



LITTLE EGG HARBOR TOWNSHIP

665 RADIO ROAD, LITTLE EGG HARBOR, NJ 08087

(609) 296-7241
Fax (609) 296-5352
<http://www.leht.com>

February 5, 2018

Mr. Gene Spaeth

RE: OPRA Request Ordinances

ID#: 2018-35

Mr. Spaeth,

This letter serves as my written response to your OPRA request received by Little Egg harbor Township on January 31, 2018.

Attached are the ordinances relevant to your request.

I hope this information satisfies your request.

Sincerely,

Diana K. McCracken, RMC - YBAT

Diana K. McCracken, RMC
Township Clerk

*Township of Little Egg Harbor, NJ
Monday, February 5, 2018*

Chapter 159. Construction Codes, Uniform

[HISTORY: Adopted by the Township Committee of the Township of Little Egg Harbor 5-10-2007 by Ord. No. 2007-08. Amendments noted where applicable.]

GENERAL REFERENCES

Unfit buildings — See Ch. 148.

Certificates of occupancy — See Ch. 156.

Fire prevention — See Ch. 179.

Flood hazard areas — See Ch. 185.

Property maintenance — See Ch. 273.

§ 159-1. Adoption of regulations.

The regulations for the New Jersey Uniform Construction Code as promulgated by the Commissioner of the New Jersey Department of Community Affairs, pursuant to the authority of the State Uniform Construction Code Act (P.L. 1975, c. 217, as amended),^[1] together with any subsequent amendments, changes or supplements thereto, is hereby adopted in and for the Township of Little Egg Harbor.

[1] *Editor's Note: See N.J.S.A. 52:27D-119 et seq.*

§ 159-2. Enforcing agency.

There is hereby established in the Township of Little Egg Harbor a State Uniform Construction Code enforcing agency to be known as the "Little Egg Harbor Township Building Department." The Construction Official shall be the chief administrator of the Building Department, and the Building Subcode Official shall administer the building subcode. The Little Egg Harbor Township Building Department is hereby designated as the Electrical Subcode Official and the Plumbing Subcode Official for the purpose of administering the electrical and plumbing subcodes.

§ 159-3. Construction Board of Appeals.

Any appeals from decisions of the enforcing agency shall be heard by the Construction Board of Appeals of Ocean County.

§ 159-4. Adoption of fee schedule.

[Amended 4-9-2009 by Ord. No. 2009-07; 3-10-2011 by Ord. No. 3022-01]

- A. The following fee schedule is hereby adopted and established for the following construction and subcode fees:

(1) Building subcode fees.

- (a) New construction. Fees for new construction shall be based upon the volume of structure. Volume shall be computed in accordance with N.J.A.C. 5:23-2.28. Use groups and types of construction are as classified and defined in Articles 3 and 6 of the building subcode.

[Amended 5-12-2011 by Ord. No. 2011-05]

- [1] New construction shall be \$0.030 per cubic foot of volume for all Use groups, except Use groups A-1, A-2, A-3, A-4, F-1, F-2, S-1 and S-2, which shall be \$0.020 per cubic foot of volume.

- [2] Structures on farms, including commercial farm buildings under N.J.A.C. 5:23-3.2 (d) shall be \$0.008 per cubic foot of volume.

[a] Maximum fee: \$1,145.

[b] Minimum fee: \$60.

- (b) Renovations, alterations, repairs, and site construction associated with the premanufactured construction. Fee based on estimated cost of the work. To determine estimated cost, the applicant shall submit to the Construction Official such cost data as may be available produced by the homeowner, the architect or engineer of record, or by a recognized estimating firm, or by the contractor. A bona fide contractor's bid, if available, shall be submitted. The Construction Official shall make the final decision regarding estimated cost.

Estimated Cost of Work	Fee
\$1 to \$50,000	\$25 per \$1,000
\$50,001 to \$100,000	Add \$20 per \$1,000
Over \$100,000	Add \$18 per \$1,000
Minimum fee	\$60

- (c) Additions. Fees shall be computed on the same basis as for new construction for the added portion.
- (d) Combination renovations and additions. Fees shall be computed separately in accordance with §§ 159-4A(1)(a) and 159-4A(1)(b).
- (e) Temporary structures. The fee for temporary structures, towers, fences greater than six feet in height, open decks not attached to a principal or accessory structure and similar structures for which volume cannot be computed shall be \$60.
- (f) Pools.
- [1] Aboveground: \$75.
- [2] In-ground: \$150.
- [3] Commercial: \$250.
- (g) Bulkheads, docks, wharves and piers. The fees shall be computed as an alteration.
- (h) The fee for roofing or siding in R-3 and R-4 uses shall be \$60.

