

ORDINANCE
Borough of Peapack & Gladstone
County of Somerset
State of New Jersey

NUMBER: 2017-1029

MEETING DATE: February 14 , 2017

Introduced: January 24, 2017

Public Hearing: February 14, 2017

WHEREAS, the Borough Council of the Borough of Peapack & Gladstone believes that it is in the best interests of the Borough and its residents to set forth standards for supplied utilities and facilities and other physical things and conditions essential to ensure that residential rental dwellings in the municipality are safe, sanitary, fit for human habitation, and in compliance with all laws and zoning regulations.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Peapack and Gladstone, in the County of Somerset and the State of New Jersey, hereby introduce the below ordinance for consideration with a public hearing date of January __, 2017 at the 7:30 pm Regular Council meeting

CHAPTER XI BUILDING AND HOUSING
SUB-CHAPTER VII RESIDENTIAL RENTAL CODE

11-7.1 SHORT TITLE.

Sub-Chapter 7 of this Chapter may be cited as "The Residential Rental Code" of the Borough of Peapack and Gladstone, Somerset County, New Jersey

11-7.2 ADOPTION.

The Residential Rental Code of the Borough is hereby adopted to read as follows.

11-7.3 GENERAL.

11-7.3.1 Scope.

This Code is to protect the public health, safety and welfare in all residential rental structures and premises as hereinafter provided by:

1. Establishing minimum maintenance standards for all residential rental structures in determining the fitness of any such structure for human habitation, use or occupancy.
2. Establishing procedures and requirements for the rental of residential structures within the Borough.
3. Providing for administration, enforcement and penalties.
4. These regulations shall not apply to a residential unit occupied by the owner or by an immediate family member of the owner.

11-7.3.2 Responsibilities.

Unless expressly provided to the contrary in this Code, the respective obligations and responsibilities of the owner, operator and occupant shall not be altered or affected by any agreement or contract by and between any of the aforesaid or between them and other parties.

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The owner shall be primarily responsible for complying with the provisions of this Chapter unless expressly stated otherwise within any particular section herein; however, nothing herein shall prevent the Public Officer from issuing a notice pursuant to subsection 11-7.6.6 or 11-7.6.7 to the operator or occupant in addition to the owner. The owner shall be responsible for any failure of the operator or occupant to discharge a duty imposed upon the operator or occupant by this Code.

11-7.4. ADOPTION OF NEW JERSEY STATE HOUSING CODE.

11-7.4.1 Code Established.

A certain document, three (3) copies of which are on file in the Office of the Clerk of the Borough, being marked and designated as the New Jersey State Housing Code, as set forth in the New Jersey Administrative Code, N.J.A.C. 5:28-1 et seq., as amended from time to time, be and is hereby adopted as the Housing Code of the Borough of Peapack and Gladstone, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the State Housing Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes as prescribed in this chapter.

11-7.4.2 Responsibility for Utilities.

Where utilities and facilities (as it pertains to this section: gas, oil, electricity, sewer, water and heating systems), are not supplied directly and independently through the use of separate meters, tanks and piping to each individual dwelling unit in a building or structure, the landlord or owner is responsible for supplying same. Notwithstanding the responsibilities imposed on the owner or landlord pursuant to this section, the responsibility for paying the cost for said utilities and facilities is a matter left between the owner or landlord and tenant. Nothing in this ordinance shall be construed as determining which party shall be responsible for paying the cost of said utilities.

11-7.4.3 Dwelling Unit Facilities.

Every dwelling unit shall have a bathroom, containing a toilet, wash basin, bathtub or shower; shall be equipped with private kitchen facilities; and shall comply with such other requirements as are set forth elsewhere in this Code. Where there are more than eight (8) occupants, the unit shall have two (2) bathrooms. Each dwelling unit or rooming unit shall contain at least one (1) closet for each bedroom located within the dwelling unit. Every kitchen shall contain adequate storage facilities for dishes and utensils.

