

## **CHAPTER 216.**

### **RENTAL PROPERTY**

---

[HISTORY: Adopted by the Mayor and Common Council 4-4-2007 by Ord. No. 5-2007. Amendments noted where applicable.]

#### **ARTICLE I.**

##### **Landlord and Tenant Responsibilities; Enforcement**

§ 216-1. Legislative findings.

§ 216-2. Responsibilities of occupants and owners/landlords.

§ 216-3. Notice of violation; subsequent violations.

§ 216-4. Violations and penalties.

#### **ARTICLE II**

##### **Procedures To Require An Owner of Rental Property Which Has Become a Source of at Least Two Substantiated Complaints to Post a Bond or Equivalent Security to Compensate For Any Future Damage or Expense Suffered From Future Repetition of Disorderly, Indecent, Tumultuous or Riotous Conduct**

§ 216-5. Legislative findings.

§ 216-6. Definitions.

§ 216-7. Hearing; penalty.

§ 216-8. Bond forfeiture; extension.

#### **ARTICLE III**

##### **Definitions; Registration and Licensing**

§ 216-9. Definitions.

§ 216-10. Registration required.

§ 216-11. Registration upon change in occupancy; term; initial registration provisions.

§ 216-12. Registration forms; filing; contents.

§ 216-13. Registration form indexing and filing; license to be posted.

§ 216-14. Amendments.

§ 216-15. Periodic inspections.

§ 216-16. Access for inspections and repairs; complaints.

§ 216-17. Occupancy of unregistered or unlicensed unit prohibited.

§ 216-18. Issuance of license; revocation.

§ 216-19. Fees.

§ 216-20. Owner to provide registration form to occupants and tenants.

§ 216-21. Maximum number of occupants; posting.

§ 216-22. Payment of taxes and other charges as precondition for registration and license.

§ 216-23. Other rental unit standards.

§ 216-24. Occupancy standards.

§ 216-25. Revocation of license; procedure.

§ 216-26. Violations and penalties.

*Editor's Note: Former Ch. 216, Rental Property, adopted 9-25-2006 by Ord. No. 19-2006, was repealed 4-4-2007 by Ord. No. 4-2007.*

## GENERAL REFERENCES

Animals — See Ch. 82.

Housing standards — See Ch. 165.

Peace and good order — See Ch. 202.

Property maintenance — See Ch. 211.

Rent control — See Ch. 217.

Solid waste — See Ch. 241.

## Article I.

### Landlord and Tenant Responsibilities; Enforcement

#### § 216-1. Legislative findings.

**[Added 12-16-2019 by Ord. No. 31-2019]**

Town Council finds, determines and declares that:

A. Hammonton and its citizens have experienced disturbances, damage and public expense from carelessly granted and inadequately supervised rentals to irresponsible tenants or occupants by inept or indifferent landlords.

B. This chapter is enacted to preserve the peace and tranquility of the community for its permanent residents, and for all persons and families availing themselves of the facilities in the community.

C. The enactment of this chapter is necessary and desirable to provide a means to curve and discourage those occasional excesses arising from irresponsible rentals.

#### § 216-2. Responsibilities of occupants and owners/landlords.

**[Amended 12-16-2016 by Ord. No. 31-2019]**

A. The intention of this chapter is to regulate improper behavior by occupants of residential rental premises within the Town of Hammonton. This chapter establishes penalties and a procedure to be

followed by landlords/owners in the event that their tenants, or the tenant's invitees, guests and such with their pets, engage in any disorderly conduct, nuisance, offensive language or other behaviors of conduct which is in violation of any state or federal statute, regulation or any provision of the Town of Hammonton Municipal Code.

B. In no event shall landlords/owners be personally responsible for the behavior of their tenants, regardless of whether that behavior occurs on or about the rental premises or off premises. However, in the case of improper behavior occurring on or about the rental premises, landlord/owners shall follow the procedure outlined below or be subject to the prescribed penalties for failure to follow those procedures.

