

**TOWNSHIP OF MONTAGUE
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE 2024-02

**AN ORDINANCE OF THE TOWNSHIP OF MONTAGUE, COUNTY OF SUSSEX, STATE OF
NEW JERSEY, TO REPEAL CHAPTER 54B OF THE TOWNSHIP MUNICIPAL CODE AND
TO REPEAL AND REPLACE CHAPTER 54A WITH A NEW CHAPTER ENTITLED “RENTAL
PROPERTIES REGISTRATION, LICENSING, AND INSPECTION”**

WHEREAS, it has become apparent that there are certain redundancies in the Township Municipal Code of the Township of Montague; and

WHEREAS, Chapter 54A of the Municipal Code has become generally irrelevant as a result of changes to the Municipal Code since the time of enactment of that Chapter; and

WHEREAS, the substance of Chapter 54B of the Municipal Code can, with several marginal adjustments, serve the purpose currently being served together by Chapters 54A and 54B; and

WHEREAS, the Mayor and Township Committee of the Township of Montague accordingly find it necessary and appropriate to repeal Chapter 54B, and to repeal and replace Chapter 54A with the provisions of the current Chapter 54B, incorporating these marginal adjustments.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Township Committee of the Township of Montague, County of Sussex and State of New Jersey as follows:

Section I. Chapter 54B of the Township Municipal Code, entitled “Rental Properties Registration Licensing and Inspection,” is hereby repealed.

Section II. Chapter 54A of the Township Municipal Code, entitled “Rental Properties,” is hereby repealed and replaced, as follows:

Chapter 54A Rental Properties Registration, Licensing, and Inspection

§ 54A-1 Definitions.

Unless the context clearly indicates a different meaning, the following words or phrases when used in this chapter shall have the following meanings:

ADVERTISE or ADVERTISING

Any form of solicitation, promotion, and communication for marketing, used to solicit, encourage, persuade, or manipulate viewers, readers, or listeners into contracting for goods and/or services in violation of this section, as same may be viewed through various media, including, but not limited to, newspapers, magazines, flyers, handbills, pamphlets, commercials, radio, direct mail, internet websites, or text or other electronic messages for the purpose of establishing occupancies or uses of rental property, for consideration.

AGENT

The individual or individuals designated by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner by this chapter. 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 person designated by the owner as his agent is so licensed.

APARTMENT COMPLEX

Two or more buildings, each containing two or more apartments, which are located within close proximity of each other and are owned by the same owner.

APARTMENT, RENTAL UNIT, or DWELLING UNIT

Any structure, or portion thereof, whether furnished or unfurnished, which is occupied, in whole or in part, or intended, arranged, or designed to be occupied for sleeping, dwelling, cooking, gathering, and/or entertaining, as a residential occupancy, by one or more persons. This definition includes an apartment, condominium, building, cooperative, converted space, or portions thereof, that are offered to use, made available for use, or are used for accommodations, lodging, cooking, sleeping, gathering, and/or entertaining of occupants and/or guest(s), for consideration.

CONSIDERATION

Soliciting, charging, demanding, receiving, or accepting any legally recognized form of consideration, including a promise or benefit, a quid pro quo, rent, fees, other form of payment, or thing of value.

HOUSEKEEPING UNIT

A family-type situation involving one or more persons living together that exhibit the kind of stability, permanency, and functional lifestyle equivalent to that of a traditional family unit, as further described in the applicable reported and unreported decisions of the New Jersey Superior Court.

LICENSE

The license issued by the Township Clerk or designee attesting that the rental unit has been properly registered in accordance with this chapter.

LICENSEE

The person to whom the license is issued pursuant to this chapter. The term "licensee" includes within its definition the term "agent" where applicable.

LONG-TERM OCCUPANT

Any individual using, inhabiting, living, gathering, entertaining, being entertained as a guest, or sleeping in a dwelling unit, or portion thereof, or having other permission or possessory right(s) within a dwelling unit for a period of greater than 60 days.

MULTIFAMILY RESIDENTIAL COMPLEX

Any structure or portion thereof comprised of greater than two apartments, rental units, or dwelling units.

