

ORDINANCE NO. 2014- 1

AN ORDINANCE AMENDING ORDINANCE 1214, AS AMENDED, ARTICLE I, RESIDENTIAL BUILDINGS.

WHEREAS, the City Council of the City of Vineland adopted Ordinance 1214 which set forth the obligation of Landlords to Register all rental units within the City of Vineland to assure its ability to maintain information on said units so as to further its ability to inspect and provide a safe and sanitary living accommodations for tenants within the City of Vineland and to further assure the continued adherence to the Property Maintenance Code adopted by the City of Vineland; and

WHEREAS, N.J.S.A. 46:8-28 requires every landlord of a dwelling unit rental to register the non-owner occupied premises to enable the City of Vineland to fulfill its responsibilities in promoting and protecting the public health, safety and welfare of its residents; and

WHEREAS, N.J.S.A. 40:48-2.12(a) authorizes the governing body of the City of Vineland 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 City of Vineland; and

WHEREAS, it is the express intent of the Council of the City of Vineland to hold landlords responsible and accountable for unsafe conditions and for units which continuously experience disturbances, danger and incur public expense resulting from inadequately supervised rental units and which disturb the peace and tranquility of the general public; and

WHEREAS, the Council of the City of Vineland has determined that it is necessary to require persons who engage in the business of offering residential rental units to the public to obtain a license and file a registration statement in order to protect the public health and safety; and

WHEREAS, the Council of the City of Vineland believes it is in the best interest to license all landlords of residential units and to provide for the establishment of additional regulations of rental properties so as to identify all residential rental properties owners managing agents so as to insure the quality of life for all residents in the City of Vineland.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland as follows:

1. Chapter 485 – Occupancy Permits, shall be deleted in its entirety and replaced as follows:

Chapter 485 REGISTRATION, LICENSING AND OCCUPANCY PERMITS.

Article I RESIDENTIAL UNITS

485-1 DEFINITIONS.

As used in this Article, the following terms shall have the meanings indicated:

A. “Agent” shall mean the individual or individuals designated by the Owner as the person or persons authorized by the Owner to perform any duty imposed upon the Owner by this Ordinance. The Agent or Owner shall be a resident of the City of Vineland or Cumberland County.

B. “Apartment” shall mean and include that portion of a dwelling unit rented or offered for rent, for living and dwelling purposes, to one individual or family unit together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such portion of the property.

C. “Apartment Complex” shall mean two or more apartments, which are located within close proximity of each other and are owned by the same Owner.

D. “License” shall mean the license issued by the Director of License & Inspection or his/her designee attesting that the Rental Unit has been properly registered and meets the minimum standards as provided in accordance with the City’s Land Use Ordinance, all State and

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Local Laws and Ordinances including but not limited to Chapter 537 of the Code of the City of Vineland.

E. "Owner" shall mean any person or group of persons, firm, corporation, LLC, partnership, association or trust who owns, operates, exercises control over or in charge of the Rental Facility.

F. "Owner Occupied" shall mean the primary residential living unit of the Owner.

G. "Rental Facility" shall mean 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 (1) or more individuals and is meant to include apartments and apartment complexes.

H. "Rental Unit" shall mean and include that portion of a dwelling, building or structure available for lease or rental for living and dwelling purposes to individuals or family units.

485-2. REGISTRATION.

A. With the exception of Owner Occupied units, all Rental Units shall be registered with the Director of License and Inspection or his/her designee prior to and at all times any person occupies said Rental Unit. Each Rental Unit shall be re-licensed with each change of occupancy. All Registrations shall be on the form provided by the Director of Licenses and Inspections and shall be on file. Copies are to be provided to the Chief of Police, Construction Official, Chief of the Fire Department and Fire Official. The information contained therein is subject to the Open Public Records Act.

B. Registration shall be made during the period of September 1st through December 31st for the next ensuing calendar 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 Director of Licenses and Inspections or designee a registration form for each 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 address of all general partners shall be provided together with the telephone numbers for each of such individuals 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 together with the telephone numbers for each of such individuals indicating where such individual may be reached both during the day and evening hours.

2. If the address of any record Owner is not located in Vineland or in Cumberland County, the name and address of a person who resides in Cumberland County and who is authorized to accept notices from a tenant or the City of Vineland and to issue receipts therefor and to accept services or process on behalf of the record Owner shall be provided.

3. The name and address of the Agent of the premises, if any.

4. 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 services, if any.

5. The name, address and telephone number of an individual representative of the Owner or 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 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.

