

Ordinance

No. 7-2026

ORDINANCE OF THE BOROUGH OF WESTVILLE AMENDING CHAPTER 272, RENTAL PROPERTY, IN THE CODE OF THE BOROUGH OF WESTVILLE

BE IT ORDAINED by the Borough Council of the Borough of Westville, County of Gloucester, and State of New Jersey amending Chapter 272, Rental Property, in the Code of the Borough of Westville, as follows:

Section 1. Article I. SECTION 272-7 Inspections

- A. Each rental unit shall be inspected and given a Certificate of Inspection upon changes in ownership or upon changes in tenancy or inspection. Each rental unit shall also be inspected and receive a Certificate of Compliance on a yearly basis for compliance with the International Property Maintenance Code (IPMC), the New Jersey State Housing Code and Uniform Fire Safety Act.
- B. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Borough of Westville, and inspections made by persons or an agency other than the duly authorized and appointed person, persons or agency of the Borough of Westville shall not be used as a valid substitute.
- C. Such inspection shall be for the purpose of determining Chapter **205**, Land Use and Development, compliance and, to the extent applicable, to determine if the property complies with the International Property Maintenance Code (IPMC), Uniform Construction Code,¹ Housing Code and/or Building Code and/or Uniform Fire Safety Act.
 - 1. All carpeting, where provided or installed by the owner, shall be kept in good repair, properly attached to the floor surface which it is covering, and shall be steamed cleaned or cleaned by other means acceptable to the Local Housing Inspector, prior to occupancy by tenants or a change in tenants. Carpeting which is worn, damaged or becomes a trip hazard shall be properly repaired or replaced.
 - 2. All appliances which are provided or installed by the owner, including but not limited to, stoves, ovens, refrigerators, washers, dryers, freezers, and light fixtures, shall be maintained in proper working order at all times, and promptly repaired or replaced whenever necessary.
 - 3. Where the inspection of the rental unit results in a satisfactory inspection, the inspector shall issue a certificate of inspection for the rental unit. The certificate of inspection shall state the maximum number of occupants for the rental unit, as determined by the inspection. An inspection shall be considered satisfactory or unsatisfactory based upon life safety issues defined in this chapter and in accordance to the IPMC.
- D. 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 30 days except in the case of life safety violations, then the repairs shall be made immediately or as soon as practicable after the owner is notified, and, if not made within that time period, the owner shall be deemed in violation of this article, and, every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of § 272-3 of this chapter. The owner, however, shall be permitted to apply for an extension of time to make repairs or corrections so as to comply with this article, for good cause shown.

Section 2. Article I. SECTION 272-10 Issuance of Registration

Upon the filing of a completed registration form and payment of the prescribed fee and a satisfactory inspection, the owner shall be entitled to the issuance of a registration. Registrations shall be due on January 1 of each calendar year and shall expire on December 31 of that calendar year. A registration form shall be required for each rental unit, and a registration certificate shall issue to the owner for each rental unit, even if more than one rental unit is contained in the property.

Section 3. Article I. SECTION 272-11 Fees

At the time of the filing of the registration form and prior to the issuance of a registration certificate, the owner or agent of the owner must pay a fee in accordance with the following:

A. REGISTRATION FEES

An annual registration fee is required for each rental unit due and payable on or before January 2 for a 12-month period according to the following schedule:

1. For each non-owner-occupied rental units: \$185.00 per unit. All previously registered rental units are required to pay a full year registration regardless of when they are actually rented. For example: if a unit previously rented and is vacant in July and August and has not renewed the registration, a full \$185.00 is due regardless of when the unit is re-registered. All new rental units not previously rented shall be prorated for registration beginning the date of inspection and expiring in the succeeding year on December 31. For example, if a new rental unit is leased in July the registration will be registered for the remaining of the current calendar year and the succeeding calendar year expiring on December 31 on a pro-rated basis.
2. If there are eight or more rental units on a property (block and lot), for each non-owner-occupied rental units: \$80.00 per unit.

B. INSPECTION FEES

A Certificate of Inspection fee of \$100.00 is required upon every change in ownership, tenancy or inspection. A Certificate of Compliance which is due yearly and included in the annual registration fee shall be completed on a yearly basis.