### **§ 216-3. Notice of violation; subsequent violations.**

[Amended 12-16-2016 by Ord. No. 31-2019]

A. Upon the occurrence of any violation by an occupant of a residential rental premises within the Town of Hammonton or their invitees, guests and/or their pets which results in the issuance of a written warning or summons to those individuals, the landlord or owner of the property shall be placed on notice by receiving written notification of said violation via certified mail, return receipt requested, from the person so designated by Town Council to forward said notice. Said notice shall generally inform the landlord and/or owner of the nature of the violation and the date upon which said violation occurred. Said notice shall also require the landlord to provide the tenant with notice via certified mail, return receipt requested, or by personal delivery to cease said behavior and to provide the designated municipal official with proof that it has done so. Said notice shall also state that a second violation by the tenant of this Article shall result in said landlord and/or owner being cited and otherwise charged with a violation of this Article, which may result in a hearing on said violation to be heard in the Town of Hammonton Municipal Court.

B. Upon a tenant receiving a second warning/summons (notice of which shall also be provided via certified mail, return receipt requested, to landlord), then said landlord and/or owner may be cited for violation of this article and noticed for a hearing to be held in the Town of Hammonton Municipal Court unless the landlord provides proof within 30 days that it has commenced and in good faith prosecuted an action for eviction in Landlord/Tenant Court. The Municipal Court action shall be stayed pending conclusion of the eviction action, the results of which shall be provided to the Town's designated representative within five days of conclusion by the landlord/owner providing a written certification to the Town of the final resolution. The landlord's provision of such proof shall result in a dismissal of the action hereunder, regardless of the outcome in Landlord/Tenant Court, assuming same was prosecuted by the landlord to conclusion, but shall not relieve landlord of its obligation to file a future eviction action in the event of a subsequent violation of this article by the same tenant.

C. For purposes of determining the number of warning/summons received by any tenant, the said Tenant shall be relieved of one violation/summons for each twelve-month period in which that tenant receives no warning or summons.

### **§ 216-4. Violations and penalties.**

Any landlord/owner who shall violate the provisions of this article shall, upon conviction, be subject to a fine not to exceed \$750 for a first offense and up to \$1,000 for any subsequent conviction.

## **Article II.**

### **Procedures To Require An Owner of Rental Property Which Has Become a Source of at Least Two Substantiated Complaints to Post a Bond or Equivalent Security to Compensate For Any Future Damage or Expense Suffered From Future Repetition of Disorderly, Indecent, Tumultuous or Riotous Conduct.**

## **§ 216-5. Legislative findings.**

**[Added 12-16-2019 by Ord. No. 31-2019]**

The Legislature of the State of New Jersey enacted N.J.S. 40:48-2.12(n) et seq. to enable municipalities to take effective action to assure that excesses, when they occur, shall not be repeated, and that landlord's offering rentals be held to sufficient standards of responsibility.

## **§ 216-6. Definitions.**

**[Added 12-16-2019 by Ord. No. 31-2019]**

For purposes of this Article II, the following meanings shall apply:

**HEARING OFFICER** – Shall mean a licensed attorney of the State of New Jersey appointed by the Mayor, subject to the advice and consent of Town Council. The Hearing Officer shall not own or lease any real property within the Town of Hammonton, nor hold any interest in the assets of or profits arising from the ownership of any property in the Town of Hammonton.

**LANDLORD** – Shall mean the person or persons who own or purport to own any building in which there is rented or offered for rent housing space for living or dwelling under either a written or oral lease, including but not limited to any building subject to the "Hotel and Multiple Dwelling Law" (N.J.S. 55:13A-1 et. seq.) and owner occupied two-unit premises. In the case of a mobile home park "Landlord" shall mean the owner of an individual dwelling unit within the mobile home park.

**SUBSTANTIATED COMPLAINT** – Shall mean conduct upon or in proximity to any rental premises and attributable to acts or incidents by an occupant or tenant of a rental premises that has been substantiated by prosecution and conviction in any court of competent jurisdiction as a violation of any provision of Title 2C of the New Jersey Statutes; or any municipal ordinance governing disorderly, indecent, or riotous conduct, including by way of example and not limitation, assault, terroristic threats, harassment, urinating in public, lewdness, criminal mischief, or excessive noise.

