

ORDINANCE NO. 03 —2020

ORDINANCE AMENDING AND REPLACING CHAPTER 55-14, "RENTAL PROPERTY REGISTRATION AND LICENSING" OF THE CITY CODE REGARDING THE REGISTRATION AND MAINTENANCE OF RENTAL PROPERTIES

WHEREAS, the City Council of the City of Gloucester City ("City Council") is authorized pursuant to N.J.S.A. 40:48-2 to enact and amend ordinances, and to amend the Code of the City of Gloucester City, as deemed necessary for the preservation of the public health, safety and welfare of the City and its residents; and

WHEREAS, the City Council is authorized to enact an ordinance requiring registration of commercial and residential properties within the municipality by owners of said property who do not reside in nor operate a business at their properties pursuant to N.J.S.A. 40:48-2.53; and

WHEREAS, the City Council is empowered pursuant to adopt an ordinance to regulate buildings and structures, and their use and occupancy, and to prevent and abate conditions detrimental to the health safety and welfare of the general public pursuant to N.J.S.A. 40:48-2.12a, N.J.S.A. 40:48-2.12a1, N.J.S.A. 40:48-2.12c, N.J.S.A. 40:48-2.12f and N.J.S.A. 40:48-2.12m.

WHEREAS, the City is empowered to adopt ordinances regulating the removal and elimination of debris, brush, weeds and other obnoxious growths pursuant to N.J.S.A. 40:48-2.13; and

WHEREAS, unregistered rental properties create a wide range of problems for the City associated with absentee landlords, including public health risks, negative impacts on the aesthetic value of neighboring properties, and discouragement of neighborhood stability and revitalization; and

WHEREAS, it is in the best interest of the City to maintain a registration system to identify, monitor and enforce the maintenance of rental properties; and

WHEREAS, it is in the best interest of the City to ensure that all rental properties within the City of Gloucester City are properly registered and maintained; and

WHEREAS, in order to achieve this purpose, revisions to Chapter 55-14 are necessary.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Gloucester City, County of Camden, State of New Jersey as follows:

Section 1. Chapter 55-14 of the City Code be hereby amended, supplemented, revised and replaced with Exhibit A attached hereto.

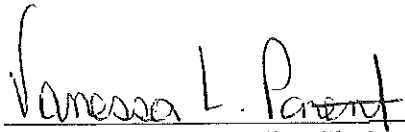
Section 2. All other Chapters of the City Code shall remain valid and in effect, and are not amended by this Ordinance.

Section 3. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

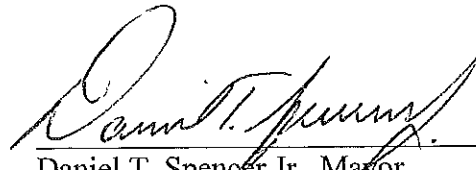
Section 4. Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 5. This Ordinance shall take effect after final passage, approval, and publication, as provided by law.

CITY OF GLOUCESTER CITY



Vanessa L. Parent, City Clerk



Daniel T. Spencer Jr., Mayor

Chapter 55-14

RENTAL PROPERTY REGISTRATION AND LICENSING

§ 55-14. Residential Rental Properties

A. Statutory Authority.

1. N.J.S.A. 40:48-2 provides in relevant part that a municipality may make, amend, repeal and enforce ordinances not contrary to the laws of this State or the United States, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants.
2. N.J.S.A. 40:48-2.12a provides in relevant part that the governing body of any municipality may make, amend, repeal and enforce ordinance to regulate buildings and structures and their use and occupation to prevent and abate conditions therein harmful to the health and safety of the occupants of said buildings and structures and the general public in the municipality.
3. N.J.S.A. 40:48-2.12a1 provides in relevant part that the no exemption from inspection pursuant to State statute shall prohibit a municipality from adopting an ordinance to provide for the inspection of buildings to assure the health, safety, and public welfare of the municipality and its residents.
4. N.J.S.A. 40:48-2.12b provides in relevant part that the authority conferred by this act shall be in addition to authority heretofore or hereafter conferred on the governing bodies of municipalities in respect to the construction and maintenance of buildings and structures and parts thereof endangering the public health and safety.
5. N.J.S.A. 40:48-2.12c provides in relevant part that any ordinance adopted pursuant to this act may provide for registration of owners and management of every building and structure in the municipality which is occupied by two or more families as tenants of the owner or lessor.
6. N.J.S.A. 40:48-2.12f provides in relevant part that any ordinance adopted pursuant to this act may also provide that the municipality may abate a nuisance, correct a defect, or put the premises in the proper condition so as to comply 'with the requirements of any municipal ordinance or state law applicable to thereto, at the cost of the owner or lessor, and expend municipal funds for such purpose and charge the same against the premises, and the amount thereof as determined by the governing body of the municipality shall be a lien against the premises.

