

**AN ORDINANCE OF THE TOWNSHIP OF GREENWICH  
CREATING AND ESTABLISHING A RENTAL PROPERTY CODE**

**ORDINANCE NO. 21 - 2009**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF GREENWICH AS FOLLOWS:**

Section 1     Purpose.     The purpose of this Ordinance is to promote safe and decent housing for the benefit of all residents of the Township of Greenwich and to prevent and abate harmful housing conditions. Among other things, this Ordinance shall provide for registration of rental units by landlords (except for owner-occupied two unit dwellings). By providing for registration and disclosure of landlords and their addresses, the Township of Greenwich intends to make both absentee and local landlords more responsible and responsive to the welfare of tenants, as well as neighbors who live in Greenwich. In addition, this Ordinance will reduce the time frame for processing housing complaints and avoid undue delay in correcting conditions.

Section 2.     A new Chapter 93 entitled RENTAL PROPERTY CODE is established which shall read as follows:

**§93.1. Title.**

This chapter shall be known as the “Rental Property Code”.

**§93.2. Adoption of codes by reference.**

The provisions of the Uniform Construction Code, N.J.S.A. 52:27D-119 *et. seq.* and N.J.A.C. 5:23-1 *et. seq.*; Uniform Fire Code, N.J.A.C. 5:70-2 *et. seq.*; and The International Property Maintenance Code, as adopted by Greenwich Township Resolution No. 9-2003, and their

amendments

(collectively “codes”), as may be approved and adopted subsequent thereto by the Department of Community Affairs of the State of New Jersey, are hereby accepted, adopted and established as standards to be used as a guide in determining whether dwellings and buildings in this Township are safe, sanitary and fit for human habitation and/or rental. A copy of said codes and regulations, and any amendments subsequent thereto, have been placed on file in the office of the Township Clerk and are available for inspections by all persons desiring to use and examine same.

**§93.3. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**BASEMENT** - That portion of a building which is partly above grade and has at least ½ its ceiling heights above grade. Any sleeping room in a basement shall comply with the emergency escape section of the aforesaid State Housing Code.

**CELLAR** - That portion of a building which is partly or completely below grade and has more than ½ its ceiling height below grade.

**DWELLING UNIT** - A room or group of rooms or any part thereof located within a building forming a single habitable unit with facilities which are used or designed to be used for living, sleeping, cooking and eating.

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

OCCUPANT - Any individual who lives or sleeps in, or has actual possession of, a dwelling unit.

OCCUPANCY - Any use, possession or control of real property by persons, entities or personal property.

OWNER - Any person or entity who owns, purports to own or exercises control over any real property.

PREMISES - Land and/or buildings thereon.

REGISTERED AGENT - An individual who shall be responsible for receiving notices of violation of this chapter, who exercises control of a rental facility, building and/or structures, and/or fulfilling the responsibility of the owner of a rental facility to correct such violation. The registered agent may be the owner. The registered agent must reside in the County of Gloucester. The name, address and telephone number of such registered agent must be filed with the Township of Greenwich as provided in this chapter.

RENTAL FACILITY - Every building, group of buildings or a portion thereof consisting of a dwelling, apartment and/or one or more rooms, inclusive of a mixed occupancy building.

**§93.4. Additions to codes.**

- A. Duties of owner, operator and/or registered agent. It shall be the duty of the owner, operator and/or registered agent to comply with all code provisions adopted pursuant to §93.2 herein.
- B. Conveyance of property. The owner, operator and/or registered agent of any property under order by an authorized public officer to repair or demolish said property shall not convey such property to a new owner without first notifying the public officer. The new

owner shall comply with the order of the public officer as served upon the seller of said property and shall not occupy said building or premises until the order of the public officer is obeyed and a certificate of occupancy is issued by the public officer.

**§93.5. Enforcement.**

The Housing Code Official is hereby designated to exercise the powers prescribed by this chapter.

**§93.6. Registration of rental facilities.**

- A. All buildings or structures used, occupied or offered for occupancy as a “rental facility” on a lease or rental basis shall be registered in writing on a form provided by the Township of Greenwich, which form shall be signed by the owner, operator and/or registered agent and filed with the Township Clerk or his/her designees. Said registration shall state, among other things, the name, address and telephone number of the registered agent (which may be the same as the owner), the location of the building, the portion of the building to be used as a rental facility, the number of dwelling units, the proposed number of occupants and their names in each dwelling unit, the number of rooms in each dwelling unit, the proposed use of each such room, and the dimensions of each such room. Such registration shall be accompanied by a floor plan, drawn approximately to scale, indicating the location, use and dimension of each room covered by the registration.
- B. “Rental facility” registrations shall be renewed on an annual basis.
- C. The annual fee for Registration shall be \$50.00.
- D. Notwithstanding any of the other provisions of this section and chapter, owner-occupied

two-unit rental facilities are not required to file the landlord registration otherwise required by this chapter.