## **§ 216-7. Hearing, penalty.**

**[Added 12-16-2019 by Ord. No. 31-2019]**

A. If, in any 24 month period two or more substantiated complaints, as defined in § 216-6 hereof, on separate occasions, have been substantiated by prosecution and conviction in any court of competent jurisdiction, Town Council or any officer or employee of the Town designated by Town Council for this purpose, may institute proceedings to require the landlord of the rental premises to post a bond against the consequences of future incidences of the same or similar character.

B. In the event tenant or occupant of a rental premises has a Substantiated Complaint, Town Council, or the officer or employee designated pursuant to § 216-7A. above, shall cause notice advising that the conduct specified has occurred to be served on the landlord, in person or by certified mail, return receipt requested, at the address appearing on the tax records of municipality.

C. In the event of two or more substantiated complaints, Town Council or any officer or employee of the municipality designated by Town Council shall cause to be served upon the landlord, in person or by certified mail, return receipt requested, to the address appearing on the tax records of the municipality, notice advising of the institution of such proceedings, together the particulars of the substantiated complaints upon which those proceedings are based, and of the time and place at which the hearing will be held in the matter, which shall be in the Municipal Building, Municipal Court or such other public place within the municipality as designated by Town Council, and which shall be no sooner than 30 days from the date upon which the notice is served or mailed.

D. At the hearing convened pursuant to § 216-7(C) above, the Hearing Officer shall give full hearing to both the complaint of the Municipality and to any evidence in contradiction or mitigation that

the landlord, if present or represented and offering such evidence, may present. The Hearing Officer may consider, to the extent deemed relevant by the Hearing Officer, prior complaints about the property, even if those complaints did not result in conviction. At the conclusion of the hearing, the Hearing Officer shall determine whether the landlord shall be required to post a bond in accordance with the terms of this Article II.

E. Any bond required to be posted shall be in accordance with the judgment of the hearing officer, in light of the nature and extent of the offenses indicated in the Substantiated Complaints upon which the proceedings are based, to be adequate in the case of subsequent offenses to make reparation for;

(1) Damages likely to be caused to public or private property and damages consequent upon disruption of affected residents' rights of fair use and quiet enjoyment of their premises;

(2) Securing the payment of fines and penalties likely to be levied for such offenses; and

(3) Compensating the municipality for the cost of repressing and prosecuting such incidents of disorderly behavior; provided, however, no such bond shall be in an amount less than \$500 or more than \$5,000. The municipality may enforce a bond thus requiring an action in a Superior Court, and shall be entitled to an injunction prohibiting the landlord from making or renewing any lease of the affected premises for residential purposes until that bond or equivalent security, in satisfactory form and amount, has been deposited with the municipality.

F. Any bond or other security deposited in compliance with § 216-7E. above shall remain in force for four years. Upon the lapse of the four year period, the Landlord shall be entitled to the discharge of the bond, unless prior thereto further proceedings leading to a forfeiture or partial forfeiture of the bond or other security shall have been had under § 216-8 below, in which case the security shall be renewed in the amount and for a period that shall be specified by the Hearing Officer. A transfer of the ownership or control of the property shall not void a requirement of security imposed under this Article II, The person or persons to whom ownership or control is transferred shall maintain that security, and shall be subject to injunctive proceedings as authorized by § 216-7E. above, in the same manner as the landlord upon which the requirement was originally imposed; provided, however, Town Council may by Resolution shorten the period for which security is required to not less than one year from the date of the transfer of ownership or control, if during that year no substantiated complaints are recorded with respect to the property in question.

### **§ 216-8. Bond forfeiture, extension.**

**[Added 12-16-2019 by Ord. No. 31- 2019]**

A. If during the period for which a landlord is required to give security pursuant to this Article II, a substantiated complaint is recorded against the property in question, Town Council or its designee may institute proceedings against the landlord for the forfeiture or partial forfeiture of the security; for an extension as provided in § 216-7F. above, of the period for which the securities require; or for an increase in the amount of security required; or for any or all of those purposes.

B. Any forfeiture or partial forfeiture of securities shall be determined by the Hearing Officer solely in accordance with the amount deemed necessary to provide for the compensatory purposes set forth in § 216-7E. above. Any decision by the Hearing Officer to increase the amount or extend the period of the required security shall be determined in light of the same factors set forth in § 216-7E. above, and shall be taken only to the extent that the nature of the Substantiated Complaint(s) out of which proceedings arise under this action indicated the appropriateness of such charge in order to effectually carry out the purposes of this Article II. The decision of the Hearing Officer in such circumstances shall be enforceable in the same manner as provided in § 216-7E. above.

