

**TOWNSHIP OF PEMBERTON**  
**ORDINANCE NO. 6-2018**

**AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING CHAPTER  
148 OF THE TOWNSHIP CODE, ENTITLED "RENTAL PROPERTIES"**

**WHEREAS**, Chapter 148 of the Township Code of the Township of Pemberton (the "Code") governs rental properties in the Township of Pemberton (the "Township"); and

**WHEREAS**, the Township has determined that it is necessary to amend Chapter 148; and

**WHEREAS**, the Township Council finds that it is in the best interest of the Township to amend Chapter 148.

**NOW, THEREFORE, IT IS ORDAINED** by the Township Council of the Township of Pemberton, in the County of Burlington and State of New Jersey that Chapter 148 of the Code of the Township of Pemberton shall be amended as follows:

**Section 148-1. Definitions.**

Unless the context clearly indicates a different meaning, the following words or phrases, when used in this chapter, shall have the following meanings:

**AGENT or MANAGING AGENT**

The individuals designated by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner by this chapter. If the owner provides no such designation, the owner shall be considered the agent or managing agent. In any event, the owner shall be responsible for any acts or omission by the designated agent. 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 the 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 or other dwelling unit consisting of one or more rooms occupying all or part of a floor or floors in a building of one or more floors or stories, but not the entire building, whether designed with or without housekeeping facilities for dwelling purposes and notwithstanding whether the apartment is designed for residence, office or the operation of any industry or business or any other type of independent use.

**BUILDING**

Any building or structure or part thereof used for human habitation, use or occupancy, and includes any accessory buildings and appurtenances belonging thereto or usually enjoyed therewith.

**DWELLING UNIT**

Any room or rooms or suite or apartment thereof, whether furnished or unfurnished, which is occupied or intended, arranged, designed to be occupied for sleeping 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.

**GUEST**

A person occupying a dwelling unit for thirty (30) days or less.

**HABITABLE ROOM**

A room or enclosed floor space within a dwelling unit used or designed to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage space.

**LICENSE**

The license issued by the Director of Community Development, or his or her designee, attesting that the rental unit has been properly registered in accordance with this chapter.

**LICENSEE**

The person to whom the license is issued pursuant to this chapter. The term "licensee" includes within its definition the term "agent", where applicable.

**LODGING UNIT**

A room or group of rooms containing no cooking facilities, used for living purposes by a separate family or group of person living together or by a person living alone, within a building.

**MANAGING AGENT - See "agent".**

**OCCUPANT**

A person occupying a dwelling unit for more than thirty (30) days.

**OWNER**

The person who owns, purports to own or exercises control over any building.

**PERMITTEE**

A person to who a permit is issued hereunder.

**PERSON**

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

**REGISTERED TENANT**

The person or person to whom a rental unit is leased or rented by the licensee.

**RENTAL UNIT**

- A. Any "apartment", "dwelling", "building", "dwelling unit", "habitable room" or "lodging unit", as defined by this chapter, which is rented or offered for rent, for living and dwelling purposes regardless of the consideration for occupancy, including but not limited to money paid, services rendered, or accommodation incident to employment.
- B. A rental unit shall not include any property wherein the person(s) occupying and/or renting the property are related to the owner(s) of the property. For purposes of this chapter, the term "related to" shall mean either a grandparent/grandchild, a parent/child, of a sibling relationship.

**SLEEPING ACCOMMODATIONS**

The number of individuals who may be properly accommodated in the beds and other sleeping facilities located within any rental unit.

**Section 148-2. Registration with Director of Community Development required.**

All rental units shall hereafter be registered with the Director of Community Development or his or her designee on forms which shall be provided for that purpose and which shall be obtained from the Director of Community Development or his or her designee. Such registration shall occur immediately upon every change in occupancy; however, if there has not been a change in occupancy in five years, then the owner of a rental unit shall register on the first of January following the expiration of the five-year period.

