

AN ORDINANCE OF THE TOWN OF HAMMONTON  
ENTITLED "RENTAL PROPERTY"

**ARTICLE I Regulation of Residential Rental Properties**

**1-1 Responsibilities of occupants and owners/landlords.**

- A. The intention of this Ordinance is to regulate improper behavior by occupants of residential rental premises within the Town of Hammonton. This Ordinance establishes a procedure to be followed by landlords/owners in the event that their tenants, or the tenant's invitees, guests and/or their pets engage in any disorderly conduct, nuisance, offensive language or other behaviors or conduct which is a violation of any state or federal statute, regulation or any provision of the Town of Hammonton Municipal Code.
  
- B. In no event, shall landlords/owners be personally responsible for the behavior of their tenants, regardless of whether that behavior occurs on or about the rental premises or off premises. However, in the case of improper behavior occurring on or about the rental premises, landlord/owners shall follow the procedure outlined below or be subject to the prescribed penalties for failure to follow those procedures.

**1-2 Notice of violation; Subsequent violations.**

- A. Upon the occurrence of any violation by an occupant of a residential rental premises within the Town of Hammonton or their invitees, guests and/or their pets which results in the issuance of a written warning or summons to those individuals, the landlord or owner of the property shall be placed on notice by receiving written notification of said violation via certified mail, return receipt requested, from the person so designated by the Town Councilpersons 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 require Landlord to provide the tenant with notice via certified mail, return receipt requested or by personal delivery to cease said behavior and to provide the designated municipal official with proof that it has done so. Said notice shall also state that a third violation by tenant of this article shall result in said landlord and/or owner being cited and otherwise charged with a violation of this article, which may result in a hearing on said violation to be heard in the Town of Hammonton Municipal Court.
- B. Upon a Tenant receiving a third warning/summons (notice of which shall also be provided via certified mail, return receipt requested to landlord) then said landlord and/or owner may be cited for violation of this article and noticed for a hearing to be held in the Town of Hammonton Municipal Court unless Landlord provides proof within thirty (30) days that it has commenced and in good faith prosecuted an action for eviction in Landlord/Tenant Court. The Municipal Court action shall be stayed pending conclusion of the eviction action, the results of which shall be provided to the Town's designated representative within five (5) days of conclusion by the landlord/owner providing a written certification to the Town of the final resolution. Landlord's provision of such proof shall result in a dismissal of the action hereunder, regardless of the outcome in Landlord/Tenant Court assuming same was prosecuted by landlord to conclusion but shall not relieve landlord of its obligation to file a future eviction action in the event of a subsequent violation of this article by the same tenant.

- For purposes of determining the number of warning/summons received by any Tenant, the said Tenant
- C. shall be relieved of one violation/summons for each 12-month period in which that Tenant receives no warning or summons.

**1-3 Violations and Penalties.**

Any landlord/owner who shall violate the provisions of this article shall, upon conviction, be subject to a fine not to exceed \$750.00 for a first offense and up to \$1,000.00 for any subsequent conviction.

**ARTICLE II Registration and Licensing of Rental Property**

**2-1 Definitions.**

Unless the context clearly indicates a different meaning, the following words or phrases, when used in this chapter, 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 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 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.

**LICENSE** — The license issued by the Town Clerk or designee attesting that the rental unit has been properly registered in accordance with this article.

**LICENSEE** — The person to whom the license is issued pursuant to this article. The term licensee includes within its definition the term agent, where applicable.

**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.

**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 Town.

**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 less than three dwelling units which has sleeping facilities for less than 25 occupants, 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 or commercial unit which is available by lease, rental 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.

**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 by other than the owner.

## **2-2 Registration.**

All rental units shall hereafter be registered with the Town Clerk or designee of the Town of Hammonton, or such other person as designated by the Town Council, on forms which shall be provided for that purpose, and which shall be obtained from the Town Clerk or designee. Such registration shall occur on an annual basis, as provided herein.