OCCUPANT

Any individual using, inhabiting, living, gathering, entertaining, being entertained as a guest, or sleeping in a dwelling unit, or portion thereof, or having other permission or possessory right(s) within a dwelling unit.

OWNER

Any person(s) or entity(ies), association, trust, firm, limited-liability company, corporation or officer thereof, partnership, or any combination, who legally use, possess, own, lease, sublease, or license (including an operator, principal, shareholder, director, agent, or employee, individually or collectively) that has charge, care, control, or participates in the expenses and/or profit of a dwelling unit pursuant to a written or unwritten agreement, rental, lease, license, use, occupancy agreement or any other agreement.

PERSON

An individual, firm, corporation, association, partnership, limited-liability company, entity, and any other person(s) and/or entity(ies) acting in concert or any combination thereof. "Residential occupancy" shall mean the use of a dwelling by an occupant(s).

PRINCIPAL RESIDENCE

A. The address:

- (1) Where at least one of the property owners spends the majority of his or her nonworking time; and
- (2) Which is identified on his or her driver's license or state identification card as being his or her legal address.

B. All the above requirements must be met in order for an address to constitute being a principal residence for purposes of this section.

RENTAL FACILITY

Every building, group of buildings, or a portion thereof which is kept, used, maintained, advertised, or held out to be a place where living accommodations are supplied, whether furnished or unfurnished, for pay or other consideration, to one or more individuals and is meant to include apartments and apartment complexes.

SHORT-TERM RENTAL

Rental of any apartment, rental unit, or dwelling unit for a period of 60 or fewer days.

SHORT-TERM RENTAL PROPERTY AGENT (STRP AGENT)

A person designated and charged by the owner of a short-term rental property to fulfill all or some of the obligations in connection with the management of the short-term rental. Such person shall be available for, and responsive to, contact on behalf of the owner, tenants, and Township at all times during which the short-term rental is in use.

SWIMMING POOL

Any outdoor or indoor structure intended for swimming or recreational bathing, including in-ground and aboveground structures, and including hot tubs, spas, portable spas, and wading pools.

§ 54A-2 Annual registration required.

All rental units shall hereafter be registered with the Township Clerk or designee of the Township of Montague or such other person as designated by the Township Committee, on forms which shall be provided for that purpose and which shall be obtained from the Township Clerk or designee. Such registration shall occur on an annual basis as provided herein.

§ 54A-3 Registration and licensing at change of occupancy; term; initial registration.

Each rental unit shall be registered with each change in occupancy. The license term shall commence on October 1 and shall be valid until September 31 of the following calendar year, at which time it shall expire and a new registration shall be required. The initial registration shall occur within 45 days following the adoption of this chapter. Any lease which has been executed prior to the adoption of this chapter shall not be affected, but the rental unit must nevertheless be registered, inspected and licensed in accordance with this chapter. No rental unit shall hereafter be rented unless the rental unit is registered and licensed in accordance with this chapter.

§ 54A-4 Filing and contents of registration forms.

Without in any way intending to infringe upon the requirements of N.J.S.A. 46:8-28, all rental units shall be registered and licensed as provided herein. Every owner shall file with the Township Clerk or designee of the Township of Montague or such other person as designated by the Township Committee a registration form for each unit contained within a building or structure, which shall include the following information:

- A.** The name and address of the record owner or owners of the premises and the record owner or owners of the rental business if not the same persons. In the case of a partnership, the names and address of all general partners shall be provided, together with the telephone numbers for each of such individuals indicating where such individual may be reached both during the day and evening hours. 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 numbers for each of such individuals indicating where such individual may be reached both during the day and evening hours. All registration addresses shall be physical addresses; post office boxes alone are insufficient.
- B.** If the address of any record owner is not located in Montague or in Sussex County, the name and address of a person who resides in Sussex County and who is authorized to accept notices from a tenant and to issue receipts therefor and to accept service of process on behalf of the record owner;
- C.** The name and address of the agent of the premises, if any;
- D.** The name and address, including the dwelling unit number of the superintendent, janitor, custodian or other individual employed by the owner or agent to provide regular maintenance service, if any;
- E.** The name, address and telephone number of an individual representative of the owner or 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;
- F.** The name and address of every holder of a recorded mortgage on the premises;
- G.** If fuel oil is used to heat the building and the landlord furnishes the heat in the building, the name and address of the fuel oil dealer servicing the building and the grade of fuel oil used;
- H.** As to each rental unit, a specification of the exact number of sleeping rooms contained in the rental unit. In order to satisfy the requirement of this provision, an owner shall submit a floor plan, which shall become part of the application and which shall be attached to the registration form when filed by the Township Clerk or designee.
- I.** A classification of the rental unit type using the following abbreviations:

SFD (Single-Family Detached)
SFA (Single-Family Attached)
DPL (Duplex - Two units)
TPL (Triplex - Three units)
QD (Quad - Four units)
CPL (Complex - Five or more units)
RH (Rooming house)
CM (Commercial - Unit is located in a commercial business structure)

J. As to each rental unit, the following suffix classifications in addition to the above rental unit type classifications:

O (location has one or more units occupied by the owner)
A (tenancy is restricted by age or disability)
S (rent is subsidized)
C (unit is located in a structure that has been converted from a nonrental property to a rental property)
Z (other)

K. Such other information as may be prescribed by the Township.

§ 54A-5 Indexing and filing of forms.

The Township Clerk or designee shall index and file the registration forms. In doing so, the Township Clerk or designee 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 chapter.

§ 54A-6 Filing of amended form.

Every person required to file a registration form pursuant to this chapter, shall file an amended registration form 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 of the premises is changed. However, nothing herein shall alleviate the requirements or fees set forth in Chapter 54A.

§ 54A-7 Periodic inspections.

A. Each rental unit shall be inspected at least once every twelve-month period.

B. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Township of Montague ('Inspection Officers') and inspections made by persons or an agency other than the duly authorized and appointed person, persons or agency of the Township of Montague shall not be used as a valid substitute.

C. Such inspection shall be for the purpose of determining zoning compliance, and to the extent applicable, to determine if the property complies with the Property Maintenance Code, the Uniform Construction Code, the Housing Code, the Building Code and the Uniform Fire Safety Act.

D. Unsatisfactory inspection. In the event that the inspection(s) of a rental unit does not result in a satisfactory inspection, such property shall not thereafter be registered nor shall a license issue 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 corrections have been made so as to bring the property and rental unit into compliance with the applicable code and the property is thereafter subsequently inspected, registered and licensed. In the event that the property is occupied when such conditions are discovered, all such corrections shall be made within 60 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 Section 54A-18 of this chapter.

§ 54A-8 Access for inspections, repairs.

A. The Inspection Officers are hereby authorized to make inspections to determine the condition of rental facilities, rental units and rooming/boarding houses in order that they may promote the purposes of this chapter to safeguard the health, safety, welfare of the occupants of rental facilities, rental units and rooming/boarding houses and of the general public. For the purposes of making such inspections, the Inspecting Officers are hereby authorized to enter, examine and survey rental facilities, rental units and rooming/boarding houses at all reasonable times. The owner or occupant of every rental facility, rental unit and rooming/boarding house shall give the Inspecting Officers free access to the rental facility, rental unit and rooming/boarding house at all reasonable times for the purpose of such inspections, examinations and surveys.

B. Every occupant shall give the owner of the rental facility, rental unit and rooming/boarding house access to any part of such rental facility, rental unit and rooming/boarding house at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or any lawful order issued pursuant thereto.

C. Complaints. Within 10 days of receipt of a complaint alleging a reported violation of this chapter, an Inspecting Officer shall conduct an inspection as hereinbefore provided.

§ 54A-9 Short-term rentals.

The following provisions shall apply to short-term rentals:

A. It shall be unlawful for any owner of any property within the geographic bounds of the Township of Montague, New Jersey, to rent or operate a short-term rental contrary to the procedures and regulations established in this section or applicable state statute.

