

*Borough of Stone Harbor, NJ
Tuesday, January 31, 2012*

Chapter 205A. RENTAL UNIT REGISTRATION

[HISTORY: Adopted by the Borough Council of the Borough of Stone River 10-6-2009 by Ord. No. 1348. Amendments noted where applicable.]

GENERAL REFERENCES

Registration of businesses — See Ch. 205.
Uniform fire code — See Ch. 294, Art. I.
Land development procedures — See Ch. 345.
Zoning — See Ch. 560.

§ 205A-1. Intent and purpose.

The Borough of Stone Harbor has determined that it is in the interest of the health, safety and welfare of the citizens of the Borough and visitors to the Borough to provide for the registration of residential rental units within the Borough. The registration of such units will allow the Borough to carry out the required inspection of such units for the protection of persons and property. Furthermore, the registration of such units will assist in the consistent enforcement of Borough ordinances related to firesafety, zoning and construction code matters. There will also be an enhanced ability for public safety and first responders to efficiently and appropriately respond to emergencies at such residential rental units. The registration of such units is authorized by law and provides an additional mechanism for the Borough to minimize disturbances, damage and public expense from occasionally unruly tenants at such rental properties.

§ 205A-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AGENT or MANAGING 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 chapter. The term does not include 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, unless such broker or salesperson shall affirmatively consent to act as such agent or managing agent.

APARTMENT or DWELLING

Refers to any apartment, cottage, bungalow or other dwelling unit consisting of one or more rooms occupying all or part of a floor or floors in a building of one or more floors or stories, but not necessarily the entire building, whether designed with or without housekeeping facilities and used for dwelling purposes and notwithstanding whether the apartment or dwelling be designed for residence, for office, or the operation of any industry or business, or for any other type of independent use, if such apartment or dwelling is being used for residential habitation.

BUILDING

Any building or structure, or part thereof, used for residential habitation, use or occupancy and includes any accessory buildings and appurtenance belonging thereto or usually enjoyed therewith.

DWELLING UNIT

Any room or rooms, or suite or apartment thereof, 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 improvements connected with use or occupancy thereof. This definition applies only to those dwelling units, including single-family residences, which are available for lease or rental purposes.

LANDLORD

See definition of "owner."

LICENSE

The license issued by the Borough attesting that the rental unit has been properly registered and inspected at required intervals in accordance with this chapter.

LICENSING CLERK

The municipal official or employee designated by the Borough to receive rental license applications and registrations and to issue licenses pursuant to this chapter. Information on how to contact the Licensing Clerk shall be available in the Borough Clerk's office.

LICENSE YEAR

This chapter shall be effective upon adoption in accordance with law; however, the first rental registration term shall be January through December 2010, and the annual license terms thereafter shall be January through December of the calendar year.

LICENSEE

The person to whom the license is issued pursuant to this chapter. The term "licensee" includes within its definition the term "agent" or "managing agent" where applicable.

MANAGING AGENT

See definition of "agent."

OWNER

The person who owns, purports to own or exercises control over any building.

PERSON

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

RENTAL AGENT

The person who negotiates for the lease of the rental unit on behalf of the owner where such lease is not negotiated directly between the owner and a tenant. Such person shall be the holder of the required license mandated by the State of New Jersey for real estate agents. The rental agent is not the managing agent under the terms of this chapter unless the rental agent should expressly consent to assume such duties or obligations.

RENTAL PROPERTY

A building or structure which contains one or more rental units.

RENTAL UNIT

Used collectively to include the term apartment or dwelling, building, dwelling unit, as defined by this chapter. This definition shall not apply to any single-family home which is not available for rental purposes.

SEASONAL TENANT

Any person entering into a lease with a term of 125 days or more per year.[**Amended 10-20-2009 by Ord. No. 1349**]

TENANT

Any person who occupies any rental unit pursuant to the terms of a lease agreement, whether written or oral, or who occupies a rental unit pursuant to permission or license of any kind granted by an owner or owner's agent. The term shall be construed liberally to include not only tenants but guests and occupants. The term shall also include subtenants.

§ 205A-3. Title.

This chapter shall be known as the "Rental License Ordinance" of the Borough.

§ 205A-4. Requirements for all rental properties.

All rental properties and rental units contained therein and located within the Borough shall be required to be registered, inspected in accordance with Chapter 294 and licensed annually by the Borough. No rental property or rental unit shall be hereafter occupied unless such property complies with the provisions of this chapter.

§ 205A-5. Prohibitions on occupancy.