(2) Plumbing subcode fees.

- (a) Fixtures and appliances. The fee per fixture for fixtures and appliances shall be \$15, except as provided for in § 159-4A(2)(b).
 - (b) Special devices. The fee per device for grease traps, oil separators, water-cooled air-conditioning units, refrigeration units, utility service connections, backflow preventers, steam boilers, hot-water boilers (excluding those for domestic water heating), gas piping, gas service entrances, active solar systems, sewer pumps, interceptors and fuel oil piping shall be \$75.
 - (c) Minimum fee: \$60.
- (3) Fire protection subcode fees.
- (a) The fee for sprinklers, standpipes, detectors (smoke and heat), pre-engineered suppression systems, gas- and oil-fired appliances not connected to the plumbing system, kitchen exhaust systems, incinerators and crematoriums shall be as follows:
 - [1] One to 20 heads: \$75.
 - [2] Twenty-one to 100 heads: \$130.
 - [3] One hundred one to 200 heads: \$230.
 - [4] Two hundred one to 400 heads: \$594.
 - [5] Four hundred one to 1,000 heads: \$822.
 - [6] Over 1,000 heads: \$1,050.
 - (b) One to 12 detectors, \$60; in addition, for each 25 detectors, \$15.
 - (c) Standpipe, each: \$229.
 - (d) Independent pre-engineered systems: \$92.
 - (e) Gas- or oil-fired appliance not connected to the plumbing system, each: \$60.
 - (f) Commercial kitchen exhaust system, each: \$100.
 - (g) Incinerator, each: \$365.
 - (h) Crematorium, each: \$365.
 - (i) Minimum fee: \$60.
- (4) Electrical subcode fees.
- (a) Fixtures or receptacles. The fee for receptacles and fixtures which shall include lighting outlets, wall switches, electric discharge fixtures, convenience receptacle or similar fixture, and motors or devices of less than one horsepower or one kilowatt, burglar, fire and communication devices, etc., shall be as follows:
 - [1] One to 25: \$60.
 - [2] For each 25 additional: add \$25.
 - (b) Motors or electrical devices, each:
 - [1] Greater than one horsepower or kilowatt to 10 horsepower or kilowatts: \$25.
 - [2] Greater than 10 horsepower or kilowatts to 50 horsepower or kilowatts: \$50.

- [3] Greater than 50 horsepower or kilowatts to 100 horsepower or kilowatts: \$200.
- [4] Greater than 100 horsepower: \$500.
- (c) Transformers and generators, each:
 - [1] Greater than one kilowatt to 10 kilowatts: \$25.
 - [2] Greater than 10 kilowatts to 45 kilowatts: \$50.
 - [3] Greater than 45 kilowatts to 112.5 kilowatts: \$200.
 - [4] Greater than 112.5 kilowatts: \$500.
- (d) Service panels, service entrance or subpanel, each:
 - [1] One ampere to 225 amperes: \$75.
 - [2] Greater than 225 amperes to 400 amperes: \$150.
 - [3] Greater than 400 amperes to 1,000 amperes: \$250.
 - [4] Greater than 1,000 amperes: \$500.
- (e) Private swimming pool, spa, hot tub or fountain shall be \$75. Annual fees for inspection of public swimming pools, spa, hot tub or fountain shall be \$60.
[Amended 5-12-2011 by Ord. No. 2011-05]
 - [1] The fee for initial inspection of a new public swimming pool, spa, hot tub or fountain: \$100.
- (f) Signs: \$60.
- (g) Installation of single- and multiple-station smoke or heat detectors and fire, burglar or security alarm systems in any one- or two-family dwelling: \$60.
- (h) Photovoltaic systems:
 - [1] Systems up to 10 kilowatts: \$250 flat fee.
 - [2] Systems greater than 10 kilowatts shall be assessed a fee of \$250 plus \$25 per each additional kilowatt.
- (i) Irrigation Systems: \$60.
- (j) For the purpose of computing these fees, all motors, except those in plug-in appliances, shall be counted, including control equipment, generators, transformers and all heating, cooking or other devices consuming or generating electrical current.
- (k) Minimum fee: \$60.
- (5) Fees applicable to §§ 159-4A(1) through 159-4A(4) above.
 - (a) Plan review fee: 20% of the amount to be charged for a new construction permit.
 - (b) Basic construction fee. The sum of the parts computed on the basis of the volume or cost of construction, the number of plumbing fixtures and equipment, the number of electrical fixtures and devices and the number of sprinklers, standpipes and detectors (smoke and heat) at the unit rates provided herein, plus any special fees.
 - (c) Certificates and other permits.