## **ARTICLE III**



## Definitions; Registration and Licensing

### § 216-9. Definitions.

Unless the context clearly indicates a different meaning, the following words or phrases, when used in this chapter, shall have the following meaning:

**AGENT** – The individual or individuals designated by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner by this article. The term does not necessarily mean a licensed real estate broker or salesperson of the State of New Jersey, as those terms are defined by N.J.S.A. 45:15-3; however, such term may include a licensed real estate broker or salesperson of the State of New Jersey, if such person designated by the owner as his agent is so licensed.

**APARTMENT OR DWELLING** – Any apartment, cottage, bungalow, any room or rooms in a rooming/boardinghouse or other dwelling unit, consisting of one or more rooms occupying all or part of a floor or floors in a building, whether designed with or without housekeeping facilities for dwelling purposes and notwithstanding whether the apartment be designed for residence, for office or the operation of any industry or business or for any other type of independent use. Each dwelling unit shall contain no more than one kitchen or cooking facility.

**DWELLING UNIT** – Any room or rooms or suite or apartment, including any room or rooms in a rooming/boardinghouse, whether furnished or unfurnished, which is occupied or intended, arranged or designed to be occupied for sleeping or dwelling purposes by one or more persons, including but not limited to the owner thereof or any of his servants, agents or employees, and shall include all privileges, services, furnishings, furniture, equipment, facilities and improvement connected with use or occupancy thereof. Each dwelling unit shall contain no more than one kitchen or cooking facility.

**LICENSE** – The license issued by the Town Clerk or designee attesting that the rental unit has been properly registered in accordance with this article.

**LICENSEE** – The person to whom the license is issued pursuant to this article. The term "licensee" includes within its definition the term "agent", where applicable.

**OWNER** – Any person or group of persons, firm, corporation or officer thereof, partnership, association or trust who owns, operates, exercises control over, or is in charge of a rental facility.

**OWNER-OCCUPIED** – A portion of a rental facility, dwelling, commercial unit or dwelling unit shall be considered owner-occupied if the owner makes his primary residence therein. A person may have only one primary residence in the Town.

**PERSON** – An individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof.

**RENTAL FACILITY** – Every building, group of buildings or a portion thereof consisting of less than three dwelling units which 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.

**RENTAL UNIT** – A dwelling unit or commercial unit which is available by lease, rental or otherwise to persons other than the owner. "Rental unit" shall not include that portion of a rental facility, dwelling, commercial unit or dwelling unit that is owner-occupied.

**RENT OR RENTED** – Occupied by any person or persons other than the owner, regardless of whether there is a written or oral agreement and regardless of whether the owner receives consideration for the occupancy.

**TENANCY** – Occupancy of the unit by one or more tenants.

TENANT – Occupant in a unit by other than the owner.

### **§ 216-10. Registration required.**

All rental units shall hereafter be registered with the Town Clerk or designee of the Town of Hammonton, or such other person as designated by the Town Council, on forms which shall be provided for that purpose and which shall be obtained from the Town Clerk or designee. Such registration shall occur on an annual basis, as provided herein.

### **§ 216-11. Registration upon change in occupancy; term; initial registration provisions.**

The landlord/owner shall inform the Town in writing upon any change in occupancy of the premises and shall supply at that time the information required by § 216-19 below. Each rental unit shall be registered with each change in occupancy. The initial license term shall commence on May 1, 2007, and shall be valid for one year, at which time it shall expire and a new registration shall be required. The initial registration shall occur on May 1, 2007. Any lease which has been executed prior to the adoption of this article shall not be affected, but the rental unit must nevertheless be registered, inspected and licensed in accordance with this article. No rental unit shall hereafter be rented unless the rental unit is registered and licensed in accordance with this article.

