

ORDINANCE #2123-24

AN ORDINANCE AMENDING CHAPTER 320 OF THE MUNICIPAL CODE TITLED “REGISTRATION, LANDLORD”

WHEREAS, the existing Chapter 320 titled “Registration, Landlord” requires amendment to function more effectively; and

WHEREAS, in consideration thereof, the Mayor and Council of the Borough of Middlesex desires to amend Chapter 320 of the Municipal Code, titled “Registration, Landlord”; and

NOW, BE IT THEREFORE ORDAINED, by the Borough Council of the Borough of Middlesex in the County of Middlesex and State of New Jersey that Chapter 320 of the Municipal Code of the Borough of Middlesex, County of Middlesex, State of New Jersey titled “Registration, Landlord” is hereby amended pursuant to the provisions hereof, with deletions indicated ~~thusly~~, and additions indicated thusly:

Section I

Section 320 is hereby amended as follows:

§ 320-1 Registration and inspection application.

- A. An annual registration application must be completed for each dwelling unit within the Borough available for rent to tenants. Without infringing upon the requirements of N.J.S.A. 46:8-28, all dwelling units within the Borough available for rent to tenants shall be registered and inspected as provided herein. Every owner shall file with the Code Enforcement Director or his/her designee a registration application for each individual unit contained within a dwelling available or offered for rent or currently rented for each yearly cycle as outlined in this chapter. Every owner of any dwelling unit available for rent to tenants (or currently rented) shall be responsible for registering as provided herein, including any renewals, amendments, or updates, without any further notice from the Borough
- B. Every owner is required to provide each occupant or tenant occupying a rental unit with a copy of the completed registration application and Borough-issued registration certificate.
- C. Upon the filing of a completed registration application, payment of the prescribed fee, and, if deemed necessary as outlined below, contingent upon a satisfactory inspection, the Borough shall issue a license permitting occupancy. Upon issuance of a license, the Borough shall deem the rental unit as "registered." Once registered, the owner shall be entitled to offer such unit(s) for rent, or continue to offer such unit(s) for rent until the following annual rental registration and inspection yearly renewal cycle as detailed in § 320-1G. All rental units must nevertheless be registered yearly and inspected once per every three yearly

renewal cycles in accordance with this chapter. No rental unit shall thereafter be rented unless the rental unit is registered and inspected in accordance with this chapter. Each rental unit must be registered, and no person shall hereafter occupy any rental unit, nor shall the owner permit occupancy of any rental unit, which is not registered

- D. Every person required to file a registration application pursuant to this chapter shall file an amended registration application within 20 days after any change in the information required to be included thereon. No fee shall be required for the filing of an amendment, except where the ownership or tenancy of the premises is changed as detailed in Chapter 158. In the event of a change in ownership or tenancy, a re-rent/re-sale application and inspection must take place as detailed in Chapter 158.
- E. When a registration and inspection application is submitted, the Borough of Middlesex Zoning and Construction Office will ~~determine whether the unit has been inspected within the last three yearly renewal cycles and, if not,~~ provide notice to the owner of the rental unit to schedule an inspection. The owner and/or occupant is required to give the inspecting officer free access to the rental facility at all reasonable times for the purpose of such inspection. **In the event that a new tenancy has not occurred within the past three years, then the Borough of Middlesex Zoning and Construction Office will provide notice to the owner of the rental unit to schedule an inspection.**
- F. No person shall hereafter occupy any rental unit, nor shall the owner permit occupancy of any rental unit which is not registered.
- G. The registration of a rental unit shall remain valid ~~until the 30th of June closest in future temporal proximity to the Borough's issuance of a license to the owner. For example, if registration occurs on the 31st of May, it shall be valid until the 30th of June of~~ **for** that same calendar year . Upon expiration of a rental unit's registration, the owner shall be required to re-register as outlined in this chapter for each yearly renewal cycle. Renewal applications shall be due by ~~the 15th of June~~ **31st of January** of each year **beginning in 2025**, and upon prompt payment and, subject to any necessary inspections as outlined by this chapter, a registration certificate shall be issued.