11-7.4.4 Cooking.

No cooking shall be permitted in any dwelling unit unless there be minimum sanitary facilities, which facilities shall include:

1. Kitchen sink that is connected to the hot and cold water lines and waste;
2. A waterproof washable container for garbage disposal equipped with a lid or cover to prevent infestation; and
3. Appropriate facilities for storage of food and either gas or electric refrigeration;

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11-7.4.5 Community Cooking Facilities.

Cooking facilities serving more than one dwelling unit or independent rooming unit or combination thereof shall not be permitted.

11-7.5 DUTIES AND RESPONSIBILITIES OF OCCUPANTS.

11-7.5.1 Plumbing Maintenance.

Every owner, occupant or operator shall maintain all plumbing fixtures used by him in a clean and sanitary condition and he shall not deposit any material in any fixture or sewer system which would result in stoppage of or damage to the fixtures or sewer system.

11-7.5.2 Cooking.

No occupant shall cook in any dwelling unit except where all the required sanitary facilities are installed as required under subsection 11-7.4.4

11-7.6 ADMINISTRATIVE PROVISIONS.

11-7.6.1 Public Officer.

The person charged with the responsibility of enforcement of this Code shall also be known as the Public Officer, and shall have authority as necessary in the interest of the public health, safety and general welfare, to implement the provisions of this Code. A Zoning Officer, Fire Inspector, and / or Code Enforcement Officer of the Borough shall also be considered a “Public Officer” for purposes of this Code.

11-7.6.2 Inspections.

All residential rental structures and premises within the Borough are subject to this Code, and shall be subject to inspections by the Public Officer of the Borough. At the time of such inspections, all rooms in the building and all parts of the premises must be available and accessible for such inspections and the owner, operator and occupant are required to provide the necessary arrangements to facilitate inspections. All such inspections undertaken pursuant to this Chapter XI shall be subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Public Officer shall pursue recourse as provided by law, including obtaining a search warrant. Inspections shall be made between 8:30 a.m. and 4:30 p.m. prevailing time, unless one of the following conditions exists:

1. The premises are not available during the foregoing hours for inspections; or,
2. There is reason to believe that violations are occurring on the premises which can only be apprehended and detected by inspections during other than the prescribed hours or which require immediate inspection after being reported, such as failure to supply heat; or,
3. There is reason to believe a violation exists of a character that is an immediate threat to health or safety requiring inspection and abatement without delay.

11-7.6.3 Identification and Conduct of Inspectors.

Public Officers who conduct inspections shall be supplied with official identification and upon request shall exhibit such identification when entering any dwelling unit, rooming unit, or any part of any premises subject to this Code. Inspectors shall conduct themselves so as to avoid intentional embarrassment or inconvenience to occupants.

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11-7.6.4 Entry Refusal.

Where the Public Officer is refused entry or access or is otherwise impeded or prevented by the owner, operator or occupant from conducting an inspection of the premises as permitted under and pursuant to the terms of this Chapter XI, such person shall be in violation of this Code.

11-7.6.5 Search and Access Warrants.

Where entry is refused, the Public Officer may, upon affidavit, apply to the Municipal Court Judge of the Borough for a search warrant setting forth factually the actual conditions and circumstances that provide a reasonable basis for believing that a nuisance or violation of this Code exists on the premises, and if the Judge is satisfied as to the matter set forth in the affidavit, he or she shall authorize the issuance of a search warrant permitting access to and inspection of that part of the premises on which the nuisance or violation is believed to exist. Warrant for access may be issued by the Judge upon affidavit of the Public Officer establishing grounds therefore.

11-7.6.6 Notice Procedure.

Where a violation of this Code or the regulations hereunder is found to exist, a written notice from the Public Officer shall be served on the person or persons responsible for the correction thereof.

11-7.6.7 Contents of Notice.