### **§ 216-12. Registration forms; filing; contents.**

**[Amended 12-16-2019 by Ord. No. 31-2019]**

Without in any way intending to infringe upon the requirements of N.J.S.A. 46:8-28, all rental units shall be registered and licensed, as provided herein. Every owner shall file with the Town Clerk or designee of the Town of Hammonton, or such other person as designated by the Town Council, a registration form for each unit contained within a building or structure, which shall include the following information:

- A. 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 name and addresses of all general partners shall be provided, together with the telephone numbers for each of such individuals, where such individual may be reached both during the day and evening hours.
- B. If the address of any record owner is not located in the Town of Hammonton or in Atlantic County, the name and address of a person who resides in Atlantic 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.
- C. The name and address of the agent of the premises, if any.
- D. The name and address, 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.
- E. The name, address and telephone number of an individual representative of the owner or agent or the owner, if domiciled in Atlantic County, 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.
- F. The name and address of every holder of a recorded mortgage on the premises.
- G. 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.

H. 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, which shall become part of the application and which shall be attached to the registration form when filed by the Town Clerk or designee.

I. As to each rental unit, a specification of the exact number of occupants that shall occupy the rental unit.

J. Such other information as may be prescribed by the Town of Hammonton.

K. The information referenced in Subsections A through G hereof may be provided by attaching the landlord registration statement mandated by N.J.S.A. 46:8-28 certifying that the information contained therein remains true and accurate or, in the event of any change, amend said registration certificate accordingly.

### **§ 216-13. Registration form indexing and filing; license to be posted.**

The Town Clerk or designee shall index and file the registration forms. In doing so, the Town Clerk or designee shall follow the mandates of N.J.S.A. 46:8-28.1, as amended and supplemented, so that the filing of the registration form will simultaneously satisfy the registration requirements of N.J.S.A. 46:8-28 to the extent that it applies to the property being registered and will also satisfy the registration requirements of this article. The owner shall post the license in a conspicuous location in the dwelling.

### **§ 216-14. Amendments.**

Every person required to file a registration form pursuant to this article shall file an amended registration form within 20 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.

### **§ 216-15. Periodic inspections.**

[Amended 12-16-2019 by Ord. No. 31-2019]

A. Each rental unit shall be inspected at least once every twelve-month period.

B. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Town of Hammonton, and inspections made by persons or an agency other than the duly authorized and appointed person, persons or agency of the Town of Hammonton shall not be used as a valid substitute.

C. Such inspection shall be for the purpose of determining zoning ordinance compliance and, to the extent applicable, to determine if the property complies with the Property Maintenance Code, Uniform Construction Code, BOCA Maintenance Code, Housing Code and/or Building Code and/or Uniform Fire Safety Act.

D. Unsatisfactory inspection. In the event that the inspection(s) of a rental unit does not result in a satisfactory inspection, such property shall not thereafter be registered, nor shall a license issue, and the owner of the property or his agent shall not lease or rent such property, nor shall any tenant occupy the property, until the necessary corrections have been made so as to bring the property and rental unit into compliance with the applicable code and the property is thereafter subsequently inspected, registered and licensed. In the event that the property is occupied when such conditions are discovered, all such corrections 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, subject to the penalty provisions of this article. The owner, however, shall be permitted to apply for extension of time to make repairs or corrections so as to comply with this article, for good cause shown.



E. The owner of any property which is subject to an inspection every five years by the State of New Jersey, Department of Community Affairs, Division of Codes and Standards, Bureau of Housing Inspections shall be permitted to provide the local inspection officer with a copy of a satisfactory report from that agency in lieu of being required to participate in the local inspection program in the year in which the state inspection occurred. For each year thereafter, the property shall be subject to local inspection hereunder (with the exception of any future year wherein a state inspection occurs consistent with the provisions of this section).

[Added 12-21-2009 by Ord. No. 29-2009]

### **§ 216-16. Access for inspections and repairs; complaints.**

[Amended 12-16-2019 by Ord. No. 31-2019]

A. The inspection officers are hereby authorized to make inspections to determine the condition of rental facilities, rental units and rooming/boardings, in order that they may promote the purposes of this article to safeguard the health, safety and welfare of the occupants of rental facilities, rental units and rooming/boardings and of the general public. For the purposes of making such inspections, the inspecting officers are hereby authorized to enter, examine and survey rental facilities, rental units and rooming/boardings at all reasonable times. The owner or occupant of every rental facility, rental unit and rooming/boardings shall give the inspecting officer free access to the rental facility, rental unit and rooming/boardings at all reasonable times for the purpose of such inspections, examinations and surveys.