## **2-3 Registration and licensing; term; initial registration provisions.**

Landlord/owner shall inform the Town in writing upon any change in occupancy of the premises and shall supply at that time the information required by Section 2-16 below. Each rental unit shall be registered with each change in occupancy. The initial license term shall commence on May 1, 2007, and shall be valid for one (1) year, at which time it shall expire and a new registration shall be required. The initial registration shall occur on May 1, 2007. Any lease which has been executed prior to the adoption of this article shall not be affected, but the rental unit must nevertheless be registered, inspected and licensed in accordance with this article. No rental unit shall hereafter be rented unless the rental unit is registered and licensed in accordance with this article.

## **2-4 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 shall be registered and licensed, as provided herein. Every owner shall file with the Town Clerk or designee of the Town of Hammonton, or such other person as designated by the Town 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 the Town of Hammonton or in Atlantic County the name and address of a person who resides in Atlantic County 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 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 Atlantic 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. 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 Town Clerk or designee.
- I. Such other information as may be prescribed by the Town of Hammonton.
- J. The information referenced in subparagraphs A through G 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.

#### **2-5 Registration form; indexing and filing; public inspection; fee.**

The Town Clerk or designee shall index and file the registration forms. In doing so, the Town 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 owner shall post the license in a conspicuous location in the dwelling.

#### **2-6 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.

#### **2-7 Periodic inspections.**

- A. Each rental unit shall be inspected once every twelve-month period.
- B. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Town of Hammonton and inspections made by persons or an agency other than the duly authorized and appointed person, persons or agency of the Town of Hammonton 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, to determine if the property complies with the Property Maintenance Code, Uniform Construction Code, BOCA Maintenance Code, Housing Code and/or Building Code and/or Uniform Fire Safety Act.
- D. Unsatisfactory inspection. In the event that the inspection(s) of a rental unit does not result in a satisfactory inspection, such property shall not thereafter be registered, nor shall a license 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, so as to bring the property and rental unit into compliance with the applicable code, and the property is thereafter subsequently inspected, 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 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.

#### **2-8 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 bona fide complaint alleging a reported violation of this article, an inspecting officer shall conduct an inspection as hereinbefore provided.
- D. Nothing contained within this subsection shall relieve the said inspector from providing the landlord/owner and tenant/occupant with such prior notice, if any, as required by current laws and/or regulations of the State of New Jersey.

#### **2-9 Prohibitions on occupancy.**

No person shall hereafter occupy any rental unit, nor shall the owner permit occupancy of any rental unit within the Town of Hammonton which is not registered and licensed in accordance with this article.

## 2-10 License.

Upon the filing of a completed registration form and payment of the prescribed fee, the owner shall be entitled to the issuance of a license renewable on May 1<sup>st</sup> of the next calendar year. Such license may be revoked upon receipt of an unsatisfactory inspection not corrected in accordance with the procedures outlined hereinabove. A registration form shall be required for each rental unit, and license shall issue to the owner for each rental unit, even if more than one rental unit is contained in the property.

## 2-11 Fees.

At the time of the filing of the registration form, and, prior to the issuance of a license, the owner or agent of the owner must pay a fee in accordance with the following:

A. An annual registration fee as follows:

(1)

For one to seven non-owner occupied units at one location: \$35.00 per unit (for units 1-7)

(2)

(3)

For eight to 25 non-owner occupied units at that same location: \$30.00 per unit (for units 8-25)

For twenty-six or more non-owner occupied units at the same location: \$25 per unit (for units 26 and higher)

B. A reinspection fee as follows:

(1)

First reinspection, no charge;

(2)

Second reinspection, \$15 per unit;

(3)

Third reinspection, \$30 per unit; and

(4)

Fourth or subsequent reinspection, \$50 per unit.

C. If the owner of the property is a senior citizen who resides in a unit of the property and rents out the remaining unit and would otherwise qualify under the State of New Jersey property tax deduction under N.J.S.A. 54:4-8.41, there shall be no fee.

D. If any fee is not paid within 30 days of its due date, a late fee surcharge of \$30 will be assessed.

## 2-12 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 license in a conspicuous place within the rental unit(s).

## 2-13 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 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 21 days. Any person violating this provision shall be subject to the penalty provisions hereof.

B. In the event the Town's authorized representatives have a reasonable basis to conclude that the occupancy limit for a particular unit is being exceeded, it shall provide notice of that fact to landlord who shall investigate and thereafter certify by its sworn signature, on forms to be supplied by the Town, that it has corrected any violation and that, to the best of this knowledge, no current violation exists.