B. Short-term rentals shall be permitted to be conducted only in the following classifications of property in the Township of Montague:

(1) Individually or collectively owned single-family residences;

(2) Up to two separate units within a two-family residential dwelling, upon the agreement by the owner(s) of both units, as well as by any long-term occupant(s) of either unit, that short-term rentals shall be a permitted use therein;

(3) Guest houses, carriage houses, and any other qualifying structures located on the same property as an owner-occupied dwelling.

C. Notwithstanding the provisions of Subsection B above, short-term rentals shall not be permitted in boarding houses or rooming houses, dormitories, foster homes, adult family-care homes, assisted living facilities, community residences for developmentally disabled persons, community shelters for victims of

domestic violence, or nursing homes. Further, the following prohibitions and restrictions concerning short-term rentals shall apply:

- (1)** Where the condominium association bylaws or master deed, or condominium rules and regulations, do not permit the short-term rental of condominium units in a development, short-term rentals of condominiums or townhomes in said development shall be prohibited.
- (2)** For an apartment, rental unit, or dwelling unit that belongs to a condominium association or other property owners' association of any type ("association"), a letter of approval from the association for the use of the unit as a short-term rental must be provided to the Township before the unit may be used as a short-term rental.
- (3)** There shall be no short-term rentals of any unit in a multifamily residential complex.
- (4)** The maximum number of guests occupying a single short-term rental unit during a single rental period shall be the smaller number of either:
 - (a)** Two guests per bedroom plus an additional two guests; or
 - (b)** Ten guests.
- (5)** Should the owner of any apartment, rental unit, or dwelling unit be delinquent or past-due in remitting to the Township payment for any property tax, or other fine or fee owed to the Township by the owner ("outstanding payments"), then said apartment, rental unit, or dwelling unit shall be prohibited from use as a short-term rental until such time as all outstanding payments have been made by the owner.
- (6)** For every short-term rental unit, there shall be provided to guests at least one legal off-street parking space, with an additional parking space to be provided for every additional three guests beyond the initial guest. In instances where there is insufficient off-street parking for the guests of a short-term rental unit, the Township's on-street parking regulations shall apply.
- (7)** Shared driveways or private roads which serve as the legal means of ingress and egress for multiple properties shall not be used for access by guests of a short-term rental unit unless the owners of all of the properties served by the shared driveway or private road agree to such use of the driveway or private road.
- (8)** If the owner of a short-term rental unit will not be available or assume liability for the activities in and maintenance of the short-term rental on a seven-day-per-week, twenty-four-hour-per-day basis for the period during which the short-term rental is in use, then the owner must provide to the Township and to its guests the name, address, telephone number, and email address of a short-term rental property agent ("STRP agent") who shall assume the aforementioned responsibilities on the owner's behalf.
- (9)** The owner or the owner's STRP agent shall visit the site at the initiation of any short-term rental and within 24 hours after the completion of the short-term rental, and/or weekly for a multi-week rental, to ensure that all Township regulations are being properly observed.
- (10)** The owner or the STRP agent shall post the following information in a prominent location within any short-term rental unit:

- (a) The owner's name and phone number or, if the owner is an entity, the name and phone number for a principal of the entity;
- (b) The name and phone number of the STRP agent, if one has been appointed;
- (c) The proper method of ingress/egress to/from the short-term rental unit, as well as the relevant parking information for the rental unit;
- (d) On-street parking regulations applicable to the adjacent streets;
- (e) Survey or boundary map showing property lines of property rented; and
- (f) Trash and recycling pickup day, and all applicable rules and regulations regarding trash disposal and recycling.

(11) Swimming pools.

- (a) Any swimming pool made available for use by guests of a short-term rental unit shall be subject to inspection upon request by the Township.
- (b) No swimming pool shall be made available for use by guests of a short-term rental unit unless a valid bonding and grounding certificate and electrical certificate of compliance are issued in connection therewith, as required pursuant to N.J.S.A. 52:27D-133.2.
- (c) For any short-term rental unit with a swimming pool made available to guests, there shall be provided to guests a copy of the brochure "Steps for Safety Around the Pool," published by the U.S. Consumer Product Safety Commission. Copies of this brochure shall be made available at the Township Municipal Building.

