

ORDINANCE NO. 2-2016

AN ORDINANCE OF THE TOWNSHIP OF ABERDEEN REPEALING AND AMENDING THE CODE CHAPTER XII ENTITLED "BUILDINGS, CONSTRUCTION AND HOUSING" SECTION 2.5 ENTITLED "LICENSING"

WHEREAS, on August 6, 2015 the New Jersey Appellate Division issued an opinion in *Timber Glen Phase III, LLC v. Township of Hamilton*, Slip No. A-1775-13T1 (2015) holding that a Township could not mandate an annual licensing requirement and fee of residential rentals with terms of 175 days or more;

BE IT ORDAINED, by the Mayor and Council of the Township of Aberdeen that Chapter XII entitled "Buildings, Construction, and Housing", Section 2.5 entitled "Licensing" of the Code of the Township of Aberdeen is hereby repealed and amended as follows:

§ 12-2.5 Registration and Inspection of Rental Dwelling Units.

a. General. The purpose of this subsection is to provide a uniform set of procedures for the registration and inspection of all rental dwellings within the Township.

b. Registration Required.

1. Annual Registration is required of owners and management of every building and structure in the Township which is occupied by 2 or more families as tenants of the owner or lessor. Such registration shall be with the Township **Housing Department** upon forms prescribed by and furnished by the Township. Every such registration form shall include the name and address of the owner, the name and address of the lessor if other than the owner, and the name and address of an agent in charge of the premises residing in the Township. Annual registration is required to be filed with the Township Housing Department no later than January 31st of each year. Updated registration is required with the Township Housing Department immediately upon change in occupancy.

2. Service of notice shall be sufficient upon any owner, lessor and agent by posting it upon the premises in a conspicuous place where the owner or lessor has failed to register his premises with the Township **Housing Department** as

required by this section, and has failed to designate an agent in respect to the premises, residing in the Township or where such an agent has been designated but cannot be found at the address given in the registration.

c. Inspection.

1. The person who owns, purports to own, or exercises control of any residential rental property, prior to rental or lease involving a new occupancy and successively prior to the commencement of any and all succeeding tenancies of any unit of dwelling space in a rental dwelling, is required to obtain a certificate of occupancy for the unit of dwelling space. Such certificate of occupancy shall be issued by the appropriate Township representative, as designated by the Township Clerk **Manager**, upon the inspection of the unit of dwelling space by a Township inspector and his findings that such unit meets the standards provided by law.

2. The Township may charge a fee to fund the costs of the inspections and the issuance of the certificate of occupancy. The person who owns, purports to own, or exercises control of any residential rental property will be required to pay the applicable inspection fee of \$150.00.

d. Penalties and Fines.

1. In the event of any violation of this section and/or any applicable law, a fine or penalty may be imposed against the owner or lessor of any such building or structure in accordance with the provisions under Chapter I Section 5 of the Code.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions to be adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.