

*Introduced
08-06-09
Public Hearing
09-22-09*

ORDINANCE #09 - 36

**AN ORDINANCE OF THE BOROUGH OF GLASSBORO,
COUNTY OF GLOUCESTER AND STATE OF NEW JERSEY
REPEALING CHAPTER 379 OF THE CODE OF THE BOROUGH OF
GLASSBORO AND ADOPTING A NEW CHAPTER 379 (RENTAL HOUSING)**

BE IT ORDAINED by the Mayor and Council of the Borough of Glassboro, in the County of Gloucester, and State of New Jersey that Chapter 379, Rental Housing, of the Code of the Borough of Glassboro is repealed in its entirety and a new Chapter 379 be and is hereby adopted as follows:

Section 1. Definitions.

For the purpose of this chapter, the terms used herein are defined is follows:

BASEMENT — That portion of a building which is partly or completely below grade.

BOROUGH — The Borough of Glassboro.

CELLAR — See "basement."

DWELLING UNIT — A room or group of rooms, located within a rental facility, forming a single habitable unit with facilities which are used or intended to be used for living or sleeping and which is provided with facilities for cooking and eating.

HABITABLE ROOM — A room occupied by one or more persons for living, eating, or sleeping, including kitchens where provided, but not including serving and storage pantries, corridors, bathrooms and spaces that are not used frequently or during extended periods of time.

OCCUPANT — Any individual who lives or sleeps in, or has possession of a dwelling unit.

OCCUPANCY — The earlier of the effective date of the contractual obligation for the rental of the property or the presence of any personal property on or at the premises, whether it belongs to a tenant or not.

OWNER — Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the

executor or administrator of the estate of such person if ordered to take possession of real property by a court.

REGISTERED AGENT — An individual who shall be responsible for receiving notice of violation of this chapter and fulfilling the responsibility of the owner of a rental facility to correct such violation. The registered agent shall reside in the County of Gloucester. The name, physical address and telephone number of such registered agent must be filed with the Borough of Glassboro as provided in this chapter. The registered agent must sign an affidavit or notarized statement indicating that he or she has accepted the responsibility to act as the registered agent for the property owner, and that they will accept service of process, etc. for the out-of-county owner. This document is part of and must be submitted with the application for a rental license.

RENTAL FACILITY — Every building, a group of buildings or a portion thereof consisting of a dwelling, apartment and/or one or more rooms, which contains no more than five dwelling units and has sleeping facilities for less than 25 occupants, 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 or more individuals; or every building, a group of buildings or a portion thereof consisting of a dwelling, apartment and/or one or more rooms which contains no more than five dwelling units and has sleeping facilities for less than 25 occupants kept, used, maintained, advertised, or held out to be a place where living accommodations are supplied, whether furnished or unfurnished, to one or more individuals having rights as a tenant under the provisions of NJ state law. Other consideration shall include, but not be limited to, any utility payment, payment of taxes, or provision of any in-kind work or services.

Section 2. Licenses and Registration.

- A. License and registration required. No building or part thereof shall be occupied, kept, used, maintained, advertised or held out to be a rental facility, prior to a license having been issued by the Borough as hereinafter provided. All rental facilities must be registered on an annual basis.
- B. Term of license. All licenses hereunder issued shall be issued for a period of up to one year, commencing upon approval for occupancy and shall expire on June 30th of each year.
- C. Applications. Application for a rental license shall be made in writing prior to initial occupancy as a rental facility, on an annual basis, and/or prior to any change of occupancy and shall be signed by the owner on a form provided by the Secretary of the Department of Housing Inspection. The annual application forms shall be submitted prior to the due date, as determined by the Department; but such date shall not be less than 30 days from the mailed postmarked date from the Department. Said application shall state the name and physical address of the owner, the owner's driver's license number,

owner's phone numbers; the name, address, and telephone number of the registered agent (which may be the same as the owner); the location of the building; what portion of the building is to be used as a rental facility; the number of dwelling units; the proposed number of occupants, and their ages, in each dwelling unit; the number of rooms in each dwelling unit; the proposed use of each such room and the dimensions of each such room. Such application shall be accompanied by a floor plan, drawn approximately to scale, indicating the location, use, and accurate dimensions of each room covered by the application. Such application shall also be accompanied by an accurate parking diagram. Prior to occupancy or any change of occupancy of the premises during the license period, the applicant shall furnish to the Borough a list of the names and ages of all occupants, the driver's license numbers of any tenants of driving age occupying the premises, and the vehicular information, including year, make, model, and license plate number of any vehicles owned or operated by the licensed occupants or intended to be parked on the premises.

