AN ORDINANCE OF THE BOROUGH OF PALMYRA REQUIRING THE INSPECTION, REGISTRATION AND LICENSING OF RESIDENTIAL RENTAL PROPERTIES IN THE BOROUGH OF PALMYRA

Ordinance No. 2013-14

WHEREAS, the governing body of the Borough of Palmyra, County of Burlington and State of New Jersey intends by the adoption of this Ordinance to address the deteriorating condition of certain rental properties within the Borough and to ensure that all residents live in decent housing that meets the standards set forth by applicable codes, regulations and statutes.

NOW BE IT ORDAINED by the governing body of the Borough of Palmyra in the County of Burlington and State of New Jersey as follows:

A new subchapter is hereby added to the Code of the Borough of Palmyra entitled "The Inspection, Registration and Licensing of Residential Rental Properties in the Borough of Palmyra" which shall read as follows:

Article I. Registration and Licensing

§ 1 Definitions

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

AGENT or MANAGING AGENT

The individual(s) designated by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner by this subchapter. 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 or her agent is so licensed.

BOROUGH

The Borough of Palmyra

CHANGE IN OCCUPANCY

Any rental of a dwelling unit that results in a new or additional tenant

DWELLING UNIT

"Dwelling unit" shall mean 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 the use or occupancy thereof.

LICENSE

The license issued by the Housing Official attesting that the rental unit has been properly registered and inspected in accordance with this subchapter.

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.

MANAGING AGENT

See definition of "agent."

OWNER

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

PERSON

An individual, firm, corporation, limited liability company, partnership, association, trust

or other legal entity, or any combination thereof.

REGISTRATION TENANT

The person(s) to whom a rental unit is leased or rented by the license.

RENTAL UNIT

Each dwelling unit for rent in a building containing one or two separate housing units, including individual condominium units. In the case of a two-dwelling building where the owner occupies one of the units, the unit the owner occupies shall not be considered a rental unit but the owner must register the second unit as a rental unit. For the purposes of this chapter, any dwelling unit for rent in a building containing one or two separate housing units, where any dwelling unit is not occupied by the owner of the property, even if rent is not being charged or collected, shall be considered a rental unit. **Not included within the above definition are hotels and multiple dwellings as defined in N.J.S.A. 55:13A-3(j) (hotels) and (k) (multiple dwellings) (three or more units of dwelling space are occupied, or are intended to be occupied by three or more persons who live independently of each other)**

§2. Annual registration required.

All rental units located in Palmyra shall hereafter be annually registered with the Housing Department on forms that shall be obtained from the Housing Department.

All owners of rental units in existence as of September 30, 2013

All owners of rental units in existence as of September 30, 2013 (the "initial registration group") shall register each rental unit with the Housing Department and pay the registration fee to the Borough by no later than September 30, 2013. The initial registration group will have their rental units inspected during the period from October

1, 2013 through September 30, 2014 (the initial inspection year) as set forth in §3 below. For those in the initial registration group that pass the aforesaid initial inspection during the initial inspection year, licenses will be issued for a term of one year from the date of satisfactory inspection and those owners shall thereafter have to register their rental unit(s) and pay a new registration fee 30 days prior to the expiration of their license(s) for each successive year.

For those in the initial registration group that fail the aforesaid initial inspection and any subsequent re-inspection during the initial inspection year, no license will be issued but such owner shall not be relieved of their obligation to register and pay a new registration fee by September 30th of each successive year. Upon subsequent licensure, any such owner shall thereafter have to register their rental unit(s) and pay a new registration fee 30 days prior to the expiration of their license(s) for each successive year.