**Section 148-3. Registration and licensing; and change of occupancy; term; initial registration.**

Each rental unit shall be registered and licensed with the Township. The license terms shall commence upon the date of occupancy of a new tenant, or upon the expiration of the prior registration of a continuing tenant, and such registration shall be valid for a five-year period unless there is a subsequent change of occupancy, at which time the previous registration

shall expire and a new registration shall occur. All rental units must be registered, inspected and licensed in accordance with this chapter. No rental unit shall hereafter be rented unless the rental unit is registered and licensed in accordance with this chapter.

#### **Section 148-4. Inspections.**

- A. Each rental unit shall be inspected at least once every five years, upon each change of occupancy, and as otherwise necessitated by safety considerations, alleged violations and as otherwise required by this chapter. The initial inspection shall occur prior to occupancy in which a license is sought pursuant to this chapter.
- B. Rental units 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, and inspected every five years in accordance with applicable regulations, shall be inspected by the Township solely upon each change of occupancy, and as otherwise necessitated by safety considerations, alleged violations, and as otherwise required by this chapter.
- C. Inspections performed by the Township as required by this chapter shall be for the purpose of determining zoning ordinance compliance and, to the extent applicable, to determine if the property complies with the housing code and/or building code and/or Uniform Fire Safety Code and/or the Property Maintenance Code.
- D. In the event that the inspection of a rental unit by the Township does not result in a satisfactory determination, such property shall not thereafter be registered nor shall a license be issued, 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 codes and the property is thereafter subsequently registered and licensed. In the event that the property is occupied when such conditions are discovered, all such corrections shall be made within thirty (30) days unless safety considerations, as determined by the enforcement officer, require immediate correction. If not made within that time period, the owner shall be deemed in violation of this chapter, and every day that the violation continues shall constitute a separate offense.
- E. No property shall be licensed unless the owner thereof produces, at the time of registration, a current, valid certificate of inspection indicating that the property has either been inspected by the State of New Jersey, Division of Codes and Standards, Bureau of Housing or by the officials of the Township of Pemberton having jurisdiction and that the property does not contain any code violations.

#### **Section 148-5. 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 Pemberton which is not registered and licensed in accordance with this chapter.

#### **Section 148-6. Issuance of license.**

Upon the filing of a completed registration form, the provision of a satisfactory and current certificate of inspection, and payment of the prescribed fee, the owner shall be entitled to the

issuance of a license for a five-year period commencing January 1 of the respective year in which said application was filed, unless there is a change in occupancy of the unit. A separate registration form shall be required for each rental and a license shall be issued to the owner for each individual unit, notwithstanding the existence of multi-rental-units on the same property. Each renewal for licensure shall be made and filed prior to the expiration of the rental license which occurs annually on December 31.

#### **Section 148-7. Fees.**

A. At the time of filing a rental registration form and prior to the issuance of the license, the owner or agent of the owner shall pay a registration and initial inspection fee of seventy-five dollars (\$75.00). Each re-inspection that is required as a result of unsatisfactory inspections shall require an additional payment of thirty-five dollars (\$35.00) prior to the issuance of a license.

B. Notwithstanding Section 148-7 (A), the owner or agent of the owner of rental units 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, and inspected within five (5) years shall pay no registration and/or inspection fees except upon each change of occupancy, and as otherwise necessitated by safety considerations, and/or alleged violations.

C. If the owner of the property is a senior citizen who resides in one unit of a two unit property, and rents out the remaining unit and would otherwise qualify under the State of New Jersey property tax deduction, there shall be no fee.

D. If any fee is not paid within 30 days of its due date, a late fee of five dollars (\$5.00) per day thereafter shall be charged and payable prior to the issuance of a license.

#### **Section 148-8. Registration forms.**

In accordance with N.J.S.A. 46:8-28, all rental units shall be registered and licensed as provided herein.

