

BOROUGH OF LONGPORT

COUNTY OF ATLANTIC

ORDINANCE 2023-15

AN ORDINANCE AMENDING PART I I CHAPTER 136 1-7

Borough of Longport Code Provision Chapter 136 is hereby amended as follows:

Article I Registration

[Adopted 5-1-1968]

§ 136-1 Compliance required.

~~No apartment or dwelling in the Borough of Longport may be rented to, by or for the use of any group of persons if there are more than five persons in said group not related by blood or marriage, except as hereinafter provided in this article.~~ **[Intent and purpose.**

The Borough of Longport has determined that it is in the interest of the health, safety and welfare of the citizens of the Borough and visitors to the Borough to provide for the registration of residential rental units within the Borough. The registration of such units will allow the Borough to carry out the required inspection of such units for the protection of persons and property. Furthermore, the registration of such units will assist in the consistent enforcement of Borough ordinances related to fire safety, zoning and construction code matters. There will also be an enhanced ability for public safety and first responders to efficiently and appropriately respond to emergencies at such residential rental units. The registration of such units is authorized by law and provides an additional mechanism for the Borough to minimize disturbances, damage and public expense from occasionally unruly tenants at such rental properties.]

§ 136-2 When registration required.

~~If any apartment or dwelling is rented by the owner or agent of the owner and the owner or agent knows or has reason to know that the apartment or dwelling will be occupied by a group of persons containing more than five persons not related by blood or marriage,~~ **[All rental properties and rental units contained therein and located within the Borough shall be required to be registered and inspected in accordance with the Borough Code. Long term rentals (defined as the rental of a property or unit for one year or more) shall require a Registration Certificate prior to the initial rental period and then annually by the Borough. Short term rentals (defined as any rental of a property or unit for less than one year) shall require a Registration Certificate prior to the initial**

rental period and then for each new period. No property or rental unit shall be rented for a period of less than fourteen (14) consecutive days. No rental property or rental unit shall be hereafter occupied unless such property complies with the provisions of this chapter.] the owner or agent must register said apartment or dwelling with the Borough Clerk of the Borough of Longport, in person or by mail within 24 hours after said apartment or dwelling is so rented. If the owner or agent does not know or have reason to know at the time of rental that the apartment or dwelling will be so occupied but later obtains information which gives him knowledge or reason to know that such is the case, the owner or agent of the owner must register said apartment or dwelling with the Borough Clerk of the Borough of Longport, in person or by mail, within 24 hours after receipt of said information.

§ 136-3 **Information to be furnished.**

A. At the time of registration as provided for in § 136-2, the owner or agent must furnish the following information to the Borough Clerk [Building Department] in writing:

- (1) The name and address of the owner of the apartment or dwelling.
- (2) The name and address of the agent of the owner, if any, who rented said apartment or dwelling. [The occupancy period of rental.]
- (3) The number of persons to occupy the apartment or dwelling as tenants and their names and addresses.
- (4) The name and address of an adult member of the group to whom the apartment or dwelling was rented, if any, who will be physically present in said apartment during the period of rental.
- (5) If there is no such adult member, the name and address of an adult person, being either the owner or agent of the owner, who will visit said apartment or dwelling at least twice each and every day during the period of rental and at any time as requested by the Police Department.

B. The above information shall be accompanied by a written statement that the adult person named under Subsection **A(4)** or **(5)** above will assume responsibility for promptly reporting any violation of the ordinances of the Borough of Longport or any other laws which said adult person knows or has reason to know occurred on the premises to the Police Department.

C. The above registration shall be executed under oath by the owner or agent of the owner and shall be accompanied by a registration fee of \$40.[25.00]

[D. The owner or agent of the owner must obtain a Certificate of Occupancy as set forth in Code § 136-9.

E. The owner or agent of the owner show a copy of a Certificate of Insurance showing no less than \$500,000.00 in liability insurance for rental property or no less than \$300,000.00 for multifamily home of four or fewer units one of which is owner occupied.]

§ 136-4, Issuance of certificate of registration.

Upon receipt of the written registration and fee referred to in § 136-3, the ~~Borough Clerk~~ [Building Department] shall issue to the owner or agent a certificate stating that the apartment or dwelling has been duly registered pursuant to the provisions of this article and may be occupied under the conditions set forth in this article. Said registration certificate shall not authorize the renting of rooms in an apartment or dwelling. A copy of said registration, together with a copy of this article, shall be posted during the period of rental in the apartment or dwelling which has been rented.

§ 136-5 Revocation of certificate of registration.

Any certificate of registration issued by the ~~Borough Clerk~~ [Building Department] pursuant to the provisions of § 136-4 may be suspended or revoked by the Board of Commissioners, after due notice and opportunity to be heard, upon proof that:

A. The adult person named under § 136-3A(4), if any, was not physically present on the premises during each day of rental, or the adult person named under § 136-3A(5) did not visit said premises at least twice during each day of rental and at anytime requested by the Police Department; or

B. The aforementioned adult person failed to report promptly to the Police Department of the Borough of Longport any violation of the ordinances of the Borough of Longport or other laws which said adult person knew or had reason to know occurred on the premises.

