

CITY OF VINELAND

ORDINANCE NO. 2015-_____

ORDINANCE AMENDING ORDINANCE 2014-1, CHAPTER 485, ARTICLE 1 OF THE CODE OF THE CITY OF VINELAND, ENTITLED REGISTRATION, LICENSING AND OCCUPANCY PERMITS FOR RESIDENTIAL BUILDINGS

WHEREAS, on January; 28, 2014, the City Council of the City of Vineland adopted Ordinance 2014 – 1 an Ordinance setting forth the registration, licensing and occupancy permit requirements for residential buildings within the City of Vineland; and

WHEREAS, on August 6, 2015, the Superior Court of New Jersey, Appellate Division decided the case of Timber Glen Phase II, Et Al., V. Township of Hamilton wherein the court determined That a municipality did not have the authority to license residential units, although it recognized the need for municipalities to regulate buildings and structures as well, as inspect its buildings and structures so as to protect the public health, safety and welfare in accordance with its police powers; and

WHEREAS, Ordinance 2014-1, recognized the need to inspect residential units so that they meet the necessary standards for healthy and safe rental facilities, however, further provided for licensing of said rental units which, in accordance with Timber Glen Phase II would not be permissible and therefore City Council intends upon amending Ordinance 2014 – 1 to comply with the aforementioned Appellate Division matter; and

WHEREAS, City Council finds it to be in the best interest of the City of Vineland to protect its residents, and to continue to assure safe, secure rental premises that meet all of the standards of our State and local laws and ordinances, and amend Ordinance 2014 – 1 to meet the present legal standards

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland that Ordinance 2014 – 1, Chapter 485, Article 1 be amended as follows:

1. The title of Chapter 485, Article 1 shall be deleted in its entirety and replaced as follows:

Chapter 485. Rental Property.

Article 1. Registration and Occupancy Permits for Residential Buildings.

2. Section 485-1. Definitions **License** shall be deleted in its entirety and replaced as follows:

Certificate of Registration.

The certificate of registration issued by the Director of Licenses and Inspections 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, and all State and local laws and ordinances, including but not limited to, Chapter 537 of the Code of the City of Vineland.

3. Section 485 – 2. Registration, subsection A shall be deleted in its entirety and replaced as follows:

A. with the exception of owner occupied units, all rental units shall be registered with the Director of Licenses and Inspections or his/her designee prior to and at all times a person occupies said rental unit. Each rental unit shall be subject to a new Certificate of Registration and inspection 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 with that department. 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, N.J.S.A. 47: 1A – 1 et seq.

4. Section 485 – 3, subsection D shall be deleted in its entirety and replaced as follows:

D. In the event that the inspection of the rental unit does not result in a satisfactory inspection, such rental unit shall not hereafter be registered, nor shall a Certificate of Registration issue, and the Owner of the rental unit, or his/her 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 a Certificate of Registration issued. In the event that the rental unit is occupied, when such conditions are discovered, all such correction 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. Notwithstanding anything herein to the contrary, should any violation be deemed an imminent hazard, all repairs shall be performed immediately, and in a manner so as to protect the health, safety and welfare of the occupants.

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5. The title to Section 485 – 5 **License** shall be amended to **Certificate of Registration**.

6. Section 485 – 5, subsection A shall be deleted in its entirety and replaced as follows:

A. upon the filing of a completed registration form and payment of the prescribed fee as Set forth herein, and a satisfactory inspection, the Owner shall be entitled to the issuance of a Certificate of Registration commencing on the date of issuance, and expiring on the same day of the next calendar year. A registration form, inspection and Certificate of Registration shall be required for each rental unit.

7. Section 485 – 5, subsection B shall be deleted in its entirety and replaced as follows:

B. In the event the Owner or his/her agent has completed the registration form and has paid the registration and inspection fee as required under Section 485-8 , and the City of Vineland has failed to perform an inspection prior to the expiration of the previous year’s license, the Owner shall receive a provisional Certificate of Registration until an inspection is complete. This section shall only relate to rental units which have been registered in the previous year. The City of Vineland shall endeavor to perform all inspections within 30 days of completion of the registration and payment of all fees, dependent upon ability to provide such services.

