

**BOROUGH OF PALMYRA**

**AN ORDINANCE AMENDING, CONSOLIDATING AND SUPERSEDING  
PRIOR ORDINANCES 2013-14 AND 2013-23 REGARDING THE  
INSPECTION, REGISTRATION AND LICENSING OF RESIDENTIAL  
RENTAL PROPERTIES IN THE BOROUGH OF PALMYRA  
("THE REVISED RESIDENTIAL RENTALS ORDINANCE")**

**Ordinance No. 2015-9**

**LEGISLATIVE HISTORY/PREAMBLE**

Ordinance No. 2013-14 titled "An Ordinance of the Borough of Palmyra Requiring the Inspection, Registration and Licensing of Residential Rental Properties in the Borough of Palmyra" was adopted on June 17, 2013. ("Ordinance No. 2013-14")

Ordinance No. 2013-23 titled "An Ordinance Amending Ordinance No. 2013-14" was adopted on August 19, 2013. ("Ordinance No. 2013-23")

This Ordinance No. 2015-9 shall amend, consolidate and supersede Ordinance No. 2013-14 and Ordinance No. 2013-23.

This Ordinance No. 2015-9 and all related Codes and building and property regulations, are intended to ensure the protection of the public, health, safety and general welfare of all Borough residents and property owners.

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:

**ARTICLE I**

**DEFINITIONS**

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

**AGENT or MANAGING AGENT**

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

**BOROUGH**

The Borough of Palmyra. The Borough may act through its Housing Department or other agency.

**CERTIFICATE OF OCCUPANCY OR LICENSE FOR RENTAL UNIT ("C.O." or "LICENSE")**

The document issued by the Borough certifying that a Rental Unit is suitable for occupancy for the period of time so specified.

**CHANGE IN OCCUPANCY**

The happening of either of the following occurrences:

- 1) The initial renting of a Rental Unit to a tenant; or
- 2) The subsequent rental of a Rental Unit to any new tenant.

**DWELLING UNIT**

A residential unit providing complete, independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation.

**EFFECTIVE DATE OF THIS ORDINANCE**

The effective date of this Ordinance shall be July 30, 2015.

**INSPECTION**

The examination of a Rental Unit by a qualified inspector designated by the Borough in order to assure compliance with the inspection criteria.

**INSPECTION CRITERIA**

The Borough of Palmyra Land Use/Zoning regulations; the New Jersey State Housing

Code (P.L. 1980 Revision); Palmyra Housing Standards listed in Chapter 142 of the Borough Code ("Code"); BOCA Property Maintenance Code listed in Chapter 203 of the Code; the Uniform Construction Code of the State of New Jersey (NJAC 5:23-1.1 et seq.), Palmyra Construction Codes, Chapter 95 of the Code or such codes and regulations in effect at the time of the inspection.

**MANAGING AGENT**

See definition of "agent."

**OWNER**

Any individual, corporation, limited liability company, partnership, association, trust, or other legal entity, or any combination of the above that owns or exercises control over any Rental Unit.

**PERSON**

Any individual, partnership, limited liability company or partnership, association, trust or any other legal entity or combination thereof.

**RELATIVE**

The Owner's: child, step-child, child-in-law or the child of a child, sibling, step-sibling or half-sibling; parent, step-parent, parent-in-law or parent of a parent, or a domestic partner or civil union partner.

**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 building containing two separate dwelling units of which one is owner-occupied, the unit that is owner-occupied shall not be considered a Rental Unit. Any hotel, motel or multiple dwelling as defined in N.J.S.A. 55:13A-3(j) and (k) shall not be considered a Rental Unit.

## **TEMPORARY CERTIFICATE OF OCCUPANCY ("TCO")**

The document issued by the Borough certifying that a Rental Unit is suitable for occupancy for a period less than that specified in a C.O.

## **TENANT**

Any individual(s) who occupy a Rental Unit pursuant to an oral or written lease for consideration including but not limited to rent.

## **ARTICLE II**

### **APPLICABILITY**

1. All of the provisions above in the Legislative History/Preamble are incorporated herein.
2. The provisions of Ordinance Nos. 2013-14 and 2013-23 shall continue to apply to the Rental Units during the period from September 30, 2013 through the effective date of this Ordinance 2015-9.
3. All Rental Units that have received Certificates of Occupancy as of the effective date shall remain licensed until the effective date set forth therein.
4. All owners of Rental Units that have not received Certificates of Occupancy as of the effective date shall remain subject to the provisions of Ordinance Nos. 2013-14 and 2013-23 from September 30, 2013 through the effective date but shall be subject to this Ordinance No. 2015-9 from the effective date proceeding into the future.