A. Every owner shall file with the Director of Community Development or his or her designee a registration form or other forms developed by the Township for each rental 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 the not the same persons, shall be provided. 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, which telephone numbers shall include cell phone numbers. 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 the day and evening hours, which shall include providing the cell phone numbers of each such individual. All registration addresses shall be physical addresses; post office boxes alone 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 who is authorized to accept notices from a tenant and to issue receipts therefor and to accept service of process on behalf of the owner of record.

(3). The name, address and telephone number of the managing agent of the premises, if any.

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

(5). The name, address and telephone number of an individual representative of the owner of record or managing agent who may be reached or contacted 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.

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

(7). 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.

(8). 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.

(9). Name, address and telephone number of any and all rental agencies with the authority to lease or otherwise permit occupancy of the subject premises.

(10). Number of occupants or tenants occupying the rental unit.

(11). Whether or not the landlord has conducted a tenant screening for each new tenant and authorized adult household member.

(12). Such other information as may be prescribed by the Township on the appropriate form or otherwise by ordinance or resolution.

#### **Section 148-9. Registration forms available for public inspection.**

The Director of Community Development or his or her designee shall index and retain registration forms and make same reasonably available for public inspection. In doing so, the Director of Community Development or his or her 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 chapter. The Director of Community Development or his or her designee shall maintain a master index of all such registration forms and any person may obtain from the Director of Community Development or designee a list of all rental units property registered and licensed in accordance with the Open Public Records Act.

**Section 148-10. Amended registration forms.**

Every person required to file a registration form pursuant to this chapter shall file an amended registration form within 20 days of any change in the information required to be included thereon. No fee shall be required for the filing of an amendment, with the exception of a change in ownership of the premises.

**Section 148-11. Owner to provide copies to occupants; exceptions.**

The owner shall provide each occupant or tenant occupying a rental unit with a copy of the rental registration ordinance and registration form required by this chapter and with the Truth in Renting Handbook published by the New Jersey Department of Community Affairs. This provision shall not apply to any hotel, motel, or guesthouse or bed-and-breakfast 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.

**Section 148-12. Limitations on occupancy.**

Each licensee granted a license pursuant to this chapter shall be permitted to lease or rent the rental unit which has been registered and for which a license has been granted hereunder to a specific number of registered tenants, which number shall not exceed the number which has been computed in accordance with the following:

A. Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.

B. Rental units shall not be occupied by more occupants than permitted by the maximum occupancy area requirements of Table 1.

**Table 1**

**Minimum Occupancy Area Requirements**

**Minimum Occupancy Area in Square Feet**

| <b>Space</b> | <b>1-2 Occupants</b>                 | <b>3-5 Occupants</b> | <b>6 or more</b> |
|--------------|--------------------------------------|----------------------|------------------|
| Living Room  | No Requirements                      | 120                  | 150              |
| Dining Room  | No requirements                      | 80                   | 100              |
| Kitchen      | 50                                   | 50                   | 60               |
| Bedrooms     | Shall comply with<br>Section 148-12A |                      |                  |

C. Combined living-room and dining-room spaces shall comply with the requirements of Table 1 if the total area is equal to that required for separate rooms and if the space is so located that functions as a combination living room/dining room.

D. Decks/porches. The maximum allowable occupancy on any deck shall be one person per nine square feet.

**Section 148-13. Posting of maximum number of occupants required.**

A. It shall be unlawful and a violation of this chapter for an owner, permittee, lessor or registered tenant of any registered dwelling to allow a number of people greater than the maximum number of occupants listed on the registration form. It shall also be a violation of this chapter for the owner, permittee, lessor or registered tenant to lease a dwelling unit to a number or group of tenants which exceeds the total number of sleeping accommodations which has been set forth in the permit for which application was made under this chapter. It shall also be unlawful for an owner, permittee, lessor or registered tenant to allow a number of people greater than the maximum number of people permitted to occupy the decks or porches of a dwelling unit.