- [1] Demolition or removal permit.
 - [a] Structures less than 5,000 square feet in area and less than 30 feet in height (Use Group R-3), and for structures on farms, including commercial farm buildings under N.J.A.C. 5:23-3.2(d): \$75.
 - [b] Fuel tanks: \$75.
 - [c] All other use groups: \$100.
- [2] Sign permit. Permit fee to construct a sign shall be in the amount of \$1 per square foot surface area of the sign, computed on one side only for double-faced signs. Minimum fee: \$60.
- [3] Certificate of occupancy: \$30.
- [4] Certificate of occupancy granted pursuant to a change of use group: \$125.
 - [a] Fifty dollars to building.
 - [b] Twenty five dollars to plumbing.
 - [c] Twenty five dollars to fire.
 - [d] Twenty five dollars to electrical.
- [5] Certificate of continued occupancy: \$200.
 - [a] Eighty dollars to building.
 - [b] Forty dollars to plumbing.
 - [c] Forty dollars to fire.
 - [d] Forty dollars to electrical.
- [6] Annual permits.
 - [a] Construction permit. The fee for a construction permit shall be a flat fee based upon the number of maintenance workers who are employed by the facility, and who are primarily engaged in work that is governed by a subcode. Managers, engineers and clericals shall not be considered maintenance workers for the purpose of establishing the annual construction permit fee.
 - [b] Annual permits may be issued for building, fire protection, electrical and plumbing.
 - [c] One to 25 workers (including foreman), each: \$667.
 - [d] Each additional worker over 25: \$150.
 - [e] Prior to the issuance of an annual permit, a training registration fee of \$140 per subcode shall be submitted by the applicant. Checks shall be made payable to "Treasurer, State of New Jersey."
- [7] Reinstatement of lapsed permit: \$60 per subcode.
- [8] Elevator devices, where applicable, shall be in accordance with N.J.A.C. 5:23-12.6.

- [9] Cross connections and backflow preventers that are subject to testing and require reinspection, each: \$60.
- [10] Relocation of structures permit. The following fees shall be assessed for relocation of buildings and structures to a new location, including premanufactured:

Estimated Cost of Work	Fee
\$1 to \$50,000	\$25 per \$1,000
\$50,001 to \$100,000	Add \$20 per \$1,000
Over \$100,000	Add \$18 per \$1,000
Minimum fee	\$60

- B. A schedule of the instruction and subcode fees established by this chapter shall be posted in the office of the Construction Official and shall be made available to the public. Any fees not mentioned in the above fee schedule shall be the same as the fees assessed by the State of New Jersey as delineated within N.J.A.C. 5:23-4.20 or applicable regulation.

§ 159-5. Waiver of permit fees to promote accessibility for disabled persons.

- A. No person shall be charged a construction permit surcharge fee or enforcing agency fee for any construction, reconstruction, alteration or improvement designed and undertaken solely to promote accessibility by disabled persons to an existing public or private structure or any of the facilities contained therein.
- B. A disabled person, or a parent or a sibling of a disabled person, shall not be required to pay any municipal fee or charge in order to secure a construction permit for any construction, reconstruction, alteration or improvement which promotes accessibility to his/her own living unit.
- C. For the purposes of this section, "disabled person" means a person who has the total and permanent inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, including blindness, and shall include, but not be limited to, any resident of this state who is disabled pursuant to the Federal Social Security Act (42 U.S.C. § 416) or the Federal Railroad Retirement Act of 1974 (45 U.S.C. § 231 et seq.), or is rated as having a 60% disability or higher pursuant to any federal law administered by the United States Veterans' Act. For purposes of this subsection, "blindness" means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20° shall be considered as having a central visual acuity of 20/200 or less.

*Township of Little Egg Harbor, NJ
Friday, February 2, 2018*

Chapter 156. Certificates of Occupancy

Article I. Rental Units

§ 156-1. Inspection upon initial occupancy or change of occupancy.