All rental units first in existence after September 30, 2013

All owners of rental units first in existence after September 30, 2013 shall register each rental unit with the Housing Department and pay the registration fee to the Borough within 30 days of the existence of the rental unit and prior to any human occupancy. Upon registration and payment of the registration fee, such rental unit(s) shall be inspected in accordance with §3 below. For those unit(s) that pass the inspection(s), license(s) will be issued for a term of one year from the date of satisfactory inspection and those owners shall thereafter have to register their rental unit(s) and pay a new registration fee 30 days prior to the expiration of their license(s) for each successive year. For those unit(s) that fail the aforesaid initial inspection and any subsequent re-inspection, licenses will not be issued but such owner(s) shall not be

relieved of their obligation to register and pay a new registration fee by the anniversary of their initial registration. Upon subsequent licensure, any such owner shall thereafter have to register their rental unit(s) and pay a new registration fee 30 days prior to the expiration of their license(s) for each successive year.

§ 3 Inspection required.

A. All rental units located in Palmyra shall be inspected annually and, in addition, prior to any change in occupancy (any new rental of a rental unit with different or additional tenant(s)).

1. **All rental units in existence as of September 30, 2013**

All owners of rental units in existence as of September 30, 2013 (the "initial registration group") will have their rental units inspected during the period from October 1, 2013 through September 30, 2014 (the initial inspection year) in accordance with this section. For those unit(s) that pass the inspection(s) and receive license(s), annual inspection(s) shall thereafter be scheduled during the 30 day period prior to the annual expiration of the one year license(s) provided that the owner(s) annually file new registration(s) and pay the registration fee(s) timely in accordance with §2 above. For those unit(s) that fail the inspection and do not receive license(s) in accordance with §4 below as of October 1, 2014, such unit(s) shall be inspected within the 30 day period after each subsequent annual registration is filed with the Housing Department and the filing fee paid; and for those unit(s) that thereafter receive licenses annual inspections shall thereafter be scheduled during the 30 day period prior to the annual expiration of the one year license(s) provided that owner(s) annually file new registration(s) and pay the registration fee(s) timely in accordance with §2 above.

2. **All rental units first in existence after September 30, 2013**

For rental units first in existence after September 30, 2013, all owner(s) of such unit(s) shall timely register the unit(s) with the Housing Department in accordance with §2 above and pay the registration fee. Upon said registration and payment of fee, the Housing Department shall inspect the unit(s) within the following 30 day period; and for those unit(s) that thereafter receive license(s) annual inspections shall thereafter be scheduled during the 30 day period prior to the annual expiration of the one year license(s) provided that owner(s) annually file new registration(s) and pay the registration fee(s) timely in accordance with §2 above.

B. **The inspections under this subchapter shall be carried out in accordance with the following:**

1. **Hotels and multiple dwellings as defined in N.J.S.A. 55:13A-3(j) and (k).**

Such properties shall be inspected by the Bureau of Housing Inspection of the State of New Jersey, Department of Community Affairs. A current, valid certificate of inspection issued by the State of New Jersey Department of Community Affairs pursuant to the Hotel and Multiple Dwelling Act (N.J.S.A. 55:13A-1 et seq.) shall satisfy the requirements of this subchapter.

2. **Rental units.**

All rental units shall be inspected by the Borough to determine compliance with Borough Land Use/Zoning Regulations; the New Jersey State Housing Code (P.L. 1980 Revision); Palmyra Housing Standards listed in Chapter 142 of the Borough of Palmyra Code ("Code"); BOCA Property Maintenance Code listed in Chapter 203; the Uniform Construction Code of the State of New Jersey (N.J.A.C. 5:23-1.1 et. seq.) Palmyra Construction Codes, Uniform Chapter 95 of the Code, or such ordinances,

codes and regulations in effect at the time of the inspection, or such ordinances, codes and regulations in effect at the time of the inspection (the "inspection criteria").

a. **Inspection disclosing unsatisfactory conditions.**

(1) **Unoccupied property.**

In the event that a rental unit does not pass inspection, such unit shall not thereafter be licensed nor shall the owner of the property or his or her agent lease or rent such property, nor shall any tenant occupy the property until the necessary repairs or corrections have been made so as to bring the property and rental unit into compliance with the inspection criteria. The fact that a unit has failed inspection shall not relieve the owner of the obligation to register the property in accordance with this article notwithstanding that the necessary repairs have not been made. However, no license shall issue until such time as the Housing Official is presented with satisfactory evidence that the property has been reinspected and complies with the inspection criteria.