## **ARTICLE III**

### **REGISTRATION OF RENTAL UNITS**

1. As of the effective date, any Certificate of Occupancy issued by the Borough for any existing Rental Unit shall continue in full force and effect through the

expiration date. Within thirty (30) days of the expiration of the current Certificate of Occupancy and within thirty (30) days of the expiration of any subsequent issued Certificate of Occupancy, the owner shall re-register the Rental Unit with the Borough and pay the required registration fee.

2. For any Rental Unit in existence as of the effective date for which a Certificate of Occupancy has not been issued by the Borough and for any new Rental Unit created after the effective date, the owner of the Rental Unit shall file a registration form with the Borough prior to any occupancy of the Rental Unit and shall re-register the Rental Unit within thirty (30) days of the expiration of any subsequently issued Certificate of Occupancy.

3. In addition to the above, upon any change in occupancy of any Rental Unit, the owner of a Rental Unit shall re-register the Rental Unit with the Borough prior to the re-occupancy of the Rental Unit if more than one hundred and eighty (180) days have elapsed from the issuance of the most recent Certificate of Occupancy.

4. If the change in occupancy occurs within the aforesaid one hundred and eighty (180) day period, the owner shall file a new registration within seven (7) days of the new tenant(s) occupancy but need not pay any registration fee. The existing Certificate of Occupancy shall thereafter remain in effect for the balance of the term and the Rental Unit shall be re-registered within thirty (30) days of the expiration of the Certificate of Occupancy and any subsequently issued Certificate of Occupancy.

5. In the event that a Rental Unit fails inspection as set forth in Article IV below, the owner of a Rental Unit is still required to register the Rental Unit and pay the registration fee.

#### **ARTICLE IV**

## **INSPECTION OF RENTAL UNITS**

### **CRITERIA**

1. All Rental Units shall be inspected by the Borough to determine compliance with the inspection criteria. Inspections shall address only health and safety and shall not encompass the occupants' personal property or housekeeping practices.

2. The Borough may create an inspection checklist (the "checklist") as a non-exhaustive guide for the inspectors and the owners. A copy of the current checklist is on the Borough's website and is available from the Borough Clerk.

3. Any inspector's report shall be in writing and shall be in sufficient detail so that the repair or remediation necessary to correct any violation can be objectively ascertained.

4. In instances in which Rental Unit(s) and non-Rental Units are located in the same structure, the inspections shall be limited to the Rental Unit(s) and the utilities and systems servicing the Rental Unit(s).

### **SCHEDULING OF INSPECTIONS**

5. Upon the receipt of a complete registration and the payment of the registration fee, the Borough shall schedule an inspection of the Rental Unit, no later than seven (7) business days from the submission of the required forms and fees. The Borough shall accommodate written requests for expedited inspections. Shorter response times will incur additional fees.

6. In the event that the time limits herein cannot be met by the Borough, a Temporary Certificate of Occupancy shall be issued until the inspection can occur.

### **FAILURE TO PASS INSPECTION**

7. In the event that a Rental Unit fails inspection, then a Temporary Certificate of Occupancy may be issued by the Borough that permits occupancy for no more than thirty (30) days from the date of issuance provided that the violations do not jeopardize the health or safety of the occupants. The Temporary Certificate of Occupancy may be extended for up to an additional thirty (30) days by the Borough for good cause shown and provided that the violations do not jeopardize the health or safety of the occupants.

8. In the event that a Rental Unit fails inspection and a subsequent re-inspection is required, only the failed items will be re-inspected unless newly observed violations jeopardize the health or safety of the occupants.

9. In the event that a Rental Unit fails inspection, such Unit shall not thereafter be occupied by a tenant unless a Temporary Certificate of Occupancy is issued or the Unit has been repaired or corrected and a new Certificate of Occupancy is issued.

## **ARTICLE V**

### **CERTIFICATE OF OCCUPANCY/TERM**

1. All Rental Units shall be licensed in accordance with this Ordinance. The license is a Certificate of Occupancy and shall be issued by the Borough upon the registration of the Rental Unit as set forth in Article III, the payment of the registration fee as set forth in Article VII, and the satisfactory inspection as set forth in Article IV. Upon issuance, a copy of the Certificate of Occupancy shall be provided to the tenant.

2. Certificates of Occupancy shall have a term of two (2) years.

3. Once a Rental Unit has been issued two (2) consecutive Certificates of Occupancy and the owner(s) of that Rental Unit have not been convicted of or pled

guilty to any violation of this Ordinance in the Borough's Municipal Court, that Rental Unit shall thereafter be subject to registration, inspection and licensure every five (5) years rather than two (2) years. This provision shall not apply to any re-registration/inspections triggered by a change in occupancy.

4. No tenant shall hereafter occupy any Rental Unit nor shall the owner permit occupancy of any Rental Unit by a tenant unless there is compliance with the provisions of this Ordinance.