Reinspection Fees for both the Certificate of Inspection and Certificate of Compliance are as follows:

1. First reinspection: \$50.00 per unit;
2. Second reinspection: \$60.00 per unit;

3. Third reinspection: \$75.00 per unit; and
 4. Fourth or subsequent reinspection: \$100.00 per unit.
- C. If the owner of the property is a senior citizen or disabled citizen who resides in a unit of the property and rents out the remaining units 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 fee.
- D. If any fee is not paid within 30 days of its due date, a late fee surcharge of \$50.00 will be assessed.
- E. If the occupant of a rental unit is a family member, as defined by this article, the registration fee is \$40.00 and will be required to be inspected yearly. Registration of units occupied by family members is required and, in addition, must be accompanied by an affidavit stating the relationship of the occupant to the owner or owner's spouse.

Section 4. Article I. SECTION 272-14 Revocation of Certificate of Inspection

- A. In addition to any other penalty prescribed herein, an owner may be subject to the revocation or suspension of the previously issued certificate of inspection and /or certificate of registration and compliance that was issued hereunder upon the happening of one or more of the following:
1. Conviction of a violation of this article in the Municipal Court or any other court of competent jurisdiction.
 2. Determination of a violation of this article at a hearing held pursuant to this section.
 3. Continuously renting the unit or units to a tenant or tenants who are convicted of a violation of any Borough Codes.
 4. A pattern of permitting the rental unit to be occupied by more than the maximum number of occupants as defined in this article.
 5. Maintaining the rental unit or units or the property in which the rental unit is a part in a dangerous condition likely to result in injury to person or property.
 6. A false, misleading or fraudulent statement made in connection with the inspection, licensing or inspection of a rental unit or rental units.
 7. Maintaining a rental unit or rental units, or the property in which the rental unit is located in such a way as to create a nuisance, as defined by N.J.S.A. 2C:33-12.
 8. A pattern of failing to maintain a rental unit or rental units, as evidenced by three or more unsatisfactory inspections pursuant to § 250-7 above. It need not be shown that unsatisfactory inspections were during any single license term. For this section, a satisfactory inspection shall be defined as where 65% or more of all units of an apartment complex are determined to pass based upon life safety issues. In the event less than 65% of all units of the complex are satisfactory, the inspection shall be deemed unsatisfactory. The pattern of unsatisfactory inspections shall be defined in this section as where an owner's inspection is determined to be unsatisfactory on any three inspections within any given five-year consecutive period.

9. Failing to pay any fee or fine required under this chapter or any other municipal code when due, or failing to pay municipal taxes, water and sewer charges or any other municipal assessments, on a current basis.

Section 5. Article II. SECTION 272-17 Notification of Vacancies

A. The owner of any rental unit which is still vacant six months after the end of the preceding tenancy shall notify the Borough Code Official and/or any designee that the Borough has appointed within five days, in writing, of said continuing vacancy.

1. "Vacancy," as it applies to a dwelling unit, is defined as:
 - a. Being unoccupied by any person or persons for more than 20 days out of a month;
 - b. Receiving no electricity, gas or fuel heat; or
 - c. Appearing to manifest no evidence of inspection by a person or persons, such as by lack of furniture, lack of food or clothing, lack of mail delivery or by being boarded up.
2. "Vacancy," as it applies to a commercial unit, is defined as:
 - a. Lacking a main entrance open to the general public for business; or
 - b. Being closed to the general public for business for more than 18 out of 24 hours per day for more than three out of seven days per week for a period of three or more weeks.

B. Said notification shall include the following information:

1. The address and location within the building of the unit.
2. The rent charged the preceding tenant and rent to be charged the proximate incoming tenant.
3. The name, address, and telephone number of the owner.
4. The name, address and telephone number of the owner's agent and/or resident manager, if any.

C. No notification shall be required with respect to any unit rented and occupied within 60 days or less from the end of the preceding tenancy.

D. The owner or other representative of any unit that has not been previously rented, which is vacant for more than 90 days, shall notify the Zoning Officer within five days, in writing, of such vacancy. Such notification shall include the name, address, telephone number of the owner and any other relevant information, such as identification of attorney, estate or relatives with knowledge of status of ownership.

Section 6. Article II SECTION 272-18 Notification of Inspection

A. Within 60 days after submission of the report required under § 272-17 above, the landlord (in those cases involving rental units) shall notify the Borough Code Official and/or any designee that the Borough has appointed that the unit has been rented and occupied, with the names of the new tenant or tenants and the terms of the tenancy. Failure to have the unit rented and occupied within 90 days after the end of the preceding tenancy, except where a waiver has been granted by the Land Use Board, shall be considered a

violation of this article and subject to the penalties set forth in § 272-26 of this chapter.