[Amended 3-12-2009 by Ord. No. 2009-04]

All buildings, structures and units thereof that are leased or rented regardless of term, in the Township of Little Egg Harbor, for living or sleeping purposes, commercial or business purposes, or any other purpose shall be inspected by the Construction Code Official on every initial occupancy or change of occupancy, but there shall not be more than one such inspection fee of each leased or rented building, structure or units thereof in any calendar year.

§ 156-2. Compliance with standards required.

All buildings, structures and units thereof which are inspected pursuant to this article shall comply in all respects with the requirements of Township ordinances and the applicable provisions of the New Jersey Uniform Construction Code, the provisions of N.J.S.A. 55:13A-1 et seq., the Hotel and Multiple Dwelling Law, N.J.S.A. 55:13B-1 et seq., the Rooming and Boarding House Act of 1979, and the rules and regulations promulgated thereunder.

§ 156-3. Responsibility of owner, agent or manager.

The owner, rental agent or manager of all buildings and structures and units thereof which are subject to inspection pursuant to this article shall be responsible for notifying, in writing, the Construction Code Official that such premises are leased or rented or being offered to be leased or rented so that an inspection or reinspection may be made.

§ 156-4. Issuance of certificate.

Upon completion of an inspection of the premises and the same being determined by the Construction Code Official to comply with this article, a rental certificate of occupancy shall be issued. A copy of the certificate shall be posted by the owner, rental agent or manager of the inspected property in each separate leased or rented unit. No tenant shall occupy any building, structure or any units thereof until a rental certificate of occupancy has been issued.

§ 156-5. Notification of violations.

In the event that the Construction Code Official determines after an inspection that the premises in question are in violation of this article, the Construction Code Official shall notify, in writing, the owner, rental agent or manager of the violations noted. Upon the correction of the violations, the owner, rental agent or manager shall notify, in writing, the Construction Code Official that the corrections have been made so that a reinspection of the property may occur. If, upon reinspection of the property, the Construction Code Official determines that the previous violations were not corrected or new violations exist, then the Construction Code Official shall again, in

writing, notify the owner, rental agent or manager of the inspected property of the violations, and this process shall continue until all violations have been corrected.

§ 156-6. Service of notice.

Service shall be deemed to be properly served upon such owner if a copy thereof is delivered to the owner, rental agent, or manager personally; or by leaving the notice at the usual place of abode, in the presence of someone in the family of suitable age and discretion who shall be informed of the contents thereof; or by certified or registered mail addressed to the owner at the last known address with return receipt requested; or, if the certified or registered letter is returned with receipt showing that it has not been delivered, by posting a copy thereof in a conspicuous place in or about the structure affected by such notice; and there shall be at least one publication of such notice in a local newspaper of general circulation.

§ 156-7. Revocation of certificate.

If, subsequent to the issuance of a rental certificate of occupancy, the Construction Code Official learns or becomes aware of violations of this article, an inspection shall be made of the subject premises. If violations are found to exist, then notification in writing shall be given to the owner, rental agent or manager, and said person shall have 10 days from service of notice to correct all deficiencies noted therein. In the event that the same have not been corrected within 10 days, then the rental certificate of occupancy may be revoked by the Construction Code Official by mailing a revocation by certified mail to the owner, rental agent or manager and to the tenant or tenants, and the premises will be vacated.

§ 156-8. Violations and penalties.

- A. Any person violating or failing to comply with any of the provisions of this article shall, upon conviction thereof, be punishable by a fine of not less than \$100 nor more than \$1,250, by imprisonment for a term not to exceed 90 days, or by community service as determined in the discretion of the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.
- B. The violation of any provision of this article shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

§ 156-9. Fees.

- A. The owner of the inspected property shall be charged a fee for each inspection as follows:
 - (1) Each dwelling unit: \$35.
 - (2) Boardinghouses:
 - (a) One to five rooms: \$20.
 - (b) Six to 15 rooms: \$25.
 - (c) Sixteen to 25 rooms: \$30.
 - (d) Twenty-six to 35 rooms: \$40.
 - (e) Thirty-six or more rooms: \$50.
 - (3) Any unit not used for living or sleeping purposes, and used for commercial, business or any other purpose: \$50.

[Added 3-12-2009 by Ord. No. 2009-04]

- B. The term "dwelling unit" shall be defined as a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking and sanitation.
- C. The term "room" shall mean a single habitable unit used or intended to be used for living and/or sleeping, but not for cooking or eating purposes.
- D. The aforesaid fees shall be paid to the Construction Code Official prior to any inspection being made hereunder.