(2) **Occupied property.**

Whenever the property is lawfully occupied by a tenant at the time of the inspection and the rental unit does not pass inspection based upon the inspection criteria, said unit may continue to be occupied, provided that all such repairs or corrections are made within 60 days of the original inspection, unless the nature of the deficiency and the applicable law upon which the inspection is made mandate a shorter time for repairs, in which event the shorter time shall govern. In the event that the conditions are not corrected within such 60 day period, or sooner if required, the owner and any tenant occupying the unit shall be deemed

in violation of this article, and each and every day that the violation continues thereafter shall constitute a separate offense. **The provisions of this subsection shall not apply in the event of any change in occupancy**

§4 License required; term.

A. **For all owners of rental units in existence as of September 30, 2013**

All owners of rental units in existence as of September 30, 2013 (the "initial registration group") shall register each rental unit with the Housing Department and pay the registration fee to the Borough by no later than September 30, 2013. The initial registration group will have their rental units inspected during the period from October 1, 2013 through September 30, 2014 (the initial inspection year) as set forth in §3 above. Until the first inspection occurs during the initial inspection year, the initial registration group may continue to lease any rental units in existence as of September 30, 2013 without a license.

For those in the initial registration group that pass the aforesaid initial inspection during the initial inspection year, licenses will be issued for a term of one year from the date of satisfactory inspection and those owners shall thereafter have to register their rental unit(s) and pay a new registration fee 30 days prior to the expiration of their license(s) for each successive year. Inspections as set forth in §3 shall thereafter occur annually and upon satisfactory inspection one year licenses will be issued in subsequent years.

For those in the initial registration group that fail the aforesaid initial inspection and any subsequent re-inspection during the initial inspection year, no license will be issued but such owner shall not be relieved of their obligation to register and pay a new registration fee by September 30th of each successive year. Upon subsequent

licensure, any such owner shall thereafter have to register their rental unit(s) and pay a new registration fee 30 days prior to the expiration of their license(s) for each successive year.

B. For all rental units first in existence after September 30, 2013, for any rental units that did not receive a license prior to October 1, 2014, and for any rental units in which there is any change in occupancy after September 30, 2013

For rental units first in existence after September 30, 2013, for any rental units that did not receive a license prior to October 1, 2014, and for any rental units in which there is a change in occupancy after September 30, 2013, no owner shall lease or rent any such rental unit and there shall be no human occupancy thereof unless the rental unit has been registered in accordance with §2 above, the registration fee has been paid, the rental unit has passed inspection in accordance with §3 above and a license has been issued to the owner by the Housing Official.

All licenses will be issued for a term of one year from the date of satisfactory inspection and those owners shall thereafter have to register their rental unit(s) and pay a new registration fee 30 days prior to the expiration of their license(s) for each successive year. Inspections as set forth in §3 shall thereafter occur annually and upon satisfactory inspection one year licenses will be issued in subsequent years.

§ 5. Prohibitions on occupancy; exceptions.

A. No person or persons shall hereafter occupy any rental unit nor shall the owner permit occupancy of any rental unit within the Borough, unless the same has been registered, inspected and licensed in accordance with this subchapter.

B. A tenant who occupies a rental unit which is not registered and has not been inspected in accordance with this chapter and who does so in good faith

and without knowledge of the requirement that such rental unit must be registered and inspected in accordance with this chapter shall be supplied a written warning concerning the requirements of this subchapter and such tenant shall thereupon be given a period of three business days to cause the rental unit to be registered and inspected in accordance with this chapter or, failing to do so, shall vacate said premises or otherwise be subject to the penalty provisions herein.

§6. Licensing procedures; renewal; transferability.

