

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 335 (HOUSING AND RENTAL PROPERTY STANDARDS) TO ESTABLISH REVISED AND UPDATED STANDARDS GOVERNING RENTAL PROPERTIES

BE IT ORDAINED by the Township Council, Township of Toms River, Ocean County, New Jersey, as follows:

1. Article II (Rental of Accommodations to Minors) of Chapter 335 (Housing and Rental Property Standards) is hereby re-designated as Article III.

2. Article III (Seasonal Rentals) of Chapter 335 (Housing and Rental Property Standards) is hereby re-designated as Article IV.

3. Article IV (Requirements for Rental) Complexes Containing 5 or More Units) of Chapter 335 (Housing and Rental Property Standards) is hereby re-designated as Article V.

4. Article V (Short-Term Rentals) of Chapter 335 (Housing and Rental Property Standards) is hereby re-designated as Article VI.

5. Article VI (Revocation and Suspension of Rental Certificates of Occupancy) of Chapter 335 (Housing and Rental Property Standards) is hereby re-designated as Article VII.

6. A new Article II, entitled "Rental Properties," is hereby established, to provide as follows:

**ARTICLE II
Rental Properties**

§335-4. Definitions.

The following words or phrases, when used in this Article, shall have the following meanings:

AGENT or MANAGING AGENT

The individuals designated by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner by this chapter. If the owner provides no such designation, the owner shall be considered the agent or managing agent. In any event, the owner shall be responsible for any acts or omission by the designated agent. The term does not necessarily mean a licensed real estate broker or salesman 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 salesman of the State of New Jersey if such

Handwritten initials/signature in the top left margin.

Vertical handwritten signature on the left margin.

Handwritten signature and stamp: "Approved as to Legal Form" and "Kenneth B. Fassano, Township Attorney".

person designated by the owner as his agent is so licensed.

APARTMENT or DWELLING

Any apartment, cottage, bungalow or other dwelling unit consisting of one or more rooms occupying all or part of a floor or floors in a building of one or more floors or stories, but not the entire building, whether designed with or without housekeeping facilities for dwelling purposes and notwithstanding whether the apartment is designed for a residence, office or the operation of any industry or business or any other type of independent use.

BARRIER ISLAND

The area of the Township juxtaposed geographically between the Barnegat Bay and the Atlantic Ocean.

BUILDING

Any building or structure or part thereof used for human habitation, use or occupancy, and includes any accessory buildings and appurtenances belonging thereto or usually enjoyed therewith.

CERTIFICATE OF OCCUPANCY

The certificate issued by the Division of Code Enforcement confirming that the rental unit has been properly registered and determined appropriate for occupancy in accordance with the standards set forth in this Article.

DWELLING UNIT

Any room or rooms or suite or apartment thereof, whether furnished or unfurnished, which is occupied or intended, arranged, or designed to be occupied for sleeping and dwelling purposes by one or more persons, including but not limited to the owner thereof or any of his servants, agents or employees, and shall include all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy thereof.

GUEST

A person occupying a dwelling unit.

HABITABLE ROOM

A room or enclosed floor space within a dwelling unit used or designed to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage space.

LODGING UNIT

A room or group of rooms containing no cooking facilities, used for living purposes by a separate family or group of person living together or by a person living alone, within a building.

MANAGING AGENT

See "agent."

NON-SEASONAL RENTAL

A rental of residential accommodations not classified as a "seasonal" or "short term" rental as defined in this subsection.

OCCUPANT

A person occupying a dwelling unit.

OWNER

The person who owns, purports to own or exercises control over any building.

PERSON

An individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof.

REGISTERED TENANT

The person or person to whom a rental unit is leased or rented.

RENTAL UNIT

Any "apartment," "dwelling," "building," "dwelling unit," "habitable room" or "lodging unit," as defined by this chapter, which is rented or offered for rent, for living and dwelling purposes regardless of the consideration for occupancy, including but not limited to money paid, services rendered, or accommodation incident to employment.