7. N.J.S.A. 40:48-2.12m authorizes a municipality to adopt an ordinance requiring a landlord to obtain a certificate of inspection or occupancy prior to rental or lease involving a new occupancy and to pay a fee to fund the cost of the inspections and the issuance of the certificates. Such certificate of inspection or occupancy shall be issued upon the inspection of the unit of dwelling space by a municipal inspector and upon his findings that such unit meets the standards provided by law before re-renting a dwelling space to a new occupant. After the dwelling unit is inspected by a municipal inspector, the municipality would issue a certificate of inspection or occupancy if the apartment meets the standards required by law. The municipality may charge a fee to fund the costs of the inspections and issuance of the certificates.

B. Findings and Purpose

1. The governing body of the municipality finds and declares that the New Jersey State Housing Code, International Property Maintenance Code, Chapter 66 of the Gloucester City Code, "Property Maintenance", and Chapter 55, Part 2 of the Gloucester City Code, "Enumeration of Standards" (collectively, the "Code"), set the minimum standards for safety and habitability and the continued occupancy of residential units in order to protect the public health, safety and welfare of the municipality and its residents.
2. The governing body of the municipality finds and declares that a registration and inspection process for the residential units is a rational exercise of the municipal police power to establish that each residential unit substantially complies with the standards set forth in the Code in order to ensure the safety and habitability of each residential unit.
3. These regulations shall not apply to hotels, motels, boarding houses, rooming houses and other residential units which are generally occupied by guests or tenants for less than thirty (30) consecutive days.
4. These regulations shall not apply to a residential unit occupied by the owner.

C. Definitions

As used in this Section, the following terms shall have the following meaning unless the context clearly indicates that a different meaning is intended. Any words not defined herein shall have the meaning given in Webster's Unabridged Dictionary.

1. "Agent" shall mean the individual(s) designated by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner of 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.

2. "Code" shall have the meaning set forth in § 55-14.B.1.
3. "Dwelling Unit" shall mean any room or rooms or suite or apartment, including any room or rooms in a rooming/boardinghouse, 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 servants, agents or employees, and shall include all privileges, services, furnishings, furniture, equipment, facilities and improvement connected with use or occupancy thereof. Each dwelling unit shall contain no more than one kitchen or cooking facility.
4. "Multiple Dwelling" shall mean two-family units or more, and multiple single-family dwelling units where each unit has an independent means of egress.
5. "Owner" shall mean 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 residential unit.
6. "Person" shall mean a natural person, association, corporation, firm, partnership, trust or other legal entity, or any combination thereof.
7. "Rent" or "Rented" shall mean occupied by any person(s) other than the Owner, regardless of whether there is a written or oral agreement and regardless of whether the owner receives consideration for the occupancy.
8. "Residential Rental Unit" shall mean a Dwelling Unit which is available by lease, rental or otherwise, to persons other than the Owner. Rental unit shall not include that portion of a Dwelling Unit that is owner-occupied.
9. "Tenant" shall mean the occupant of a unit other than the owner.

D. Registration.

All rental units shall hereafter be registered with the City Housing and Building Department or designee of the City of Gloucester City, or such other person as designated by the City Council, on forms which shall be provided for that purpose, and which shall be obtained from the City Housing and Building Department or designee. Such registration shall occur on an annual basis, as provided herein.

E. Registration; term; initial registration provisions.

1. The registration term shall commence on January 1 and shall be valid until December 31, at which time it shall expire and a new registration shall be

required. Any lease which has been executed prior to the adoption of this Chapter shall not be affected, but the rental unit must nevertheless be registered and inspected in accordance with this Chapter. No rental unit shall hereafter be rented unless the rental unit is registered in accordance with this Chapter.

2. Each Residential Rental Unit shall be re-registered with each change in occupancy.
3. A registration application shall be required to be submitted for each rental unit, even if more than one rental unit is contained in the property.
4. Residential Rental Units registered during the registration term shall have their registration term end on December 31 of the same calendar year.