D. All portions of this section shall apply to the R-4 Zone of the Township, except that, where any other portions of this section conflict with the following provisions, the following provisions shall supersede those conflicting portions. The following provisions shall apply to short-term rentals in the R-4 Zone of the Township:

- (1) The number of short-term rental units permitted in the R-4 Zone shall be limited to five, the permits for which shall be awarded to the first five units for which a short-term rental permit is obtained, pursuant to Subsection F, below.
- (2) Short-term rental units in the R-4 Zone are permitted to be situated in a multifamily residential complex, so long as:
 - (a) The multifamily residential complex has two or fewer total owners;
 - (b) All owners of the multifamily residential complex consent to the use of units in the multifamily residential complex as short-term rental units; and
 - (c) The total number of short-term rental units in the R-4 Zone does not exceed five, pursuant to Subsection D(2), above.

E. The provisions of this section shall apply to short-term rentals as defined above. The following do not qualify as a residential dwelling unit, as that term is used herein, and therefore do not need to obtain a short-term rental permit pursuant to this section: any hotel, motel, studio hotel, rooming house, dormitory, public or private club, bed-and-breakfast inn, convalescent home, rest home, home for aged people, foster home, halfway house, transitional housing facility, or other similar facility operated for the care, treatment, or reintegration into society of human beings; any housing owned or controlled by an educational institution and used exclusively to house students, faculty or other employees with or without their families; any housing operated or used exclusively for religious, charitable or educational purposes; or any housing owned by a governmental agency and used to house its employees or for governmental purposes.

F. The owner/operator of a short-term rental shall obtain a short-term rental permit from the Township Clerk before renting or advertising for rent any short-term rental. To obtain a short-term rental permit, the owner/operator of a short-term rental shall submit to the Township Clerk an application fee of \$750, along with a completed short-term rental permit application, which application form shall be provided by the Township Clerk. Should the Township deny a short-term rental permit, the application fee shall be refunded by the Township.

G. The short-term rental permit, if granted, shall be valid for a period of one year from the date of issuance and may be renewed thereafter on an annual basis for a renewal fee of \$350, to be submitted to the Township Clerk along with an updated short-term rental permit application.

H. Every application for a short-term rental permit shall require annual inspections to confirm compliance with the Township's fire safety regulations and Property Maintenance Code. In addition, each application is subject to review to verify the dwelling unit's eligibility for use as a short-term rental and compliance with the regulations in this section.

I. Parties or social gatherings of 10 or greater persons shall be a prohibited use of short-term rentals.

J. In accordance with N.J.S.A. 40:48F-1, there is hereby imposed a 3% tax on the rent charged for the occupancy of a short-term rental unit that is subject to the New Jersey State Sales Tax under N.J.S.A. 32B-3(d).

(1) Notwithstanding any provision or requirement otherwise, a short-term rental host must use a recognized hosting platform (e.g., Airbnb) for the purpose of collecting and remitting the applicable room occupancy excise to the Township. The Township Clerk shall determine which hosting platforms are acceptable pursuant to this provision.

(2) If, for some reason, a short-term rental host does not use a recognized hosting platform for the purpose of collecting and remitting the applicable room occupancy excise to the Township, then the short-term rental host shall be responsible for collecting and remitting this tax to the Township on a quarterly basis.

§ 54A-10 License; review; declaration of moratoriums.

A. Upon the filing of a completed registration form and payment of the prescribed fee and a satisfactory inspection, the owner shall be entitled to the issuance of a license, indicating the applicable classification designations as provided in § 54A-4I and J, commencing on the date of issuance and expiring on the same date of the next calendar year. A registration form shall be required for each rental unit and license shall issue to the owner for each rental unit, even if more than one rental unit is contained in the property.

B. The Mayor and Committee or their designees shall on a yearly basis review the number and classifications of rental properties and may declare moratoriums on the issuance of licenses of such classification or classifications to ensure the health and welfare of the township and its residents.

§ 54A-11 Fees.

A. At the time of the filing of the annual registration form pursuant to § 54A-2, the owner or agent of the owner must pay a fee in accordance with the following:

(1) An annual registration/license fee of \$100 per owner, per rental unit. If ownership of property changes, a one-time registration/license fee of \$100 per rental unit shall apply to the new owner of said property. No fee shall apply to the registration required with each change in occupancy of a rental unit.

