

**ORDINANCE OF THE TOWNSHIP OF PENNSAUKEN,
COUNTY OF CAMDEN, STATE OF NEW JERSEY, AMENDING
ARTICLE II. RENTAL UNIT INSPECTIONS, IN CHAPTER 251,
RENTAL UNITS, OF THE CODE OF THE TOWNSHIP OF
PENNSAUKEN**

BE IT ORDAINED by the Township Committee of the Township of Pennsauken, County of Camden, and State of New Jersey, that Article II., Rental Unit Inspections, in Chapter 251, Rental Units, in the Code of the Township of Pennsauken is hereby amended as follows:

ARTICLE II.

Rental Unit Inspections

ARTICLE I. ARTICLE II. SECTION 251-17 Definitions.

As used in Chapter 251, the following terms shall have the meanings indicated:

AGENT or MANAGING 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 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 designated by the owner as his or her agent is so licensed.

CERTIFICATE OF INSPECTION

The document issued by the Township Rental Coordinator attesting that the rental unit has been properly inspected in accordance with this Article.

ENFORCEMENT OFFICER

Any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector, building inspector, or other person authorized by the township to enforce the applicable code(s).

INSPECTEE

The person to whom the Certificate of Inspection is issued pursuant to this Article. The term "inspectee" includes within its definition the term "agent" where applicable.

INSPECTION YEAR

One (1) calendar year from the date of the issuance of a Certificate of Inspection.

LANDLORD

One or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises or all or part of the beneficial ownership and a right to the present use and enjoyment of the premises, including a mortgage holder in possession of a rental unit. Also see Owner.

MANAGING AGENT

See definition of "agent."

OCCUPIER

Every person, who alone or severally with others, legally resides in, has possession of, or controls a property within the Township of Pennsauken.

OWNER

Every person, entity, Landlord, or mortgagee, who alone or severally with others:

- (a) Has legal or equitable title to any rental dwelling, dwelling unit, mobile dwelling unit, building, structure, parcel of land, Vacant or otherwise, including but not limited to, a mobile home park; or
- (b) Has legal care, charge or control of any dwelling, dwelling unit, mobile dwelling unit, building, structure or parcel of land, Vacant or otherwise, including a mobile home park, in any capacity, including but not limited to, agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or
- (c) Is a mortgagee in possession of any such property, or is a mortgagee with actual control of access to the property by any means including, but not limited to, changing locks or putting on a lock box; or
- (d) Is an agent, trustee, or other person appointed by the courts and vested with possession or control of any such property.

The Property Manager shall not be considered the Owner.

PERSON

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

PROPERTY MANAGER

Any party designated by the Owner as responsible for inspecting, maintaining and securing the property as required in this Article.

RENTAL PROPERTY

Any structure or portion of a structure within the Township of Pennsauken which is occupied by someone other than the Owner of the real estate for residential or commercial purposes, including but not limited to the following: boarding homes, mobile homes, mobile home spaces, town homes, dormitories, and condominium unit(s), and for which the Owner receives any value or consideration, including but not limited to money, or the exchange of goods or services, regardless of the relationship between lessor and lessee.

RENTAL UNIT

Residential one-dwelling unit rental, including individual condominium units, two-dwelling-unit premises and/or boarding homes. In the case of a two-dwelling unit where the owner

occupies one of the units, the unit the owner occupies shall not be considered a rental unit but must register the second unit as a rental unit. For the purposes of this chapter, any residential unit, one-dwelling unit or two-dwelling unit, where the unit is not occupied by the owner of the property, even if rent is not being charged or collected, shall be considered a rental unit.

TENANT

One person or persons to whom a rental unit is leased or rented by the inspectee. All children under 12 years of age shall be excluded from the term "tenant."

TOWNSHIP

The Township of Pennsauken.

TOWNSHIP RENTAL COORDINATOR

The municipal official or employee designated to receive rental inspection applications and to issue Certificate of Inspections pursuant to this Article

ARTICLE II.	ARTICLE II.	SECTION 251-18	Annual inspection required.
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All rental units, as defined in Section 251-17 of this Article, shall hereafter be inspected at least once within a twelve month period by the Building Department. Rental inspection applications shall be provided for that purpose and shall be obtained from the Building Department. Such inspection shall occur within a twelve month period as provided herein. Properties registered as a result of Chapter 244 (Property, Vacant, Foreclosed and Abandoned) are not subject to this Article. Any owner who is subject to the registration and fee requirements of Chapter 244, "Property, Vacant, Foreclosed and Abandoned", and has paid the required fees shall be exempt from the registration and inspection fees required under this Chapter, upon proof of payment.

