

ORDINANCE NO. 2014 - 09

**ORDINANCE OF THE TOWNSHIP COMMITTEE OF
THE TOWNSHIP OF BARNEGAT, COUNTY OF
OCEAN, STATE OF NEW JERSEY AMENDING
CHAPTER 63-B ENTITLED "RENTAL
PROPERTIES"**

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Township Committee hereby amends Chapter 63-B entitled "Rental Properties," in accordance with changes set forth below in this Ordinance.

SECTION 2. The existing Section 63B-2, entitled "Compliance with standards required," shall be amended to add the following sentence to the end of the existing section:

The Code Enforcement Officer and the Construction Code Official shall create and make available to all applicants a form that sets forth specific items that will be inspected on each rental permit inspection under this chapter.

SECTION 3. The existing Section 63B-6, entitled "Revocation of Permit," shall be amended to designate the existing provisions as a new Subsection "A."

In addition, a new Subsection B shall be added to Section 63B-6, and which shall read as follows:

- B. If subsequent to the issuance of a rental permit, a tenant of the subject premises is convicted of two or more offenses in the municipal court or the Superior Court relating to controlled dangerous substances (CDS), then the rental permit shall be revoked by the Zoning Official, Code Enforcement, Police Department or the 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 shall be vacated.

The owner shall also be subject to the fines set forth in Section 63B-7 herein for violations of this provision.

SECTION 4. The existing Section 63B-7, entitled "Violations and Penalties," shall be amended to designate the existing provisions as a new Subsection "A." In addition, a new Subsection B shall be added to Section 63B-7, and which shall read as follows:

- B. In addition to the penalties set forth in Section 63B-7(a), any owner who violates the provisions of Section 63B-6(b) shall, upon conviction in the Municipal Court of the Township of Barnegat or such other court having jurisdiction, be liable for a minimum fine of \$500 for the first offense, \$1,000 for a second offense and \$2,500 for any additional offenses. Any owner who is convicted of violating Section 63B-6(b) within one year of the date of the previous violation and who was fined for same shall be sentenced by the court to an additional fine as a repeat offender and calculated separately from the fine imposed for the violation of the chapter.

SECTION 5. The existing Section 63B-8, entitled "Fees," shall be amended in Subsection A(7) providing for the fee for a reinspection, which shall now read as follows:

- (7) Each reinspection: one hundred twenty-five dollars (\$125.00)

SECTION 6. All other provisions of the Township Code, except as set forth herein, shall remain unchanged.

SECTION 7. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 8. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate,

distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 9. This ordinance shall become effective after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat held on the 18th day of February, 2014, and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the 10th day of March, 2014 at 6:30 p.m., at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

SHARON AUER

Township Clerk, Township of Barnegat

CERTIFICATION

I, **SHARON AUER**, Acting Township Clerk of the Township of Barnegat, do hereby certify that the foregoing ordinance was duly adopted on second reading by the Township Committee of Barnegat Township at a meeting held on the ____ day of _____, 2014.

SHARON AUER

Township Clerk, Township of Barnegat