Article II. Acquisition Prior to Transfer of Title

§ 156-10. Certificate required.

[Amended 3-12-2009 by Ord. No. 2009-04]

No single-family dwelling or dwelling unit of a multifamily dwelling, or building or structure used for commercial or business purposes, may be sold and title transferred until a continued certificate of occupancy has been issued by the Construction Official or appropriate subcode official, or their agents, stating that said property so described therein complies with the Uniform Construction Code for a continued certificate of occupancy.

§ 156-11. Fees for inspections.

[Amended 3-12-2009 by Ord. No. 2009-04]

The fee for initial inspection as required by § 156-10 hereof shall be \$25 per dwelling unit, and \$50 for any other commercial or business unit. Any subsequent inspection that is required shall cost an additional \$15 per inspection.

§ 156-12. Purpose.

This article is adopted in order to protect the health, safety and welfare of those purchasing improved property within the Township of Little Egg Harbor, County of Ocean, State of New Jersey.

§ 156-12.1. Temporary waiver of certificate of occupancy.

[Added 5-28-2015 by Ord. No. 2015-05]

A purchaser of any property regulated by this chapter may waive the seller's responsibility to obtain a certificate of occupancy prior to the transfer of title; provided, however, that such waiver shall be in writing on forms provided by the Township. Such waiver shall state that the buyer is fully aware that he, she or it is assuming full responsibility for obtaining a certificate of occupancy prior to the occupancy of the property. An application for a waiver of the certificate of occupancy shall be accompanied by a fee of \$25.

§ 156-13. Violations and penalties.

Any person violating or failing to comply with any of the provisions of this article shall, upon conviction thereof, be punishable by a fine of not less than \$100 nor more than \$1,250, by imprisonment for a term not to exceed 90 days, or by community service as determined in the discretion of the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

Township of Little Egg Harbor, NJ
Friday, February 2, 2018

Chapter 279. Rental Property

Article I. Rental Certificates of Occupancy

§ 279-1. Definitions.

The following words or phrases when used in this article shall have the following meanings:

AGENT or MANAGER

An 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 article. 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 a person designated by the owner as his agent is so licensed.

APARTMENT or DWELLING

Any apartment, cottage, bungalow or other dwelling unit consisting of one or more rooms for dwelling purposes which occupy all or part of a floor or floors in a building of one or more floors or stories, but not the entire building, whether designated with or without housekeeping facilities and notwithstanding whether the apartment is designated for residential use or the operation of any industry or business or any other type of independent use.

BUILDING

Any building or structure or part thereof used for human habitation, use or occupancy, and includes any accessory buildings and appurtenances belonging thereto or usually enjoined therewith.

DWELLING UNIT

Any room or rooms, suite or a part thereof, whether furnished or unfurnished, which is occupied or intended, arranged or designed to be occupied for sleeping or dwelling purposes by one or more persons, including but not limited to the owner thereof or any other servants, agents or employees. This definition applies only to those dwelling units, including single-family residences, which are available for lease or rental purposes.

HABITABLE ROOM

A room or enclosed floor space within a dwelling unit used or designed to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage spaces.

LODGING UNIT

A room or group of rooms containing no cooking facilities, used for living purposes by a separate family or group of persons living together or by a person living alone, within a building.

MANAGER

See the definition of "agent or manager."

OWNER

The person who owns, purports to own or exercises control over any building.

PERSON

An individual, firm, corporation, partnership, association, trust or other legal entity or any combination thereof.

RENTAL UNIT

Includes the term "apartment" or "dwelling," "building," "dwelling unit," "habitable room" or "lodging unit" as defined by this chapter. This definition shall not apply to any single-family home which is not available for rental purposes.

SLEEPING ACCOMMODATIONS

The number of individuals who may be properly accommodated in the beds and other sleeping facilities located within a rental unit. A standard single bed shall count as a proper accommodation for one individual, and a standard double bed as a proper accommodation for two individuals.

SUMMER LEASE/RENTAL

A fully furnished unit that will be rented during the period of Memorial Day weekend to the first weekend after Labor Day or for a portion of that time period.

TENANT

The person or persons to whom a rental unit is leased or rented by the owner.

§ 279-2. Rental mercantile license required; forms.

