

ORDINANCE #2246-16

**ORDINANCE OF THE CITY OF WOODBURY AMENDING CHAPTER 106
“HOUSING STANDARDS” AND REPEALED CHAPTER 114 “LANDLORD/TENANT
LICENSING” OF THE CODE OF THE CITY OF WOODBURY**

WHEREAS, the Mayor and City Council of Woodbury have determined that changes are necessary in order to update and clarify the language in the City’s ordinances regarding Landlord/Tenant Licensing; and

WHEREAS, the Mayor and Council of the City of Woodbury have determined that adoption of the amendments set forth herein will further the health, safety and welfare and protection of the public and property;

NOW, THEREFORE BE IT ORDAINED, by the Mayor and City Council of the City of Woodbury that Chapter 114 “Landlord/Tenant Licensing” of the Code of the City of Woodbury is hereby REPEALED in its entirety and that the following Sections of Chapter 106 “Housing Standards” are hereby amended as follows and all other Sections remain in full force and affect:

§106-6 Registration of rental facilities.

A. All buildings or structures used, occupied or offered for occupancy as a rental facility on a lease or rental basis shall be registered in writing on a form provided by the City of Woodbury, which form shall be signed by the owner, operator and/or the registered agent, and filed with the City Clerk/Administrator or his or her designees. Said registration shall state, among other things,

1. The location of the building;
2. The portion of the building to be used as a rental facility with the number of dwelling units;
3. The name and address of the record owner or owners of the premises and the record owner or owners of the rental business if not the same persons. In the case of a partnership, the names and addresses of all general partners shall be provided, together the telephone numbers of 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 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.

4. If the address of any record owner is not located in Woodbury or in Gloucester County, the name, address and telephone number of a person who resides in Gloucester County and who is authorized to accept notices from a tenant and to issue receipts therefor and to accept service of process on behalf of the record owner;

5. The name, address and telephone number of the registered agent of the premises, if any;

6. The name, address and telephone number, 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;

7. 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 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;

8. The name and address of every holder of a recorded mortgage on the premises;

9. 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;

10. 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 drawn approximately to scale which shall show each room in the dwelling unit, the proposed use of each such room and their dimensions, which shall become part of the application and which shall be attached to the registration form when filed by the City Clerk or designee.

11. The names and ages of each occupant of each dwelling unit.

12. Such other information as may be prescribed by the City.

13. Any changes in information required to be included in the registration, including but not limited to a change in the occupants or their number or a change in the identity of the owner, operator and/or registered agent, will require an amended registration to be filed within 7 days, notwithstanding the provisions of this chapter.

14. Every person required to file a registration form pursuant to this article shall file an amended registration form within 7 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.

15. 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 guest house registered with the State of New Jersey pursuant to the Hotel and Multiple Dwelling Act as defined in N.J.S.A. 55:13A-3. This provision may be complied with by posting a copy of the registration certificate in a conspicuous place within the rental unit(s).

B. Notwithstanding any of the other provisions of this section and chapter, owner-occupied two-unit rental facilities are not required to file the landlord registration otherwise required by this chapter.

C. All such rental facilities shall be registered with the City of Woodbury within 60 days of the passage of this ordinance as required by Subsection A of this section. The owner, operator and/or registered agent of the subject rental facility shall be responsible to file an amended registration statement with the City within seven days of any change or changes in any of the information required by the registration statement.

§ 106-7 Inspection of dwelling units and certificate of occupancy.

F. The owner, operator and/or registered agent shall be charged a fee of \$75 per unit for the initial C.O. inspection. If an additional reinspection is required, an additional fee of \$35 per unit must be paid.

G. and H. are DELETED in their entirety.

§106-8 Occupancy of substandard dwellings prohibited; performance standards.

No person shall occupy or rent to another for occupancy, any dwelling or dwelling unit for the purpose of living therein which does not conform to the provisions of this chapter and the International Property Maintenance Code, 2015 Edition, 1993 Regulations for Maintenance of Hotels and Multiple Dwellings and the State Building Code and their amendments or additions subsequent thereto, which are established hereby as the standards to be used in determining whether a dwelling is safe, sanitary and fit for human habitation. No cellar or any part thereof shall be used for sleeping purposes. Basements may be used for sleeping purposes, provided that the entire basement complies with all requirements of this chapter and the emergency escape provisions of the aforesaid State Building Code that all furnaces or other heating or hot water facilities are so located, insulated and separated from living areas by resistive partitions of two-hour fire rating, that fire extinguishers are provided at an accessible location and proximity thereto for use in the case of fire and that the floors, ceilings and walls are impervious to leakage of underground and surface runoff water and are insulated from and free from dampness and moisture. Smoke detectors must comply with the Uniform Fire Safety Act, N.J.A.C. 5:18-4.19 and/or the aforesaid Regulations for Maintenance of Hotels and Multiple Dwellings.

A. The maximum number of occupants as determined by the landlord and in compliance with all applicable laws and ordinances shall be posted in each rental unit at a location to be determined by the landlord. It shall be unlawful for any person, including the owner, agent, tenant or registered 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 29 days. Any person violating this provision shall be subject to the penalty provisions of this article.

B. Only those occupants whose names are registered and on file with the landlord may reside in the registered premises as defined in this chapter. It shall be unlawful for any other person to reside in said premises and any owner, agent, tenant or registered tenant allowing a nonregistered party to reside in said premises shall be in violation of this section and shall be subject to the penalty provisions of this article.

§106-8.1 Occupant standards.

A. Occupants. Only those occupants whose names are on file with the landlord as provided in the article may reside in the licensed premises. It shall be unlawful for any other person to reside in said premises, and this provision may be enforced against the landlord, tenant or other person residing in said premises.

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 City of Woodbury.

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 City of Woodbury and with all applicable state and federal laws.

D. Penalties. Any landlord, tenant or other person violating the provisions of this section shall be subject to the penalty provision of this article.

§ 106-13 Service of notices.

Notices issued by a public officer pursuant to this chapter shall be served upon the owner, operator and/or registered agent either personally or by certified mail, but if the whereabouts of such person is unknown, then the serving of such notices shall be made by posting a copy thereof upon the subject premises in a conspicuous place.

§ 106-14 Violations and penalties.

Any person who shall violate any of the provisions of this chapter for which a penalty has not otherwise been established shall, upon conviction thereof, be sentenced to one or more of the following: a fine not exceeding \$1,000 and/or imprisonment for a term not exceeding six (6) months and/or a period of community service not exceeding 90 days. A person shall be guilty of a separate offense under this section for each day that the person continues to violate any provisions of this chapter for which a penalty has not otherwise been established.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

THE FOREGOING was introduced by the City Council of the City of Woodbury at a regular meeting held on April 12, 2016. This Ordinance will be considered for adoption at final reading and public hearing to be held on June 28, 2016 at 7:00 p.m. or at such time as may be determined and announced, in City Hall, Council Chambers, 33 Delaware Street, Woodbury, New Jersey, at which time and place all persons interested will be given the opportunity to be heard concerning said Ordinance. During the time prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the City Clerk's Office to the members of the general public who may request same.

CITY OF WOODBURY

By: _____
DAVID TROVATO,
President of Council

ATTEST:

ROY A. DUFFIELD, Clerk

Approved:

WILLIAM J. VOLK, Mayor