F. Registration forms; filing; contents.

1. Without in any way intending to infringe upon the requirements of N.J.S.A. 46:8-28, all Residential Rental Units shall be registered, as provided herein. Every owner shall file with the City Housing and Building Department or designee of the City of Gloucester City, or such other person as designated by the City Council, a registration application for each unit contained within a building or structure, which shall include the following information:
 - a. The name, address, and telephone number of the record Owner(s) of the premises and the record owner(s) of the rental business, if not the same persons. In the case of a partnership, the name, address, and telephone number of all general partners shall be provided. In the case of a corporation, the name, address, and telephone number of the corporate office, corporate officers, and registered agent.
 - b. If the address of any record owner is not located in Gloucester City or in Camden County, in addition to the information required in § 55-14.F.1.a, the name, address, and telephone number of a person who resides in Camden County and who is authorized to accept notices from a tenant and to issue receipts therefor and to accept service of process on behalf of the record owner.
 - c. The name and address of the managing agent of the premises, if any.
 - d. The name and address, including the dwelling unit number, apartment or room number, of the superintendent, janitor, custodian or other individual employed by the owner or managing agent to provide regular maintenance service, if any.

- e. The name, address and telephone number of an individual representative of the owner or agent or the owner, if domiciled in Camden County, 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 future of any essential service or system and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith and shall, at all times, have access to a current list of building tenants that shall be made available to emergency personnel as required in the event of an emergency.
 - f. Telephone numbers should be provided for both day and evening hours, unless one (1) telephone number provides access to the identified individual during both the day and evening hours.
 - g. The name and address of every holder of a recorded mortgage on the premises.
 - h. 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.
 - i. The address of the Residential Rental Unit, the exact number of all separate units at that address, and the designation for each unit.
 - j. As to each rental unit, a specification of the exact number of sleeping rooms contained in the rental unit. In order to satisfy the requirement of this provision, an owner shall submit a floor plan, which shall become part of the application and which shall be attached to the registration application when filed by the City Housing and Building Department or designee.
 - k. The name, phone number and age of each occupant.
 - l. The number and type of all pets.
 - m. Such other information as may be prescribed by the City of Gloucester City.
2. Receipt of regulations. The Owner or the Agent of a Residential Rental Unit shall inform the tenant(s) of the regulations promulgated under this Chapter and the Code and shall provide a copy of the same to each tenant over eighteen (18) years of age. The tenant shall sign a written acknowledgment attesting to the receipt of the same which shall be filed together with the registration application.

G. Registration form; permit; indexing and filing; public inspection.

1. The City Housing and Building Department or designee shall index and file the registration forms. In doing so, the City Housing and Building Department or designee shall follow the mandates of N.J.S.A. 46:8-28.1, as amended and supplemented, so that the filing of the registration 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 registration requirements of this Chapter.
2. Upon a determination that the registration application meets the requirements of § 55-14.E.4, the City Housing and Building Department or designee shall provide a permit to the person or entity listed. Each certificate of inspection shall correspond to the rental unit listed on the registration application even if more than one rental unit is contained in the property.
3. The owner shall conspicuously post the certificate of inspection at the rental unit.

H. Registration form; amendments; filing.

Every person required to file a registration form pursuant to this Chapter shall file an amended registration form within twenty (20) days after any change in the information required to be included thereon.

I. Periodic inspections.

1. Each rental unit shall be inspected at least once every twelve-month period. The landlord of all buildings containing more than twenty-five (25) Residential Rental Units shall be responsible for conducting annual inspections to confirm compliance with the legal occupancy and building, property maintenance and fire code requirements of the Code to safeguard the health, safety and welfare of all tenants. The landlord shall submit to the City a certification annually confirming that all rental units located in the building comply with the occupancy, building, property maintenance and fire code requirements of the Code on a form prescribed by City officials. Nothing contained herein shall preclude the City of Gloucester City from conducting inspections of any rental unit located within any building containing more than twenty-five (25) Residential Rental Units in accordance with the provisions of this chapter.
2. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the City of Gloucester City and inspections made by persons or an agency other than the duly authorized and appointed person, persons or agency of the City of Gloucester City

shall not be used as a valid substitute.