ARTICLE III.	ARTICLE II.	SECTION 251-19	Certificate of Inspection required.
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No rental unit shall hereafter be occupied unless the rental unit is issued a Certificate of Inspection in accordance with this Article.

ARTICLE IV. ARTICLE II. SECTION 251-20 Periodic inspections.

A. Each rental unit shall be inspected at least once in each twelve-month period. An inspection which results in an approval or satisfactory rating shall be valid for one year from the inspection date.

B. Such inspection shall be carried out in accordance with the following:

(1) Hotels and multiple dwellings as defined in N.J.S.A. 55:13A-3(j) and (k). Such properties shall be inspected by the Bureau of Housing Inspection of the State of New Jersey, Department of Community Affairs. A current, valid certificate of inspection issued by the State of New Jersey Department of Community Affairs pursuant to the Hotel and Multiple Dwelling Act (N.J.S.A. 55:13A-1 et seq.) shall satisfy the requirements of this Article.

(2) Rental units. All rental units shall be inspected by the Township to determine compliance with Chapter 141, Development Regulations, Article VII, Zoning Regulations; the New Jersey State Housing Code (Chapter 184, Housing Standards); the Uniform Fire Safety Act of the State of New Jersey (N.J.S.A. 52:27D-192 et seq.); Chapter 243, Property Maintenance, Article I, Property Maintenance Code; the Uniform Construction Code of the State of New Jersey (N.J.A.C. 5:23-1.1 et seq.) and the Property Maintenance Code listed in Chapter 243, or such ordinances, codes and regulations in effect at the time of the inspection.

C. Fees. The fees to be charged for inspection pursuant to this Article shall be in accordance with the fee schedule established by resolution in the Township from time to time

D. Inspection disclosing unsatisfactory conditions.

(1) Unoccupied property. In the event that a rental unit does not pass inspection, such unit shall not thereafter be granted a Certificate of Inspection nor shall the owner of the property

or his or her agent lease or rent such property, nor shall any tenant occupy the property until the necessary repairs or corrections have been made so as to bring the property and rental unit into compliance with Chapter 141, Development Regulations, Article VII, Zoning Regulations; the New Jersey State Housing Code (Chapter 184, Housing Standards); the Uniform Fire Safety Act of the State of New Jersey, Chapter 243, Property Maintenance, Article I, Property Maintenance Code; the Uniform Construction Code of the State of New Jersey, and the Property Maintenance Code, or such ordinances, codes and regulations in effect at the time of the inspection. The fact that a unit has failed inspection shall not relieve the owner of the obligation to register the property in accordance with this Article notwithstanding that the necessary repairs have not been made. However, no Certificate of Inspection shall issue until such time as the Township Rental Coordinator is presented with satisfactory evidence that the property has been reinspected and complies with the ordinances, codes and regulations referred to in this subsection.

(2) Occupied property. Whenever the property is occupied by a tenant at the time of the inspection and the rental unit does not pass inspection, said unit may continue to be occupied, provided that all such repairs or corrections are made within thirty (30) days of the original inspection, 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 such thirty (30) day period, or sooner if required, the Owner and/or Occupier and any tenant occupying the unit shall be deemed in violation of this Article, and each and every day that the violation continues thereafter shall constitute a separate offense.

**ARTICLE V. ARTICLE II. SECTION 251-21 Prohibitions on
occupancy; exceptions.**

A. No person or persons shall hereafter occupy any rental unit nor shall the Owner and/or Occupier permit occupancy of any rental unit within the Township, unless a Certificate of Inspection has been issued in accordance with this Article.

B. A tenant who occupies a rental unit to which a Certificate of Inspection has not been issued, and who does so in good faith and without knowledge of the requirement that a Certificate of Inspection must be issued to such rental unit, shall be supplied a written warning concerning the

requirements of this Article and such tenant shall thereupon be given a period of three business days to cause the rental unit to be inspected in accordance with this Article or, failing to do so, shall vacate said premises or otherwise be subject to the penalty provisions herein.

**ARTICLE VI. ARTICLE II. SECTION 251-22 Rental inspection
Procedures, renewal,
transferability.**

A. The owner of a rental unit which is being inspected for the first time under this Article shall complete the rental inspection application form for the rental unit and tender the prescribed fee. No Certificate of Inspection shall be issued, however, until such time as the property is inspected in accordance with this Article and is found to be without violations and receives a satisfactory rating. The initial Certificate of Inspection shall be valid from the date of issue until the 12 month anniversary date.