- E. The owner, operator and/or registered agent of the subject rental facility shall be responsible to file an amended registration statement with the Township within seven days of any change in any of the information required by the registration statement.

**§93.7. Inspection of dwelling units and certificate of occupancy.**

- A. All buildings or structures used, occupied or proposed to be occupied as dwelling units and/or rental facilities shall be inspected by the Housing Code Official before every initial occupancy, change in occupancy and/or change in the number of occupants.
- B. No owner, agent, broker or person shall purchase, sell, rent, lease or use any dwelling unit unless a certificate of occupancy has been issued certifying that the dwelling unit is fit for human habitation and that the dwelling unit is in compliance with this chapter.
- C. The owner, operator and /or registered agent of the subject property shall be responsible to complete an application for a certificate of occupancy before any initial occupancy, proposed change in occupancy and/or addition to the number of occupants. The Housing Code Official, within 10 working days of the receipt of said application, shall make an inspection of the applicable dwelling unit or units. The owner, operator and/or registered agent must accompany the official, for inspection. Upon determining that this chapter and all applicable laws, ordinances, codes, regulations and standards have been complied with, the official shall issue a certificate of occupancy permitting occupancy of the inspected dwelling unit.
- D. If the official finds the dwelling unit is not in compliance, the owner and/or registered

agent shall thereupon be notified in writing within 72 hours after the inspection, specifically noting those violations requiring corrections before any new occupancy and/or change in occupancy may commence and that correction of the violations may require construction permits, to be issued upon proper application to the Construction Code Official. The Housing Code Official may designate a time frame for correction of violations, which may be extended by the Official for good cause. Good cause for such extension shall include but is not limited to delays caused by weather conditions, unavailability of building/construction materials, and/or unavailability of contractors to correct the violations or other extenuating conditions.

- (1) The owner, operator and/or registered agent may file a written request challenging any part of the notice requiring correction of the code violations(s). This written challenge must be filed within 10 days of service of the notice of violation with the Construction Board of Appeals who shall affirm, modify or dismiss the notice of code violation. A notice shall be deemed served upon personal service, upon signing for registered mail, or within two (2) business days of the postmark of regular mail.
- E. Upon correction of any violations, the owner or registered agent shall notify the Housing Code Official of the corrections, and within seven days a reinspection will be made of the required corrections.
- F. The owner, operator and/or registered agent shall be charged a fee of \$40.00 per unit for the initial inspection as well as subsequent inspections triggered by change in occupancy or occupants. If re-inspection is required due to correction of violations, an additional fee

of \$25.00 per unit must be paid.

G. Penalties.

- (1) The penalty for a violation of this chapter for failure to obtain a certificate of occupancy as provided herein or for the failure to register as required herein shall be:
  - (a) For a first offense: a fine of not less than \$100 nor more than \$250, and/or community service to be set at the discretion of the Municipal Judge.
  - (b) For a second offense: a fine of not less than \$500 nor more than \$1000 and/or:
    - (1) Six months imprisonment.
    - (2) Community service to be set at the discretion of the Municipal Judge.
  - (c) For a third or subsequent offense: a mandatory fine of \$1000 and/or:
    - (1) Imprisonment for one year.
    - (2) Community service to be set at the discretion of the Municipal Judge.
- (2) With respect to the violations and penalties set forth above, a person shall be guilty of a separate offense for each thirty (30) day period that the person fails to comply with an order to correct and abate a code violation, fails to obtain a valid certificate of occupancy, or fails to register as required herein.
- (3) The owner of the property shall be liable for any and all attorney's fees/costs incurred by the Township of Greenwich to collect fines assessed hereunder.

H. The Housing Code Official may perform additional inspections in the interests of the health, safety and welfare of the public without charge to the owner. However, if the official issues any notices of violation as a result of said additional inspections, the owner shall be required to pay the applicable re-inspection fees upon the correction of the violations.

**§93.8. Occupancy of substandard dwellings prohibited; performance standards.**

No person shall occupy or rent to another for occupancy any dwelling unit for the purpose of living therein and which does not conform to the provisions of this chapter. No cellar or any part thereof shall be used for sleeping purposes. Basements may be used for sleeping purposes, provided that the entire basement complies with all requirements of this chapter and the emergency escape provisions of the aforesaid Codes.