The notice shall specify the violation(s), what must be done to correct same, a reasonable period of time not to exceed thirty (30) calendar days to correct or abate the violation(s) unless extenuating circumstances warrant otherwise, the right of the person served to request a hearing, and that the notice shall become an order of the Public Officer five (5) business days after service unless a hearing is requested pursuant to subsection 11-7.6.9.

11-7.6.8 Service of Notice.

Notice may be effectuated by personal service on the Owner, operator or occupant, or by posting on the premises, or by certified mail to the last known address of the person to be served, as set forth herein. In the case of an occupant, notice may be posted upon the door of his dwelling or rooming unit. When it is ascertained that the owner does not reside on the premises, the "last known address" shall be the address of the owner as shown in the office of the Tax Collector. If the last known address cannot be ascertained, the notice may be posted on the outside front entrance of the building. The Public Officer shall provide notice at any address other than the last known address provided hereunder to any such owner, operator or occupant if such other address has theretofore been filed with the Public Officer personally, or by certified mail addressed to the Public Officer. Service upon an owner, operator or occupant may also be attained by service of any notice upon a member of the family of the owner, operator or occupant. When service is by mail, the date of service of the notice shall be fixed as the day following the day of mailing for notice to addresses within the Borough, and as the second day after the day of mailing for notice to addresses outside the Borough. When the day of service falls upon a Sunday or other day when mail is not ordinarily delivered, the day of service shall be fixed as the next regular

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delivery day. Posting of notice on the property shall not be utilized as the sole form of notice except when there is no other means of providing notice.

11-7.6.9 Notice to Become Order.

After five (5) business days from the date of service of a notice, the notice shall constitute a final order unless any person affected by the notice requests a Hearing thereon and serves a written request for such a Hearing within the five (5) business days period, in person or by mail, on the Public Officer and Borough Administrator. Such request for a hearing shall concisely set forth the grounds or reasons on which the request for a hearing is based and the factual matters contained in the notice of violation which are to be disputed at the hearing. The Borough Administrator, upon receipt of the request, shall, prior to the notice becoming an order and upon at least five (5) business days' notice to the party aggrieved, set the matter down for hearing. The hearing shall be held before a designated Hearing Officer. The Hearing Officer shall be designated by the Mayor, upon the advice and consent of the Council.

11-7.6.10 Hearing Determination.

At any hearing provided hereunder, the Hearing Officer shall be vested with all the powers provided by law to compel the attendance of witnesses and parties in interest by issuance and service of subpoena, to require by subpoena the production of books, records, or other documents at any such hearing which may be pertinent to matters to be determined by him and to enforce any such subpoena as provided by law. Determination by the Hearing Officer shall be made within ten (10) days from the completion of the hearing. The Hearing Officer shall issue an order either incorporating the determinations and directions contained in the notice, modifying the same or withdrawing the notice.

11-7.6.11 Summary Abatement in Emergency.

Where the violation or condition existing on the premises is of such a nature as to constitute an immediate threat to life or limb or the welfare and well-being of the citizens of Peapack and Gladstone unless abated without delay, the Public Officer may order the owner, operator or occupant to correct the violation or condition within a period of time not to exceed three (3) days.

11-7.6.12 Cost of Violation Abatement.

Where the abatement of any nuisance as defined herein, correction of a defect in the premises or bringing the premises into compliance with the requirements of any municipal ordinance or State law applicable thereto requires expending Borough monies therefor in a manner consistent with and in adherence to the Local Public Contracts Law, N.J.S.A. 40A: 11-1 et seq , the Public Officer shall present a report of work done to accomplish the foregoing to the Borough Administrator along with a summary of the proceedings undertaken by the Public Officer to secure compliance. The Borough Administrator shall report to the Council of such action and request a lien be placed on the affected premises. After review of the same, the Borough Council may approve the expenditure and costs whereupon the same shall become a lien against the premises collectible as provided by law. A copy of the resolution approving the expenses and

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costs shall be certified by the Borough Council and filed with the Tax Collector of the Borough who shall be responsible for the collection thereof.