A rental unit shall not include any property wherein the person(s) occupying and/or renting the property are related to the owner(s) of the property. For purposes of this chapter, the term "related to" shall mean either a grandparent/grandchild, a parent/child, or a sibling relationship.

SEASONAL or SHORT-TERM RENTAL

A rental of residential accommodations for a term of less than 30 days, but no shorter than two days, between April 1 and November 30 on the Barrier Island.

SLEEPING ACCOMMODATIONS

The number of individuals who may be properly accommodated in the beds and other sleeping facilities located within any rental unit.

§335-5. Registration, certificate of occupancy requirements.

- A. All rental units must be registered with, and receive a certificate of occupancy from, the Division of Code Enforcement in accordance with the provisions of this Article. No rental units may be leased, rented, or occupied, or advertised for such purposes, without having been so registered and certified for occupancy.
- B. The registration shall be documented and the certificate of occupancy issued on forms promulgated by and available from the Division of Code Enforcement.
- C. Each registration and certificate of occupancy shall be issued a specific numeric designation. This numeric designation must appear prominently in any advertisement for the rental of the subject unit. Failure to do so constitutes a violation of this Article.
- D. Any lease which has been executed prior to the effective date of this Article shall not be affected, but the rental unit must nevertheless be registered, inspected and certified as prescribed herein. No rental unit may be rented, leased, or occupied unless the rental unit is registered and certified in accordance with this Article.

§335-6. Effective date; term; renewal.

- A. This Article shall be effective January 15, 2018, at which point the Division of Code Enforcement may begin accepting initial registrations, conducting inspections, and issuing certificates of occupancy for existing rental units.
- B. For non-seasonal rentals, initial registrations and certifications shall be effective for a three-year term commencing retroactively on January 1, 2018, and expiring on December 31, 2020, unless there is an intervening change of occupancy or ownership, in which case re-registration and re-certification in accordance with the provisions of this Article are required.

- C. For seasonal/short-term rentals, initial registrations and certifications shall be effective for a one-year term commencing retroactively on January 1, 2018, and expiring on December 31, 2018, unless there is an intervening change of ownership, in which case re-registration and re-certification in accordance with the provisions of this Article are required. Re-inspection and re-certification are not required for changes in occupancy of seasonal/short-term rentals.
- D. Registrations and certificates of occupancy issued thereafter shall be effective for a one- or three-year term, depending on whether classified as seasonal or non-seasonal, commencing on January 1 of the year of issuance, unless there is an intervening change of occupancy or ownership, as applicable, in which case re-registration and re-certification in accordance with the provisions of this article are required.

§335-7. Inspections/Certifications.

- A. Each non-seasonal rental shall be inspected and certified at least once every three years, upon a change of occupancy or ownership, or as otherwise necessitated by safety considerations, alleged violations and as otherwise required by this Article.
- B. Seasonal/short-term rentals shall be inspected and certified annually on or before April 30, or in the event of a change of ownership, but are not required for changes in occupancy.
- C. The inspection shall occur prior to occupancy in which a certificate of occupancy is sought pursuant to this Article.
- D. Inspections shall include both a physical inspection and a search of Township records to confirm whether the subject property is in compliance with all applicable health, safety, building, construction, zoning, fire, safety, and property maintenance codes. Officials from other Township agencies shall, as needed, coordinate with and assist the Division of Code Enforcement in carrying out these inspections.
- E. Should the inspection fail to result in a satisfactory determination, a certificate of occupancy shall be denied, and the property shall not be leased, rented, or occupied by any tenant until the deficiencies have been rectified and the property and rental unit have been brought into compliance with all applicable codes. In the event that the property is occupied when deficiencies are discovered, all corrections must be made within 30 days unless safety considerations require immediate correction. If not made within that time period, the owner shall be deemed in violation of this Article, and every day that the violation continues shall constitute a separate offense.

§335-8. Prohibitions on occupancy.

No person shall hereafter occupy any rental unit nor shall the owner permit occupancy of any rental unit within the Township of Toms River which is not registered and certified for occupancy in accordance with this Article.