Without in any way intending to infringe upon the requirements of N.J.S.A. 46:8-28, all rental units shall obtain a rental mercantile license as provided herein. Every owner, either personally or through his agent, shall obtain from the Code Enforcement Officer or his designee as said license for any rental unit located within the Township of Little Egg Harbor. Said license form shall include the following information:

- A. The name and address of the record owner(s) of the premises and the record owner(s) of the rental business, if not the same person(s). In the case of a partnership, the names and addresses of all general partners shall be provided, together with the telephone numbers for each of such individuals, indicating where such individuals may be reached both during the day and evening hours.
- B. If the record owner is a corporation, the name and address of the registered agent and the name and address of the person to be contacted for any reason regarding the rental unit, if other than the registered agent.
- C. If the address of any record owner is not located in the Township of Little Egg Harbor, the owner shall designate an agent or manager who resides in the Township of Little Egg Harbor and who is authorized by the owner to perform any duty imposed upon the owner by this article.
- D. The name, address and telephone number of an individual representative of the record owner or manager or agent located in the Township of Little Egg Harbor who may be reached or contacted at any time in the event of an emergency affecting the premises or any rental unit therein, including such emergencies as the failure of any essential services or system, and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith.
- E. The name and address of every holder of a recorded mortgage on the premises.
- F. 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.
- G. As to each rental unit, specification of the exact number of sleeping rooms contained in the rental unit and the exact number of sleeping accommodations contained in each of the sleeping rooms, identifying each sleeping room specifically by the number and location within the rental unit and by the square footage thereof. In order to satisfy the requirements of this provision, an owner shall submit a floor plan which shall become a part of the registration application and which shall be attached to the registration form when filed with the Code Enforcement Officer or his designee.

§ 279-3. Public access to license forms.

The Municipal Clerk or his designee shall index and file the license form and make it reasonably available for public inspection. In doing so, the Clerk or his designee shall follow the mandates of N.J.S.A. 46:8-28.1, as amended and supplemented, so that the filing of the license 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 license requirements of this article. The Clerk or his designee shall maintain a master index of all such forms, and any person may obtain a list of all properly licensed rental units upon payment of the appropriate fees as listed on the ordinance fee schedule.

§ 279-4. Amendments to license forms.

Every person required to file a mercantile license form pursuant to this article shall file an amended rental registration form within 20 days after any change in the information required to be included thereon.

§ 279-5. Form to be provided to occupants; exceptions.

Every owner shall provide each occupant or tenant occupying a rental unit with a copy of the form required by this article. 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 Motel Multiple Dwelling Law as defined in N.J.S.A. 55:13A-3. This provision may be complied with by posting a copy of the form in a conspicuous place within the rental unit(s).

§ 279-6. Limits on occupancy.

Each owner of a unit registered pursuant to this article shall be permitted to lease or rent said rental unit to a number of registered tenants, which number shall not exceed the number which has been computed in accordance with the following:

- A. Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.
- B. Rental units shall not be occupied by more occupants than permitted by the minimum occupancy area requirements as set forth in this article. If there is a discrepancy regarding the number of occupants permitted pursuant to this article, the most restrictive requirement shall govern.
- C. Combined living room and dining room spaces shall comply with the requirements of this article.
- D. The maximum allowable number of people on any deck shall be one person per nine square feet.

§ 279-7. Violation of occupancy requirements; enforcement.

- A. It shall be unlawful and in violation of this article for an owner or a tenant of any registered rental unit to allow a number of people greater than the permitted maximum number of occupants to rent or occupy any dwelling unit. It shall also be a violation of this article for the owner to lease a rental unit to a number or group of tenants which exceeds the total number of sleeping accommodations which has been established for said rental unit pursuant to this article. It shall also be unlawful for any tenant or any owner of a dwelling unit to knowingly permit a number of people greater than the maximum number of sleeping accommodations to sleep in or occupy the dwelling unit overnight. It shall also be unlawful for a tenant or an owner to allow a number of people greater than the maximum number of people permitted to occupy the decks or porches of a rental unit to occupy the decks or porches of said rental unit.

- B. The police officers of the Little Egg Harbor Police Department and the officials of the Little Egg Harbor Code Enforcement Office are authorized to issue a summons for a violation of this article to any owner or tenant that is found to be in violation of this article.

§ 279-8. Payment of taxes and charges required.

No rental unit shall be issued a rental mercantile license unless all municipal taxes, water charges, sewer charges and other municipal assessments are paid on a current basis.

§ 279-9. Certification of inspection and occupancy.

