

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING BOROUGH CODE CHAPTER 133, REGISTRATION OF RENTAL DWELLING UNITS, TO AMEND SECTION §133 A-2, FILING AND INDEXING OF CERTIFICATES; AND AMEND SECTION §133 A-4, VIOLATION AND PENALTIES TO INCREASE THE PENALTY FROM \$500 TO AN AMOUNT NOT LESS THAN \$500 AND NOT TO EXCEED \$5,000

WHEREAS, the Mayor and Council for the Borough of Mount Arlington reviewed and desires to amend and supplement Borough Code Chapter 133, Registration of Rental Dwelling Units, to amend Section §133 A-2, Filing and indexing of certificates to designate the correct statutory cite; and amend Section §133 A-4, Violations and Penalties, to increase the penalty from \$500 to an amount not less than \$500 and not to exceed \$5,000; and to designate the correct statutory cite in the section; and

WHEREAS, the purpose and intent of this Ordinance is to encourage all landlords of a one (1) dwelling unit rental or a two (2) dwelling unit non-owner occupied premises to register said units with the Municipal Clerk in an effort for the Borough, the Police Department, Fire Department, Zoning, and other appropriate parties to be able to identify an owner or manager who may need to be reached or contacted 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 and shall, at all times, have access to a current list of building tenants that shall be made available to emergency personnel as required in the event of an emergency; and

WHEREAS, the existing Violations and Penalties Code section does not adequately or firmly address the problems the Borough experiences in obtaining registration forms from landlords of a one (1) dwelling unit rental or a two (2) dwelling unit non-owner occupied premises; or express the seriousness for the need of such forms. It is the purpose of this Ordinance to protect and promote the public health, safety and welfare of the owners, residents of the residential rental units, other home owners near the rental units, the Police Department; Fire Department, and any other appropriate party of the Borough of Mount Arlington. It is also the purpose of this Ordinance to stress the seriousness of the obligations of the owners of certain residential rental units and encourage owners to file the forms which identify essential contact information for either the owner, manager, or occupants responsible for the units; and

WHEREAS, as a means to those ends, the Mayor and Council for the Borough of Mount Arlington determines that it is in the best interest of the Borough to increase the penalty from \$500 for a violation to an amount not less than \$500 and not to exceed \$5,000; and

WHEREAS, this Ordinance shall be liberally construed and applied to promote its purposes and policies.

BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris, and the State of New Jersey, that the Borough Code Chapter 133, Registration of Rental Dwelling Units, to amend Section §133 A-2, Filing and indexing of certificates to read in its entirety as follows:

§133A-2. Filing and indexing of certificates.

Pursuant to N.J.S.A. 46:8-28.1, the Municipal Clerk shall index and file all certificates and make them reasonably available for public inspection. Once the Tax Assessor reviews the certificates filed for multiple dwelling units, validates same, and issues a validated copy to the Clerk of the municipality in which the building or project is located, the Municipal Clerk shall index the validated certificates and the certificates shall be made available as with the certificates required of one (1) and two (2) dwelling unit non-owner occupied premises.

BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris, and the State of New Jersey, that the Borough Code Chapter 133, Registration of Rental Dwelling Units, to amend Section §133 A-4, Violations and Penalties, to increase the penalty from \$500 to an amount not less than \$500 and not to exceed \$5,000 and to designate the correct statutory cite to read in its entirety as follows:

§133A-4. Violations and penalties.

Any landlord or owner of a residential unit who shall violate any provision of this chapter shall be liable to a penalty of not less than \$500 and not more than \$5,000 for each and every offense. Each day of the said violation shall be a separate offense, recoverable by a summary proceeding pursuant to N.J.S.A. 22A:2-44 or penalty proceedings enforcement law. The Superior Court, Law Division, Special Civil Part in the county or the Municipal Court of the municipality in which the premises are located shall have jurisdiction to enforce said penalty.

Criteria for Determining Penalty. The Zoning Officer/Property Maintenance Department, when recommending penalty, shall consider the following:

- A. The effect of the violation on the health, safety and welfare the occupants of the residential rental unit and other residents of the premises.
- B. The effect of the violation on the neighborhood.
- C. Whether the owner has prior violations of this Ordinance and other ordinances of the Borough or has received notices of violations of this Ordinance.

D. Whether the owner has been subject to disciplinary proceedings under this Ordinance.

E. The action taken by the owner to remedy the violation and to prevent future violations.

G. The policies and lease language employed by the owner to manage the rental unit to enable the owner to comply with the provisions of this Ordinance.

H. In addition to applying discipline as set forth above, the Zoning Officer/Property Maintenance Department may recommend and Borough Council may impose upon the existing or subsequent licenses or permits reasonable conditions related to fulfilling the purposes of this Ordinance.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

SECTION 3. If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.

SECTION 4. This Ordinance shall take effect upon final publication as provided by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, adopted on October 2, 2012 and will be further considered after a Public Hearing held on November 27, 2012 at the Municipal Building at 7:00 P.M.

INTRODUCED: 10/02/12

PUBLISHED: 12/06/12

ATTEST:


Linda DeSantis, RMC, Borough Clerk

BOROUGH OF MOUNT ALRINGTON
COUNTY OF MORRIS
STATE OF NEW JERSEY



Arthur Ondish, Mayor