

**MOUNT LAUREL TOWNSHIP
ORDINANCE #11-2020**

**AN ORDINANCE AMENDING CHAPTER 89 OF THE CODE OF THE TOWNSHIP OF MOUNT
LAUREL ENTITLED “HOUSING STANDARDS”**

WHEREAS, the Construction Official has recommended that the Township Council amend the Township Code by changing the adopted housing standard from the State Housing Code to the 2018 International Property Maintenance Code; and

WHEREAS, the Construction Official further recommends the adoption of a process whereby the Township requires the inspection of property upon its resale; and

WHEREAS, these proposed changes are designed to make existing Township inspection standards uniform and to more thoroughly address code violations at the point of sale; and

WHEREAS, the Township Council has accepted the Construction Official’s recommendations.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Township Council of the Township of Mount Laurel, County of Burlington and State of New Jersey that Chapter 89 of the Township Code of the Township of Mount Laurel be hereby amended to read as follows:

CHAPTER 89 HOUSING STANDARDS

Article I. Standards Established; Enforcement; Violations as fines

§89-1 Enforcement Officer

The Construction Official of the Township of Mount Laurel, his or her designees, and the Burlington County Board of Health are designated as the officers to exercise the powers prescribed by the within chapter, and they shall serve in such capacity without any additional salary. Further,

§89-2 Adoption of Standards; filing of copies

Pursuant to N.J.S.A. 40:49-5.1, the 2018 International Property Maintenance Code (“IPMC”) is hereby accepted, adopted and established as the standard to be used as a guide in determining whether dwellings in this municipality are safe, sanitary and fit for human habitation, sale, resale, and/or rental. Three copies of the IPMC shall be placed on file in the office of the Municipal Clerk and are available to all persons desiring to use and examine the same.

§89-3 Inspections Authorized

- A. The Construction Official, his or her designee, and officials from the County Board of Health are hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units and premises located within the Township of Mount Laurel in order that they may perform their duty of safeguarding the health and safety of the occupants of dwellings and of the general public and enforcing the Township Code. outdoor
- B. For the purpose of making such inspections, upon reasonable notice, the inspecting official is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling, dwelling unit and rooming unit, or the person in charge thereof, shall give the inspecting official free access to such dwelling, dwelling unit or rooming unit and its premises at all reasonable times for the purpose of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof or his agent or employee access to any part of such dwelling or dwelling unit or its premises 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 with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this chapter.

§89-4 Rules and Regulations

The Construction Official is hereby authorized and empowered to make and amend such written rules and regulations, and amendments to the IPMC as he may deemed necessary for the proper enforcement of the provisions of this chapter; provided, however, that such rules and regulations shall not be in conflict with the provisions of this chapter nor in anywise alter, amend or supersede any of the provisions thereof. The Construction Official shall file a certified copy of all rules, regulations, and amendments which he may adopt in his office and in the office of the Clerk of the Township of Mount Laurel. Any Amendments to the IPMC shall be filed with the copies required to be on file pursuant to §89-2

§89-5 Compliance with standards required

No person shall occupy as owner-occupant or sell or rent to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not conform to the provisions of the IPMC established hereby as the standard to be used in determining whether a dwelling is safe, sanitary and fit for human habitation.

§89-6 Violations and penalties

- A. Notwithstanding any fines or penalties outlined within the IPMC, any person violating any provision of this Code shall, upon conviction thereof, be subject to one or more of the following, in the discretion of the court before which such conviction shall be had: a fine not exceeding \$2,000, imprisonment in the county jail for a term not exceeding ninety (90) days, or a period of community service not exceeding ninety (90) days. Except as otherwise provided, each and every day in which a violation of each and any provision of this Code exists shall constitute a separate violation. The Township waives the additional fine for a violation of an ordinance within one year of a previous violation of the same ordinance provided in N.J.S.A. 40:49-5.
- B. Where a fine in excess of \$1,250 is sought to be imposed for a housing violation or for a zoning violation, the applicable owner and/or operator shall be provided a thirty (30) day period in which the owner and/or operator has an opportunity to cure or abate the condition prior to the scheduling of a hearing in Municipal Court. In the event that the objectionable activity or condition is not resolved to the satisfaction of the Township following said thirty (30) day period, then the owner/operator shall have an opportunity for a hearing before the municipal court. After the thirty (30) day period, the higher fine may be imposed if the municipal court has not determined that the abatement has been substantially completed

Article II. Buildings Unfit for Human Habitation

§89-7 Designation of Public Officer

The Construction official, or his or her designee is hereby designated as the public officer to exercise the powers prescribed by this chapter.