- A. Every owner or agent shall obtain from the Township of Little Egg Harbor a certificate of inspection and occupancy for each rental unit which is within the boundaries of the Township of Little Egg Harbor and is rented or leased for a period of 31 days or more prior to occupancy of same.
- B. Every owner or agent of a rental unit shall obtain from the Township of Little Egg Harbor an initial certificate of inspection and occupancy for each rental unit required to obtain the same pursuant to this article. For each new rental which commences after the passage of this article, every owner or agent of a rental unit which requires a certificate of inspection and occupancy shall obtain said certificate of inspection and occupancy from the Township of Little Egg Harbor at any time as required by this article, including but not limited to any time a change in one or more tenants occurs or any time the premises is rented or leased for a period of 31 days or more.
- C. Certificates of inspection and occupancy shall be obtained by making applications to the Code Official of the Township of Little Egg Harbor or his designee.
- D. Once an application for a certificate of inspection and occupancy has been made to the Township of Little Egg Harbor, the appropriate officials shall conduct an inspection of the rental unit to determine if the same complies with all applicable ordinances, codes, regulations and statutes. If the determination is made that a rental unit is in compliance with all ordinances, codes, regulations and statutes and it is further determined that a current and valid rental mercantile license exists for said rental unit and the appropriate fee has been paid for a certificate of inspection and occupancy, said certificate of inspection and occupancy will be issued by the appropriate officials of the Township of Little Egg Harbor.

§ 279-10. Violations and penalties.

In addition to the penalties of N.J.S.A. 46:8-35, any person who violates any provision of this article shall, upon conviction in the Municipal Court of the Township of Little Egg Harbor or such other court having jurisdiction, be liable for a fine not exceeding \$1,250 or imprisonment for a term not exceeding 90 days or by a period of community service not exceeding 90 days, or by any one or more of the above. Each day that a violation occurs shall be deemed a separate and distinct violation subject to the penalty provisions of this article. The penalties provisions contained in this article will automatically be deemed altered and amended in conjunction with any amendments to N.J.S.A. 40:49-5.

Article II. Seasonal Property

§ 279-11. Purpose.

The Township of Little Egg Harbor and its residents are subject to disturbances, and damage at public expenses resulting from carelessly granted and inadequately supervised seasonal rentals of properties by inept or indifferent landlords. To preserve the peace and tranquility of the Township of Little Egg Harbor for the residents thereof, it is necessary and desirable that the Township of Little Egg Harbor have adequate means to curb and discourage those occasional excesses arising as a result of said irresponsible seasonal rentals. Therefore, it is the

specific purpose of this article to enable the Township of Little Egg Harbor to take effective action to assure that such excesses, when they occur, shall not be repeated and that landlords offering seasonal rentals shall be held to sufficient standards of responsibility regarding the same. This article is adopted pursuant to the authority granted in N.J.S.A. 40:48-2.12n.

§ 279-12. Definitions.

As used in this article, the following words shall have the following meanings:

HEARING OFFICER

A person designated pursuant to § 279-13 of this article to hear and determine proceedings brought pursuant to this article regarding posting and forfeiture of bonds/security.

LANDLORD

A person or persons, partnership, corporation or other entity who owns or purports to own any building in which there is rented or offered for rent housing space for living or dwelling under either a written or oral lease, including but not limited to any buildings subject to the Hotel and Multiple Dwelling Law, P.L. 1967, c. 76 (N.J.S.A. 55:13A-1 et seq.), and owner-occupied two-unit premises.

SEASONAL RENTAL

Any rental of residential accommodations for a term of less than one year and including any part of the period extending from May 15 to September 15 of any given year.

SUBSTANTIATED COMPLAINT

A complaint which forms the basis for proceedings in accordance with § 279-16 of this article.

§ 279-13. Hearing officer.

Any hearings conducted and decisions rendered regarding posting and forfeiture of bonds/security pursuant to this article shall be so conducted and rendered by a licensed attorney of the State of New Jersey appointed by the governing body of the Township of Little Egg Harbor. Said licensed attorney of the State of New Jersey shall not be an owner or lessee of any real property within the Township of Little Egg Harbor, nor shall said licensed attorney hold any interest in the assets of or be entitled to the profits arising from the ownership or lease of any such property within the Township of Little Egg Harbor. Nothing contained in this section shall prevent said hearing officer from being the Judge within the Township of Little Egg Harbor having jurisdiction over housing and like matters, as long as said Housing Judge does not own or lease any property within the Township of Little Egg Harbor or hold any interest in the assets or profits arising from the ownership or lease of such property.

§ 279-14. Posting of bond under certain circumstances.