B. The Certificate of Inspection referred to in this section shall be the document that states that the rental unit has been inspected and is valid for one year. The certificate shall be placed in a protective frame, hung by the entrance through which access is gained to the rental unit and readily visible upon entry. The failure to hang the certificate as required by this Article shall constitute a violation hereof.

C. To renew a rental unit Certificate of Inspection, an owner shall file a completed application form and pay the prescribed fee, which shall entitle the owner to the issuance of a Certificate of Inspection for the current Certificate of Inspection term or portion thereof, provided that said property has been inspected within the preceding 12 months and that no violations exist. If such property or unit has not been inspected within the preceding 12 months, or if it has been inspected and violations were noted, no Certificate of Inspection shall be issued until the property has been inspected or reinspected as the case may be.

D. In the event that an inspected property is sold, assigned or transferred during the Certificate of Inspection year, the rental Certificate of Inspection shall be transferable to the new owner.

ARTICLE VII. ARTICLE II. SECTION 251-23 Fees.

A. At the time of filing the rental inspection application form, the owner shall pay an annual fee equal to the following: Three Hundred, Fifty (\$350.00) Dollars for each rental unit.

B. The required fees shall cover an initial inspection, as well as one (1) follow-up inspection in the event of failure of the first inspection. Any additional inspections will cost an additional fee of Five Hundred (\$500.00) Dollars per inspection.

C. Any owner who is subject to the registration and fee requirements of Chapter 244, “Property, Vacant, Foreclosed and Abandoned” and has paid the required fees shall be exempt from the registration and inspection fees required under this chapter, upon proof of payment.

ARTICLE VIII. ARTICLE II. SECTION 251-24 Rental inspection application forms; filing; indexing; contents; fee; availability; amendment.

A. Without in any way intending to infringe upon the requirements of N.J.S.A. 46:8-28, all rental units shall be inspected as provided herein. Every owner shall file with the Township Rental Coordinator of the Township of Pennsauken a rental inspection application form for each rental unit contained within a building or structure, which shall include the following information:

(1) 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 names and addresses of all the general partners shall be provided together with the valid telephone numbers for each of such individuals. A physical location of where said person(s) can be found during normal business hours for the purpose of service of any notices or orders which may be necessary shall be provided.

(2) If the record owner is a corporation, the name and address of the registered agent and cooperate officers of said corporation including the addresses and telephone numbers of the corporate officers. A physical location of where said person(s) or the registered agent can be found

during normal business hours for the purpose of service of any notices or orders which may be necessary shall be provided.

(3) If the address of any recorded owner is not located within twenty-five (25) miles of the Township of Pennsauken, the name and address of a person who within twenty-five (25) miles of the Township of Pennsauken 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. The address shall be a physical location of where said person(s) or registered agent can be found during normal business hours.

(4) The name and address of the managing agent of the premises, if any; room number of the superintendent, janitor, custodian or other individual employed by the record owner or managing agent to provide regular maintenance service, if any.

(5) The name, addresses and telephone number of an individual representative of the record owner 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. The addresses shall be a physical location of where said person(s) can normally be found during regular business hours and normally found during off hours.

(6) The name and address of every holder of a recorded mortgage on the premises.

(7) As to each rental unit, a specification of the exact number of sleeping rooms contained in the 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. In order to satisfy the requirements of this provision, an owner shall submit a floor plan which shall become part of the application and which shall be attached to the rental inspection application form when filed by the Township Rental Coordinator.

(8) Such other information as may be prescribed by the Township.

B. Amendments; filing. Every person required to file a rental inspection application form pursuant to this Article shall file an amended rental inspection application form within ten (10) 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.

C. Copy to occupants and tenants. Every owner shall provide each occupant or tenant occupying a rental unit with a copy of the rental inspection application form required by this Article. This subsection 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 subsection may be complied with by posting a copy of the Certificate of Inspection in a conspicuous place within the rental unit(s).

**ARTICLE IX. ARTICLE II. SECTION 251-25 Rental Limitation on
occupancy; posting of
maximum.**

A. Each inspectee granted a Certificate of Inspection pursuant to this Article shall be permitted to lease or rent the rental unit which has been inspected and for which a Certificate of Inspection has been granted hereunder to a number of registered tenants, which number shall not exceed the number which has been computed in accordance with the following:

(1) Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area.

