

BOROUGH OF NORWOOD

ORDINANCE NO. 13:03

**AN ORDINANCE ADOPTING A NEW CHAPTER 181 OF
THE CODE THE BOROUGH OF NORWOOD
REGULATING RENTAL PROPERTY**

WHEREAS, the Mayor and Council finds that there has been a proliferation of what are commonly known as “illegal apartments,” meaning residential dwelling units occupied in violation of the zoning ordinances. Most typically, these illegal apartments manifest themselves as a second residential unit in a building in a one-family zone, and other residential units in a building with a two-family use; and

WHEREAS, the Mayor and Council finds that these illegal apartments have a deleterious effect on the quality of life of Borough residents, require the provision of Borough services, increase the use of Borough programs and services, contribute to the costs of the Borough by increasing the generation of refuse (garbage) and sewer flow, contribute to overcrowding, generate traffic within the Borough, generate automobiles which contribute to parking shortages throughout the Borough, and lead to the maintenance of dwelling units which often fail to meet health, safety, and building code standards. These uses generally escape taxation because their existence is normally hidden for tax assessment purposes. The use and maintenance of these illegal apartments is also unfair to the vast majority of Borough residents who abide by zoning ordinances and all laws; and

WHEREAS, the Mayor and Council wishes to eliminate illegal dwelling units within the Borough prevent them from reoccurring, and to establish specific guidelines for those who profit from illegal housing; and

WHEREAS, the purpose of this ordinance is to amend the Borough’s ordinances to require owners of rental properties to register residential rental properties with the Borough, to advance the health, safety, and welfare of Borough residents and property owners.

NOW, THEREFORE, BE IT ORDANIED by the Mayor and Council of the Borough of Norwood as follows:

Section 1: A new Chapter 181 will be added to the Code of the Borough of Norwood, titled “Rental Property” to state the following:

Chapter 181. Rental Property

Article I. Registration and Inspection.

§181-1. Purpose.

The purpose of this chapter is to provide for the annual registration of all nonowner-occupied single-family structures, multifamily structures and rental units.

§181-2. Definitions.

The these terms will have the following meanings when used in this chapter:

Borough - means the Borough of Norwood.

Dwelling Unit – means any room, rooms, suite, or portion 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.

Illegal Dwelling Unit – means a residential dwelling unit in a structure with dwelling units in excess of the number permitted by the Borough’s zoning ordinance and the Municipal Land Use Law.

Multifamily Structure – means any structure with more than one dwelling unit.

Owner Occupied – means property that is the principal residence of the owner(s).

Single-Family Structure – means a structure with one dwelling unit.

Two-Family Structure – means a structure with two dwelling units.

§181-3. Registration.

A. The owner(s) of all two-family structures and nonowner-occupied single-family structures will register their structures annually with the Borough Code Enforcement Bureau on forms specified by the Borough.

B. The owner(s) of all two-family structures and non-owner-occupied single-family structures will register with the Borough Code Enforcement Bureau whenever a change in occupancy occurs during the annual registration period.

§181-4. Inspection.

A. The owner(s) of all two-family structures and nonowner-occupied single-family structures will submit to an annual inspection of the structure by the Code Enforcement Official or his designee for compliance with New Jersey State statutes and Borough ordinances.

B. The owner(s) of all two-family structures and nonowner-occupied single-family structures will submit to an inspection by the Code Enforcement Official or his designee whenever a change in occupancy occurs for compliance with New Jersey statutes and Borough ordinances.

C. This section’s provisions do not apply to any unit in a two-family structure that is occupied by an owner of the property.

D. This section's provisions do not apply to owner(s) of any two-family structures or nonowner-occupied single-family structures who receive property tax deductions from the Borough for their status as senior citizens and/or veterans.

§181-5. Fees.

A. The registration and re-registration fees are as follows:

- (1) Nonowner-occupied residential structure: \$50.
- (2) Multifamily residential structure for each rental unit: \$50.

B. The registration and re-registration fee will be waived for the calendar year 2013 and in each following year for all senior citizens and veterans who qualify for and have been approved for the New Jersey State Senior Citizen's Property Tax Deduction pursuant to N.J.S.A. 54:4-8.43 or the Veteran's Property Tax Deduction pursuant to N.J.S.A. 54:4-8.13.

C. After the calendar year 2013, any homeowner who would otherwise qualify for waiver of the registration or re-registration fee under Subsection B herein who fails to comply with the other requirements of this Chapter will forfeit the fee waiver permanently.

§181-6. Compliance.

The owner(s) of all two-family and nonowner-occupied single-family structures will, no later than February 15 of each calendar year, submit an annual registration with the Borough Code Enforcement Official or his designee on form(s) specified by the Borough, and to schedule an annual compliance inspection at that time, except for the calendar year 2013, when the submission date is extended to July 31, 2013.

§181-7. Written notice.

A. Any owner(s) who is not in compliance with this chapter will receive written notice from the Borough Code Enforcement Official, or his designee, to bring the property into compliance within 30 days of the date of the notice.

B. Any owner(s) who fails to comply with the written notice of the Borough Code Enforcement Official, or his designee, is subject to a municipal summons and the penalties set forth in §181-8 herein.

§181-8. Limitations.

Structures that are subject to registration under N.J.S.A. 55:13B-1 et seq. are exempt from compliance with this chapter.

Article II. Inspections and Penalties.

§181-9. Inspections upon complaint.

Upon receiving a complaint pertaining to illegal housing at a structure that has been registered under the provisions of this chapter, the Borough Code Enforcement Official is authorized and permitted to again inspect the property for violations.

§181-10. Violations and penalties.

A. Any person violating any provision of this chapter will be subject to a fine of not less than \$1,000 and not more than \$2,000 for the first offense, unless the violation is addressed and corrected within 10 days of the discovery of the violation, in which case the fine may be reduced to \$500 for the cost of the required inspection and reinspection, and imprisonment for a term not exceeding 90 days for each separate violation.

B. In addition to the penalties in §181-10(A), any person violating the provisions of this chapter will be liable to any displaced tenant or occupant of an illegal dwelling unit for the costs of relocation up to an amount equal to six times the monthly rental that would have been paid by the displaced person pursuant to N.J.S.A. 2A:18-61.1g(a), and will be liable for a fine to be paid to the municipality of up to an amount equal to six times the monthly rental paid that would have been paid by the displaced person, pursuant to N.J.S.A. 2A:18-61.1g(c) or a minimum of \$1,500.

C. For second and subsequent violations for an illegal dwelling unit, the Court may impose a fine equal to three times the amount of the fine assessed for the prior violation, in an amount not to exceed \$2,000 per day.

Section 2: All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of any inconsistencies.

Section 3: The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional or invalid by any court, the remaining parts of this ordinance will remain in full force and effect.


Section 4: This ordinance will take effect upon final approval and publication, according to law.

Introduced and passed first reading: March 13, 2013

Passed second reading: April 10, 2013

ATTEST:

APPROVED BY:


Lorraine L. McMackin,
Borough Clerk


James P. Barsa, Mayor