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 used.

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8. As to each Rental Unit, a specification of the exact number of sleeping rooms contained in the Rental Unit. 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 registration form when filed by the Director of Licenses and Inspections.

9. The number of adults and children occupying each Rental Unit.

10. Such other information as may be prescribed by the City of Vineland.

D. Registration Form; Amendments; Filing. Every person required to file a registration form pursuant to this Ordinance, 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 where the ownership of the premises is changed.

485-3. PERIODIC INSPECTIONS:

A. Each Rental Unit shall be inspected at least once every 12 month period.

B. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the City of Vineland, Director of Licenses and Inspections.

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 Chapter 537 of the Code of the City of Vineland, Property Maintenance Code Chapter 300 of the Code of the City of Vineland, Uniform Construction Code, BOCA Maintenance 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 Rental Unit shall not hereafter be registered, nor shall a License issue, and the Owner of the Rental Unit, or his agent, shall not lease or rent such Rental Unit, nor shall any tenant occupy the Rental Unit until the necessary corrections have been made so as to bring the Rental Unit into compliance with the applicable Code and the Rental Unit is thereafter subsequently inspected, registered and licensed. In the event that the Rental Unit is occupied when such conditions are discovered, all such corrections shall be made within thirty (30) days and if not made within that time period, the Owner shall be deemed in violation of this Ordinance and every day that the violation continues shall constitute a separate and distinct violation. Notwithstanding anything herein to the contrary, should any violation be deemed an imminent hazard, all repairs shall be performed immediately.

485-4. ACCESS FOR INSPECTION REPAIRS.

A. The inspection officers are hereby authorized to make inspections to determine the condition of Rental Facilities and Rental Units in order that they may promote the purposes of this Ordinance to safeguard the health, safety, welfare of the occupants of Rental Facilities, Rental Units 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 and Rental Units at all reasonable times. The Owner or occupant of every Rental Facility and Rental Unit shall give the inspecting officer free access to the Rental Facility and Rental Unit at all reasonable times for the purpose of such inspections, examinations and surveys.

B. Every occupant shall give the Owner of the Rental Facility and Rental Unit access to any part of such Rental Facility and Rental Unit at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Ordinance or any lawful order issued pursuant thereto.

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

485-5. LICENSE.

A. Upon the filing of a completed registration form, and payment of the prescribed fee, and a satisfactory inspection, the Owner shall be entitled to the issuance of a License commencing on the date of issuance and expiring on the same date of the next calendar year. A registration form and License shall be required for each Rental Unit.

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B. PROVISIONAL LICENSE: In the event the Owner or his Agent has completed the Registration form and has paid the License Fee and the City of Vineland has failed to perform an inspection prior to the expiration of the previous years' License, the Owner shall receive a Provisional License until an inspection is complete. This Section shall only relate to Rental Units which have been Licensed in the previous year. The City of Vineland shall endeavor to perform all inspections within thirty (30) days of completion of the Registration and payment of all Fees dependent upon ability to provide such services.

485-6 REVOCATION OF A LICENSE

A. GROUNDS. In addition to any other penalty prescribed herein, an Owner 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 Ordinance in the Municipal Court or any other Court of competent jurisdiction.
2. Determination of a violation of this Ordinance at a hearing held pursuant to Section 485-7B herein.
3. Continuously renting the unit or units to a tenant or tenants who are convicted of a violation of the Noise Ordinance of the City of Vineland. Three convictions or more in a ninety (90) day period shall be considered a continuous event.
4. Continuously permitting the Rental Unit to be occupied by more than the maximum number of occupants permitted. Three written notices of violations within a ninety (90) day period, thirty (30) days apart, shall be considered a continuous event.
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 registration, licensing or inspection of a Rental Unit or Units, under this Chapter.
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 occupants 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 City 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 City to take action under this Section;
 - c. the failure to comply with any directive of the City concerning the abatement of conduct prohibited by (i) or (ii) hereof;
 - d. the public manifestation by tenants(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 City to take action under this Section; and
 - e. the possession or consumption of alcoholic beverages by minors.
8. Whenever the Police Department shall have made an arrest of, issued a Summons to a tenant, occupant or guest or Owner on three (3) or more occasions during any thirty (30) day period for an offence related to or arising out of the use and occupancy of the same Rental Unit(s), the same shall be prima facie evidence of a violation of Section 485-6 of this Chapter, provided that the Owner and/or managing Agent shall have had written notice of the existence of such circumstances or conditions.
9. 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

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against the tenant(s), occupant(s) or guests for recovery of the premises; eviction of the tenant(s) or otherwise.