(2) A cost of inspection fee of \$50.

(3) A reinspection fee of \$50.

B. If any fee is not paid within 30 days of its due date, a late fee surcharge of \$50 will be assessed.

§ 54A-12 Providing registration form and Truth in Renting Handbook to occupants and tenants.

Every owner shall provide each occupant or tenant occupying a rental unit with a copy of the registration form required by this chapter as well as with the "Truth in Renting Handbook" published by the New Jersey Department of Community Affairs. This particular provision shall not apply to any hotel, motel or guest house registered with the State of New Jersey pursuant to the Hotel and Multiple Dwelling Act as defined in N.J.S.A. 55:31A-3. This provision may be complied with by posting a copy of the registration certificate in a conspicuous place within the rental unit(s).

§ 54A-13 Maximum number of occupants; posting.

A. The maximum number of occupants shall be posted in each rental unit. It shall be unlawful for any person, including the owner, agent, tenant or registered tenant to allow a greater number of persons than the posted maximum number of occupants to sleep in or occupy overnight the rental unit for a period exceeding 29 days. Any person violating this provision shall be subject to the penalty provisions of Section 54A-18 of this chapter.

B. Only those occupants whose names are on file with the township as required in this chapter may reside in the licensed premises. It shall be unlawful for any other person to reside in said premises and any owner, agent, tenant or registered tenant allowing a nonregistered party to reside in said premises shall be in violation of this section and shall be subject to the penalty provisions of Section 54A-18 of this chapter.

§ 54A-14 Payment of taxes and other municipal charges required.

No rental unit may be registered and no license shall issue for any property containing a rental unit unless all municipal taxes and any other municipal assessments are paid on a current basis.

§ 54A-15 Other rental unit standards.

All dwelling units shall be maintained in accordance with the Uniform Construction Code and with other property and building standards set forth in the within Code.

§ 54A-16 Occupant standards.

A. Occupants. Only those occupants whose names are on file with the Township Clerk as provided in the chapter may reside in the licensed premises. It shall be unlawful for any other person to reside in said premises, and this provision may be enforced against the landlord, tenant or other person residing in said premises.

B. Nuisance prohibited. No rental facility shall be conducted in a manner which shall result in any unreasonable disturbance or disruption to the surrounding properties and property owners or of the public in general, such that it shall constitute a nuisance as defined in the ordinances of the Township of Montague.

C. Compliance with other laws. 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 Montague and with all applicable state and federal laws.

D. Penalties. Any landlord, tenant or other person violating the provisions of this section shall be subject to the penalty provisions of Section 54A-18 of this chapter.

§ 54A-17 Revocation of license.

A. Grounds. In addition to any other penalty prescribed herein, an owner may be subject to the revocation or suspension of the license issued hereunder upon the happening of one or more of the following:

(1) Conviction of a violation of this chapter in the Municipal Court or any other court of competent jurisdiction.

(2) Determination of a violation of this chapter at a hearing held pursuant to Section 54A-17B herein.

(3) Continuously renting the unit or units to a tenant or tenants who are convicted of a violation of Section 87-4, Noise, of the Township.

(4) Continuously permitting the rental unit to be occupied by more than the maximum number of occupants as defined in this chapter.

(5) Maintaining the rental unit or units or the property in which the rental unit is a part in a dangerous condition likely to result in injury to person or property.

B. Procedure: written complaint; notice; hearing.

(1) A complaint seeking the revocation or suspension of a license may be filed by any one or more of the following: Construction Code Official, Housing Inspector, the Zoning Enforcement Officer or any other persons or office authorized to file such complaint. Such complaint shall be in writing and filed with the Township Clerk or designee. The complaint shall be specific and shall be sufficient to apprise the licensee of the charges so as to permit the licensee to present a defense. The individual(s) filing the complaint may do so on the basis of information and belief and need not rely on personal information.