8. The title to section 485 – 6, Revocation of License shall be amended to **Certificate of Registration**.

9. Section 485 – 6A shall be deleted in its entirety and replaced as follows:

In addition to any other penalty prescribed herein, an Owner may be subject to the revocation or suspension of the Certificate of Registration issued hereunder upon the happening of one or more of the following:

10. Section 485 – 6A (6) shall be deleted in its entirety and replaced as follows:

(6) A false, misleading or fraudulent statement made in connection with the registration or inspection of a rental unit or units under this Chapter.

11. Section 485 – 6A (9) shall be deleted in its entirety and replaced as follows:

(9) It shall be a defense to any proceeding for the revocation, suspension, or other disciplinary action involving a Certificate of Registration by demonstrating that the Owner has taken appropriate action, and has made 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 tenants, occupants or guests for recovery of the premises eviction of the tenants or otherwise.

12. Section 485 – 6 B (1) shall be deleted in its entirety and replaced as follows:

(1)A complaint seeking the revocation or suspension of a Certificate of Registration may be filed by any one or more of the following: Director of Public Safety, Chief of Police, Construction Code Official, Housing Inspector, 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 his/her designee. The complaint shall be specific and shall be sufficient to apprise the Owner of the charges so as to permit the Owner 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.

13. Section 485 – 6B (2) shall be deleted in its entirety and replaced as follows:

(2)Upon the filing of such written complaint, the Director of Licenses and Inspections or his/her 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 his/her 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.

14. Section 485 – 6B (3) shall be deleted in its entirety and replaced as follows:

(3) The hearing required by this section shall be held before the Director of Licenses and Inspections unless, in his or her discretion, he or she determines that the matter should be heard by a hearings officer, who shall be appointed by the Business Administrator. If the matters referred to a hearings 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 hearings officer based on the record before such hearings officer. In the event that the matter is not referred to a hearings 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 Certificate of Registration or determining that the Certificate of registration shall not be renewed or reissued for one or more subsequent registration years.

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15. Section 485 – 6C (1) shall be deleted in its entirety and replaced as follows:

(1) it shall be a defense to any proceeding for the revocation, suspension, or other disciplinary action involving a Certificate of Registration 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 tenants, occupants or guests for recovery of the premises, eviction of the tenants or otherwise.

16. The title to section 485 – 8 **License/Renewal Fee; Inspection Fee; Municipal Assessments** shall be amended to **Certificate of Registration/Renewal Fee; Inspection Fee; Municipal Assessments**.

17. Section 485 – 8A shall be deleted in its entirety and replaced as follows:

A. The annual Certificate of Registration/Renewal Fee shall be \$75 per annum, commencing for the registration period of 2015 if issued to prior to January 1. However, there shall be a 10 day Grace period afforded for the payment of the annual Certificate of Registration/Renewal Fee so that should the fee be paid prior to January 11, no additional fee shall be due. Subsequent to January 1, or any grace period, the Certificate of Registration/Renewal Fee shall be \$125.

18. Section 485 – 8B shall be deleted in its entirety and section 485 – 8C shall become section 485 – 8B.

Section 485 – 8C shall be amended to section 485 – 8B, and shall be further amended as follows:

C. no rental unit shall be registered and no Certificate of Registration 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.

19. Section 485 – 10. **Effective Date; Repealer** shall be deleted in its entirety and amended as follows:

Section 485-10 **Effective Date; Repealer.**

This Article shall take effect immediately upon adoption according to law at which time the terms and conditions contained herein shall be enforceable. Any ordinance or portions thereof, which are inconsistent with the provisions of this Article will be repealed and superseded. In the event that any portions of this Article, that are deemed by a court of competent jurisdiction to be unenforceable, the balance of this article, not so deemed to be unenforceable, shall remain in full force and effect.

Passed first reading:

Passed final reading:

President of Council

Approved by the Mayor:

Mayor

ATTEST:

City Clerk