§335-9. Insurance.

All properties registered and certified for occupancy hereunder must be fully insured for rental purposes. Policies must be remain valid and in full force and effect throughout the term of the certificate of occupancy.

§335-10. Fees.

- A. Registration and inspection: \$150.00
- B. Amended registration: \$50.00
- C. Re-inspections: \$50.00

- D. If any fee is not paid within 30 days of its due date, a late fee charge applies in the amount of: \$35.00.

§335-11. Registration forms.

In accordance with N.J.S.A. 46:8-28, all rental units shall be registered and certified as provided herein.

- A. Every owner shall file with the Division of Code Enforcement a registration form or other forms developed by the Township for each rental unit contained within a building or structure, which shall include the following information:
- (1) The name, address and telephone number of the owner or owners of the premises and the record owner or owners of the rental business, if not the same persons, shall be provided. In the case of a partnership, the names and addresses of all general partners shall be provided, together with the telephone numbers for each individual partner, indicating where such individual may be reached both during day and evening hours, which telephone numbers shall include cell phone numbers. If the record owner is a corporation, the name and address of the registered agent and corporate officers of said corporation shall be provided, together with the telephone number for each such individual, indicating where such individual may be reached both during day and evening hours, which shall include providing the cell phone numbers of each such individual. All registration addresses shall be physical addresses; post office boxes alone are insufficient.
 - (2) If the address of the owner of record is not located in the County of Ocean, the name, address and telephone number of a person who resides in the County of Ocean who is authorized to accept notices from a tenant and to issue receipts therefor and to accept service of process on behalf of the owner of record.
 - (3) The name, address and telephone number of the managing agent of the premises, if any.
 - (4) The name, address and telephone number of the superintendent, janitor, custodian or other individual employed by the owner of record or managing agent to provide regular maintenance service, if any.
 - (5) The name, address and telephone number and cellular telephone number of an individual representative of the owner of record or managing agent who may be reached or contacted at any time 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.
 - (6) The name and address of every holder of a recorded mortgage on the premises.
 - (7) As to each rental unit, a specification of the exact number of sleeping rooms contained in the rental unit and the exact number of sleeping accommodations contained in each of the sleeping rooms, identifying each sleeping room specifically by

number and location within the apartment or dwelling and by the square footage thereof.

- (8) Name, address and telephone number of any and all rental agencies with the authority to lease or otherwise permit occupancy of the subject premises.
- (9) For all rentals except short term or seasonal rentals, the names of, contact information for, and number of occupants or tenants occupying the rental.
- (10) Whether or not the landlord has conducted a tenant screening for each new tenant and authorized adult household member.
- (11) Such other information as may be prescribed by the Township on the appropriate form or otherwise by ordinance or resolution.

B. In addition to the preceding information, the owner shall furnish the Township with proof that the property is properly insured as required by this Article and that all policies are current.

§335-12. Registration form available for public inspection.

The Division of Code Enforcement and the Township Clerk's office shall index and file registration forms. In doing so, the Division shall follow the mandates of N.J.S.A. 46:8-28.1, as amended and supplemented, so that the filing of the registration form will simultaneously satisfy the registration requirements of N.J.S.A. 46:8-28 to the extent that it applies to the property being registered and will also satisfy the registration requirements of this Article.

§335-13. Amended registration forms.

Registrations must be amended within 20 days of any change in the information furnished in accordance with this Article. No fees shall be charged for amended registrations, except for changes in ownership.

§335-14. Occupancy limits.

Rental units registered and certified for occupancy pursuant to this Article are subject to the maximum occupancy limits set forth in this subsection, which may be adjusted downward based on acceptable means of egress. The occupancy limit as computed pursuant to this subsection shall be documented on the certificate of occupancy.

A. Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.

B. Rental units shall not be occupied by more occupants than permitted by the maximum occupancy area requirements of Table 1.