D. Issuance.

- (1) Inspection; penalty for not appearing; reinspection fees.
 - (a) Prior to every occupancy and change of occupancy and every year an inspecting officer shall inspect the proposed rental facility, and if all requirements of this chapter are complied with, said inspecting officer shall so notify the owner and, upon payment of the license fee hereinafter provided for, shall cause a license to be issued. Said license shall be signed by the inspecting officer who conducted the inspection and the Clerk of the Borough of Glassboro and shall set forth the name and address of the owner, the address of the rental facility, the number of dwelling units approved, the number of occupants approved for each dwelling unit, and the expiration date of the license. Notwithstanding the above, the inspecting officer may inspect the premises at any additional time or frequency as is deemed necessary.
 - (b) A fee of \$25 shall be charged to any landlord who fails to appear or have an authorized person appear for an inspection or reinspection as scheduled.
- (2) If the inspecting officer finds noncompliance with any requirement of this chapter, he shall furnish the owner with a written statement specifying the same. The owner may thereupon do any of the following:
 - (a) Remedy the defect(s) and request a reinspection.
 - (b) Appeal the decision of the inspecting officer to the Borough of Glassboro in the manner hereinafter provided.

(c) Apply to the Borough of Glassboro for a waiver of the defect in the manner hereinafter provided.

- E. Renewal. Application for renewal shall be made on an annual basis, prior to expiration of the license, in the same manner as the initial application.
- F. Modification during license period. Any modification in the rental facility or any increase in the number of occupants desired to be approved during the term of an existing license shall require a new application or an addendum approved by the Housing Officer, as provided in Subsection C above. If the license is amended to allow an increase in the number of occupants, the amended license shall be issued upon compliance with all terms of this chapter and approval by the Borough and payment of any additional fees required. If at the time during the term of the license there is a change in the identity of any one or more of the occupants, the license shall immediately become void. A new license shall be applied for prior to any changes.

Section 3. Fees.

- A. License registration fee. The annual license registration fee for each rental unit shall be \$150. The annual registration fee shall include one reinspection at no additional fee.
- B. Reinspection fee. The fee for any reinspection (second and subsequent) shall be \$35 per inspection.
- C. Change of occupancy inspection. No fee for any change of occupancy inspection.
- D. Late fee. Failure to submit a completed rental application to the Department by the due date or prior to any change of occupancy will be subject to a late fee of \$50.

Section 4. Housing Department; inspecting officers.

The Mayor, with the advice and consent of the Council, shall from time to time appoint or hire such inspecting officers as are deemed necessary to administer and enforce this chapter; one of which such inspecting officers may be designated as the "Chief Housing Officer." The Mayor, with the advice and consent of the Council, may from time to time appoint or hire such secretarial or clerical personnel as are deemed necessary to perform secretarial and clerical work required by this chapter. All persons appointed or hired pursuant hereto shall comprise the Housing Department of the Borough of Glassboro.

Section 5. Performance Standards.

The owner of any rental facility shall comply with the requirements of the Borough of Glassboro Property Maintenance Code, other applicable adopted codes, and the following standards:

- A. Egress. Every dwelling unit shall have safe and unobstructed means of egress which shall lead to a safe and open space at ground level accessible to a street. A room located below the level of the ground and used for sleeping purposes shall be provided with safe and unobstructed means of egress leading directly to an outside area accessible to a street. Where a dwelling is occupied on the third story or higher, the owner shall supply a fire escape which shall be constructed and maintained in accordance with the specifications of the Bureau of Housing Inspections of the State of New Jersey and in accordance with all applicable building codes.
- B. Basement occupancy. No basement area or portion thereof may be occupied unless the minimum requirements for habitable space in the Borough of Glassboro Property Maintenance Code and any other applicable codes are met and maintained. No basement or cellar area 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, the Borough of Glassboro Property Maintenance Code, applicable fire regulations, and any other applicable codes; 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; 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.
- C. Lighting.
 1. Interior Lighting. Every portion of each bathroom, staircase, hall, landing, furnace room, utility room and all similar nonhabitable rooms and spaces shall have either natural or artificial light available at all times, with an illumination of at least two lumens per square foot (two footcandles) throughout. Such light shall be measured 36 inches from the floor in the center of the.
 2. Exterior Lighting. An exterior light which shall be equipped with a motion sensor switch and equipped with a light bulb providing a minimum of 1600 lumens shall be provided at each entrance.
- D. Security/Locks. All entrance doors shall be supplied with a medium-duty dead latching lockset with automatic dead locking plunger or with a dead bolt separate from the latch set. All entrance doors shall be constructed with a solid core. Keyed locksets shall be prohibited on all interior non-egress doors.

