

Chapter 63B

RENTAL PROPERTIES

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[HISTORY: Adopted by the Township Committee of the Township of Barnegat 6-20-95 as Ord. No. 1995-33. Amendments noted where applicable.]

Be it ordained by the Mayor and Committee of the Township of Barnegat, County of Ocean and State of New Jersey as follows:

§ 63B-1. Rental inspection required upon initial occupancy or change of occupancy.
[Amended 2-18-97 by Ord. No. 1997-3]

All buildings and structures, and units thereof, that are leased or rented within the Township of Barnegat for living or sleeping purposes shall be inspected by the Zoning Official, Construction Code Official or a duly authorized representative on every initial occupancy or change of occupancy after the effective date of the ordinance. All buildings and struc-

tures and units thereof which are leased or rented and are not currently occupied at the time this ordinance takes effect shall be considered an initial occupancy and subject to the inspection provisions hereof. This provision shall apply to all units leased for a term of one (1) month or more. All buildings and structures and units thereof rented as hotels, motels and rooming houses and boarding houses which are rented on a short term basis (less than thirty (30) days) are required to obtain a rental permit and shall be required to have one rental permit inspection for each residentially rented building structure or unit thereof in any calendar year.

§ 6313-2. Compliance with standards required. [Amended 2-18-97 by Ord. No. 1997-3]

All buildings and structures and units thereof which are inspected pursuant to this ordinance shall comply in all respects with the BOCA Property Maintenance Code as specifically referenced and set forth in Section 30-6 of the Barnegat Township Code and any ensuing issuance by the Model Code Agency. Three (3) copies of said BOCA Property Maintenance Code shall be available in the Township Clerk's Office for inspection during regular business hours of the township, and in accordance with attached Schedule A.1

§ 6313-3. Responsibility of property owner. [Amended 2-18-97 by Ord. No. 1997-3]

The owner, rental agent or manager of all buildings and structures and units thereof subject to inspection pursuant to this ordinance shall be responsible for notifying in writing the Zoning Official or Construction Code Official that such premises are leased or rented or being offered to be leased or rented so that inspection or reinspection will be made.

¹Editor's Note: Schedule A, referred to herein, may be found on file in the office of the Township Clerk.

§ 63B-4. Issuance of permit. [Amended 2-18-97 by Ord. No. 1997-3]

Upon completion of an inspection of any building or structure or unit thereof that is to be leased or rented within the Township of Barnegat, if the Zoning Official or Construction Code Official should find violations for failure to comply with the BOCA Property Maintenance Code as set forth in Section 39-6 of the Township Code, the Zoning Official or Construction Code Official shall notify the owner, rental agent or manager in writing of any code violations. The Zoning Official or Construction Code Official shall conduct a reinspection of the building or structure within ten (10) days of the notice of violation. If upon reinspection of the property the Zoning Official or Construction Code Official determines that the building or structure is not in compliance by a failure to correct the initial violations or by the existence of new violations, then the Zoning Official or Construction Code Official shall again, in writing, notify the owner, rental agent or manager of the inspected building or premises. There shall be another inspection by the Zoning Official or Construction Code Official of the building or premises ten (10) days after the second notice of violation is issued, and if the violations are not corrected upon the second reinspection a notice of violation and order to pay penalty shall be issued by the Construction Code Official and the Zoning Official shall issue summonses pursuant to penalty provisions of this ordinance. The building or premises shall not be leased or rented to any tenant until the violations have been satisfied and there is compliance with the Property Maintenance Code.

§ 63B-5. Service of notice.

Service shall be deemed to be properly served upon such owner if a copy thereof is delivered to the owner, rental agent or manager personally or by leaving the notice at the usual place of abode, in the presence of someone in the family of suitable age and discretion who shall be informed of the contents thereof or by certified or registered mail addressed

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to the owner at the last known address with return receipt requested or, if the certified or registered letter is returned with receipt showing that it has not been delivered, by posting a copy thereof in a conspicuous place in or about the structure affected by such notice and by at least one (1) publication of such notice in a local newspaper of general circulation.

§ 63B-6. Revocation of permit. [Amended 2-18-97 by Ord. No. 1997-3]

If subsequent to the issuance of a rental permit, the Zoning Official or Construction Code Official learns or becomes aware of violations of the State Housing Code and/or Property Maintenance Code as per Chapter 38, an inspection shall be made of the subject premises. If violations are found to exist, then notification, in writing, shall be given to the owner, rental agent or manager, and said person shall have ten (10) days from service of the notice to correct all deficiencies noted therein. In the event that the same have not been corrected within ten (10) days, then the rental permit may be revoked by the Zoning Official or Construction Code Official by mailing a notice of revocation by certified mail to the owner, rental agent or manager and to the tenant or tenants, and the premises will be vacated.

§ 63B-7. Violations and penalties. [Amended 2-18-97 by Ord. No. 1997-3]

Any person, firm or corporation who shall violate any provision of this ordinance shall be subject to a notice of violation and order to pay penalty up to five hundred dollars (\$500.) per day for each violation and further upon conviction thereof, be subject to a fine of not less than one hundred dollars (\$100.) nor more than one thousand dollars (\$1,000.) or imprisonment for a term not to exceed thirty (30) days or both, at the discretion of the court. Each day that a violation continues after notice has been served shall be deemed a separate offense.

§ 63B-8. Fees.

- A . The owner of the inspected property shall be charged a fee for each annual inspection as follows:
- (1) Each dwelling unit: thirty-five dollars (35.). [Amended 2-18-97 by Ord. No. 1997-3; 8-2-04 by Ord. No. 2004-37]
 - (2) One (1) to five (5) rooms: ten dollars (510.).
 - (3) Six (6) to fifteen (15) rooms: fifteen dollars (15.).
 - (4) Sixteen (16) to twenty-five (25) rooms: twenty dollars (\$20.)
 - (5) Twenty-six (26) to thirty-five (35) rooms: thirty dollars (\$30.).
 - (6) Thirty-six (36) rooms and upwards: forty dollars (40.).
 - (7) Each reinspection: twenty dollars (\$20.). [Added 2-18-97 by Ord. No. 1997-3; amended 8-2-04 by Ord. No. 2004-37]
- B. The term "dwelling unit" shall be defined as a single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, cooking and sanitation.
- C. The term "room" shall mean a single, habitable unit used or intended to be used for living and/or sleeping, but not for cooking or eating purposes.
- D . A fee of five dollars (\$5.) shall be charged for each dwelling unit or room which is required to be reinspected during any calendar year.
- E. The aforesaid fees shall be paid to the Zoning Official prior to any inspection being made hereunder.