- A. No person shall hereafter occupy any rental unit, nor shall the owner, managing agent or rental agent permit occupancy of any rental unit within the Borough unless the same has been registered, inspected and licensed in accordance with this chapter.
- B. Any landlord who leases a rental unit while such unit is unlicensed, and who represents to any tenant and/or real estate agent, real estate broker, real estate office, attorney or other agent that such unit is properly licensed, shall be deemed in violation of this chapter and subject to the fines and penalties herein. Each day that a tenant shall remain in occupancy of such unlicensed premises shall be considered a separate and distinct violation of this chapter.
- C. Any tenant who knowingly leases and/or occupies an unlicensed unit shall be deemed in violation of this chapter and subject to the fines and penalties included herein. Each day such tenant shall remain in occupancy of such unlicensed premises shall be considered a separate and distinct violation of this chapter.
- D. Any real estate agent, real estate broker, real estate office, attorney or other party who knowingly acts as a representative of the landlord, tenant or both in order to effectuate the leasing and/or occupancy of an unlicensed premises shall be deemed in violation of this chapter and subject to the fines and penalties herein provided. The Borough will, on request and without charge, provide to each real estate office a list of all units which have been licensed.

§ 205A-6. Registration.

All rental units shall hereafter be registered with the Licensing Clerk of the Borough on forms which shall be provided for that purpose by the Borough. Such registration shall be required on an annual basis as provided herein. A registration form shall be required for each rental unit, and a rental license shall be required for each individual rental unit.

§ 205A-7. Procedure for obtaining license; inspection required.

The owner of a rental unit shall submit a registration form and a license application together with the required fee to the Licensing Clerk. On an initial registration, the rental unit shall be inspected prior to the issuance of a rental license, and such license shall be issued only in the event that the unit passes such inspection. On a renewal, a license shall be issued conditionally and subject to the rental unit being inspected and the unit passing such inspection. The date of inspection will be scheduled by the Licensing Clerk. To the extent that it is possible to do so, the date will coincide with the date of the inspection in the prior year. No inspection will be conducted, however, until a completed registration form has been filed by the owner and all fees paid.

§ 205A-8. Conditions for obtaining license.

In order to qualify for a rental license, the following requirements shall be met:

- A. The rental unit shall be inspected and shall receive a satisfactory rating.
- B. All municipal taxes, water and sewer charges and other municipal assessments must be paid on a current basis.

§ 205A-9. Property inspection; frequency.

Each rental unit shall, prior to the issuance of any license, be inspected and pass inspection in accordance with the provisions of Chapter 294.

§ 205A-10. (Reserved)

Editor's Note: Former § 205A-10, Display of license decal, was repealed 8-3-2010 by Ord. No. 1362.

§ 205A-11. Limitation on occupancy.

Each licensee granted a license pursuant to this chapter shall be permitted to lease or rent the rental unit to a number of tenants and occupants, which number shall not exceed the number which has been computed in accordance with the following:

- A. Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor area for each occupant thereof, except that any such room in any building or structure which is in existence and for which a certificate of occupancy has been issued as of the date final adoption of this chapter shall be deemed to accommodate two people notwithstanding the fact that such room does not have a minimum of 100 square feet as required by this section.
- B. Rental units shall not be occupied by more occupants than permitted by the minimum occupancy area requirements of the table hereinafter set forth.
- C. Combined living room and dining room spaces shall comply with the requirements of the table hereinafter set forth if the total area is equal to that required for separate rooms and if the space is so located that it functions as a combination living room/dining room.

Minimum Occupancy Area Requirements

[minimum occupancy area in square feet (square meters)]

Space	1-2 Occupants	3-5 Occupants	6 Or More Occupants
Living room	No requirements	120 (11.16)	150 (13.95)
Dining room	No requirements	80 (7.44)	100 (9.30)
Kitchen	50 (4.65)	50 (4.65)	60 (5.58)

§ 205A-12. Maximum number of occupants; posting.

The maximum number of occupants shall be posted in each rental unit. It shall be unlawful for any person, including a tenant guest, occupant or invitee, to allow a greater number of persons than the posted maximum number of occupants to sleep in or occupy overnight the rental unit. Any person violating this provision shall be subject to the penalty provisions hereof.

§ 205A-13. License term; transferability of license.

- A. Term. The license term shall be from shall be January 1 to December 31 of the calendar year.
- B. Transferability. In the event that a property containing one or more licensed rental units is sold, assigned or transferred during the license year, the rental license shall be transferable to the new owner. However, if such property is the subject of any enforcement action for violation of this chapter or Chapter 294, the seller shall be relieved of any obligation ultimately imposed by any enforcement proceeding.

§ 205A-14. Fees.

- A. Inspection fees. The fees to be charged for inspections shall be established by annual resolution of the Borough of Stone Harbor.