11-7.6.13 Extension for Dispossess Actions.

Where there exists a violation of occupancy standards hereunder, an owner or operator, upon receipt of a notice of a violation, if unable to eliminate the violation by peaceable means within the period of time specified in the notice, shall commence within such period legal action to dispossess, evict or eject the occupants who cause the violation. No further action hereunder shall then be taken against the owner or operator as long as the action aforesaid is pending in the court and is prosecuted expeditiously and in good faith. However, if the Public Officer has reason to believe the violation is the responsibility of the owner or operator, the Public Officer may proceed with a violation against said owner or operator.

11-7.6.14 Notice and Hearing Not Required.

Where the Public Officer shall determine that there was a violation and a notice was served upon the owner, operator or occupant whether or not the violation was abated prior to the issuance of an order, if thereafter within the space of two (2) years there shall be a second violation by the same owner, operator or occupant of the same provision of this Code discovered on the same premises, the offender may be prosecuted on the second violation without the Public Officer first giving notice and opportunity for a hearing to the owner, operator or occupant by the filing of a complaint by the Public Officer in the Municipal Court. Where the Public Officer has on two (2) different occasions found violations by the same owner, operator or occupant on the same premises and has issued notices on each, upon discovering a third or subsequent violation by the same owner, operator or occupant on the same premises within the space of two (2) years, whether of the same sections or subsections or of any other sections of this Code, he may thereupon prosecute the offender by filing a complaint in the Municipal Court for the third or subsequent violation occurring within the period of two (2) years without first providing notice and opportunity for a hearing by the Hearing Officer.

11-7.6.15 Effect of Notice.

For the purposes of enforcement of this Code, the service of a notice on an owner, whether or not the owner is also the operator, shall constitute notice of violations set forth therein until the violations are abated in conformity with this Code and the other applicable ordinances of the Borough.

11-7.6.16 Appointment of Receiver.

Where the owner, operator or lessor of any structure containing two (2) or more dwelling units, or rooming units which is let or rented to another in whole or in part violates this Code or any other municipal ordinance pertaining to the structure or fails to abate any violation of this Code, or violates an order of the Public Officer upon resolution duly approved by the Borough Council, the Public Officer may commence an action in the Superior Court seeking appointment of the Public Officer as Receiver ex officio of the rents and income from the property. The rents and income shall be collected by the Receiver and shall be expended and allotted to:

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- a. Secure compliance with the regulations of the Borough and laws of the State as set forth in the order of the Public Officer; and
- b. Be utilized to defray such costs and expenses of the receivership as may be adjudged by the Superior Court; and
- c. Be applied towards payment to the Borough of any fines or penalties with costs which may have been imposed on the owner, operator or lessor for violation of the ordinances of the Borough and which have remained unpaid.

11-7.6.17 Fines and Penalties.

- a. Fines. In addition to any penalties expressly set forth within this Code, a violation of any section or subsection of this Code shall be subject to the penalty provisions of Chapter 1, Section 1-5 of the Municipal Code. Nothing in this section shall prohibit the Public Officer from citing violations under the penalty provisions of the Uniform Construction Code, New Jersey Administrative Code or any other applicable statute, regulation or ordinance. Each violation of a section or subsection of this Code shall constitute a separate and distinct violation independent of any other section or subsection. Each day's failure to comply with any such section or sub-section shall constitute a separate violation. In establishing the penalty to be imposed, the Judge of the Municipal Court shall consider whether the owner, operator or occupant so charged has been convicted of a violation of this Code within the prior two (2) years.
- b. Liability of Officers and Agents. Where the defendant is other than a natural person, the above paragraph as to fines and penalties shall also apply to any agent, superintendent, officer, member or partner who shall alone or with others have charge, care or control of the premises.

