

**TOWNSHIP OF SOUTH HACKENSACK
COUNTY OF BERGEN**

ORDINANCE No. 2007-02

**"AN ORDINANCE AMENDING AND
SUPPLEMENTING ARTICLE VI OF CHAPTER 208
OF THE CODE OF THE TOWNSHIP OF SOUTH
HACKENSACK ENTITLED ZONING"**

BE IT ENACTED AND ORDAINED by the Township Committee of the Township of South Hackensack as follows:

Section I:

Article VI of Chapter 208, entitled "Zoning", be and hereby is amended as follows:

§208-30. Title.

This Article shall be known as the "Rental Unit Inspection".

§.208-30A Certificate of Inspection; when required.

The owner of any residential rental property shall, prior to rental or lease involving a new occupancy of any unit or dwelling space in such property, obtain a certificate of inspection for said unit or dwelling space.

§208-30B. Issuance of Certificate of Inspection.

The certificate of inspection shall be issued by the Construction Official or such person designated by the Construction Official to issue the certificate of inspection. The certificate shall be issued or denied within ten (10) days of the date of application to the Building Department.

§208-30C. Content of Certificate of Inspection.

The certificate of inspection shall certify that the dwelling unit, and its intended use, complies with the provisions of applicable building, health, safety and fire codes, regulations, ordinances and statutes of the Township of South Hackensack and State of New Jersey.

§208-30D. Fee for Certificate of Inspection.

The fee for the certificate of inspection as provided for herein shall be fifty dollars (\$50.00) and shall be paid at the time of and together with the filing of the written application by the owner or his authorized representative. Said fee shall reflect, in part, the cost for the initial inspection required by this Article. In the event that subsequent inspection(s) are required due to violations, there shall be due from the owner or his authorized representative an additional fee of ten dollars (\$10.00) for each such reinspection.

§208-30E Application for Certificate of Inspection.

The Construction Official shall promulgate an application for the certificate of inspection. That form shall include at least the following information: name and address of owner or landlord; address of rental space to be inspected; description of rental premises including number and description of rooms; names and ages of intended tenants or occupants.

§208-30F. Inspection Required.

Within five (5) days after receiving such notice that a dwelling unit has been vacated or is about to be rented, the Construction Official shall inspect or cause to be inspected said premises. The Construction Official may request assistance from other Township officials including various code officers, Health Officer and Township Attorney. The purpose of said

inspections shall be to ascertain whether or not the vacated premises meet the standards of the applicable building, health, safety and fire codes, regulations, ordinances and statutes of the Township of South Hackensack and the State of New Jersey, and that the premises are safe and habitable for their intended use.

§208-30G. Duties of inspector.

In the event that the premises to be leased or rented meet the standards of the applicable building, health, safety and fire codes, regulations, ordinances and statutes of the Township of South Hackensack and the State of New Jersey, the Construction Official shall issue a certificate of inspection. In the event that the premises do not meet the standards outlined herein, the Construction Official shall give notice in writing of repairs and/or corrections to be made. In such event, the Construction Official or his agent or designee shall make a reinspection within fourteen (14) days, or sooner if the Construction Official has been notified that the improper conditions have been corrected and, if the premises meet the appropriate standards of the applicable building, health, safety and fire codes, regulations, ordinances and statutes of the Township of South Hackensack and the State of New Jersey, the Construction Official shall issue a certificate of inspection.

§208-30H. Correction of violations.

The applicant shall correct all violations as set forth by the inspector within fourteen (14) days from the denial of the certificate of inspection and notice of repairs and/or corrections to be made.

§208-30I. Rental or occupation prohibited without certificate of inspection.

Following the effective date of this Ordinance, no such vacated apartments or premises shall be rented or occupied in whole or in part by any tenant until the certificate of inspection has been received or a temporary certificate of inspection has been received. No owner or landlord may receive or collect rent for any residential apartment or rental unit which has not received a certificate of inspection.

§208-30J. Temporary certificate of inspection.

The Construction Official may issue a temporary certificate of inspection if the repairs and/or corrections are not deemed by him to be injurious to the safety or the habitability of the premises. Said temporary certificate shall automatically expire thirty (30) days after its issuance. If the owner or landlord has not made the repairs or the corrections within that time period, no certificate of inspection will be issued. If the repairs and/or corrections have been made, the Construction Official shall issue a certificate of inspection.

§208-30K. Statement to be filed for all residential rental units.

Every owner of premises used for residential rental purposes shall file, under oath, with the Construction Official of the Township, a statement containing the address of the premises; the name, address and telephone number of the agent in charge of the premises, if any; the name, address and telephone number of the superintendent, if any; the number of apartments or dwelling units in such premises, and a description of the number and type of rooms in each unit., the names of all tenants or occupants and the ages of any children age 18 and younger. When the owner of such premises is a corporation, such statement shall be made, under oath, by the appropriate officers of the corporation. All statements shall contain a telephone number where the owner of the premises may be reached in the event of an emergency situation.

§208-30L. Failure to comply; service of process.

In the event that the owner of such premises fails to supply such information to the Construction Official of the Township by, then and in that instance, the owner of such premises shall be deemed to have appointed the Township Clerk as his agent for the acceptance of process against him in any proceeding issuing out of the Municipal Court of the Township by reason of a violation of this Article. In such case, the Township Clerk shall accept service of the original and a copy of the summons and two (2) copies of the complaint, and the Township Clerk shall forthwith send a copy of the summons and complaint by

certified mail to the last known address of the owner of the premises as designated by the records of the Tax Office of the Township, and the mailing of such notice of service of process shall be deemed full compliance with the jurisdictional requirements of due process and shall give the Municipal Court of the Township jurisdiction over the owner of the premises and to constitute personal service of process on the owner.

§208-30M. Alternative service of process.

In the alternative, the service of process against the owner in any proceeding issuing out of the Municipal Court of the Township by reason of violation of this Article may be made by the Construction Official or his designee by affixing a copy of the summons and complaint onto the door of the main entrance of the premises, and the Construction Official or his designee, on the same day, shall mail a copy of the summons and complaint by certified mail to the last known address of the owner or agent of the premises as the name may be disclosed by the records of the Tax Office of the Township and notify the owner of a hearing regarding the alleged violation. Such notice shall be given at least ten (10) days before the day of the hearing.

§208-30N. Violations and penalties.

I. If the Code of the Township of South Hackensack provides for the licensing or permitting of the violator, the Township Committee reserves the right to revoke such permit or license, following a conviction of the violation of the provisions of this ordinance.

II. Any person found guilty of violating this Article of the Code of the Township of South Hackensack shall be subject to a penalty consisting of a fine or imprisonment, or both, subject to the discretion of the Judge, the maximum of which shall be the maximum fine or term of imprisonment permitted to be imposed by the court having jurisdiction over the violation of this Article of the Code of the Township of South Hackensack..

III. In the event of a continuing violation, each day shall constitute a separate offense.

Section II. If any part of this ordinance is determined by a court of competent jurisdiction to be invalid or unconstitutional the remainder of the ordinance shall remain in full force and effect.

Section III. Any ordinance or portion of ordinance inconsistent with this ordinance is hereby repealed to the extent of said inconsistency

Section IV This ordinance shall take effect upon passage and publication as required by law.

Introduced: January 11, 2007

Adopted: February 8, 2007

Attest

Linda LoPiccolo, Township Clerk

Gary Brugger, Mayor