If, during any twelve-month period, three separate convictions in any court of competent jurisdiction are obtained concerning three separate complaints of disorderly, indecent, tumultuous or riotous conduct upon or in proximity to any seasonal rental premises, and attributable to the acts or incitements of any of the tenants of those premises, with all of said complaints being filed on separate occasions, then the Township of Little Egg Harbor or any officers or officials of said Township so designated may institute proceedings which will require the landlord of the premises in question to post a bond against the consequences of future incidents of the same nature and character.

§ 279-15. Notice of hearing.

Upon conviction of three separate complaints as provided for in § 279-14 hereof, the Township of Little Egg Harbor or the officer or official thereof as designated in § 279-13 shall cause to be served upon the landlord of said premises, in person or by registered mail, to the address appearing on the tax records of the municipality for that property, notice advising of the institution of proceeds pursuant to this article, together with the particulars

of the substantiated complaints upon which said proceedings are based, and of the time and place at which a hearing will be held in the matter, which said hearing shall be in the municipal courtroom of the Township of Little Egg Harbor or other such public place as designated within the municipality. Said hearing shall not occur sooner than 30 days from the date on which the notice required in this section is served or mailed.

§ 279-16. Landlord hearing.

At any hearing concerning a landlord which is convened pursuant to this article, the hearing officer shall give a full hearing so as to allow both the landlord and the municipality to submit any and all evidence, including any evidence in contradiction or mitigation of the charges that the landlord may present. At the conclusion of the hearing, the hearing officer shall determine whether the landlord shall be required to post a bond in accordance with this article. Any party appearing at said hearing may be represented by legal counsel.

§ 279-17. Amount and term of bond.

- A. If the hearing officer determines that a bond is required to be posted, said bond shall be adequate in the case of subsequent offenses to make reparation for:
 - (1) Damages likely to be caused to public or private property and damages consequent upon disruption of the affected resident's rights of fair use and quiet possession of his premises.
 - (2) Securing the payment of fines and penalties likely to be levied for such offenses.
 - (3) Compensating the municipality for the cost of representing and prosecuting such incident of disorderly behavior.
- B. The amount of said bond is to be determined in light of the nature and extent of the offenses indicated in the substantial complaints but in no event shall be an amount less than \$500 or more than \$5,000. The Township of Little Egg Harbor may enforce the bond requirement by bringing action in the Superior Court and shall be entitled to any injunctive relief which prohibits the landlord from making or renewing any lease of the affected premises for residential purposes until the bond or equivalent security, in satisfactory form and amount, has been deposited with the municipality. The Township of Little Egg Harbor may also prohibit the registration pursuant to the rental registration ordinances of the Township of Little Egg Harbor or the issuance of any necessary permits or approvals, until said bond or equivalent security has been so deposited.
- C. In order for any bond or other security to be in compliance with this article, the same must be deposited with the Township of Little Egg Harbor and shall remain in full force for a period of four years. After expiration of said four-year period, the landlord shall be entitled to discharge of the bond unless prior thereto further proceedings leading to a forfeiture or partial forfeiture of the bond or other security shall have been held pursuant to this article, in which case the security or bond shall be renewed in an amount and the term extended as set forth in § 279-18 of this article and for a period that shall be specified by the hearing officer, but in no event for less than four years.

§ 279-18. Complaints during period of bond or security.

If, during the period of time for which a landlord has been required to give security or post a bond pursuant to this article, a conviction concerning a complaint is recorded against the property in question, the Township of Little Egg Harbor or its designee may institute proceedings against the landlord for the forfeiture or partial forfeiture of the security or bond posted and for an extension of the period of time for which said bond is required to be posted and for an increase in the amount of security or bond which is required to be posted or for any or all of those purposes. The amount of any forfeiture or partial forfeiture of the bond or security posted shall be determined by the hearing officer solely in accordance with the amount deemed necessary to provide for the compensatory purpose as set forth in § 279-17 of this article. Any decision by the hearing officer to increase the amount or extend the period of time of the required bond or security shall be determined in light of the same factors as set forth in § 279-17 of this article, and the amount taken as said forfeiture or partial forfeiture of the

bond or security posted shall be taken only to the extent that the nature of the complaint or complaints out of which proceedings arose pursuant to this article indicates the appropriateness of such amount in order to carry out the purposes of this article effectually. Any increase in the amount of bond or security to be posted or extension of time during which said bond or security must be posted shall be enforceable in the same manner as provided in § 279-17 of this article.