11-7.6.18 Adoption of Rules and Regulations.

The Public Officer is hereby authorized and empowered to promulgate such written rules and regulations as may be necessary for the proper interpretation and administration of the provisions of this Code, with concurrence of the Borough Council, provided that such rules and regulations do not conflict with this Code and conform to the general standards prescribed by this Code. The Public Officer shall file copies of such rules and regulations with the Borough Clerk and shall make available in the Public Officer's office a copy for inspection by the members of the public during regular business hours.

11-7.6.19 Variations and Modification of Provisions.

The Public Officer shall have the power to withhold strict enforcement of the requirements of this Code upon written application therefor by an owner, operator or occupant, after making determination that:

- a. Any variation or modification of structure or use approved by the Public Officer will not in any material way alter the standards of this Code and cannot affect detrimentally the health or safety of occupants or owners of adjacent premises or of the neighborhood; and
- b. Strict enforcement would constitute an undue and unnecessary hardship on the owner, operator or occupant because it would compel expenditures on the premises which would

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be substantially disproportionate to any benefit to health, safety or welfare that might be derived therefrom.

Upon denial of any such application, the owner, operator or occupant may request a hearing which shall be held in accordance with provisions of subsection 11-7.6.9. Such application shall not constitute a defense of any violation of this Code concerning which any proceedings are pending in the Municipal Court when the application is filed nor shall any variance or modification allowed hereunder constitute a vested right against any ordinance enacted hereinafter by the Borough Council compelling strict enforcement of any provisions of this Code.

11-7.6.20 Request for Inspections.

Whenever an owner, operator or occupant, prospective purchaser, mortgagee or prospective occupant shall apply to the Public Officer for an inspection in order to ascertain if any section of this Code has been violated, the Public Officer shall, upon payment of the fee hereunder stated, cause an inspection to be made of the premises and issue an informational certificate or report of the inspection to the applicant, indicating therein any violations of this Code on the premises. The applicant for inspection shall state in writing his full name, residence and the reasons and basis for which the inspection is requested. The Public Officer may deny the application for failure to comply with this requirement. The fee for any inspection made under this subsection shall be fifty (\$50.00) dollars for single-family dwellings and twenty-five (\$25.00) dollars additional for each unit and twenty-five (\$25.00) dollars for each re-inspection subsequent to the first inspection.

11-7.6.21 Transfer of Property.

Any person who sells or conveys any dwelling or dwelling unit in the Borough shall include, as part of the agreement of sale, a statement that there is or is not any outstanding notice or order, issued by the Public Officer citing violations of the provisions of this Section. Failure of a seller or conveyor to conform to the requirements of the above statement, even if with the consent of the purchaser or transferee, shall be a violation of this Section and shall subject the seller or conveyor to the penalties as set forth in subsection 11-7.6.17. Upon written request and payment of a fee as stipulated under subsection 11-7.6.20 by persons seeking compliance with this Section, the Public Officer shall cause an inspection to be made and shall mail a report of such inspection to the person requesting it.

11-7.7 RENTAL CERTIFICATE OF OCCUPANCY.

11-7.7.1 Issuance of Rental Certificate of Occupancy.

a. Definitions.

1. Dwelling shall mean and include any building or structure rented or offered for rent to one (1) or more tenants or family units.
2. Dwelling Unit shall mean and include that portion of a building or structure rented or offered for rent to one (1) or more tenants or family units.