(2) Upon the filing of such written complaint, the Township Clerk or designee shall immediately inform the Township Committee and a date for a hearing shall be scheduled which shall not be sooner than 10 nor more than 30 days thereafter. The Township Clerk or designee shall forward a copy of the complaint and a notice as to the date of the hearing to the licensee and the agent, if any, at the address indicated on the registration form. Service upon the agent shall be sufficient.

(3) The hearing required by this section shall be held before the Township Committee unless, in its discretion, the Township Committee determines that the matter should be heard by a hearing officer, who shall be appointed by the Township Committee. If the matter is referred to a hearing officer, such officer shall transmit his findings of fact, conclusions of law, and recommendation for penalty to the Township Committee within 30 days of the conclusion of the hearing. The Township Committee shall then review the matter and may accept, reject, or modify the recommendations of the hearing officer based on the record before such hearing officer. In the event that the matter is not referred to a hearing officer and is heard by the Township Committee, then the Township Committee shall render a decision within 30 days of the conclusion of the hearing. Following the hearing, a decision shall be rendered, dismissing the complaint, revoking or suspending the license or determining that the license shall not be renewed or reissued for one or more subsequent license years.

(4) The hearing shall be recorded. All witnesses shall be sworn prior to testifying. The rules of evidence shall not be strictly applied, and the evidential rules and burden of proof shall be those that generally control administrative hearings.

(5) The Township Solicitor or his designee shall appear and prosecute on behalf of the complainant in all hearings conducted pursuant to this section.

C. Defenses. It shall be a defense to any proceeding for the revocation, suspension, or other disciplinary action involving a rental license by demonstrating that the owner has abated the conditions or circumstances giving rise to the revocation proceeding, including but not limited to the institution of legal action against the tenant(s), occupant(s) or guest(s) for recovery of the premises, eviction of the tenant(s) or otherwise.

§ 54A-18 Violations and penalties.

Any person who violates any provision of this chapter shall, upon conviction in the Municipal Court of the Township of Montague or such other court having jurisdiction, be liable to a fine not exceeding \$1,000 or imprisonment for a term not exceeding 30 days, or both. Each day that a violation occurs shall be deemed a separate and distinct violation subject to the penalty provisions of this chapter.

§ 54A-19 Exceptions.

The provisions of this chapter shall not apply to public housing authorities, not-for-profit housing corporations, and rental property restricted to housing for the developmentally disabled.

§ 54A-20 Applicability.

Nothing contained herein shall alleviate a persons or party's requirements and the payment of fees as set forth in this Chapter.

§ 54A-21 Severability.

If any section, subsection, paragraph, sentence or other part of this chapter is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this chapter but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this chapter directly

involved in the controversy in which said judgment shall have been rendered and all other provisions of this chapter shall remain in full force and effect.

§ 54A-22 Enforcement

The Inspection Officer, as designated by the Township, as well as the Township Zoning Officer and the Township Construction Official shall have such powers as may be necessary to carry out the intent and purpose of this chapter, including but not limited to the following enumerated powers;

A. To investigate the conditions of any dwelling units located in the Township of Montague in order to determine which dwelling units are unfit for human habitation.

B. To determine that a dwelling unit is unfit for human habitation or occupancy or use if it is found that conditions exist in such dwelling unit which are dangerous or injurious to the health or safety of the occupants of the unit, the occupants of neighboring units and buildings, or other Township residents. Such conditions may include the following, without limiting the generality of the adequate ventilation, light or sanitary facilities, dilapidation; disrepair; structural defects; uncleanliness.

Codification. This Ordinance may be renumbered for codification purposes.

Inconsistency. All Ordinances of the Township of Montague which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Partial Invalidity. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Effect Date. This Ordinance shall take effect immediately following adoption and publication as required by law.

Introduced: March 12, 2024.

Adopted: March 26, 2024.

ATTEST:

Dana Klinger, RMC, CMR
Montague Township Clerk

George Zitone, Mayor

RECORD OF COMMITTEE VOTES – ORDINANCE 2024-02				
<u>COMMITTEE MEMBER</u>	<u>AYES</u>	<u>NAYES</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
RICHARD INNELLA	X			
JOSEPH KRUMPFER	X			
JAMES LEDONNE				X
FRED MERUSI	X			
MAYOR GEORGE ZITONE	X			