3. Such inspection shall be for the purpose of determining zoning ordinance compliance, and to the extent applicable, to determine if the property complies with the New Jersey State Housing Code, Property Maintenance Code, Uniform Construction Code, International Property Maintenance Code, Housing Code, Building Code and/or Uniform Fire Safety Act.
4. Each Residential Rental Unit within a multiple dwelling unit shall be inspected, whether or not any individual unit shall be occupied by the Owner.
5. Unsatisfactory inspection. In the event that the inspection(s) of a rental unit does not result in a satisfactory inspection, such property shall not thereafter be registered and the Owner of the property or his Agent shall not lease or rent such property, nor shall any tenant occupy the property, until the necessary corrections have been made, so as to bring the property and rental unit into compliance with the applicable code, and the property is thereafter subsequently inspected and registered. In the event that the property is occupied when such conditions are discovered, all such corrections shall be made within thirty (30) days, and if not made within that time period, the owner shall be deemed in violation of this Chapter, and, every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of § 55-14.U of this Chapter. The Owner, however, shall be permitted to apply to the Housing Department for an extension of time to make repairs or corrections so as to comply with this Chapter, for good cause shown.

J. Access for inspections; repairs.

1. The inspection officers are hereby authorized to make inspections to determine the condition of Residential Rental Units, in order that they may promote the purposes of this Chapter to safeguard the health, safety and welfare of the occupants of Residential Rental Units and of the general public. For the purposes of making such inspections, the inspecting officers are hereby authorized to enter, examine and survey Residential Rental Units at all reasonable times. The Owner or occupant of every Residential Rental Unit shall give the inspecting officer free access to the Residential Rental Unit at all reasonable times, for the purpose of such inspections, examinations and surveys.
2. Every occupant shall give the Owner of the Residential Rental Unit access to any part of such Residential Rental Unit 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 any lawful order issued

pursuant thereto.

3. Complaints. Within ten (10) days of receipt of a complaint alleging a reported violation of this Chapter, an inspecting officer shall conduct an inspection as hereinbefore provided.

K. Prohibitions on occupancy.

No person shall hereafter occupy any Residential Rental Unit, nor shall the owner permit occupancy of any Residential Rental Unit within the City of Gloucester City which is not registered in accordance with this Chapter.

L. Inspection and Re-Inspection Fees.

1. At the time of the filing of the registration application the Owner or agent of the Owner must pay an inspection fee as follows:
 - a. Efficiency unit (no bedrooms): \$100.00 per year
 - b. One (1) bedroom unit: \$125.00 per year
 - c. Two (2) bedroom unit: \$150.00 per year
 - d. Three (3) or more bedroom unit: \$175.00 per year
2. The Owner shall be entitled to up to one (1) re-inspection of the Residential Rental Unit if deemed necessary pursuant to § 55-14.I by the City.
3. In the event that a second or subsequent re-inspections of a Residential Rental Unit is deemed to be necessary pursuant to § 55-14.I, the Owner or agent of the Owner must pay a re-inspection fee of \$50.00 per inspection.
4. If the owner of the property is a senior citizen who resides in a unit of the property and rents out the remaining unit and would otherwise qualify under the State of New Jersey property tax deduction under N.J.S.A. 54:4-8.41, there shall be no inspection or re-inspection fee.
5. If any registration or re-inspection fee is not paid within thirty (30) days of its due date, a late fee surcharge of \$60.00 will be assessed.

M. Providing registration form to occupants and tenants.

Every Owner shall provide each occupant or tenant occupying a Residential Rental Unit with a copy of the filed registration form required by this Chapter. This particular provision shall not apply to any hotel, motel or guesthouse registered with the State of New Jersey, pursuant to the Hotel and Multiple Dwelling Act, as defined in N.J.S.A. 55:13A-3. This provision may be complied with by posting a copy of the registration certificate in a conspicuous place within the Residential Rental Unit(s).

N. Maximum number of occupants; posting.

1. The maximum number of occupants shall be posted in each Residential Rental Unit. It shall be unlawful for any person, including the Owner, agent, tenant or registered tenant, to allow a greater number of persons than the posted maximum number of occupants based on the available sleeping rooms and square footage to sleep in or occupy overnight the Residential Rental Unit. Any person violating this provision shall be subject to the penalty provisions of § 55-14.U of this Chapter.
2. Only those occupants whose names are on file with the City of Gloucester City, as required in this Chapter, may reside in the registered premises. It shall be unlawful for any other person to reside in said premises, and any Owner, agent, tenant or registered tenant allowing a nonregistered party to reside in said premises shall be in violation of this section and shall be subject to the penalty provisions of § 55-14.U of this Chapter.

