

TOWNSHIP OF MAPLE SHADE

Ordinance 2023-08

AN ORDINANCE AMENDING CHAPTER 154 “RENTAL PROPERTIES” OF THE MAPLE SHADE TOWNSHIP CODE

WHEREAS, the Township Council seeks to clarify the inspection requirements and process for rental properties within the Township.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Maple Shade County of Burlington as follows:

Section 1. Chapter 154 -5 is hereby replaced with the following new sections 154-5

§ 154-5 Periodic Inspections

A. All rental units subject to this Chapter shall be inspected in accordance with the following:

1. Hotels and multiple dwellings as defined in N.J.S.A. 55:13A-3(j) and (k) – such properties shall be inspected by the Bureau of Housing Inspection of the State of New Jersey, Department of Community Affairs. A current, valid certificate of inspection issued by the State of New Jersey, Department of Community Affairs pursuant to the Hotel and Multiple Dwelling Act (N.J.S.A. 55:13A-1 et seq.) shall satisfy the requirements of this Chapter.
2. Rental Units of four or less units – shall be inspected by the Housing Officer, or such person designated by the Housing Officer, to determine compliance with Chapter 152, New Jersey State Housing Code, Hotel and Multiple Dwelling Code and International Property Maintenance Code. These officials may call upon agents or representatives of the Township, including but not limited to the Board or Health officer, Fire Official, Construction Official or Police Department to assist in the enforcement of this Chapter.

B. Frequency of Inspections.

1. Residential Rental. After receipt of the initial Certificate of Inspection, a Residential Rental Unit or Property shall be inspected at the earlier of a change in Tenant or one year from the date of issuance of the last issued Certificate of Inspection.
2. Commercial Rental. After receipt of the initial Certificate of Inspection, a Commercial Rental Unit or Property shall be inspected upon each change in Tenant.

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C. Access for inspections, repairs, complaints. The inspection officers are authorized to make inspections to determine the condition of rental properties and rental units to safeguard the health, safety, and welfare of the occupants of the rental properties and rental units and of the general public. For the purpose of making such inspections, the inspecting officers, are authorized to enter the upon premises with the consent of the Owner or its designated agent and Tenant, or failing that, pursuant to an administrative search warrant, in such a manner as to cause the least possible inconvenience to the persons in possession of the premises. At the time of such inspections, all rooms in the rental properties and rental units shall be available and accessible for such inspections and the Owner and Tenant are required to provide the necessary arrangements to facilitate such inspections. This section shall not be construed to prohibit the entry of any such officials or their agent at any time when an actual emergency exists which tends to create a danger to public health or safety or at any time when an inspection is requested by the Owner or Tenant.

(2) Every occupant shall give the Owner of the rental property or rental unit access to any part of such rental property or unit in accordance with any prior arrangements established by the Tenant and Owner, including the provisions of any lease between the parties. Should the parties not have a written lease or prior agreement regarding such action, then the Tenant shall provide access 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.

D. If a Rental Property or Rental Unit is not accessible for an inspection at the time scheduled with the Township, the Owner shall be subject to a fine of \$50. If a Rental Unit is not accessible for a scheduled inspection a second or subsequent time, an Owner shall be subject to the penalty provisions of §154-8 of this chapter.

E. Complaints. Within ten (10) days of receipt of a complaint alleging a reported violation of this Chapter, the Housing Officer shall conduct an investigation as hereinbefore provided.

F. The Owner and Tenant shall give the Housing Officer or his/her designee free access to the Rental Unit(s) at all reasonable times, for the purpose of such inspections, examinations and surveys.

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Section 2: Add new sections 154-6 and 154-7 as follows:

§ 154-6 Refusal of entry for Inspection; use of search warrants

- A. Should the inspection officer be denied access, the inspection officer may, upon affidavit, apply to the Judge of the Municipal court of the Township for a search warrant, setting forth the actual conditions and circumstances that provide a reasonable basis for believing that a nuisance or violation of this chapter may exist on the premises, including one or more of the following.
 - 1. The premises requires inspection according to the cycle established by the Township for periodic inspections of premises of the type involved.
 - 2. Observation of external conditions of the premises and its public areas has resulted in the belief that violations of this article exist.
 - 3. Circumstances such as age of building, type of building, particular use of premises or other factor make systematic inspections of such building necessary in the interest of public health and safety.
- B. If the Judge of the Municipal Court of the Township is satisfied as to the matter set forth in such affidavit, he shall authorize the issuance of a search warrant permitting access to an inspection of that part or the premises on which the nuisance or violation may exist.
- C. If no violation of this Chapter is found upon inspection, the Owner will not be charged with an additional inspection fee. If a violation is documented the Owner will be charged.
- D. Where the inspection officer or his agent in possession of an administrative warrant is refused entry or access or is otherwise impeded or prevented by the Owner, Tenant or operator from conducting an inspection of the premises, such person shall be in violation of this chapter and subject to the penalties hereunder.

§ 154-7 Inspection disclosing unsatisfactory conditions; Notice of Violation

- A. Unoccupied property. In the event that a Rental Unit does not pass inspection, such unit shall not be granted a Certificate of Inspection nor shall the Owner of the property or his or her Agent lease or rent such property, nor shall any Tenant occupy the property until the necessary repairs or corrections have been made so as to bring the property and Rental Unit into compliance with Chapter 152 of this Code, the New Jersey State Housing Code, the Hotel and Multiple Dwelling Code, International

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Property Maintenance Code, and such ordinances, codes and regulations in effect at the time of the inspection. The fact that a unit has failed inspection shall not relieve the Owner of the obligation to register the property in accordance with this Chapter notwithstanding that the necessary repairs have not been made. However, no Certificate of Inspection shall be issued until such time as the Housing Officer is presented with satisfactory evidence that the property has been reinspected and complies with the ordinances, codes and regulations referred to in this subsection.

- B. Occupied property. Whenever the property is occupied by a Tenant at the time of the inspection and the Rental Unit does not pass inspection, said unit may continue to be occupied, provided that all such repairs or corrections are made within thirty (30) days of the original inspection, unless the nature of the deficiency and the applicable law upon which the inspection is made mandates a shorter time for repairs, in which event the shorter time shall govern.
- C.. The Housing Official shall reinspect the Rental Unit after the notice of violation has been served and the time has expired for correction of the violations. If the violation still exists after reinspection and the Housing Official deems that the Owner is making a good-faith effort to correct the violation, he or she may allow for further time and subsequent reinspection of the residential Rental Unit; alternatively, the Housing Officer shall file a complaint with the Municipal Court for enforcement of the applicable regulations and codes.
- E. In the event that the conditions are not corrected within the time allotted, the Owner and any Tenant occupying the unit shall be deemed in violation of this Chapter, and each and every day that the violation continues thereafter shall constitute a separate offense.

Section 3. All other provisions of Chapter 154 shall remain as written. All sections following new section 154-7 above shall be renumbered accordingly.

Section 4. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed.

Section 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion

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shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 5. This Ordinance shall take effect upon its final adoption and publication as provided for by law.

Introduction: April 13, 2023

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Nunes			x			
Schmidt		x	x			
Volpe			x			
Wiest	x		x			
Kauffman			x			

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Maple Shade Township Council at a meeting held on May 11, 2023

Andrea T. McVeigh, RMC

Adopted: May 11, 2023

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Nunes		x	x			
Schmidt	x		x			
Volpe			x			
Wiest			x			
Kauffman			x			