(2) Every room occupied for sleeping purposes by more than one person shall contain at least 50 additional square feet of floor area for each occupant thereof, except that any such room, any building or structure which is in existence and for which a certificate of occupancy has been issued as of March 28, 1996, shall be deemed to accommodate two people notwithstanding the fact that such room does not have a minimum of 120 square feet as required by this Subsection A.

B. Maximum number of occupants; posting. 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 sleep in or otherwise occupy the rental unit. Any person violating

this provision shall be subject to the penalty provisions provided herein. For purposes of this subsection, the term "person" is intended to mean Owner and/or Occupier, tenant or guest occupying the rental unit, including invitees and inspectees.

**ARTICLE X. ARTICLE II. SECTION 251-26 Revocation/suspension of
Certificate of Inspection;
Other disciplinary action;
procedure; conditional
renewal.**

A. Grounds. In addition to any other penalty prescribed herein, an Owner and/or Occupier may be subject to the revocation or suspension of a Certificate of Inspection or having such Certificate of Inspection placed in probationary status or other appropriate disciplinary action 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) Following a determination of a violation of this Article after a hearing held pursuant to Subsection B of this section.

(3) A pattern of renting the unit(s) to one or more individuals or groups of individuals who, during any one or more Inspection term(s), (is) (are) convicted of a violation of Chapter 210, Noise, or a violation of any other Township ordinance, which conviction is related to or arising out of the use and occupancy of the rental unit(s). In order to support disciplinary action under this section, it need not be shown that convictions are of the same individual(s) or that the conviction(s) were for conduct occurring during any single Certificate of Inspection term. It shall be sufficient to demonstrate that such convictions were of different individuals occurring over one or more Certificate of Inspection terms.

(4) A pattern of permitting the rental unit(s) to be occupied by more than the maximum number of occupants as defined herein.

(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 rental inspection application of a rental unit or units, under this Article.

(7) A pattern of conduct which results in creating, maintaining, permitting or suffering the existence of any of the following conditions at or about the rental unit:

(a) Disorderly conduct on the part of tenant(s) or occupant(s) or their guests. "Disorderly conduct" shall be as defined in N.J.S.A. 2C:33-2; provided, however, that a conviction of such person or persons under that statute shall not be required in order for the Township to take action under this section.

(b) A nuisance, as that term is defined by N.J.S.A. 2C:33-12; provided, however, that a conviction of such person or persons under that statute shall not be required in order for the Township to take action under this section.

(c) The failure to comply with any directive of the Township concerning the abatement of conduct prohibited by Subsection A (7) (a) or (b) hereof.

(d) The public manifestation by tenant(s), occupants or guests of being under the influence of alcohol or controlled dangerous substances; provided, however, that a conviction of such individuals for such violation(s) shall not be required in order for the Township to take action under this section.

(e) The possession or consumption of alcoholic beverages by minors not related by blood to the tenant in or about the rental unit.

(8) Whenever the Police Department shall have made an arrest of or issued a summons to a tenant, occupant or guest or Owner and/or Occupier on more than one (1) occasion during any thirty-day period for an offense related to or arising out of the use and occupancy of the rental unit(s), the same shall be prima facie evidence of a violation of Subsection A of this section, provided that the Owner and/or Occupier and/or managing agent shall have had notice of the existence of such circumstances or conditions.

B. It shall be a defense to any proceeding for the revocation, suspension or other disciplinary action involving a rental Certificate of Inspection by demonstrating that the Owner and/or Occupier 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; eviction of the tenant(s) or otherwise.

C. Procedure; written complaint; notice; hearing.

(1) A complaint seeking the revocation or suspension of a Certificate of Inspection may be filed by any one or more of the following: the Township Construction Official, the Township Administrative Officer, Zoning and Planning, and the Township Code Enforcement Officers. Such complaint shall be in writing and filed with the Township Rental Coordinator. The complaint shall be specific and shall be sufficient to apprise the inspectee of the charges so as to permit the inspectee 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 Rental Coordinator shall immediately inform the Township Administrator and a date for a hearing shall be scheduled which shall not be sooner than five (5) days nor more than twenty (20) days thereafter. The Township Rental Coordinator shall forward a copy of the complaint and a notice as to the date, time and place of the hearing to the inspectee and the managing agent, if any, by regular mail at the address indicated on the rental inspection application form. Service upon the managing agent shall be sufficient.