## 2-14 Taxes and other municipal charges; payment precondition for registration and license.

No rental unit may be registered and no license shall issue for any property, containing a rental unit, whose taxes, water, sewer or other municipal assessments are more than two quarters in arrears. If landlord/owner provides the Town with a repayment plan, in writing, certifying its intention to eliminate said arrearages, the Town may issue a conditional license revocable upon landlord/owner's failure to comply with said plan.

## 2-15 Other rental unit standards.

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

**2-16 Occupant(s) standards.**

- A. In the event the town has a reasonable basis to believe that the occupancy limit is being exceeded, the Town's designated representative shall contact the landlord who shall use his/her best efforts to obtain and provide to the town the name of each permitted occupant of the dwelling. It shall be a violation of this ordinance for any other person(s) to reside in said premises and repeated occupancy violations by a tenant shall subject the tenant and landlord to the requirements and penalties set forth in Article I of this ordinance.
- 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 Town of Hammonton.
- 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 Town of Hammonton, and with all applicable state and federal laws. However, any landlord licensed in accordance with this article shall not be subject to the Hammonton certificate of occupancy ordinance as annual compliance with this ordinance shall waive the need for a CCO.
- D. Penalties. Any landlord, subject to Article I paragraphs 1 and 2 above, tenant or other person violating the provisions of this section shall be subject to the penalty provisions hereof. Each day the violation remains uncorrected after the thirtieth (30<sup>th</sup>) day (or such agreed upon extension per paragraph 7) of receiving notice shall be deemed as separate and distinct violations subject to the penalty provisions of this Article.

**2-17 Revocation of license; procedure.**

- A. Grounds. In addition to any other penalty prescribed herein, an owner, subject to Article I paragraphs 1 and 2 above, may be subject to the revocation or suspension of the license issued hereunder 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)  
Determination of a violation of this article at a hearing held.
  - (3)  
Continually renting the unit or units to a tenant or tenants who are convicted of a violation of the Noise Ordinance of the Town.
  - (4)  
Continually permitting the rental unit to be occupied by more than the maximum number of occupants as defined in this article.
  - (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.

B. Procedure; written complaint; notice; hearing.

(1)

(2)

Prior to a complaint being filed pursuant to the terms of this paragraph, the Town's designated representative shall provide a written warning to the Landlord that a revocation complaint shall be issued unless the issues forming the basis for same are addressed and corrected within thirty (30) days of issuance of the warning notice.

A complaint seeking the revocation or suspension of a license may be filed by any one or more of the following: Director of Public Safety, Chief of Police, Construction Code Official, Housing Inspector, the Zoning Enforcement Officer or any other persons or office authorized to file such complaint. Such complaint shall be in writing and filed with the Town Clerk or designee. The complaint shall be specific and shall be sufficient to apprise the licensee of the charges, so as to permit the licensee 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.

(3)

Upon the filing of such written complaint, the Town Clerk or designee shall immediately inform the Town Council, and a date for a hearing shall be scheduled, which shall not be sooner than 10 nor more than 30 days thereafter. The Town 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.

(4)

The hearing required by this section shall be held before the Town Council, unless, in its discretion, the Town Council determines that the matter should be heard by a Hearing Officer, who shall be appointed by the Town Council. If the matter is referred to a Hearing Officer, such officer shall transmit his findings of fact and conclusions of law to the Town Council within 30 days of the conclusion of the hearing. The Town Council 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 Town Council, then the Town Council 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 license, or determining that the license shall not be renewed or reissued for one or more subsequent license years.

(5)

A stenographic transcript shall 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.

(6)

The Town 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 license by demonstrating 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, eviction of the tenant(s) or otherwise.

**2-18 Violations and penalties.**

Any person who violates any provision of this article shall, upon conviction in the Municipal Court of the Town of Hammonton, or such other court having jurisdiction, be liable to a fine not exceeding \$750.00 for a first offense and not exceeding \$1,000 for any subsequent violation.

Introduced: March 12, 2007

Tabled: March 26, 2007

Adopted: April 4, 2007

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John DiDonato, Mayor

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Susanne Oddo, Town Clerk/Adm.