A. Effective October 1, 2014, the owner of a rental unit which is being registered for the first time under this chapter shall complete a registration form for the rental unit and tender the prescribed fee. No license shall be issued, however, until such time as the property is inspected in accordance with this subchapter and is found to be without violations and receives a satisfactory rating.

B. The license referred to in this section shall be an occupancy certificate sticker that states it is for a rental unit and is valid so long as the owner of the rental unit pays the annual registration fee and until the rental unit is thereafter re-inspected in accordance with this subchapter and is found to be without violations and receives a satisfactory rating.

C. After each owner of a rental unit shall has filed a completed registration form and paid the prescribed fee each year, a property inspection will thereafter be scheduled by the Housing Department which shall entitle the owner to continue to rent the rental unit during the remainder of the license year unless and until the rental unit fails the inspection based upon the inspection criteria.

D. In the event that an owner who has registered and paid the registration fee intends to sell the rental unit or rent the rental unit to a new tenant during the license

year, the owner shall notify the Housing Department in writing no less than 30 days prior to the prospective sale or new rental and an inspection utilizing the inspection criteria shall be scheduled within 10 days of the notification. No sale or new rental of the rental unit shall occur if the rental unit does not pass inspection.

§7 Fees.

A. At the time of each filing of the registration form set forth in § 1 above, the owner shall pay a fee of $125 for each rental unit and shall thereafter pay a fee for each subsequent annual registration. The required fees shall cover an initial inspection, as well as one follow-up inspection in the event of failure of the first inspection. Any additional inspections will cost an additional fee of $25 per inspection.

§8 Filing of registration forms

A. 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 Housing Official of the Borough of Palmyra a registration form for each rental unit contained within a building or structure, which shall include the following information:

(1) 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 names and addresses of all the general partners shall be provided together with the valid telephone numbers for each of such individuals. A physical location of where said person(s) can be found during normal business hours for the purpose of service of any notices or orders which may be necessary shall be provided.

(2) If the record owner is a corporation, the name, address and telephone number of the registered agent and the officers of said corporation. If the record owner is a LLC, the name, address and telephone number of the registered agent and the managing members of the LLC. A physical location of where said person(s) or the registered agent can be found during normal business hours for the purpose of service of any notices or orders which may be necessary shall be provided.

(3) If the address of any recorded owner is not located in the County of Burlington, the name and address of a person who resides in the County of Burlington 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. The address shall be a physical location of where said person(s) or registered agent can be found during normal business hours.

(4) The name and address of the managing agent of the premises, if any; room number of the superintendent, janitor, custodian or other individual employed by the record owner or managing agent to provide regular maintenance service, if any.

(5) The name, addresses and telephone number of an individual representative of the record owner or managing agent 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. The addresses shall be a physical location of where said person(s) can

normally be found during regular business hours and normally found during off hours.

(6) The name and address of every holder of a recorded mortgage on the premises.

(7) As to each rental unit, a specification of the exact number of sleeping rooms contained in the rental unit, and the exact number of sleeping accommodations contained in each of the sleeping rooms, identifying each sleeping room specifically by number and location within the apartment or dwelling, and by the square footage thereof. In order to satisfy the requirements 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 Housing Official.

(8) Such other information as may be prescribed by the Borough.

B. Indexing and filing; public inspection; fee. The Housing Official shall index and file the registration form and make it reasonably available for public inspection. In doing so, the Housing Official 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. 46:8-29 to the extent that it applies to the property being registered and will also satisfy the registration requirements of this section. The Housing Official shall maintain a master index of all such registration forms, and any person may obtain from the Housing Official a list of all rental units properly registered and licensed upon payment of a fee of $25.

C. Amendments; filing. 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 there is a change in occupancy (new rental of a rental unit with different tenant(s)).

D. Copy 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 subsection shall not apply to any hotel, motel or guest house 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 subsection may be complied with by posting a copy of the registration certificate in a conspicuous place within the rental unit(s).

§9 Limitation on occupancy; posting of maximum.