O. Taxes and other municipal charges; payment precondition for registration.

No Residential Rental Unit may be registered unless all municipal taxes, water and sewer charges and any other municipal assessments are paid on a current basis.

P. Other Residential Rental Unit standards.

All dwelling units shall be maintained in accordance with the Code.

Q. Occupant(s) standards.

1. Occupants. Only those occupants whose names are on file with the City Housing and Building Department, as provided in this article, may reside in the registered premises. It shall be unlawful for any other person to reside in said premises, and this provision may be enforced against the landlord, tenant or other person residing in said premises.
2. Nuisance prohibited. No Residential Rental Unit shall be conducted in a manner which shall result in any unreasonable disturbance or disruption to the surrounding properties and property owners or of the public in general, such that it shall constitute a nuisance, as defined in the ordinances of the City of Gloucester City.
3. Compliance with other laws. The maintenance of all Residential Rental Units and the conduct engaged in upon the premises by occupants and their guests shall at all times be in full compliance with all applicable ordinances and regulations of the City of Gloucester City, the Code, and with all applicable state and federal laws. Any lease for the rental of a Residential Rental Unit shall contain language which subject the lease to this Chapter and the Code.

4. Penalties. Any landlord, tenant or other person violating the provisions of this section shall be subject to the penalty provisions of § 55-14.U of this Chapter.

R. Revocation of Residential Rental Unit permit; procedure.

1. Grounds. In addition to any other penalty prescribed herein, an owner may be subject to revocation or suspension of the rental permit issued pursuant to § 55-14.G upon the happening of one or more of the following, after hearing before the City Council, as set forth below:
 - a. Conviction of a violation of this article in the Municipal Court or any other court of competent jurisdiction.
 - b. Continuously renting the unit or units to a tenant or tenants who are convicted of a violation of the Noise Ordinance.^[1]
 - c. Continuously permitting the rental unit to be occupied by more than the maximum number of occupants as defined in this article.
 - d. Maintaining the rental unit or units or the property in which the rental unit is part in a dangerous condition likely to result in injury to a person or property.
 - e. Refusal to designate a resident agent for acceptance of service of process or service of a notice of violation of the Code where the Owner is not a resident of the county.
 - f. Allowing the rental unit to be occupied in a manner which constitutes a public nuisance to the surrounding properties and property owners.
 - g. Refusal to comply with a notice of violation and an emergency order of the public officer to correct a violation of the Code involving public health or safety violations.
 - h. Refusal to take all reasonable and necessary steps to evict a tenant who has been found guilty of three (3) or more violations of the New Jersey Criminal Statute within a twelve (12) month period.
 - i. Where the owner or resident agent fails to comply with an order to correct a violation of the property maintenance code entered by the Municipal Court or any other court of competent jurisdiction.
 - j. Failure to pay the inspection , re-inspection and/or registration fees, including any late fees.
 - k. Failure to notify the City that there has been a change in

occupancy.

- l. Three (3) or more violations or convictions of a violation under the New Jersey State Housing Code.
 - m. Continuous violations or conviction of a violation under the Uniform Fire Safety Act, N.J.A.C. 52:27D-192 et seq.
 - n. Conviction under Chapter 66 of the City's Code, entitled "Property Maintenance."
 - o. Three (3) or more violations or conviction of a violation under the Uniform Construction Code, N.J.A.C. 52:27D-119 et seq.
 - p. Three (3) or more violations or convictions of a violation under the Code.
 - q. Three (3) or more violations or convictions of a violation under the New Jersey Building Code.
 - r. Continuously renting the unit or units to a tenant or tenants who are convicted of local ordinance violations, disorderly persons' offenses or other crimes.
2. Procedures; written complaint; notice; hearing; appeal.
 - a. Notice. Whenever the Chairman of Fire and Police Departments, Chairman of Housing Committee, Chief of Police, Fire Chief, Construction Code Official, Housing Inspector, Zoning Enforcement Officers or any other person or office authorized to file a notice determines that there has been a violation of this section, he or she shall serve a written notice of the violation of the owner or agent at their last known address, which written notice shall include a statement of the reason or reasons why it is being issued and what action, if any, the owner or agent must make to abate the violation. Said notice shall also state that the violation(s) must be corrected within ten (10) days and if not, that the certificate of occupancy for the subject property may be revoked after a hearing before the City Council.
 - b. Written complaint. If a violation is not corrected within ten (10) days of the service of the notice thereof, the individual issuing the written notice shall file a written complaint with the City Housing and Building Department or designee and with the owner or agent by certified and regular mail or by personal service at the address indicated on the registration form. If service cannot be effected, the complaint shall be posted in a conspicuous place on the building