B. PROCEDURE; WRITTEN COMPLAINT; NOTICE; HEARING

1. A complaint seeking the revocation or suspension of a License may be filed by any one or more of the following: Director Public Safety, Chief of Police, Construction Code Official, Housing Inspector, the Zoning Officer or any other persons or office authorized to file such complaint. Such complaint shall be in writing and filed with the Director of Licenses and Inspections 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.

2. Upon the filing of such written complaint, the Director of Licenses and Inspections or designee shall immediately schedule a date for a hearing which shall not be sooner than 10 nor more than 30 days thereafter. The Director of Licenses and Inspections or designee shall forward a copy of the complaint and a notice as to the date of the hearing to the Owner and the Agent, if any, at the address indicated on the registration form. Service upon the Agent shall be sufficient.

3. The hearing required by this Section shall be held before the Director of Licenses and Inspections unless, in its discretion, he or she determines that the matter should be heard by a Hearing Officer who shall be appointed by the Business Administrator. If the matter is referred to a Hearing Officer, such officer shall transmit his or her findings of fact and conclusions of law to the Director of Licenses and Inspections within 30 days of the conclusion of the hearing. The Director of Licenses and Inspections 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 the Director of Licenses and Inspections, then he or she 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 (1) or more subsequent license years.

4. 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.

5. The City Solicitor or his designee shall appear and prosecute on behalf of the complainant in all hearings conducted pursuant to this section.

C. DEFENSES:

1. 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.

485-7 VIOLATIONS – PENALTIES.

Any person who violates any provision of this Ordinance shall, upon conviction in the Municipal Court of the City of Vineland or such other court having jurisdiction, be liable to a fine not less than Two Hundred (\$200.00) Dollars for a first offense, Five Hundred (\$500.00) Dollars for a second offense and One Thousand (\$1,000.00) Dollars for a third and subsequent offense. Each day that a violation occurs shall be deemed a separate and distinct violation subject to the penalty provisions of this Ordinance.

485-8 LICENSE/INSEPCION FEE.

A.. The annual License/Renewal Fee shall be Fifty-Five (\$55.00) Dollars per annum for the calendar year if issued prior to January 1st. However, there shall be a ten (10) day grace period afforded for the payment of the annual License/Renewal Fee so that should the fee be paid prior to January 11th, no additional fee shall be due. The previous years' License shall also continue during the grace period after which time the License shall expire unless renewed as herein provided. Should the Registration not be completed and License/Renewal Fee be paid on or before January 1st or any grace period, the License/Renewal Fee shall be Seventy-Five

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(\$75.00) Dollars. Failure to receive a notice by the City of Vineland of the expiration of a License/Registration shall not be a defense.

B. INCREASED FEES. Commencing for the Registration period for 2015 and for each year thereafter, the License/Renewal Fee shall be Seventy-Five (\$75.00) Dollars provided it be received on or before January 1st of the ensuing year or any grace period. Subsequent to January 1st or any grace period, the License/Renewal Fee shall be One Hundred Twenty-Five (\$125.00) Dollars.

C. In the event of an unsatisfactory inspection requiring subsequent inspections in accordance with §485-3D herein, the subsequent inspection shall be Seventy-Five (\$75.00) Dollars for each such inspection.

D. No Rental Unit shall be registered and no License shall issue for a Rental Unit unless all municipal taxes for land and improvements upon which the Rental Unit is located, water, sewer, electric in the name of the Owner or Agent and any other municipal assessments are paid on a current basis or reasonable arrangements for payment are accepted by the City of Vineland.

485-9 PROHIBITION ON OCCUPANCY

No person shall occupy any Rental Unit, nor shall the Owner permit occupancy of any Rental Unit within the City of Vineland which is not registered and licensed in accordance with this Ordinance.

485-10 EFFECTIVE DATE/REPEALER

This Ordinance shall not take effect until September 1, 2014, at which time the terms and conditions contained herein shall be enforceable. Prior to the effective date of this Ordinance, Ordinance 1214 as previously amended, shall remain in full force and effect. Subsequent to the effective date of this Ordinance, any Ordinance or portions thereof which are inconsistent with the provisions of this Ordinance will be repealed and superseded.

Passed first reading:

Passed final reading:

President of Council

Approved by the Mayor:

Mayor

ATTEST:

City Clerk