B. Every occupant shall give the owner of the rental facility, rental unit and rooming/boardings access to any part of such rental facility, rental unit and rooming/boardings at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this article or any lawful order issued pursuant thereto.

C. Complaints. Within 10 days of receipt of a bona fide complaint alleging a reported violation of this article, an inspecting officer shall conduct an inspection as hereinbefore provided.

D. Nothing contained within this section shall relieve the said inspector from providing the landlord/owner and tenant/occupant with such prior notice, if any, as required by current laws and/or regulations of the State of New Jersey.

E. The inspection officer, if necessary, may apply to the Municipal Court for a search warrant setting forth the factual circumstances that provide a reasonable basis for believing that a violation of this article exists on the premises and if the Municipal Judge is satisfied as to the matter set forth in the affidavit, he/she shall authorize the issuance of a search warrant permitting access to and inspection of that part of the premises on which the violation allegedly exists.

### **§ 216-17. Occupancy of unregistered or unlicensed unit prohibited.**

No person shall hereafter occupy any rental unit, nor shall the owner permit occupancy of any rental unit within the Town of Hammonton, which is not registered and licensed in accordance with this article.

### **§ 216-18. Issuance of license; revocation.**

Upon the filing of a completed registration form and payment of the prescribed fee, the owner shall be entitled to the issuance of a license renewable on May 1 of the next calendar year. Such license may be revoked upon receipt of an unsatisfactory inspection not corrected in accordance with the procedures outlined hereinabove. A registration form shall be required for each rental unit, and license shall issue to the owner for each rental unit, even if more than one rental unit is contained in the property.

### **§ 216-19. Fees.**

At the time of the filing of the registration form and prior to the issuance of a license, the owner or agent of the owner must pay a fee in accordance with the following:

A. Annual registration fees:

**[Amended 4-18-2011 by Ord. No. 7-2011]**

- (1) For one to seven non-owner-occupied units at one location: \$50 per unit.
- (2) For eight to 25 non-owner-occupied units at that same location: \$40 per unit.
- (3) For 26 or more non-owner-occupied units at the same location: \$30 per unit.

B. A reinspection fee as follows:

- (1) First reinspection: no charge;
- (2) Second reinspection: \$15 per unit;
- (3) Third reinspection: \$30 per unit; and
- (4) Fourth or subsequent reinspection: \$50 per unit.

C. If the owner of the property is a senior citizen who resides in a unit of the property and rents out the remaining unit and would otherwise qualify under the State of New Jersey property tax deduction under N.J.S.A. 54:4-8.41, there shall be no fee.

D. If any fee is not paid within 30 days of its due date, a late fee surcharge of \$30 will be assessed.

#### **§ 216-20. Owner to provide 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 guesthouse 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 license in a conspicuous place within the rental unit(s).

#### **§ 216-21. Maximum number of occupants; posting.**

A. The maximum number of occupants shall be posted in each rental unit. It shall be unlawful for any person, including the owner, agent, 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 21 days. Any person violating this provision shall be subject to the penalty provisions hereof.

B. In the event the Town's authorized representatives have a reasonable basis to conclude that the occupancy limit for a particular unit is being exceeded, it shall provide notice of that fact to the landlord, who shall investigate and thereafter certify by its sworn signature, on forms to be supplied by the Town, that it has corrected any violation and that, to the best of this knowledge, no current violation exists.

#### **§ 216-22. Payment of taxes and other charges as precondition for registration and license.**

No rental unit may be registered and no license shall issue for any property, containing a rental unit, whose taxes, water, sewer or other municipal assessments are more than two quarters in arrears. If landlord/owner provides the Town with a repayment plan, in writing, certifying its intention to eliminate said arrearages, the Town may issue a conditional license revocable upon landlord/owner's failure to comply with said plan.

#### **§ 216-23. Other rental unit standards.**

All dwelling units shall be maintained in accordance with the Uniform Construction Code and the BOCA National Property Maintenance Code.

