

ORDINANCE O:39-2023

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MONROE
TO AMEND CHAPTER 162 OF THE CODE OF THE TOWNSHIP OF MONROE,
ENTITLED "HOUSING STANDARDS"**

WHEREAS, the Township Council of the Township of Monroe has recommended certain amendments to Chapter 162 of the Code of the Township of Monroe and has determined that it is in the best interest of the Township to amend this specific section.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Monroe that the Code of the Township of Monroe is hereby amended to include the amendments herein.

SECTION I. Chapter 162, entitled "Housing Standards" is hereby amended as follows:

§ 162-3 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AGENT

The 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 chapter. 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 person designated by the owner as his agent is so licensed.

APARTMENT COMPLEX

Two or more buildings, each containing two or more apartments, which are located within close proximity of each other and are owned by the same owner.

APARTMENT OR DWELLING UNIT

Any apartment, cottage, bungalow, any room or rooms in a rooming/boarding house or other dwelling unit consisting of one or more rooms occupying all or part of a floor or floors in a building, whether designated with or without housekeeping facilities for dwelling purposes and notwithstanding whether the apartment shall be designated for residence, for office or the operation of any industry or business or for any type of independent use.

BASEMENT

A story partly underground but having less than half of its clear height, measured from finished floor to finished ceiling, below the curb level, except that where the curb level has not been legally established or where every part of the building is set back more than 25 feet from a street line the height shall be measured from the adjoining grade level.

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 enjoyed therewith.

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CAMPGROUNDS

Any parcel or tract of land under the control of a person or organization where designated sites are offered to the public for the establishment of temporary living quarters, including, but not limited to tents, recreational vehicles, and other temporary structures.

CELLAR

A story partly underground but having half or more of its clear height, measured from finished floor to finished ceiling, below the curb level, except that where the curb level has not been legally established or where every part of the building is set back more than 25 feet from a street line the height shall be measured from the adjoining grade elevation.

CERTIFICATE OF REGISTRATION

The certificate of registration issued by the Township Clerk or designee attesting that the rental unit has been properly registered in accordance with this chapter.

DISORDERLY HOUSE

A premises where any illegal activity occurs or which is subject to more than two legitimate police service calls within a period of six months, the legitimacy of each police service call to be determined on the totality of the circumstances, taking into account the activity giving rise to the police service call. If the Hearing Officer determines there was good cause for the police to be there due to the activity or nonactivity by persons covered herein, then said service call should be considered legitimate.

DWELLING UNIT

Any room or rooms, or suite or apartment, 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 of his agents or employees, and shall include all privileges, services, furnishings, furniture, equipment, facilities, and improvements connected with use or occupancy thereof.

EXISTING DWELLING UNITS

Any building or structure presently used or used hereafter for habitation by any human beings, whether the same is occupied or to be occupied by an owner or tenant or occupied on any other basis.

HABITABLE ROOM

A room or enclosed floor space within the 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, storage space and spaces that are not used frequently or during extended periods of time.

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HEARING OFFICER

The Township Compliance Officer or person designated pursuant to subsection b of section 3.19.2 to hear and determine proceedings under P.L. 1993, c. 127 (N.J.S.A. 40:48-2.12n et seq.). Said Hearing Officer, in order to assure impartiality and in accordance with N.J.S.A. 40:48-2.12pb, shall be a licensed attorney of the State of New Jersey and shall not be an owner or lessee of any real property within the Township of Monroe, nor hold any interest in the assets of or profits arising from the ownership or lease of such property.

LANDLORD

The person or persons who own or purport to own a building in which there is rented or offered for rent housing space for living or dwelling under either a written or oral lease, which building contains no less than one dwelling unit or not more than four dwelling units.

LICENSEE

The person to whom the certificate of registration is issued pursuant to this chapter. The term "licensee" includes within its definition the term "registered agent" where applicable.

OCCUPANCY

Any use, possession or control of real property by persons, entities or personal property.

OCCUPANT

Any individual who lives or sleeps in, or has actual possession of, a dwelling unit.

OWNER/OPERATOR

Any person or group of persons, firm, corporation, or officer thereof, partnership, association or trust who owns, operates, exercises control over or is in charge of a rented facility.

PERSON

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

PREMISES

Lands and/or buildings thereon.

PUBLIC OFFICER

Any law enforcement officer, building official, zoning inspection, code enforcement officer, fire inspector or building inspector, or other person authorized by the Township to enforce the applicable code(s).

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REGISTERED AGENT

The 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 chapter. The term does not necessarily mean a licensed real estate broker or salesperson of the State of New Jersey as these terms are defined by N.J.S.A. 45:15-3; however, such term may include a licensed real estate broker or salesperson of the State of New Jersey if such person designated by the owner as his agent is so licensed.

REGISTRANT

The person to whom the registration is issued pursuant to this chapter. The term "registrant" includes within its definition the term "agent" where applicable.

REGISTRATION

The registration issued by the Township Clerk or the Clerk's designee attesting that the rental unit has been properly registered in accordance with this chapter.

RENTAL FACILITY

Every building, group of buildings or a portion thereof which is kept, used, maintained, advertised or held out to be a place where living accommodations are supplied, whether furnished or unfurnished, for pay or other consideration, to one or more individuals and is meant to include apartments, apartment complexes, single-family homes, multiple units within a single residential building, rooming houses or group homes.

RENTAL UNIT

A dwelling unit which is available for lease or rental purposes and is meant to include individual apartments located within apartment complexes or individual rooms available for lease within a residential building.

SUBSTANTIATED COMPLAINT

A complaint which may form the basis for proceedings in accordance with Subsection a of Section 4 of P.L. 1993, c. 127 (N.J.S.A. 40:48-2.12q).

§ 162-32 Exemptions.

Notwithstanding any other provisions in this Ordinance, Campgrounds, as defined in § 162-3, shall be excluded from the enforcement of this Ordinance.

SECTION II. All prior Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION III. If any word, phrase, clause, section or provision in this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word phrase, clause, section or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

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SECTION IV. This Ordinance shall take effect twenty (20) days after final passage and publication as required by law.

TOWNSHIP OF MONROE

CNCL. PRES., CAROLANN FOX

ATTEST:

**Twp. Clerk, Aileen Chiselko, RMC
or Deputy Clerk, Jennifer Harbison, RMC**

CERTIFICATION OF CLERK

The foregoing Ordinance was introduced at a meeting of the Township Council of the Township of Monroe held on the 9th day of October, 2023, and will be considered for final passage and adoption at a meeting of the Township Council of the Township of Monroe to be held on 23rd day of October, 2023 at the Municipal Building, 125 Virginia Avenue, Williamstown, New Jersey 08094, at which time any person interested therein will be given an opportunity to be heard.

**Twp. Clerk, Aileen Chiselko, RMC
or Deputy Clerk, Jennifer Harbison, RMC**

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ROLL CALL VOTE

1st Reading

	AYES	NAYS	ABSTAIN	ABSENT
Cncl. Adams				
Cncl. Garbowski				
Cncl. Heverly				
Cncl. McKinney				
Cncl. O'Reilly				
Cncl. Valcourt				
Cncl. Pres. Fox				
Tally:				

2nd Reading

	AYES	NAYS	ABSTAIN	ABSENT
Cncl. Adams				
Cncl. Garbowski				
Cncl. Heverly				
Cncl. McKinney				
Cncl. O'Reilly				
Cncl. Valcourt				
Cncl. Pres. Fox				
Tally:				

The foregoing ordinance was hereby approved by the Mayor of the Township of Monroe on this _____ day of _____, 2023.

MAYOR GREGORY A. WOLFE