- E. Utility service. If a dwelling unit shares electrical service or other utilities (i.e., heat or hot water) with another unit then the cost of such utility payments shall be borne by the landlord. Electric service must meet the minimum requirements for each dwelling unit per the requirements of the Borough of Glassboro Property Maintenance Code.
- F. Water supply. The minimum rate of flow of hot or cold water issuing from any faucet or fixture shall be not less than one gallon per minute.
- G. Kitchens. Every dwelling unit in which the regular preparation of meals is to be accomplished must be equipped with the following facilities:
1. A kitchen sink of nonabsorbent and easily cleanable material in good working condition and properly connected to an approved water supply system which provides at all times an adequate amount of heated and unheated water under pressure and which is connected to an approved sewer system.
 2. A stove or similar device for cooking of food, which stove or device is properly installed with all necessary connections for safe, sanitary and efficient operation. Stoves must be provided with anti-tipping mechanisms installed.
 3. A refrigerator or similar device for the safe storage of food at temperatures less than 50° F. but more than 32° F. under ordinary maximum sanitary conditions, which is properly installed with all necessary connections for safe, sanitary and efficient operation.
- H. Exterior. Every rental facility shall be clean and free from garbage, litter, and rubbish and hazards to safety. Lawns, hedges and bushes shall be kept trimmed and shall not be permitted to become overgrown and unsightly. Fences shall be kept in good repair. Trash cans and recycling containers shall be restricted from being stored or kept in front yards and shall otherwise be stored in a safe location.
- I. Parking.
1. Every rental facility shall provide a minimum of one off-street parking space for every one authorized occupant 18 years of age or more, as approved by the Housing Officer pursuant to the following requirements. For owner-occupied rental facilities, such requirements shall be in addition to those spaces required for residential use other than the rental facility portion of the premises. Said parking spaces shall be a minimum of 10 feet by 20 feet. Parking areas must be maintained and configured so as to not create a safety hazard to the tenants using the areas or to any drivers or pedestrians on the public right-of-way; and

in such a manner that does not cause undue inconvenience to the occupants.

2. Parking areas and driveways shall be constructed of an approved impervious material. Approved impervious material shall include asphalt, cement/concrete, or crushed stone or equivalent. Crushed stone or equivalent may be utilized as long as the areas where it is placed are completely contained with a durable border as approved by the Housing Officer, are maintained free of vegetation, and any loose materials do not create a safety hazard. All parking coverage shall meet the requirements of the Glassboro Zoning Office, and any applicable permits shall be obtained prior to installation.
3. Number of Vehicles on Property. The number of vehicles on the property may at no time exceed the number as approved by the Department.

J. Display of Notices on Premises.

Every licensee shall prominently display and maintain at each dwelling unit at all times a Notice of Registration and a Rental Property Posting as provided by the Housing Department. The Notice of Registration shall be posted and maintained within a common area of each dwelling unit in a conspicuous area. The Rental Property Posting shall be prominently displayed in an area where it is clearly visible from the exterior at the front of each dwelling unit. Said Notice of Registration and Posting shall be issued to the licensee by the Housing Department within 30 days of approval as a licensed rental facility.

Notice of Registration and Rental Property Posting shall contain the following:

Notice of Registration:

- A statement of the maximum number of occupants permitted to occupy the premises, and their names, which shall conform to the application and license on file with the Borough.
- The name, address, and telephone number of the owner and the name, address, and telephone number of the registered agent.
- The address of the rental property.
- Vehicle information required on rental application/registration form including year, make, model, and license plate number of any vehicles owned or operated by the licensed occupants
- The period of time or the dates the Notice of Registration is valid.

Rental Property Posting:

- The address of the rental property.
 - The number of approved occupants.
 - The period of time or the dates that the Rental Property Posting is valid.
- K. Occupants. Only those occupants whose names are on file with the Borough as provided in this chapter and are listed on the Notice of Registration may reside in the licensed premises. It shall be unlawful for any other person to reside in said premises.
- L. Nuisance prohibited. No rental facility shall be conducted in a manner which shall result in any unreasonable disturbance or disruption of surrounding properties and property owners or of the public in general, such that it shall constitute a nuisance.
- M. 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 Borough of Glassboro and with all applicable state and federal laws.
- N. Maximum permitted occupancy; posting of premises.
- (1) It shall be unlawful for any rental facility to contain at any one time a number of persons in excess of the number determined in accordance with any applicable adopted code(s).
 - (2) The Chief Housing Inspector shall issue a license prior to occupancy indicating the maximum permitted occupancy.
- O. Interior Painting. The interior of every rental facility shall be painted prior to every change of occupancy. All walls, ceilings, and other surfaces shall be in good repair and properly prepared prior to painting.

Section 6. Waiver of performance standards.