## **§ 216-24. Occupancy standards.**

**[Amended 12-16-2019 by Ord. No. 31-2019]**

A. In the event the Town has a reasonable basis to believe that the occupancy limit is being exceeded, the Town's designated representative shall contact the landlord, who shall use his/her best efforts to obtain and provide to the Town the name of each permitted occupant of the dwelling. It shall be a violation of this chapter for any other person(s) to reside in said premises, and repeated occupancy violations by a tenant shall subject the tenant and landlord to the requirements and penalties set forth in Article I of this chapter.

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 Town of Hammonton.

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 Town of Hammonton and with all applicable state and federal laws. However, any landlord licensed in accordance with this article shall not be subject to the Hammonton certificate of occupancy ordinance as annual compliance with this chapter shall waive the need for a CCO.

## **§ 216-25. Revocation of license; procedure.**

A. Grounds. In addition to any other penalty prescribed herein, an owner, subject to Article I, §§ 216-1 and 216-2 above, may be subject to the revocation or suspension of the license issued hereunder upon the happening of one or more of the following:

(1) Conviction of a violation of this article in the Municipal Court or any other court of competent jurisdiction.

(2) Determination of a violation of this article at a hearing held.

(3) Continually renting the unit or units to a tenant or tenants who are convicted of a violation of the Noise Ordinance of the Town.

(4) Continually permitting the rental unit to be occupied by more than the maximum number of occupants as defined in this article.

(5) Maintaining the rental unit or units or the property in which the rental unit is a part in a dangerous condition likely to result in injury to person or property.

B. Procedure; written complaint; notice; hearing.

(1) Prior to a complaint being filed pursuant to the terms of this section, the Town's designated representative shall provide a written warning to the landlord that a revocation complaint shall be issued unless the issues forming the basis for same are addressed and corrected within 30 days of issuance of the warning notice.

(2) A complaint seeking the revocation or suspension of a license may be filed by any one or more of the following: Director of Public Safety, Chief of Police, Construction Code Official, Housing Inspector, the Zoning Enforcement Officer or any other persons or office authorized to file such complaint. Such complaint shall be in writing and filed with the Town Clerk or designee. The complaint shall be specific and shall be sufficient to apprise the licensee of the charges, so as to permit the

licensee 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.

(3) Upon the filing of such written complaint, the Town Clerk or designee shall immediately inform the Town Council, and a date for a hearing shall be scheduled, which shall not be sooner than 10 nor more than 30 days thereafter. The Town Clerk or designee shall forward a copy of the complaint and a notice, as to the date of the hearing, to the licensee and the agent, if any, at the address indicated on the registration form. Service upon the agent shall be sufficient.

(4) The hearing required by this section shall be held before the Town Council, unless, in its discretion, the Town Council determines that the matter should be heard by a Hearing Officer, who shall be appointed by the Town Council. If the matter is referred to a Hearing Officer, such officer shall transmit his findings of fact and conclusions of law to the Town Council within 30 days of the conclusion of the hearing. The Town Council shall then review the matter and may accept, reject or modify the recommendations of the Hearing Officer based on the record before such Hearing Officer. In the event that the matter is not referred to a Hearing Officer and is heard by the Town Council, then the Town Council 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 license, or determining that the license shall not be renewed or reissued for one or more subsequent license years.

(5) A stenographic transcript shall be made of the hearing. All witnesses shall be sworn prior to testifying. The strict rules of evidence shall not apply, and the evidential rules and burden of proof shall be that which generally controls administrative hearings.

(6) The Town Solicitor or his designee shall appear and prosecute on behalf of the complainant in all hearings conducted pursuant to this section.

C. Defenses. It shall be a defense to any proceeding for the revocation, suspension or other disciplinary action involving a rental license 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 tenant(s), occupant(s) or guests for recovery of the premises, eviction of the tenant(s) or otherwise.

## **§ 216-26. Violations and penalties.**

Any person who violates any provision of this article shall, upon conviction in the Municipal Court of the Town of Hammonton, or such other court having jurisdiction, be liable to a fine not exceeding \$750 for a first offense and not exceeding \$1,000 for any subsequent violation.