenant occupy the property until the necessary maintenance, repairs and corrections have been made so as to bring the property and rental unit into compliance with the applicable code(s) and the property is thereafter subsequently reinspected, approved, 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, 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 §116-19 of this article.

11. Chapter 2 entitled “Fees” Section §2-2 entitled “Schedule A” of the Code of the Township of Florence is hereby amended to including the following fees:

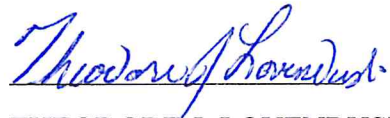
	Fee
Landlord Registration Certificate	\$25.00
Landlord Registration Certificate Annual Renewal	\$25.00
Initial Inspection and first reinspection for a Continued Certificate of Occupancy	\$120.00
Second reinspection after initial and first reinspection for Continued Certificate of Occupancy	\$35.00
Third reinspection after initial and subsequent reinspection for Continued Certificate of Occupancy	\$50.00
Fourth reinspection, and subsequent reinspections, after initial series to obtain a Continued Certificate of Occupancy	\$100.00
Inspection and reinspection fees where the inspection is for a property owned and occupied by a senior citizen, at least 65 years of age.	No Fee
Landlord Registration Certificate where the application is for a property	No Fee

owned and occupied by a senior citizen, at least 65 years of age residing in a unit of the property and rents out the remaining units.	
Administrative Fee for amending a Continued Certificate of Occupancy	\$20.00

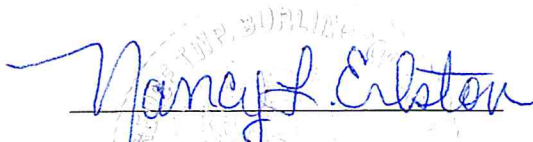
SECTION 3. Repealer. All ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed as to said inconsistencies and conflict.

SECTION 4. Severability. If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Township of Florence declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

SECTION 5. Effective Date. The ordinance shall take effect immediately upon passage and publication according to law.

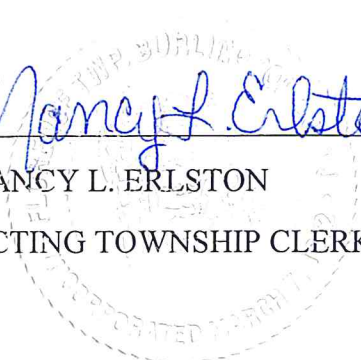


THEODORE J. LOVENDUSKI
COUNCIL PRESIDENT



NANCY L. ERLSTON

ACTING TOWNSHIP CLERK



**FLORENCE TOWNSHIP
ORDINANCE NO. 2017-05**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 116 OF
THE MUNICIPAL CODE OF THE TOWNSHIP OF FLORENCE ENTITLED
“PROPERTY MAINTENANCE” TO ESTABLISH RENTAL PROPERTY
REGULATIONS BY CREATING ARTICLE 3 TO CHAPTER 116 TO
ESTABLISH A REGISTRATION REQUIREMENT FOR RENTAL
PROPERTIES AND LANDLORDS AND SUPPLEMENTING CHAPTER 2 OF
THE MUNICIPAL CODE ENTITLED “FEES”**

NOTICE:

**THE FOREGOING ORDINANCE RECEIVED FINAL ADOPTION BY THE
COUNCIL OF THE TOWNSHIP OF FLORENCE, COUNTY OF BURLINGTON,
STATE OF NEW JERSEY AFTER A PUBLIC HEARING AT A MEETING
HELD ON APRIL 5, 2017 AT THE MUNICIPAL COMPLEX, 711 BROAD
STREET, FLORENCE, NEW JERSEY AND WAS APPROVED BY THE MAYOR
ON APRIL 5, 2017.**

**NANCY L. ERLSTON
ACTING TOWNSHIP CLERK**

Roll Call Vote:

**Ayes: Baldorossi, Ostrander, Woolston,
Sandusky, Lovenduski
No: None Abstained: None
Absent: None Motion Approved.**

Ordinance No.. <u>2017-05</u>
Advertised in Burlington County Times on: <u>APRIL 9 2017</u>
Effective Date: <u>4-9-17</u>
<u>NLS</u> Initials