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3. Owner shall mean any person who owns any legally cognizable interest in any building or structure including, but not limited to, outright ownership or ownership through a partnership, corporation or limited liability company.
 4. Owner-Occupied shall mean the primary residential living unit of the owner.
 5. Rental Unit shall mean and include that portion of a dwelling, building or structure rented or offered for rent, for living and dwelling purposes to individuals or family units.
 6. Reside shall mean to live or dwell permanently or continuously for thirty (30) or more days.
 7. Tenant shall mean those persons who have leased the unit from the owner regardless of the type of tenancy under which they occupy the unit.
- b. Certificate Required. No person shall rent any dwelling unit unless a Rental Certificate of Occupancy (RCO) has been obtained by the owner or any agent acting on behalf of any owner from the Public Officer or designee. It shall henceforth be unlawful for any owner of real property to which this Section is applicable to rent or lease for occupancy any dwelling unit until a Rental Certificate of Occupancy has been obtained therefor from the Public Officer or designee. This Section shall not apply to owner - occupied properties.
- c. Applications for Certificate.
1. Commencing April 1, 2017, any owner or any agent acting on behalf of any owner, intending to rent or lease any dwelling unit or actually renting or leasing a dwelling unit, shall apply to the Public Officer or his/her designee for an RCO. For any dwelling unit which is already actually rented or leased as of April 1, 2017, the owner or agent acting on behalf of such owner must apply for an RCO no later than April 1, 2017.
 2. Landlord shall notify the Public Officer in writing or email within five (5) business days whenever any change of occupancy occurs.
 3. All applications for such RCO shall be accompanied by an inspection fee of fifty (\$50.00) dollars and \$25 for each additional unit included in the same application submission, shall be made in writing and shall state:
 - i. The name, street address and working phone number of the owner of the property, and the name, street address and working phone number of the renting agent, if any.
 - ii. A description of the premises to be occupied, including the street address thereof, and a designation of the portion or portions of the premises or structures for which the specific application is being made;
 - iii. The number of persons older than one year of age who shall occupy any and all portions of the premises; and,
 - iv. The number of bedrooms in the dwelling unit.
 4. Within ten (10) business days after the receipt of the payment of the required inspection fee and the application form, the owner shall afford the Public Officer or his/her designee the opportunity to inspect the dwelling unit. Within ten (10) business days of the inspection, the Public Officer or his/her designee shall issue or deny the RCO, setting forth the reason(s) for such denial. Each separate dwelling unit shall require a separate RCO (i.e. three (3) rental units in a building

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require three (3) Rental Certificates of Occupancy). The Public Officer will also determine if the proposed rental would render the property to be out of compliance with the zoning regulations of the zone in which the property is situated. No RCO will be issued if the property is not in compliance with the applicable zoning regulations.

5. If the RCO is denied, the owner shall pay a fee for re-inspection in the amount of twenty-five (\$25.00) dollars per re-inspection for each RCO sought.
 6. All owners or renting agents applying for an RCO, as provided herein, shall advise the Public Officer or his/her designee of a reasonable time or times that the inspection may be made and have someone present to assist and provide entry for the inspection purposes.
 7. Commencing April 1, 2017, and continuing each year thereafter, any owner or any agent acting on behalf of any owner, who rents or leases any dwelling unit shall apply no later than January 1st of that year to the Public Officer or his/her designee for an annual re-inspection in order to obtain and maintain an annual RCO. Each rental premises containing any dwelling units shall be subject to an annual re-inspection for each such dwelling unit.
 8. The Public Officer or his/her Designee shall re-inspect the property upon receipt of the application and the fifty (\$50.00) dollar fee and prior to issuing a new RCO or the annual renewal of an RCO. All applications for the annual renewal of an RCO shall be accompanied by an inspection fee of fifty (\$50.00) dollars and \$25 for each additional unit included in the same application submission
- d. Standards for Issuance.
1. If, after a general inspection of the dwelling unit, the Public Officer or his/her designee determines that the dwelling unit complies with the Master Plan, the zoning ordinances, the provisions of this chapter and all other applicable ordinances of the Borough of Peapack and Gladstone and/or State law, the Public Officer or his/her designee shall issue the RCO.
 2. If the Public Officer or his/her designee, as a result of the general inspection of the dwelling unit, finds any violation as set forth in paragraph d(1) above, he shall notify the owner of the violation by way of written notice sent certified mail, return receipt requested and regular mail and/or by personal service of the notice, with acknowledgement of receipt to the owner or his/her agent. The Public Officer shall allow the owner fourteen (14) calendar days to correct the violation. The notice shall identify the premises and specify the violations and any necessary remedial action. The notice shall state that the failure to correct the violations within the time specified shall constitute a violation of this subsection and may be punishable in accord with Chapter I, Section 1-5 of this Code and/or applicable State law.
 3. Upon notification that the violation has been corrected, the Public Officer or his/her designee shall re-inspect the premises, subject to a twenty-five (\$25.00) dollar re-inspection fee. If the violation has been remedied, the Public Officer shall issue the RCO.

