1st Reading
2nd Reading

ORDINANCE 2024-11

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING CHAPTER 464 RENTAL PROPERTY OF THE CODE OF THE TOWN OF PHILLIPSBURG IN ORDER TO REVISE REQUIREMENTS AND FEES

WHEREAS, Chapter 464 of the Code of the Town of Phillipsburg regulates residential rental property within the Town; and

WHEREAS, there is a need to amend the code to reflect the current needs and interest of Town.

NOW THEREFORE BE IT ORDAINED by the Town Council, Town of Phillipsburg, County of Warren, State of New Jersey as follows:

Section 1

Chapter 464-4 shall be replaced and revised and amended as listed below:

§ 464-4 Rental property registration.

A. The owner of every rental property located in the Town of Phillipsburg and regulated by this article shall file a rental property registration statement with the Division of Inspections [Inspections]. Forms for said filing can be obtained from the Inspections front office. Inspections shall make available all rental property registration statements to 911 Dispatch, the Police Chief, the Fire Chief, the construction and zoning officials, all other applicable local enforcement agencies and the local Board of Education. Said information will be kept confidential, and any personal identifying information will not be distributed or utilized in any manner not set forth herein unless required by law.

B. A rental property registration statement shall be filed on an annual basis for each rental unit on or before March 1 of each year.

(1) The annual registration fee for each unit shall be $150.

(2) The annual registration fee for each unit filed subsequent to March 31 of the same calendar year shall be $200.

(3) The annual registration fee for each unit requiring intervention by Inspections personnel or filed subsequent to the current registration period on which initially due shall be $300.

(4) The fee for creation or modification of a required floor plan or site plan shall be $100 per drawing.

(5) The fee for change of tenancy shall be $50. The first change will incur no fee.

(6) The fee for change of ownership or management shall be $50.

(7) In specific cases of extenuating or aggravating circumstances or upon valid appeal to the Business Administrator, the Department Head may authorize a reduction or combination of assigned fees.

C. The rental property registration statement form shall require the submission of the following information:

(1) The name, address, email address, telephone number and mobile telephone number 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 of all general partners shall be provided. If the record owner is a corporation, the name and address of the registered agent and corporate officers of said corporation;

(2) If the owner or a representative of same does not actually reside within the Town or a ten-mile radius thereof, or within a reasonably near or neighboring municipality at the discretion of Town officials, or does not maintain an office in the Town for the purpose of transacting business, the owner or representative shall also register the name, address, email address, telephone number and mobile telephone number of a person or persons who resides within Town or who maintains an office in the Town who will be responsible for the maintenance and operation of the dwelling or dwelling units in accordance to the provisions of this article and who will be authorized to receive notices and process on behalf of the owner or operator in connection with the enforcement of this article;

(3) The name, address, email address, telephone number and mobile telephone number of the managing agent of the premises, if any;

(4) The name, address, email address, telephone number and mobile telephone number, including the dwelling unit, apartment or room number, of the superintendent, janitor, custodian or other individual employed by the record owner or managing agent to provide regular maintenance service, if any, and where required;

(5) The name, address, email address, telephone number and mobile telephone number of an individual representative of the record owner or

managing 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, any repair thereto, disruption of utilities or expenditures in connection therewith and shall, at all times, have access to a current list of building tenants and contact information that shall be made available to Town and emergency personnel as required or in the event of an emergency;

(6) The name, address and email address of every holder of a recorded mortgage on the premises;

(7) 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 (When deemed necessary, Town officials may provide for the purchase of home heating oil or other fuel and may, thereafter, attach a lien on the subject rental property for all costs.);

(8) The number and name(s) of tenants over the age of two years authorized to reside in each rental unit, including the number and name(s) of tenants over the age of two years but under the age of 19 years (school-age children). The information contained in the rental property registration statement must set forth information for each unit within the rental property and must include the number of tenants actually residing in each rental unit;

(9) As to each rental unit, there shall be provided a scaled floor plan of the rental unit delivered in a manner acceptable by the Town, which shall depict the number, dimensions and location of each room in the rental unit as well as window, door, and stair locations, and the locations, type and specifications of installed equipment and life safety devices. The floor plan shall be field-verified by Inspections personnel. No space shall be used for sleeping purposes which has not been so designated as a sleeping area on the floor plan provided by the owner and approved by the local enforcing agency, which shall be on file with the Construction Official. Attached commercial units, common areas, egress and property area(s) and site feature(s) shall also be represented. Mixed use properties and multiple dwellings will require plats and

addendums as determined by Emergency personnel and the Fire Prevention official to ensure adequate response and protection of individuals and property; and

(10) Such other information as may be deemed necessary to enforce this article.

D. In the event the tenancy of a rental unit changes during the registration period, the owner or managing agent shall, within 30 days of the change in tenancy, provide an updated rental property registration statement. This shall be in addition to the requirements for obtaining a certificate of habitability for the change of tenancy. A "change in tenancy" shall mean the addition of any person not included in the annual statement, or deletion of any person on the annual statement. Failure to provide the required information may be used as a determining factor in fee assessment and shall be deemed a violation of this article. Owners, managing agents and tenants may be held accountable for inaccurate rental property registration statements in accordance with 464-10.

Section 2

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

Section 3

If any article, section, subsection, paragraph, phrase or sentence of this ordinance is, for any reason, declared to be unconstitutional or invalid, such article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

Section 4

This ordinance shall take effect immediately upon final publication as provided by law.

ATTEST:

Municipal Clerk

TOWN OF PHILLIPSBURG

Mayor

DATED:

1st Reading
2nd Reading

CERTIFICATION

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced to pass at a regular meeting of the Town Council of the Town of Phillipsburg held on June 12, 2024 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Town of Phillipsburg Council to be held on June 26, 2024 at 6:00 pm or as soon thereafter as the Town Council may hear this Ordinance at the Phillipsburg Senior Center, 310 Firth Street, Phillipsburg, NJ 08865, at which time all persons interested may appear for or against the passage of said Ordinance.

Matthew C. Hall
Acting Municipal Clerk