**§93.9. Inspections.**

A. Free access. The Housing Code Official is hereby authorized to make inspections to determine the condition of buildings and structures in order that they may perform their duty of safeguarding the health, safety and welfare of the occupants thereof and of the general public. For the purpose of making such inspections, the Housing Code Official is hereby authorized to enter, examine and survey buildings and structure at all reasonable times. The owner, operator, and/or registered agent or occupant of every building or structure shall give the inspecting officer free access to the building at all reasonable times.

B. Complaints. Within 72 hours of the receipt of a complaint alleging a reported violation of this chapter, an inspection officer shall conduct an inspection as hereinbefore provided.



**§93.10. Notice of violation; revocation of license; hearing.**

A. Notice. Whenever the Housing Code Official determines that there has been a violation of this chapter, he/she shall serve a written notice of the violation on the owner, operator and/or registered agent, which shall include a statement of the reasons why it is being issued and what action, if any, the owner, operator and/or registered agent must take to abate the violation. Said notice shall also state that the violations(s) must be corrected within 10 days and, if not, that the certificate of occupancy for the subject premises shall be revoked, in addition to the remedies and provisions set forth elsewhere in this chapter. Said period for correction may be extended or abbreviated by the Housing Code Official for a definite number of days for good cause. Good cause shall include but is not limited to delays caused by weather conditions, unavailability of building/construction materials, unavailability of contractors hired to correct the violations or the existence of emergent circumstances affecting the health or safety of occupants or residents of Greenwich.

B. Revocation; appeal; hearing.

(1) If a violation is not corrected within 10 days of the service of a notice thereof, or any extension or abbreviation given, the Housing Code Official may serve an order upon the owner, operator and/or registered agent that the certificate of occupancy is revoked and occupancy prohibited, effective five days from the service thereof.

**§93.11. Cost of abatement as lien against property.**

The Township of Greenwich may, by resolution of the Mayor and Council, direct the abatement of a nuisance to correct a defect or put the premises in such proper condition so as to comply

with the requirements of this chapter, and the costs thereof, including an allocation of any professional fees incurred upon the certification to it by the public officer of the amount of the costs, shall be charged as a lien against the subject lands and premises and shall be added to and form a part of the taxes next to be assessed and levied upon such lands and premises, to bear interest at the same rate as taxes, and shall be collected and enforced in the same manner as taxes.

**§93.12. Promulgation of forms.**

The Housing Code Official is authorized to promulgate such forms as may be necessary to implement and enforce the provisions of this chapter.

**§93.13. Emergencies.**

Whenever the Housing Code Official, and/or any public officials, find that an emergency exists with reference to a dwelling unit and/or rental facility, and the provisions of this chapter require immediate action to protect the health of the occupants or the general public, he/she may, without notice or hearing, serve an order upon the owner or registered agent, as the case may be, reciting the existence of such emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. The owner or registered agent to whom the order is directed shall comply therewith immediately, unless he/she appeals to the Township Council. The order shall state the right to such hearing.

**§93.14. Service of notices.**

Notices issued by the Housing Code Official pursuant to this chapter shall be served upon the owner, operator and/or registered agent, either personally or by registered mail, but if the whereabouts of such person is unknown, then the serving of such notices shall be made by

posting a copy thereof upon the subject premises in a conspicuous place.

**§93.15. Higher standard to prevail.**

In any case where the provisions of this chapter impose a higher standard as set forth in any other local ordinances or under the laws of the State of New Jersey, then the standards that are set forth herein shall prevail, but if the provisions of this chapter impose a lower standard than any other local ordinances or of the laws of the State of New Jersey, then the higher standard contained in any such other ordinance, or code, or statute shall prevail.

**§93.16. Violations and penalties.**

Any person who shall violate any of the provisions of this chapter for which a penalty has not otherwise been established shall, upon conviction thereof, be sentenced to one or more of the following: a fine not exceeding \$1,000, imprisonment for a term not exceeding 90 days, or a period of community service not exceeding 90 days. A person shall be guilty of a separate offense under this section for each day that the person continues to violate any provisions of this chapter for which a penalty has not otherwise been established.

**§93.17. Effective Date.**

This Ordinance shall take effect on December 31, 2009.

Introduced at a meeting of the Mayor and Council of the Township of Greenwich held on the 3<sup>rd</sup> day of August, 2009 and passed upon a second reading of the Mayor and Council held on the 17<sup>th</sup> day of August, 2009.

ATTEST:

TOWNSHIP OF GREENWICH

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LORI L. BIERMANN,  
Municipal Clerk

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GEORGE W. SHIVERY, JR.,  
Mayor

First Reading: August 3, 2009  
Second Reading: August 17, 2009

Votes:

Aye  
Oppose  
Abstain

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