Table 1

Minimum Occupancy Area Requirements

Minimum Occupancy Area in Square Feet

Space	1-2 Occupants	3-5 Occupants	6 or more
Living room	No requirements	120	150

Table 1

Minimum Occupancy Area Requirements

Minimum Occupancy Area in Square Feet

Space	1-2 Occupants	3-5 Occupants	6 or more
Dining room	No requirements	80	100
Kitchen	50	50	60
Bedrooms	Shall comply with §335-13A		

- C. Combined living-room and dining-room spaces shall comply with the requirements of Table 1 if the total area is equal to that required for separate rooms and if the space is so located that it functions as a combination living room/dining room.
- D. Decks/Porches. The maximum allowable occupancy on any deck shall be one person per nine square feet.
- E. Landlords may request occupancy limits lower than the maximums computed pursuant to this subsection, in which case the limit requested, if deemed acceptable, will govern and be documented upon the certificate of occupancy.
- F. Rentals of subterranean space are permitted only to the extent that acceptable means of egress are available, the occupancy limitations imposed under this subsection are satisfied, and the subterranean occupancy does not violate another federal, state, or local code.

§335-15. Violations of occupancy limits.

- A. It shall be unlawful and a violation of this Article for an owner, lessor, or tenant of any registered and certified dwelling to lease or sublease to a number of people greater than the permitted occupancy limit computed in accordance with the preceding subsection.
- B. It shall also be a violation of this Article for the owner, lessor, or tenant to lease or sublease a dwelling unit to a number or group of tenants which exceeds the total number of sleeping accommodations documented in the certificate of occupancy.
- C. It shall also be unlawful for an owner, lessor, or tenant to allow a number of people greater than the maximum number of people permitted to occupy the decks or porches of a dwelling unit.

§335-16. Payment of taxes and municipal charges required.

No rental unit may be registered and no certificate of occupancy shall be issued for any property containing a rental unit unless all municipal taxes, water and sewer charges and other municipal assessments are current.

§335-17. Tenant screening at change of occupancy.

- A. At each change of occupancy of all rental units except seasonal/short-term rentals, the record owner or owners of the premises shall be required to conduct a tenant screening for the new inhabitants of the unit. Such screening shall include the substantial equivalent of the following:
 - (1) A check for activity in the Landlord/Tenant Section of the Special Civil Part of the Superior Court of the State of New Jersey for the

county of the tenant's last residence for a period of three years.

- (2) All records of any conviction for any offense in the municipal court of the municipality of the resident's last residence for a period of three years.
- (3) All records of any conviction for any offense in the Superior Court of the State of New Jersey for the county of the resident's last residence for a period of three years.
- (4) Subsection A(2) and (3) above shall apply to the tenant(s) and all authorized adult members of the tenant's household.

- B. Proof of an adequate screening shall be a letter indicating that such a screening was completed by a reputable tenant screening company or organization. Such a letter must be dated and shall be prepared by a screening company or organization.
- C. No certificate of occupancy shall issue unless proof of an adequate screening has been provided.
- D. Seasonal rentals are exempt from these tenant screening requirements.

§335-18. Access for inspection.

- A. Inspections are required to determine the condition of rental facilities and rental units in order to promote the purposes of this Article to safeguard the health, safety and welfare of the occupants and surrounding residents.
- B. These inspections shall be conducted by the Division of Code Enforcement with the assistance, as needed, of other agencies.
- C. For the purposes of making such inspections, the inspecting officers are hereby authorized to enter, examine and survey rental facilities and rental units after giving 48 hours' notice unless there is an emergency requiring immediate access. The owner or occupant of every rental facility and rental unit shall give the inspecting officer free access to the entire rental facility or rental unit, at all reasonable times for the purpose of such inspections, examinations and surveys, including inspections of the registration forms and other forms required to be supplied to each tenant.
- D. Every occupant shall give the owner of the rental facility or rental unit access to any part of such rental facility or rental unit after giving 48 hours' notice unless there is an emergency requiring immediate access for the purpose of making such repairs or alterations as are necessary to comply with the provisions of this Article; other federal, state or local law or regulation; or any lawful order issued by appropriate authority.
- E. Within 10 days of the receipt of the complaint alleging a reported violation of this Article; other federal, state or local law or regulation; or any lawful order issued by appropriate authority, the Division of Code Enforcement, with the assistance, as needed, of other agencies, shall conduct an inspection as provided herein.