§ 136-6 Unlawful occupancy.

It shall be unlawful for any person to occupy, and for any owner or agent of the owner to permit any person to occupy, any apartment or dwelling which is required to be pursuant to the provisions of this article unless there is a valid outstanding certificate of registration with respect to said apartment.

§ 136-7 Violations and penalties.

[Amended 5-4-1983]

Any person, firm, association or corporation who shall violate any of the provisions of this article shall, upon conviction thereof before a proper officer having jurisdiction, be subject to a fine not to exceed \$500 or imprisonment not to exceed 90 days, or both such fine and imprisonment. Each day a violation occurs or exists shall constitute a separate violation. [Each failure to obtain a new Certificate of Registration when required shall constitute a separate violation.]

Article II **Certificates of Occupancy**

[Adopted 4-1-1987^[1]]

[1]Editor's Note: This ordinance superseded former Art. II, Certificates of Occupancy, adopted 6-19-1985.

§ 136-8**Enforcement.**

The Building Inspector or his designee inspector shall be hereby designated as the officer to exercise the powers prescribed by this article and to enforce the provisions thereof.

§ 136-9**Certificate required.**

A. No owner or no person or entity on behalf of the owner of a dwelling unit, rooming unit, apartment or premises may rent to a tenant said premises unless a certificate of rental occupancy is previously issued by the Building Inspector [or a duly authorized delegate]. Such certificate shall state that the dwelling is fit for human habitation and is in compliance with all ordinances of the Borough of Longport and all applicable laws of the State of New Jersey.

B. No dwelling shall be occupied in whole or in part by any person or persons until the Building Inspector [or a duly authorized delegate] shall issue a certificate of rental occupancy. [For long term rentals (defined as the rental of a property or unit for one year or more) inspection shall be required prior to the initial rental period. If occupancy is continuous by the same renter then re-inspection shall be required every three years or upon change of occupancy. For short term rentals (defined as any rental of a property or unit for less than one year) inspection shall require annually.]

[C. The Building Inspector for the purposes of this provision may designate a "a duly authorized delegate" member of the Building Department to conduct inspections and issue a Certificate.]

§ 136-10**Unfit dwellings.**

No certificate of rental occupancy shall be issued where an inspection discloses that the dwelling is unfit for human habitation or where conditions exist therein which are dangerous to the health, safety or welfare of the occupants thereof or of the residents of the municipality. Such conditions may include but are not limited to those which create a fire hazard, danger of accident or casualty, lack of adequate ventilation, lack of light or sanitary facilities, dilapidation, disrepair or structural defects, uncleanliness and the like.

§ 136-11 **Application and issuance.**

The Building Inspector [or a duly authorized delegate] shall cause to be prepared an appropriate form for application for a certificate of rental occupancy, which form shall be available to applicants at the office of the Building Inspector. It shall be the duty of the Building Inspector [or a duly authorized delegate] to conduct an inspection of the dwelling within 10 days of the date that the application is filed in the office of the Building Inspector. Thereafter, the Building Inspector [or a duly authorized delegate] shall issue a certificate of rental occupancy or notify the applicant, in writing, as to the reasons why such certificate has not been issued. However, failure of the Building Inspector [or a duly authorized delegate] to conduct his inspection within the time period stated herein shall not permit any applicant to rent any dwelling without the issuance of a certificate of rental occupancy.

§ 136-12 **Application fees; reinspection fee.**

[Amended 5-16-2001 by Ord. No. 2001-06; 12-17-2003 by Ord. No. 2003-17]

The fee for each application for a certificate of rental occupancy is \$75.

§ 136-13 **Construal of terms; determination of residency.**

A "dwelling," as that term is used in this article, shall not include any rental room or suite of rooms in a motel or hotel unless the room or suite rented in said hotel or motel shall contain eating and cooking facilities. For the purpose of determining residency, any person who sleeps upon the premises or generally dwells therein for one month or longer shall be considered to be residing in the premises.

§ 136-14 **Violations and penalties.**

Any person, firm or corporation who or which shall violate any of the provisions of this article shall, upon conviction, be punished by a fine not to exceed \$250 or by imprisonment for a term not exceeding 30 days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs and continues.

Vote on First Reading: 5/17/2023

publication: 5/25/2023

DO NOT USE SPACE BELOW						
OFFICIAL RECORD OF GOVERNING BODY VOTING ON 1 st Reading/Introduction						
COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
Russo	X		X			

Leeds			X			
Lawler		X	X			
XX-indicates vote NV-not voting AB. - Absent						

Vote on Second Reading/Public Hearing: 6/7/2023

publication: 6/15/2023

DO NOT USE SPACE BELOW						
OFFICIAL RECORD OF GOVERNING BODY VOTING ON FINAL PASSAGE						
COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
Russo		X	X			
Leeds	X		X			
Lawler			X			
X-indicates vote NV-not voting AB. - Absent						

Borough of Longport

Signature page for Ordinance 2023-15

Page 7 of 7

Monica Kyle, RMC, CMR

Municipal Clerk

Mayor Nicholas Russo

Commissioner James P. Leeds, Sr.

Commissioner Daniel Lawler