B. The police officers of the Pemberton Township Police Department and/or the Director of Community Development or his or her designees are authorized to issue a summons for a violation of this chapter to any owner, permittee, lessor or registered tenant found to be in violation of any of the provisions of this chapter.

**Section 148-14. Payment of taxes and municipal charges require.**

No rental unit shall be registered and no license shall be issued for any property containing a rental unit unless all municipal taxes, water and sewer charges and other municipal assessments are current.

**Section 148-15. Access for Inspection.**

A. The inspection officers are hereby authorized to make inspections to determine the condition of rental facilities, rental units and rooming/boarding houses to promote the purposes of this ordinance to safeguard the health, safety, 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 after giving 48 hours' notice unless there is an emergency requiring immediate access. The owner or occupant of every rental facility, rental unit, and rooming/boarding house, shall allow 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, including inspections of the Registration Forms and other forms required to be supplied to each tenant.

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 after giving 48 hours' notice unless there is an emergency requiring immediate access for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or any lawful order issued pursuant thereto.

C. Within ten (10) days of the receipt of a complaint alleging a violation of this chapter, an inspection officer shall conduct an inspection as hereinbefore provided.



## **Section 148-16. Occupant Standards.**

A. 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 the public in general, such that it shall constitute a nuisance as defined in the ordinance of the Township of Pemberton.

B. 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 Pemberton, State and Federal Laws.

C. Any landlord, tenant, or other person violating the provisions of this section shall be subject to the penalty provisions of this ordinance.

## **Section 148-17. Revocation of license; procedure.**

A. Grounds. In addition to any other penalty prescribed herein, an owner may be subject to the revocation or suspension of a rental license issued hereunder upon the occurrence of one or more of the following:

(1) Conviction of a violation of this chapter in the Municipal Court or other court of competent jurisdiction.

(2) Determination of a violation of this chapter at a hearing held pursuant to Subsection B herein.

(3) Permitting the rental unit to be occupied by more than the maximum number of occupants as defined herein.

(4) Maintaining the rental unit or units or the property on which the rental unit is located in a dangerous condition likely to result in injury to persons or property.

(5) A rental license issued under this chapter shall be suspended and considered revoked if taxes or other assessments are delinquent for three consecutive quarters. Upon payment of such delinquent taxes or assessments, the license or permit shall be restored, upon new inspections for occupancy taking place.

B. Procedure; written complaint; notice; hearing.

(1) A complaint seeking the revocation or suspension of a license may be filed by one or more of the following: the Chief of Police, and the Director of Community Development, or designees. Such complaint shall be in writing and filed with the Director of Community Development or his or her designee. The complaint shall be specific and shall be sufficient to appraise the licensee of the charges so as to allow the licensee the opportunity to present a defense. The individuals 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 Director of Community Development shall immediately inform the Township Business Administrator, who shall schedule a hearing on a date which shall not be sooner than 10 days nor more than 30 days thereafter. The Director of Community Development shall forward a copy of the complaint and a notice as to the date of the hearing to the licensee and the managing agent, if any, at the address indicated on the rental registration form. All such correspondence shall be sent by certified mail, return receipt requested. Service upon the managing agent shall be sufficient.

(3) The hearing required by this section shall be held before the Township Business Administrator, or designee, who shall render a written decision within twenty (20) days of the conclusion of the hearing.

(4) An audio recording 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.

(5) The Township Solicitor, a special prosecutor appointed by the Mayor with the consent of the Township Council, or the Director of Community Development shall appear and prosecute on behalf of the complainant in all hearings conducted pursuant to this section.

C. Defenses. The demonstration that the owner has abated 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 guest(s) for the recovery of the premises, eviction of the tenant(s) or otherwise in accordance with this chapter within the time provided by the enforcement officer in accordance with this chapter shall be a defense to any proceeding for the revocation, suspension, or other disciplinary action involving the rental.