The owner may at any time within 15 days of the date of any notice appeal to the Borough of Glassboro for a waiver of any performance standards set forth in § 379-5 above. The Borough shall afford the owner a hearing if requested. Such hearing shall be conducted by the Mayor and Council. The Borough may, at its discretion, grant a waiver of any one or more of the performance standards if it finds that, in light of the facts and circumstances presented in a particular case, a special reason exists for the waiver and that the granting of the same will not be contrary to the intent and purpose of this chapter and will not be detrimental to the health, safety and welfare of the occupants or proposed occupants of the rental facility, nor to the

general public. The inspecting officer(s) who inspected the premises in question shall be present at such hearing.

Section 7. Inspections.

- A. Free access. The inspection officers are hereby authorized to make inspections to determine the condition of rental facilities in order that they may perform their duty of safeguarding the health, safety and welfare of the occupants of rental facilities and of the general public. For the purpose of making such inspections, the inspecting officers are hereby authorized to enter, examine and survey rental facilities at all reasonable times. The owner or occupant of every rental facility shall give the inspecting officer free access to the rental facility at all reasonable times for the purpose of such inspections, examinations and surveys. Every occupant shall give the owner of the rental facility access to any part of such rental facility at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or any lawful order issued pursuant hereto.
- B. Complaints. Within 10 days of the receipt of a complaint alleging a reported violation of this chapter, an inspecting officer shall conduct an inspection as hereinbefore provided. If the complaint is found to be valid and such causes a violation notice to be issued, then the owner shall be liable for any inspection and reinspection fees necessary.

Section 8. Notice of violation; revocation of license; hearing.

- A. Notice. Whenever an inspecting officer determines that there has been a violation of this chapter, he shall serve a written notice of the violation on the owner, which shall include a statement of the reasons why it is being issued.
- B. Revocation; appeal; hearing.
- (1) If a violation is not corrected within the time allocated within the notice, the inspecting officer may serve an order upon the owner that his license is revoked and occupancy prohibited, effective five days from the service thereof. Said order shall state that the owner may appeal the order to the Borough by submitting a written request to the Borough within five days of receipt of the order for a hearing. Thereupon, the Borough shall fix a date for a hearing and give the owner notice thereof. Such hearing shall be conducted by the Mayor and Council. Such an appeal shall stay the effective date of the order pending the outcome of the hearing. The inspecting officer(s) who inspected the premises in question shall be present at such hearing.

At the hearing, the owner shall be given an opportunity to be heard and to show cause why the order should be modified or withdrawn.

(2) Notwithstanding the correction of any one or more violations of this chapter, the Housing Officer may request that Mayor and Council conduct an administrative hearing in the manner provided above to consider suspension or revocation of a license on the grounds herein stated. If, as a result of such hearing, the Mayor and Council determine that the subject rental facility has been a source of repeated or continuing violations of this chapter such that the operation of said rental facility has been a detriment to the health and/or safety of the occupants or the public health and/or safety or has constituted a public nuisance, the Mayor and Council may suspend such license for such period as they shall determine or may permanently revoke such license.

C. Public record. After a hearing pursuant to Subsection B(1) above, the Borough shall sustain, modify or withdraw the order, depending upon its findings as to whether the provisions of this chapter have been complied with. After a hearing pursuant to Subsection B(2) above, the Borough shall revoke the license, suspend the license for such time as it deems appropriate or take no action against the license, depending upon its findings as to the criteria for suspension or revocation set forth above. The proceedings at such hearings, including the findings and decisions of the Borough, shall be summarized, reduced to writing and entered as a matter of public record in the office of the Housing Department. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the Borough may seek relief therefrom in any court of competent jurisdiction.

Section 9. Emergencies.

Whenever an inspecting officer finds that an emergency exists with reference to a rental facility and the provisions of this chapter which requires immediate action to protect the health of occupants or the general public, he may, without notice or hearing, serve an order upon the owner reciting the existence of such emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. The owner to whom the order is directed shall comply therewith immediately, but upon appeal to the Board of Health, as hereinabove provided, shall be afforded a hearing as hereinbefore provided as soon as possible, within a period not to exceed 10 days. The order shall state the right to such hearing.

Section 10. Violations and penalties.

Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be sentenced to a fine not less than \$100 and not exceeding \$1,000 for each violation or to imprisonment not exceeding 30 days, or both. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 11. Severability

Each section of this Ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective, shall not be deemed to affect the validity or constitutionality of any other sections or parts hereof.

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

BOROUGH OF GLASSBORO

LEO J. McCABE, Mayor

ATTEST:

PATRICIA A. FRONTINO, Municipal Clerk

ROLL CALL VOTE				
	AYES	NAYS	ABSTAIN	ABSENT
Mr. Fiola				
Ms. Simpson				
Mr. D'Alessandro				
Mr. Cossabone				
Mr. Malandro				
Mr. Cabezas				
TALLY:				