(3) The hearing required by this section shall be held by a Hearing Officer who shall be appointed by Township Committee. The Hearing Officer shall render a decision within ten (10) days of the conclusion of the hearing, recommending the dismissal of the complaint, revocation or suspension of the Certificate of Inspection, determining that the Certificate of Inspection shall not be renewed or reissued for one or more subsequent Certificate of Inspection years, or placing the Certificate of Inspection on probationary status as set forth in Subsection D, below. The Hearing Officer shall transmit his or her findings of fact and conclusions of law to the Township Administrator or his/her designee, who shall review the matter and may accept, reject or modify the recommendations of the Hearing Officer based on the record before him or her within ten (10) days of receipt of the Hearing Officer's decision.

(4) All hearings shall be recorded by sound recording equipment. 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 or her designee may appear and prosecute on behalf of the complainant in all hearings conducted pursuant to this section.

D. Certificate of Inspection in probationary status.

(1) In lieu of a revocation or suspension of a Certificate of Inspection, the Township Administrator or his designee may determine to place the Certificate of Inspection in a probationary status. Once imposed, the probationary status shall remain in effect for the remainder of that Certificate of Inspection term and the succeeding renewal term.

(2) The terms of the probationary status shall be specifically set forth in a resolution of the Township Committee, a copy of which shall be served upon the Owner and/or Occupier, managing agent, realtor (if different from the managing agent and if whose identity is known to the Township), tenants, occupants, Police Chief, and Code Enforcement Officer. Such notice shall be served personally or by certified mail, return receipt requested, or both. If service is made by certified mail, return receipt requested, it shall also be sent simultaneously by first-class mail. Mail to the Owner and/or Occupier and managing agent shall be at the address indicated on the rental inspection application form.

(3) The Township Committee may, on its own initiative or at the request of an Owner and/or Occupier, managing agent, tenant or occupant of the rental unit, modify the terms of such probationary status at any time during the probationary term. If modified, it shall be by resolution, copies of which shall be served upon such persons and in such manner as specified in Subsection D (2) hereof.

(4) The violation of any term of condition or the probation by the Owner and/or Occupier, managing agent or tenant or occupant shall be cause for the immediate suspension or revocation of the rental Certificate of Inspection.

(5) An owner of a rental unit shall forthwith give written notification to the Township Rental Coordinator of any change in tenants during the period of probation. New tenants shall be notified in accordance with Subsection D (2) hereof.

E. Conditional renewal of Certificate of Inspection.

(1) Any Certificate of Inspection which is in probationary status may be renewed for the succeeding Certificate of Inspection term conditioned upon compliance by the owner, managing agent or tenant or occupants with the terms and conditions of probation.

(2) The failure to comply with the terms and conditions of probation by the Owner and/or Occupier or managing agent or tenant or occupants shall be cause for the immediate suspension or revocation of the Certificate of Inspection.

ARTICLE XI. ARTICLE II. SECTION 251-27 Violations, penalties.

A. Any person, firm, association or corporation violating any of the provisions of this Article shall, upon conviction, be subject to one or more of the following: a fine not less than \$500.00 or greater than \$2,000.00, and/or imprisonment in the county jail for a term not exceeding 90 days, and/or a period of community service not exceeding ninety (90) days, in the discretion of the Municipal Court Judge.

B. Any person, firm, association or corporation who is convicted of violating this Article within one year of the date of a previous violation and who was fined for the previous violation shall be sentenced by the court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person, firm, association or corporation for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the Article but shall be calculated separately from the fine imposed for the violation of the Article.

C. The foregoing penalties shall be in addition to any other penalty provided in this Article and shall be in addition to those penalties set forth in N.J.S.A. 46:8-35.

ARTICLE XII.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent

that they are inconsistent herewith.

ARTICLE XIII.

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

THE TOWNSHIP OF PENNSAUKEN

BY: JACK KILLION, MAYOR

ATTEST:

GENE PADALINO, TOWNSHIP CLERK

The foregoing Ordinance was introduced by the Township Committee at its regular meeting held on June _____, 2018. This Ordinance will be considered for adoption on final reading and public hearing to be held on June _____, 2018 at 5:30 p.m. in the Meeting Room, Pennsauken Township Building, 5605 North Crescent Boulevard, Pennsauken, New Jersey.

The purpose of this Ordinance is to establish the rules and regulations for rental property inspections as required in this Chapter in and for the Township of Pennsauken. A copy of this Ordinance is available at no charge to the general public between the hours of 9:00 AM to 5:00 PM, Monday through Friday (Legal Holidays excluded), at the Office of the Township Clerk, Pennsauken Township Building, 5605 North Crescent Boulevard, Pennsauken, New Jersey.