§89-8 Determination that dwelling is unfit for human habitation; conditions

For the purpose of this chapter, the public officer may determine that a building is unfit for human habitation or occupancy or use if the officer finds that conditions exist in such building which are or may become dangerous or injurious to the health or safety of the occupants of such building, the occupants of neighboring buildings or other residents of the Township of Mount Laurel. Such conditions may include the following, without limiting the generality of the foregoing:

- a. Defects therein increasing the hazards of fire, accident or other calamities
- b. Lack of adequate ventilation, light or sanitary facilities
- c. Dilapidation, disrepair, structural defects or uncleanness
- d. Conditions otherwise inimical to the welfare of the residents of the Township

§89-9 Notice of Complaint; hearing procedure

Whenever a petition is filed with the public officer or the Township Clerk by a public authority, as defined in N.J.S.A. 40:48-2.4, the County Board of Health, or by at least five residents of the municipality charging that any building is unfit for human habitation or occupancy or use as herein defined, or whenever it appears to the public officer, on his own motion, that any building is unfit for human habitation or occupancy or use, as herein defined, he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such building a complaint stating the charges in that respect and containing a notice that:

- a. A hearing will be held before the public officer or his designated agent at a place therein fixed not less than seven days nor more than 30 days after the serving of said complaint.
- b. The owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaints
- c. The rules of evidence prevailing in courts of law or equity shall not be controlling in the hearings

§89-10 Findings of Hearing; issuance of order

If, after such notice and hearing, the public officer determines that the building under consideration is unfit for human habitation or occupancy or use, as herein defined, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof and parties in interest an order requiring that:

- a. The repair, alteration or improvement of the said building be made by the owner within a reasonable time, which time shall be set forth in the order, or, at the option of the owner, to vacate or have the building vacated and closed within the time set forth in the order.
- b. If the building is in such a condition as to make it dangerous to the health and safety of persons on or near the premises, and the owner fails to repair, alter or improve the said building within the time specified in the order, then the owner shall be required to remove or demolish the said building within a reasonable time as specified in the said order of removal.
- c. If the owner fails to comply with an order to repair, alter or improve or, at the option of the owner, to vacate and close the building, the public officer may cause to be posted on the main entrance of any building so closed a placard with the following words: "This building is unfit for human habitation or occupancy or use; the use or occupation of this building is prohibited and unlawful."
- d. If the owner fails to comply with an order to remove or demolish the building, the public officer may cause such building to be removed or demolished or may contract for the removal or demolition thereof after advertisement for and receipt of bids therefor.
- e. The amount of
 - i. The cost of filing of legal papers, expert witnesses' fees, search fees and advertising charges, incurred in the course of any proceeding taken under this chapter determined in favor of the municipality; and
 - ii. Such cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition, if any, or the amount of the balance thereof remaining after deduction of the sum, if any, realized from the sale of materials derived from such building or from any contract for removal or demolition thereof, shall be a municipal lien against the real property upon which such cost was incurred. If the building is removed or demolished by the public officer, he shall sell the materials of such building. There shall be credited against the cost of the removal or demolition thereof, including the cost of clearing and, if necessary, leveling of the site, the proceeds of any sale of such materials or any sum derived from any contract for the removal or demolition of the building. If there are no such credits or if the sum total of such costs exceeds the total of such credits, a detailed statement of the aforesaid costs and the amount so due shall be filed with the Municipal Tax Assessor or other custodian of the records of tax liens, and a copy thereof shall be forthwith forwarded to the owner by registered mail. If the total of the credits exceed such costs, the balance remaining shall be deposited in the Superior Court by the public officer, shall be secured in such manner as may be directed by such Court and shall be disbursed according to the order or judgment of such Court. Any owner or party in interest may, within 30 days from the date of the filing of the lien certificate, proceed in a summary manner in the Superior Court to contest the reasonableness of the amount or the accuracy of the costs set forth in the municipal lien certificate.