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4. Any violation of Federal, State and/or local laws, rules, regulations and/or codes shall be grounds for the denial of an RCO.
- e. Smoke Detector and Carbon Monoxide Detector Required in All Residential Buildings, in compliance with all federal, state and local rules, regulations and guidelines. No RCO shall be issued to a dwelling unit or any portion thereof unless approved smoke detectors and carbon monoxide detectors have been installed as required by applicable State statute and Borough ordinances.
- f. Failure to Comply. The Public Officer or his/her designee shall have the authority to issue any summons or complaint for any violation of any ordinance, statute, law and/or regulation against the owner and/or occupant of the residential building or portion thereof wherein the violation(s) exists and such violations shall be subject to the penalties provided herein.
- g. Illegal Units. In the event that, upon inspection by the Public Officer or his/her designee, it is determined that the property is being utilized as a multifamily dwelling in violation of the Borough Zoning Ordinance or this chapter, the following shall be required in order to satisfy the Public Officer or his/her designee that said conditions have been abated:
 1. If separate and distinct utility services are installed at the premises for the illegal units, these utility services must be removed to the satisfaction of the Public Officer or his/her designee.
 2. The owner must execute a statement, sworn to under oath and notarized, acknowledging that he/she is aware that the premises are to be used in a manner which is consistent with all Federal, State and local laws, rules and regulations and that he/she shall be subject to fines and other penalties in the event of future violations; and
 3. Additional dwelling units, which include kitchens and bathrooms, that were or have been installed by anyone in contravention of Federal, State and/or local laws, rules and regulations must be removed to the satisfaction of the Public Officer or his/her designee or brought into compliance with such laws, rules and regulations to the satisfaction of the Public Officer or his/her designee, or the applicable municipal body if such approvals are necessary. The Public Officer or his/her designee cannot give an approval where the Public Officer or his/her designee lacks the jurisdiction to do so.
- h. Contents. RCO's issued pursuant to this subsection shall set forth the maximum number of persons which may occupy the dwelling unit.
- i. Unlawful Occupancy. It shall be unlawful for the owner or any agent acting on behalf of the owner to knowingly rent, lease, or otherwise deliver up for occupancy any dwelling unit for which an RCO has been issued, to persons in excess of the number(s) of persons permitted by law to occupy the dwelling unit, as stated in the RCO. It shall be unlawful for any tenant of a dwelling unit for which an RCO has been issued to suffer or permit said dwelling unit(s) to be occupied by persons in excess of the number permitted by law.
- j. Expiration. If a dwelling unit is not occupied within six (6) months of the issuance of an RCO, the RCO shall expire and a new RCO must be obtained before occupancy.
- k. Exceptions. This Section shall not apply to:

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1. Hotels, rooming houses or motels that are generally occupied by tenants or guests for less than fourteen (14) successive calendar days;
 2. Any units not intended for human habitation; and/or
 3. New construction for which inspection and a Certificate of Occupancy is required by the Uniform Construction Code.
1. Violations and Penalties. Any person convicted of a violation of this subsection shall be subject to the penalties authorized by Chapter I, Section 1-5 of this Code. Each separate violation shall be considered separate and distinct and subject to underlying penalties. Every day a situation remains in violation of this subsection shall also constitute a separate and distinct violation and subject to individual penalties.