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

(1) Every room occupied for sleeping purposes by one occupant shall contain at least 7o square feet of floor area.

(2) Every room occupied for sleeping purposes by more than one person shall contain at least 50 additional square feet of floor area for each occupant thereof, except that any such room, any building or structure which is in existence and for which a license or certificate of occupancy has been issued as of October 11, 2014, shall be deemed to accommodate two people notwithstanding the fact that such room does not have a minimum of 120 square feet as required by

this Subsection **A.**

B. Maximum number of occupants; posting. The maximum number of occupants shall be posted in each rental unit. It shall be unlawful for any person to allow a greater number of occupants than the posted maximum number to sleep in or otherwise occupy the rental unit. Any person violating this provision shall be subject to the penalty provisions provided herein. For purposes of this subsection, the term "person" is intended to mean owner, tenant or guest occupying the rental unit, including invitees and licensees.

§10. Revocation or suspension of license; other disciplinary action; procedure; conditional renewal of license.

A. Grounds. In addition to any other penalty prescribed herein, an owner may be subject to the revocation or suspension of a license or having such license placed in probationary status or other appropriate disciplinary action upon the happening of one or more of the following:

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

(2) Following a determination of a violation of this subchapter after a hearing held pursuant to Subsection **B** of this section.

(3) A pattern of renting the unit(s) to one or more individuals or groups of individuals who, during any one or more license term(s), (is) (are) convicted of a violation of Chapter 178 of the Code entitled "Noise", or a violation of any other Borough ordinance, which conviction is related to or rising out of the use and occupancy of the rental unit(s). In order to support disciplinary action under this section, it need not be shown that convictions are of the same

individual(s) or that the conviction(s) were for conduct occurring during any single license term. It shall be sufficient to demonstrate that such convictions were of different individuals occurring over one or more license terms.

(4) A pattern of permitting the rental unit(s) to be occupied by more than the maximum number of occupants as defined herein.

(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.

(6) A false, misleading, or fraudulent statement made in connection with the registration, licensing or inspection of a rental unit or units, under this subchapter.

(7) A pattern of conduct which results in creating, maintaining, permitting or suffering the existence of any of the following conditions at or about the rental unit:

(a) Disorderly conduct on the part of tenant(s) or occupant(s) or their guests. "Disorderly conduct" shall be as defined in N.J.S.A. 2C:33-2; provided, however, that a conviction of such person or persons under that statute shall not be required in order for the Borough to take action under this section.

(b) A nuisance, as that term is defined by N.J.S.A. 2C:33-12; provided, however, that a conviction of such person or persons under that statute shall not be required in order for the Township to take action under this section.

(c) The failure to comply with any directive of the Borough concerning the abatement of conduct prohibited by Subsection **A(7)(a)** or **(b)** hereof.

(d) The public manifestation by tenant(s), occupants or guests of being under the influence of alcohol or controlled dangerous substances; provided, however, that a conviction of such individuals for such violation(s) shall not be required in order for the Borough to take action under this section.

(e) The possession or consumption of alcoholic beverages by minors not related by blood to the tenant in or about the rental unit.

(8) Whenever the Police Department shall have made an arrest of or issued a summons to a tenant, occupant or guest or owner on three or more occasions during any thirty-day period for an offense related to or arising out of the use and occupancy of the rental unit(s), the same shall be prima facie evidence of a violation of Subsection **A** of this section, provided that the owner and/or managing agent shall have had notice of the existence of such circumstances or conditions.

B. 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.

C. Procedure; written complaint; notice; hearing.

(1) A complaint seeking the revocation or suspension of a license may be filed by any one or more of the following: the Borough Housing Officer or Construction Official, any police officer, the Zoning, and the Code Enforcement

Officers. Such complaint shall be in writing and filed with the Borough Clerk. The complaint shall be specific and shall be sufficient to appraise 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.