## **ARTICLE VI**

### **CHANGE IN OCCUPANCY**

1. Upon any change in occupancy occurring one hundred and eighty (180) days or more from the issuance of the most recent Certificate of Occupancy, the Owner shall file an amended registration form, pay a new registration fee, have the Rental Unit pass inspection as set forth in Article IV, and receive a Temporary Certificate of Occupancy or Certificate of Occupancy prior to the occupancy of the Rental Unit. Upon compliance with the above, a new Certificate of Occupancy shall issue and shall have a term of two (2) years.

2. Upon any change in occupancy within one hundred and eighty (180) days from the issuance of a Certificate of Occupancy, then the Owner shall file an amended registration form but need not pay the registration fee or have the Rental Unit inspected until the expiration of the existing Certificate of Occupancy, except as required by N.J.A.C. 5:70-2.3 (smoke detectors and carbon monoxide alarms; Chapter 121, Fire Prevention, Article II, Smoke Detectors of the Borough Code).

## **ARTICLE VII**

### **FEES**



## **FOR REGISTRATION OF RENTAL UNITS**

1. Upon the filing of the initial registration form and for each subsequent registration form, the owner of a Rental Unit shall pay a registration fee to the Borough not more than \$125.00.

2. For an expedited inspection:

- a) additional \$50.00 if seeking five (5) business day inspection or
- b) \$100.00 if seeking three (3) business day inspection.

The required fee shall cover an initial inspection as well as one follow-up inspection in the event of a failure of the first inspection. Any additional inspection shall cost \$25.00.

## **FOR REGISTRATION REQUIRED UPON CHANGE IN OCCUPANCY**

3. If an owner of a Rental Unit is required to re-register upon a change in occupancy, the owner shall pay a registration fee of sixty (\$60.00) dollars. This fee shall include the fee for the inspections required by N.J.A.C. 5:70-2.3 (smoke detectors and carbon monoxide alarms; and Chapter 121, Fire Prevention, Article II, Smoke Detectors of the Borough Code) as well as the inspection required herein, as well as one follow-up inspection in the event that the first inspection is failed. Any additional inspection shall cost twenty-five (\$25.00) dollars per inspection.

## **ARTICLE VIII**

### **REGISTRATION FORM**

- 1. All Rental Units shall be registered as provided herein.
- 2. A sample of the Rental Unit Registration Form and the Rental Unit Supplemental Registration Form (the "Forms") are available on the Borough's website and from the Borough Clerk. The Forms are subject to change.

3. The Forms shall require the applicant to submit a government-issued photo identification indicating current address and name of the applicant. The Borough shall accept copies of such identification with the following personal identifiers redacted: social security numbers, date of birth, driver license numbers, vehicle plate numbers, insurance policy numbers, financial account numbers or credit card numbers. Examples of acceptable identification include driver's licenses, passports, military identification cards and birth certificates.

4. The Forms shall be fully completed by the owner. The Forms shall not require any personal identifiers.

5. The Borough shall be governed by the New Jersey Open Public Records Act (N.J.S.A. 47:1A-1 et seq.) and the common law as to the release of any information on the Forms.

6. Any person required to file the Form(s) pursuant to this Ordinance shall file an amended Form(s) within twenty (20) days after any change in the information required to be included thereon. No fee shall be required for the filing of an amendment if no inspection is triggered pursuant to this Ordinance.

7. Every owner shall provide each tenant with a copy of the completed registration Form.

#### **ARTICLE IX**

#### **VIOLATIONS**

1. Any person violating any of the provisions of this Ordinance shall upon conviction be subject to one or more of the following: a fine not to exceed \$1,250 or imprisonment in the county jail for a term not exceeding 90 days or a period of community service not to exceed 90 days, all within the discretion of the municipal

court judge. An owner shall not be deemed in violation if the owner is prevented from compliance by action or inaction of the tenant.

**ARTICLE X**

**RELATIVES**

1. A tenant of a Rental Unit who is a relative of the owner shall not be subject to the provisions of this Ordinance 2015-9 except that the owner shall register the Rental Unit without fee and shall comply with N.J.A.C. 5:70-2.3 (smoke detectors and carbon monoxide alarms and Chapter 121, Fire Prevention, Article II, Smoke Detectors of the Borough Code).

**ARTICLE XI**

**MISCELLANEOUS**

1. The effective date of this Ordinance is set forth above.
2. Nothing in this Ordinance No. 2015-9 shall supersede any applicable New Jersey law(s) or administrative regulation(s) including any required fire safety inspections.
2. Except as provided herein, all ordinances or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of any such inconsistency.

**CERTIFICATION OF CLERK**

I, Barbara Sheipe, Borough 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 at a Regular Meeting of said Council held on June 1, 2015 and said ordinance to be adopted at a Regular Meeting held on July 6, 2015.

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Barbara Sheipe, Borough Clerk