[Amended 10-20-2009 by Ord. No. 1349]

- B. Registration and license fees. At the time of filing the registration form, the owner shall pay a fee in accordance with the fees established by annual resolution of the Borough of Stone Harbor.

[Amended 10-20-2009 by Ord. No. 1349]

- C. Time for payment of fees; late registration; refunds prohibited. All inspection and registration fees shall be paid by December 31. If not paid by that date, an additional fee of \$50, representing a late registration fee, shall be paid at the time of registration in addition to all other fees required at that time. The Borough shall not refund any inspection, registration or late fee paid pursuant to this chapter unless approved by resolution of the Borough Council upon good cause shown.

§ 205A-15. State registration required.

Every owner of rental property shall comply with the state landlord registration requirements of N.J.S.A. 46:8-28 as amended and supplemented. Compliance with this chapter shall not satisfy the registration and filing requirements imposed by state law but shall be in addition thereto.

§ 205A-16. Tenant register.

[Amended 10-20-2009 by Ord. No. 1349]

- A. Duty to maintain lease documents. Every tenant shall maintain a copy of the executed lease on the premises. The lease shall be available for inspection by the officers of the Police Department and by a representative of the Licensing Clerk at all times and shall be produced upon the written request of the Municipal Prosecutor without subpoena.

§ 205A-17. Additional disclosures to all tenants; tenant acknowledgment.

[Amended 10-20-2009 by Ord. No. 1349]

- A. All owners of licensed rental units and managing agents thereof will be provided with an owner/tenant/agent disclosure form, produced and made available by the Borough, at the time of submission of the registration form. Such disclosure form shall indicate the obligations of the owner, managing agent, tenant and rental agency under this chapter.
- B. The disclosure form referred to herein shall be provided to each tenant appearing on any lease by the landlord if a direct rental between landlord and tenant, or by the real estate agent, real estate broker, real estate office, attorney or other agent if the services of an agent are employed.

- C. The disclosure form shall be photocopied or digitally recorded and attached to any finalized lease and maintained by the landlord, or by the real estate agent, real estate broker, real estate office, attorney or other agent if the services of an agent are employed, for a period of three years, after which the same may be destroyed.

§ 205A-18. Violations.

- A. Occupancy by nonregistered guests. It shall be unlawful and in violation of this chapter for any seasonal tenant to allow or permit any other individual, for whom sleeping accommodations are not available on the premises and who have not been registered as tenants, to enter in or upon the apartment or dwelling leased by the seasonal tenant between during the hours of 11:00 p.m. and 7:00 a.m., prevailing time. The seasonal tenant may, however, grant specific permission to such nonregistered individuals to enter in or upon such apartment or dwelling. However, in so doing, the seasonal tenant shall become personally responsible for the activities of such nonregistered individuals, and in the event of a breach of the peace or other violation of the ordinances the Borough or the laws or regulations of the State of New Jersey by such individuals, the seasonal tenant shall be deemed to have violated this chapter.
- B. Unlawful activities. It shall be unlawful and in violation of this chapter for a licensee or tenant of an apartment or dwelling:
- (1) To permit or allow people to reside in the apartment or dwelling in a number in excess of the number of people for which sleeping accommodations are provided.
 - (2) To lease an apartment or dwelling to a number or group of tenants which exceeds the total number of sleeping accommodations in the apartment or dwelling.
 - (3) To knowingly permit a number of people, greater than the maximum number of occupants permitted, to occupy the apartment or dwelling.
 - (4) To rent an apartment or dwelling without securing a permit therefor.
 - (5) To violate any of the provisions of the New Jersey State Housing Code, N.J.A.C. 5:28-1.1 et seq.
 - (6) To enter into a lease agreement without at least one tenant being an adult, and requiring all adult tenants to sign the lease.
- C. Conviction of tenant as violation of lease. The terms of this chapter shall become part of all leases with respect to licensed premises in this Borough. Upon the conviction of a registered tenant for a violation of this chapter, or any other ordinance or law of this state or the federal government, which violation occurs on the licensed premises, such conviction shall be prima facie evidence in a civil suit for eviction of a violation of the rules and regulations of the landlord by the registered tenant.

§ 205A-19. Enforcement and penalties.

The provisions of this chapter shall be subject to enforcement by the members of the Stone Harbor Police Department, the Construction Code Official, the Fire Inspector the Licensing Clerk and code enforcement officials of the Borough or any of them independently. Penalties for any violation shall be in accordance with the penalty provision of the ordinances of the Borough of Stone Harbor. *Editor's Note: See Ch. 1, General Provisions, Art. III.* Each day that any violation continues unabated shall be considered a new violation subject to additional penalties.