#### **Section 148-18. Violations and penalties.**

In addition to the penalties set forth in N.J.S.A. 46:8-35, any person who violates any provision of this chapter shall, upon conviction in the Municipal Court of the Township of Pemberton or such other court having jurisdiction, be liable for a minimum fine of \$250.00 (or higher if permitted by court order) and a maximum fine not to exceed \$2,000.00 or imprisonment or community service not exceeding 90 days, or any combination thereof. Each day that the violation occurs shall be considered a separate and distinct violation subject to the penalty provisions of this chapter. Any person who is convicted of violating this chapter within one year of the date of the previous violation of this chapter and who was fined for same shall be sentenced by the court to an additional fine as a repeat offender and calculated separately from the fine imposed for the violation of the chapter.

#### **Section 148-19. Enforcement.**

A. Any of the violations referred to in this chapter may be enforced, as applicable, by the Police Department, the Department of Community Development, or such other persons designated by the Township Business Administrator, or having such authority by law.

B. Any of the violations referred to in this chapter may be enforced, as applicable, by an entity, and the entity's employees, on behalf of the Township by way of a contract for the performance of inspection and enforcement services under the direction of the Director of Community Development and the Business Administrator, as specifically set forth in a written agreement approved by the Mayor and authorized by resolution of the Township Council.

**IT IS FURTHER ORDAINED**, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

**IT IS FURTHER ORDAINED**, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

**IT IS FURTHER ORDAINED**, that this Ordinance shall take effect upon passage and publication in accordance with applicable.

**PEMBERTON TOWNSHIP COUNCIL**

**TOWNSHIP OF PEMBERTON  
ORDINANCE NO. 6-2018**

**NOTICE OF PUBLIC HEARING**

**AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING CHAPTER  
148 OF THE TOWNSHIP CODE, ENTITLED "RENTAL PROPERTIES"**

The foregoing Ordinance was introduced and passed on first reading by the governing body of Pemberton Township at a meeting held on May 16, 2018, and will be considered for final passage after a public hearing at a meeting of the said governing body to be held on June 6, 2018 at the Pemberton Township Municipal Building, 500 Pemberton-Browns Mills Road, Pemberton, New Jersey, at 6:30 p.m. prevailing time, at which time any interested member of the public may comment on said Ordinance. During the week prior to and up to and including the date of such meeting or further consideration, copies of said Ordinance in its entirety may be obtained from the Township Clerk.

ATTEST:

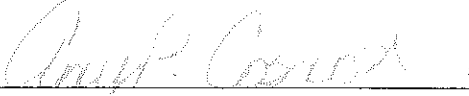
  
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AMY P. COSNOSKI, RMC, TOWNSHIP CLERK

**TOWNSHIP OF PEMBERTON  
NOTICE OF FINAL PASSAGE  
ORDINANCE NO. 6-2018**

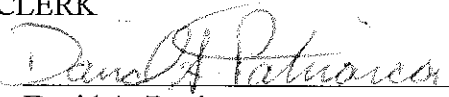
**AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON  
AMENDING CHAPTER 148 OF THE TOWNSHIP CODE, ENTITLED  
"RENTAL PROPERTIES"**

Notice is hereby given that Ordinance No. 6-2018 as entitled above has been finally adopted on final reading by the governing body of Pemberton Township after a public hearing, at a meeting held on June 6, 2018. Said Ordinance shall take effect in accordance with law.

ATTEST:


  
\_\_\_\_\_  
AMY P. COSNOSKI, RMC, TOWNSHIP CLERK

ACKNOWLEDGEMENT OF APPROVAL BY MAYOR:

  
\_\_\_\_\_  
David A. Patriarca

DATE: June 8, 2018

ATTEST:

  
\_\_\_\_\_  
AMY P. COSNOSKI, RMC, TOWNSHIP CLERK