11-7.8 RELOCATION ASSISTANCE AND PENALTIES FOR SUBSEQUENT VIOLATIONS.

11-7.8.1 Definitions and Word Usage.

- a. Owner-landlord shall not include mortgagees in possession of a structure through foreclosure or the Borough of Peapack and Gladstone per se, if such is in possession of the ownership/management of an applicable structure.
- b. Second or subsequent violation for an illegal occupancy shall be limited to those violations that are new and shall not include any continuing violations for which citations are issued by a Public Officer or Code Enforcement Officer during the time period required for summary dispossession proceedings to conclude if the owner/landlord has initiated eviction proceedings in a court of proper jurisdiction.

11-7.8.2 Relocation Assistance.

In accordance with N.J.S.A. 2A:18-61.1g, any tenant who receives a notice of eviction pursuant to N.J.S.A. 2A:18-61.2 that results from zoning or code enforcement activities for illegal occupancy as set forth in paragraph 3 of subsection g. of N.J.S.A. 2A:18-61.1 shall be considered a displaced person and shall be entitled to relocation assistance in an amount equal to six (6) times the monthly rental paid by the displaced person. The owner-landlord of the structure shall be liable for the payment of relocation assistance pursuant to this Section if it can be established that the owner-landlord was aware of the illegal occupancy yet allowed same to continue prior to the occurrence of the zoning or code enforcement activities. The Peapack and Gladstone Joint Municipal Court and the Superior Court of New Jersey shall have jurisdiction of proceeding for the enforcement of the penalty provided herein. Irrespective of any other provision of the Borough Code, the Borough shall not be responsible for paying any relocation costs regarding the provisions of this Section.

11-7.8.3 Second or Subsequent Violations for Illegal Occupancy.

In addition to the provisions of subsection 11-7.8.2 herein, the Borough reserves the right to enforce any additional penalties authorized pursuant to N.J.S.A. 2A:18-61.1g(c) as against any owner-landlord charged with a second or subsequent violation for an illegal occupancy as set forth in paragraph 3 of subsection g. of N.J.S.A. 2A:18-61.1. Any such fines shall be recovered in a civil action by a summary proceeding in the name of the Borough, pursuant to the "Penalty

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Enforcement Law" (N.J.S.A. 2A:58-10 et seq.). The Peapack and Gladstone Joint Municipal Court and the Superior Court of New Jersey shall have jurisdiction of proceeding for the enforcement of the penalty provided herein. For the purposes of this section, and in accordance with N.J.S.A. 2A:18-61.1g(d), "second or subsequent violation for an illegal occupancy" shall be limited to those violations that are new and are a result of distinct and separate zoning or code enforcement activities, and shall not include any continuing violations for which citations are issued by a zoning or code enforcement agent during the time period required for summary dispossession proceedings to conclude if the owner has initiated eviction proceedings in a court of proper jurisdiction. a second or subsequent violation for an illegal occupancy as set forth in N.J.S.A. 2A:18-61.1g(a)

11-7.9 SEVERABILITY, REPEAL OF INCONSISTENT ORDINANCES, AND EFFECTIVE DATE.

11-7.9.1 Severability.

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

11-7.9.2 Repeal of Inconsistent Ordinances or Parts Thereof.

All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

11-7.9.3 Effective Date of Ordinance.

This Ordinance shall take effect immediately upon: (i) adoption; and (ii) publication in accordance with the laws of the State of New Jersey.



William Muller
Mayor

CERTIFICATION

I, John Gregory, Borough Clerk do hereby certify that the foregoing is a true copy of a ordinance introduction adopted by the Mayor and Council of the Borough of Peapack & Gladstone at a meeting noted above.

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body.

ATTEST:

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John Gregory, RMC
Municipal Clerk

/:2016-1029 Rental Ordinance 1.17.17 clean. Doc/PG/Ordinances