§335-19. Occupant standards.

- A. No rental unit shall be occupied or used in a manner which causes unreasonable disturbances or disruptions to the surrounding properties and property owners or the public in general.
- B. The maintenance of all rental facilities and the conduct engaged in upon the premises by occupants and their guests shall at all times be in full

compliance with all applicable ordinances and regulations of the Township of Toms River and state and federal laws and regulations.

- C. Any landlord, tenant, or other person violating the provisions of this subsection shall be subject to the penalty provisions of this Article.

§335-20. Enforcement.

The Division of Code Enforcement, the Construction Official, the Zoning Officer, the Fire Official and the Police Department are hereby authorized to separately or jointly, as circumstances warrant, enforce this Article.

§335-21. Violations and penalties.

In addition to the penalties prescribed by N.J.S.A. 46:8-35, any person or entity violating this chapter is subject to the maximum fines and penalties established under N.J.S.A. 40:49-5 and N.J.S.A. 40:69A-29, and any subsequent amendments to those statutes.

7. Article VIII (Landlord and Tenant Registration Fees), and all subsections thereunder, of Chapter 287 (Fees) are hereby repealed and re-designated as "Reserved."

8. Subsection H of § 335-2 (Changes, Additions, and Exceptions) is hereby repealed and re-designated as "Reserved."

9. The definition of "Seasonal Rental" established under § 335-9 (Definitions) is hereby amended and supplemented to provide as follows:

SEASONAL RENTAL – A rental of residential accommodations for a term of less than 30 days, and no shorter than two days, between April 1 and November 30 on the Barrier Island. Barrier Island refers to the area of the Township juxtaposed geographically between the Barnegat Bay and the Atlantic Ocean.

10. All subsections under Articles III, IV, V, and VI are hereby renumbered to correspond with the foregoing amendments.

11. All other parts of Chapter 335 and Chapter 287 remain in full force and effect.

12. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of the inconsistency.

13. If any part of this ordinance is invalidated for any reason by competent authority, that part is severed and the remaining provisions shall remain in full force and effect.

14. This ordinance shall take effect following its final passage by the Township Council, approval by the Mayor, and twenty days after publication as required by law.

L-Nov 28, 2017-06

Approved: <u>Thomas F. Kelaher</u>
Thomas F. Kelaher
Date: <u>12/27/17</u>
Not Approved: _____
Thomas F. Kelaher
Date: _____

APPROVED <u>Thomas F. Kelaher</u>
NOT APPROVED _____
COUNCIL PRESIDENT

TOMS RIVER TOWNSHIP NOTICE

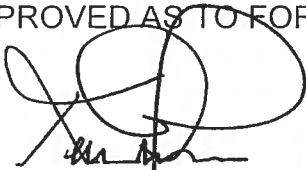
ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 335 (HOUSING AND RENTAL PROPERTY STANDARDS) TO ESTABLISH REVISED AND UPDATED STANDARDS GOVERNING RENTAL PROPERTIES

PURPOSE: TO AMEND AND SUPPLEMENT CHAPTER 335 OF THE TOWNSHIP CODE GOVERNING HOUSING AND RENTAL PROPERTY STANDARDS, TO ESTABLISH REVISED AND UPDATED STANDARDS GOVERNING RENTAL PROPERTIES

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on November 28, 2017 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manual Hirshblond Meeting Room of the Municipal Building in said Township on December 12, 2017 at 5:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's Office in said Municipal Building to members of the general public who shall request such copies.

ALISON CARLISLE
TOWNSHIP CLERK

APPROVED AS TO FORM:



KENNETH B. FITZSIMMONS
TOWNSHIP ATTORNEY
MUNICIPAL BUILDING
33 WASHINGTON STREET
TOMS RIVER, NJ 08752

