

23-08
ORDINANCE

**ESTABLISHING A NEW CHAPTER 223 OF THE
CODE OF THE TOWNSHIP OF POHATCONG ENTITLED,
“REGISTRATION OF RENTAL PROPERTIES AND BUSINESSES”**

BE IT RESOLVED, by the Township Council of the Township of Pohatcong, County of Warren, State of New Jersey that there is established a new Chapter 223 entitled, “Registration of Rental Properties and Businesses” with the following provisions.

SECTION I:

**CHAPTER 223
“REGISTRATION OF RENTAL PROPERTIES AND BUSINESSES”**

**Article I.
Business Insurance Registration**

223-1 – Business Insurance Registration Required.

It is unlawful for any owner of a business, owner of a rental unit or units, or the owner of a multi-family home of four or fewer units, one of which is owner occupied, to operate within the Township without first registering its certificate of insurance demonstrating compliance with the requirements of N.J.S.A. 40A:10A-1, *et seq.*

223-2 – Entities Covered.

The following entities are required to register their certificate of insurance under this Chapter:

- A. Businesses, which for purposes of this Chapter shall mean, any person intending to sell or dispose of or to offer to sell or dispose of any goods, wares, merchandise or render any services for fees within the Township. This shall include businesses operating on a temporary basis within the Township such as peddlers, solicitors, and transient vendors and temporary retail food establishments and mobile food units.
- B. Owners of single rental dwelling units.
- C. Owners of multiple dwelling rental units.
- D. Owners of multi-family homes that include rental units, even where one unit is owner-occupied.

223-3 – Registration Official.

The Township Clerk shall accept, approve, and file registration applications.

223-4 –Expiration and Renewals.

Registrations shall expire on December 31 of each year. Renewals of existing registrations must be submitted no later than December 1 of each year.

223-5 – Registration and Insurance Requirements.

Certificates of insurance in the minimum required amounts shall be submitted to the Township Clerk, together with the Business Registration Form provided by the Clerk.

223-6 - Violations and Penalties.

As provided in N.J.S.A. 40A:10A-1, any person or entity that violates the terms of this Chapter shall be subject to a fine of not less than \$500.00 but no more than \$5,000.00, plus any court costs.

Article II. Lead Paint Inspection Registration

223-7 - Definitions.

When used in this Article, all terms shall have the same meaning as defined in N.J.A.C. 5:28A-1.2, as the same may be amended from time to time.

223-8 – Registration Requirements.

A. All owners of residential dwelling units within the Township shall submit to the Township Clerk the Residential Rental Registration Form provided by the Clerk, together with a lead-safe certification upon the earlier of (1) thirty (30) days following tenant turnover; or (2) July 22, 2024, consistent with N.J.A.C. 5:28A-2.4.

B. The following residential dwelling units shall be exempt from the submission of a lead-safe certification:

(1) Dwelling units constructed during or after 1978.

(2) Single and two-family seasonal rental dwelling units that are rented for less than six (6) months' duration each year by tenants that do not have consecutive lease renewals.

(3) Dwelling units that have been certified to be free of lead-based paint, pursuant to N.J.A.C. 5:17.

(4) Multiple dwelling units constructed prior to 1978 registered with the Department of Community Affairs for at least ten (10) years with no outstanding paint violations from the most recent cyclical inspection or that have a current certificate of inspection.

223-9 – Lead Hazard Control Assistance Fund Fee.

A. A \$20.00 per unit fee shall be submitted to the Township Clerk with the initial lead-safe certification and with each renewal certification.

223-10 – Inspection by Township.

B. In the event the owner of a residential dwelling unit subject to this Article fails to submit a lead-safe certification, the Township shall perform an inspection in conformance with the procedures set forth in N.J.A.C. 5:28A-2.3 utilizing a qualified staff member or a certified lead evaluation contractor hired by the Township.

C. The Township shall charge the dwelling unit owner a fee sufficient to cover the cost of the periodic lead-based inspection, including the cost of hiring a lead evaluation contractor, where applicable. The fee shall be certified by and established in a Resolution adopted by the Township Council with respect to each unit that is inspected. In the event any fee so established remains unpaid, the certified fee shall be provided to the Township Tax Collector and established as a lien on the property wherein the dwelling unit is situate.

D. If a lead-based paint hazard is identified in an inspection, the owner of the dwelling unit shall be responsible for remediation to be conducted consistent with the requirements of N.J.A.C. 5:28A-2.5.

E. If the owner of a dwelling unit fails to cure any violation by conducting the required inspection or initiating any required remediation effort within thirty (30) days of written notice of said violation, the owner shall be subject to a penalty, not to exceed \$1,000.00 per week, in accordance with the enforcement provisions of N.J.A.C. 5:28A-4.1.

223-11 – Recordkeeping Requirements.

The owner of a dwelling unit subject to this Article shall provide to each tenant and to the Township evidence of a valid lead-safe certification at the time of tenant turnover and shall affix a copy of each such certification to each tenant lease.

Article III.

Residential Rental Property Registration

223-12 – Registration.

A. Rental Unit shall mean a dwelling unit which is available, or kept, or used, or maintained, or advertised or held out to be a place where living accommodations are supplied, whether furnished or unfurnished, for pay or other consideration, to one or more individuals (excluding the owners parents and/or children) and including but not limited to one-family homes, two-family homes, three-family homes, etc., as well as individual apartments located within apartment complexes.

B. Each and every rental unit shall hereafter be registered with the Township Clerk on forms which shall be provided for that purpose, and which shall be obtained from the office of the Township Clerk. The initial registration shall be renewed within twenty (20) days of each change of ownership or occupancy of any rental unit. No rental unit shall hereafter be rented unless the rental unit is registered in accordance with this chapter. This registration does not mean approval for the use and occupancy.

223-13 - Contents of registration form.

A. Every owner of a rental unit shall file annually with the Township Clerk the registration form included as Appendix A at the end of this Chapter for each unit contained within a building or structure which shall include the following information:

- (1) The name and address of each record owner or owners of the premises and each 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 individuals 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 all corporate officers of said corporation, shall be provided, together with the telephone numbers for each of such individuals indicating where such individuals may be reached both during the day and the evening hours.
- (2) If the address of any record owner is not located in Pohatcong Township, the name and address of a person who resides in Warren County who is authorized to accept notices from a tenant or a Township representative and to issue receipts therefor and to accept service of process on behalf of the record owner.
- (3) The name and address and telephone numbers of the agent of the premises indicating where such individuals may be reached both during the day and evening hours.

- (4) The name and address and telephone numbers, 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. For each such individual, a statement as to where such individual may be reached both during the day and evening hours shall be provided.
- (5) The name, address and telephone number of an individual representative of the owner or agent may be reached or contacted at any time in the event of any 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, the name and age, including children, of every tenant of record as to each rental unit. The information contained in the registration form must set forth information for each rental unit within the rental property and must include all tenants in each rental unit. This information shall be made available to the Board of Education and the Zoning Official/Local Enforcing Agency. This information shall otherwise remain confidential and shall not be available to the public.
- (9) Lead-Safe Certification.
- (10) Such other information as may be required by the Township.

SECTION II: Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

SECTION III. Repealer. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION IV. Effective Date. This ordinance shall take effect twenty (20) days upon passage and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced at a meeting of the Township Council of the Township of Pohatcong in the County of Warren and State of New Jersey, held on March 21, 2023, and will be further considered for final passage after public hearing thereon at a regular meeting of said Township Council on April 18, 2023.

Wanda L. Kutzman, RMC
Township Clerk

Introduced: March 21, 2023
Adopted: April 18, 2023