The 2024 Due Date shall be August 31, 2024, and violations/fines for 2024 will be assessed for each dwelling unit pursuant to the following schedule:

- a. September 1, 2024 - \$500**
- b. October 1, 2024 - \$1,000**
- c. November 1, 2024 - \$2,000**

- H. Proof of rental property liability insurance must be provided as part of the registration.**
- I. Violations/fines for noncompliance in accordance with Section 320-4.c shall be issued for each dwelling unit beginning on February 1 of each calendar year starting in 2025.**

J. The Borough shall send notice of the need for registration and payment to all existing registered rental units by October 31st of each year.

§ 320-2 Periodic inspections.

The Borough shall conduct inspections on all units available for rent and/or currently being rented on a three-year cycle. Every three years, upon the mailing of least 10 days' advanced notice from the Borough, the owner shall make the rental unit available for inspection for the purpose of determining Zoning Ordinance compliance, compliance with the Borough's Property Maintenance Code as outlined in Chapter 317, compliance with the State Housing Code and the provisions adopted in Chapter 436, and, to the extent applicable, to determine if the property complies with the Uniform Construction Code, BOCA Property Maintenance Code, Housing Code and/or Building Code, and the Uniform Fire Safety Act, or any other applicable codes, laws, regulations and/or ordinances. Failure to make the rental unit available for inspection shall be considered a violation of this chapter. Upon determining compliance, and upon the receipt of any necessary fees, the Code Enforcement Director or their designee shall cause to be issued a registration certificate. In the event the unit is not due for an inspection for the current yearly renewal cycle, a certificate shall be issued upon receipt of the annual registration application and fee. Notwithstanding the provisions of this Section, periodic inspections may be required in the discretion of the Code Enforcement Director upon notice to the owner if the Code Enforcement Director has been made aware of any complaints that, if substantiated, would put the owner in violation of this chapter or any of the aforesaid applicable codes, laws, regulations, or ordinances.

§ 320-3 Fees.

A. Fees shall be as follows:

- (1) The annual registration fee shall be \$150 per unit per yearly renewal cycle and shall be due upon the filing of the registration application. This annual registration and inspection fee shall aid the Borough's costs incurred for determining the condition of rental facilities, ensuring compliance with applicable codes and laws, and safeguarding the health, safety, and welfare of any occupant.

~~B. In the event a rental unit is not registered as provided herein or the owner has not paid the registration fee by the due date as outlined above for the yearly renewal cycle within 30 days of its due date, a late fee surcharge of \$10 per dwelling unit per month will be assessed for each calendar month or any part thereof following the due date of such fee.~~

§ 320-4 Violations and penalties.

- A. In the event the Code Enforcement Director determines that an inspection is necessary pursuant to this chapter and/or that the inspection(s) of a rental unit indicate the need for maintenance and/or repairs, such property shall not thereafter be registered, and the owner of the property, or his agent, shall not lease or rent such property, nor shall any tenant occupy the property, until the necessary maintenance, repairs and corrections have been made so as to bring the property and rental unit into compliance with the applicable code(s), laws,

regulations and/or ordinances and the property is thereafter subsequently reinspected, approved and registered. In the event that such property is occupied when such conditions are discovered, all such corrections shall be made within 30 days and, if not made within that time period, the owner shall be deemed in violation of this chapter, and every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of § 320-4C of this chapter.

- B. A property shall not be considered registered unless all municipal taxes, water and sewer charges and any other municipal assessments are paid on a current basis.
- C. Any person who violates any of the provisions of this ordinance, in addition to any other penalty that may be assessed, shall, upon conviction thereof, pay a fine, per dwelling unit, of not less than \$500, up to \$2,000, for the first offense; not less than \$1,000, up to \$2,000, for the second offense; and not less than \$2,000, up to \$5,000, for the third ~~or~~ and all subsequent offenses.

Section II

All ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section III

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to this section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section IV

This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law but, in no event, less than 20 days after its final passage by the Borough Council and approval by the Mayor, where such approval is required pursuant to N.J.S.A. 40:69A-181(b).

ATTEST:

Linda Chismar, Municipal Clerk

Jack Mikolajczyk, Mayor

INTRODUCED: May 14, 2024

DATE OF PUBLICATION:
OF INTRODUCTION May 17, 2024

ADOPTED: May 28, 2024

DATE OF PUBLICATION
OF ADOPTION:

May 31, 2024