- f. If any actual and immediate danger to life is imposed by the threatened collapse of any fire-damaged or structurally unsafe building, the public officer may, after taking such measures as may be necessary to make such building temporarily safe, seek a judgment in summary proceedings for the demolition thereof.
- g. Nothing in this section shall be construed to impair or limit in any way the power of the Township to define and declare nuisances to cause their removal or abatement, by summary proceedings or otherwise, nor is anything in this chapter intended to limit the authority of the Construction Code Official under the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.) or any rules or regulations adopted thereunder.

§89-11 Service of complaints and orders

Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by said public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once in a newspaper printed and published in the County of Burlington and circulated in the Township. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order, and a copy of such complaint or order shall be duly recorded or lodged for record with the county recording officer of Burlington County.

§89-12 Remedies

Any person aggrieved by an order issued by a public officer under this chapter may, within 30 days after the posting and service of such order, bring an action for injunctive relief to restrain the public officer from carrying out the provisions of the order and for any other appropriate relief. The court may proceed in the action in a summary manner or otherwise. The remedy herein provided shall be exclusive, and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant thereto or because of noncompliance by any person with any order of the public officer.

§89-13 Powers of Public officer

The public officer is hereby authorized and empowered to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following, in addition to others herein granted:

- a. To investigate the conditions of buildings in the Township in order to determine which buildings therein are unfit for human habitation.
- b. To administer oaths and affirmations, examine witnesses and receive evidence.
- c. To enter upon premises for the purpose of making examination, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession.
- d. To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter.
- e. To delegate any of his functions and powers under this chapter to such officers and agents as he may designate

§89-14 Conflict of powers

Nothing in this chapter shall be construed to abrogate or impair the power of the Township or any officer or department to enforce any provisions of its Charter, or its ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred upon the Township by any other law or ordinance.

§89-15 Costs as obligation of owner

In the event any building or structure is removed or demolished pursuant to this chapter because it is found to be dangerous to human life or the public welfare or because it constitutes a fire hazard, the Township Council, in addition to assessing the cost of such removal or demolition as a municipal lien against the premises, may enforce the payment of such assessment, together with interest, as a debt of the owner of the premises and may authorize the institution of an action at law for the collection thereof. The Superior Court or the Burlington County District Court shall have jurisdiction over any such action.

Article III, Certificate of Continuing Occupancy

§89-16 Certificate Requirement; Inspection

Prior to the closing of sale or resale of any commercial or residential property within the Township of Mount Laurel, the buying party must apply to the Construction Official for, and obtain, a Certificate of Continuing Occupancy. Prior to issuing said Certificate, the Construction official or his or her designee shall inspect the property pursuant to Article I and confirm it is in compliance with the IPMC and the Township Code.

§89-17 Violations,

Upon inspection, if the Construction Official or his or her designee identifies any violations of the IPMC or the Township Code, the property owner shall have 90 days to correct any deficiencies and to schedule a re-inspection of the property.

§89-18 Fees

The fee for an initial inspection shall be \$225 if requested three or less days prior to closing; \$180 if requested between four and ten days prior to closing; and \$150 if requested eleven days prior to closing or longer. The fee for any required re-inspections shall be \$75.00 per re-inspection.

§89-19 Violations and fines

Failure to apply for or obtain a Certificate of Continuing Occupancy shall constitute a violation of this chapter and shall be subject to the penalties provided for in §89-6

Repealer, Severability and Effective Date.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Council hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. This Ordinance shall take effect upon passage and publication according to law.

Introduction Date: July 20, 2020

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Bobo						
Edelson						
Folcher						
Pritchett						
Steglik						

Publication Date: July 23, 2020

Public Hearing Date: August 17, 2020

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Bobo						
Edelson						
Folcher						
Pritchett						
Steglik						

TOWNSHIP OF MOUNT LAUREL

BY: _____
Irwin Edelson, Mayor

ATTEST:

Meredith Tomczyk, Township Clerk
4843-5689-2090, v. 1