(2) Upon the filing of such written complaint, the Clerk shall immediately inform the Administrator and a date for a hearing shall be scheduled which shall not be sooner than nor more than 30 days thereafter. The Borough shall forward a copy of the complaint and a notice as to the date, time and place of the hearing to the licensee and the managing agent, if any, by regular mail at the address indicated on the registration form. Service upon the managing agent shall be sufficient.

(3) The hearing required by this section shall be held by a Hearing Officer who shall be the Borough Administrator. The Hearing Officer shall render a decision within 30 days of the conclusion of the hearing, recommending the dismissal of the complaint, revocation or suspension of the license, determining that the license shall not be renewed or reissued for one or more subsequent license years, or placing the license on probationary status as set forth in Subsection **D,** below. The Hearing Officer shall transmit his or her findings of fact and conclusions of law to the Borough Council, who shall review the matter and may accept, reject or modify the recommendations of the Hearing Officer based on the record before them within 30 days of receipt of the Hearing Officer's decision.

(4) All hearings shall be recorded by sound recording equipment. 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.

(5) The Borough Solicitor or his or her designee may appear and prosecute on behalf of the complainant in all hearings conducted pursuant to this section.

D. License in probationary status.

(1) In lieu of a revocation or suspension of a license, the Borough Council may determine to place the license in a probationary status. Once imposed, the probationary status shall remain in effect for the remainder of that license term and the succeeding renewal term.

(2) The terms of the probationary status shall be specifically set forth in a resolution of the Borough Council, a copy of which shall be served upon the owner, managing agent, realtor (if different from the managing agent and if whose identity is known to the Borough), tenants, occupants, Police Chief, and Code Enforcement Officer. Such notice shall be served personally or by certified mail, return receipt requested, or both. If service is made by certified mail, return receipt requested, it shall also be sent simultaneously by first-class mail. Mail to the owner and managing agent shall be at the address indicated on the rental registration form.

(3) The Borough Council may, on its own initiative or at the request of an owner, managing agent, tenant or occupant of the rental unit, modify the terms of such probationary status at any time during the probationary term. If modified, it shall be by resolution, copies of which shall be served upon such persons and in such manner as specified in Subsection D(2) hereof.

(4) The violation of any term of condition or the probation by the

owner, managing agent or tenant or occupant shall be cause for the immediate suspension or revocation of the rental license.

(5) An owner of a rental unit shall forthwith give written notification to the Borough Clerk and Chief of Police of any change in tenants during the period of probation. New tenants shall be notified in accordance with Subsection D(2) hereof.

E. Conditional renewal of license.

(1) Any license which is in probationary status may be renewed for the succeeding license term conditioned upon compliance by the owner, managing agent or tenant or occupants with the terms and conditions of probation.

(2) The failure to comply with the terms and conditions of probation by the owner or managing agent or tenant or occupants shall be cause for the immediate suspension or revocation of the license.

§ 11 Violations and penalties.

A. Any person, firm, association or corporation violating any of the provisions of this subchapter shall, upon conviction, be subject to one or more of the following: a fine not exceeding $1,250 or imprisonment in the county jail for a term not exceeding 90 days, or a period of community service not exceeding 90 days, in the discretion of the Municipal Court Judge.

B. Any person, firm, association, LLC or corporation who is convicted of violating this subchapter within one year of the date of a previous violation and who was fined for the previous violation shall be sentenced by the court to an additional fine as a repeat offender. The additional fine imposed by the court upon

a person, firm, association, LLC or corporation for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the subchapter but shall be calculated separately from the fine imposed for the violation of the article.

C. The foregoing penalties shall be in addition to any other penalty provided in this article and shall be in addition to those penalties set forth in N.J.S.A. 46:8-35.

§12 All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

§13 This Ordinance shall take effect after final adoption and publication according to law.

CERTIFICATION OF CLERK

I, Barbara Sheipe, Clerk of the Borough of Palmyra, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of an ordinance introduced by the Borough Council held on , 2013. A public hearing and adoption of the foregoing Ordinance to be held on

, 2013.

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Barbara Sheipe
Borough Clerk