affected by the complaint and published once in the official newspaper of the City. The complaint shall be specific and shall be sufficient to apprise the landlord, owner and/or agent of the charges, so as to permit said individuals to present a defense. The individual(s) filing the complaint may do so on the basis of information and belief and need not rely on personal information. Upon the filing of such written complaint, the City Housing and Building Department or designee shall immediately inform the City Council, and a date for a hearing shall be scheduled, which shall not be sooner than ten (10), nor more than thirty (30) days thereafter, unless the landlord, owner and/or agent requests a waiver of the thirty-day requirement and the City Council authorized said waiver. The City Housing and Building Department or designee shall forward a copy of the complaint and a notice, as to the date of the hearing, to the landlord, owner or agent, if any, at the address at which the written complaint was served.

- c. Hearing. The hearing required by this section shall be held before the City Council, unless, in its discretion, the City Council determines that the matter should be heard by a Hearing Officer, who shall be appointed by the City Council. If the matter is referred to a Hearing Officer, such officer shall transmit his findings of fact and conclusions of law to the City Council within thirty (30) days of the conclusion of the hearing. The City Council shall then review the matter and accept, reject or modify the recommendations of the Hearing Officer based on the record before such Hearing Officer. In the event that the matter is not referred to a Hearing Officer and is heard by the City Council, then the City Council shall render a decision within thirty (30) days of the conclusion of the hearing. Following the hearing, a decision shall be rendered dismissing the complaint, revoking or suspending the rental permit or determining that the rental permit shall not be renewed or reissued for one or more subsequent calendar years.
- d. An audio recording shall be made of the hearing. All witnesses shall be sworn prior to testifying. The strict rules of evidence shall not apply, and the evidential rules and burden of proof shall be that which generally controls administrative hearings.
- e. The City Solicitor, his designee or appointed special counsel shall appear and prosecute on behalf of the complainant in all hearings conducted pursuant to this section.
- f. Appeals. If a rental permit is revoked, suspended or the City

Council determines that the rental permit shall not be renewed or reissued for one or more subsequent years, the landlord, owner and/or agent may appeal said decision to the New Jersey Superior Court-Law Division in Camden County in accordance with the New Jersey Court Rules.

3. Defenses. It shall be a defense to any proceeding for the revocation, suspension or other disciplinary action involving a rental permit by demonstrating that the owner has taken appropriate action and has made a good faith effort to abate the conditions or circumstances giving rise to the revocation proceeding, including but not limited to the institution of legal action against the tenant(s), occupant(s) or guests for recovery of the premises, eviction of the tenant(s) or otherwise.

4. Assessment of Fees. If, after the hearing there is a finding in favor of the City, the governing body or the hearing officer shall enter an order against the Owner requiring the payment of litigation costs as follows:

- a. \$250 for the first offense; \$500 for a second or subsequent offense;
- b. \$750 for legal services; and
- c. Actual costs (including, but not limited to, expert witness fees, search fees, and publication fees).

S. Severability. If any section, subsection, paragraph, sentence or other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this ordinance shall remain in full force and effect.

T. When effective. The ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

U. Violations and penalties.

It shall be unlawful for any person to rent or occupy a premise in violation of these regulations.

1. Maximum Penalty. Any person who violates any provision of this article shall, upon conviction in the Municipal Court of the City of Gloucester City, or such other court having jurisdiction, be liable to a fine not exceeding \$2,000, imprisonment, for a term not exceeding ninety (90) days, community service not exceeding ninety (90) days, or any combination thereof, at the discretion of the Municipal Court Judge.

2. Ongoing Violation(s). Each day that a violation continues after a notice of violation and order for compliance has been served on the person responsible, and the time for compliance has expired, shall be deemed a separate and distinct violation, subject to the penalty provisions of this Chapter.
3. Application. The maximum penalty stated in this § 55-14.U.1 is not intended to state an appropriate penalty for each and every violation. Any lesser penalty, including a nominal penalty or no penalty at all, may be appropriate for a particular case or a particular violation.