- B. Within 60 days after submission of the report required under § 272-17 above, the owner (in those cases not involving rental units) shall notify the Borough Code Official and/or any designee that the Borough has appointed that the unit has been occupied, with the names of the new occupant or occupants. Failure to have the unit occupied within 120 days from the time that the unit became vacant, except where a waiver has been granted by the Land Use Board, shall be considered a violation of this article and subject to the penalties set forth in § 272-26 of this chapter.

Section 7. Article III. Title Lead Based Paint Inspections

SECTION 272-23 Definitions

Dust Wipe Sampling – A sample collected by wiping a representative surface and tested in accordance with a method approved by the United States Department of Housing and Urban Development.

Lead Abatement – Measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by the Commissioner of Community Affairs in compliance with standards promulgated by the appropriate federal agencies.

Lead Evaluation Contractor – A person certified by the New Jersey Department of Community Affairs to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:171.1 et seq.

Lead-based Paint Hazard – Any condition that causes exposure to lead from lead-contaminated dust or soil or lead-contaminated paint that is deteriorated or present in surfaces that would result in adverse human health effects.

Visual Assessment – A visual examination for deteriorated paint or visible surface dust, debris, or residue.

Tenant turnover – The time at which all existing occupants vacate a dwelling unit and all new tenants move into the dwelling unit.

SECTION 272-24 Inspections

- A. A lead evaluation contractor retained by the Borough shall inspect every single-family, two-family, or multiple rental dwelling located in the Borough of Westville for lead-based paint hazards through visual assessment and dust wipe sampling in accordance with N.J.S.A. 52:27D-437.1 et seq.
- B. In lieu of having the dwelling inspected by the Borough's lead evaluator, a dwelling owner or landlord may directly hire a private lead evaluation contractor who is certified to provide lead paint inspection services by the Department of Community Affairs to perform the lead-based paint inspection in accordance with N.J.S.A. 52:27D-437.1 et seq.
- C. In accordance with N.J.S.A. 52:27D-437.16(c), a dwelling unit in a single-family, two-family, or multiple rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards if the unit:
1. Has been certified to be free of lead-based paint;
 2. Was constructed during or after 1978;
 3. Is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least ten (10) years,

either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.);

4. Is a single-family or two-family seasonal rental dwelling which is rented for less than six months duration each year by tenants that do not have consecutive lease renewals; or
 5. Has a valid lead-safe certification.
- D. The owner, landlord, and/or agent of every single-family, two-family, or multiple rental dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three (3) years, or at tenant turnover, whichever is earlier.
- E. If lead-based paint hazards are identified, then the owner, landlord, and/or agent of the dwelling shall remediate the lead-based paint hazard using lead abatement or lead-based control methods in accordance with N.J.S.A. 52:27D-437.16(d). Upon the remediation of the lead-based paint hazard, the Borough's lead evaluation contractor shall conduct an additional inspection of the unit to certify that the hazard no longer exists. If no lead-based paint hazards are identified, then the Borough's lead evaluator shall certify the dwelling as lead-safe on a form prescribed by the Department of Community Affairs, which shall be valid for two (2) years.
- F. Pursuant to N.J.S.A. 52:27D-437.16(e), property owners shall:
1. Provide evidence of valid lead-safe certification and the most recent tenant turnover at the time of the cyclical inspection
 2. Provide evidence of a valid lead-safe certification obtained pursuant to this Section to new tenants of the property at the time of tenant turnover unless not required to have had an inspection by a lead evaluation contractor or permanent local agency pursuant to §272-24(C) of this Chapter.
 3. Maintain records of lead-safe certification, which shall include name(s) of the unit tenant(s), if inspection was conducted during a period of tenancy.
- G. Fees.
1. The Borough shall charge the dwelling owner or landlord, and the dwelling owner or landlord shall pay the Borough in advance of any inspection, a fee sufficient to cover the cost to the Borough of the inspection, which shall be dedicated to meeting the costs of implementing and enforcing this section, which shall include the following:
 - a. \$275.00 per dwelling unit for a visual or dust wipe assessment performed by the lead inspector.
 - b. \$30.00 per dwelling unit filing fee.
 - c. If necessary, a fee of \$295.00 per dwelling unit for reinspection of a unit.
 2. In accordance with N.J.S.A. 52:27D-437.16(h), an additional fee of \$20.00 per dwelling unit inspected by the Borough's lead evaluation contractor or the owner's private lead evaluation contractor shall be addressed for the purpose of the Lead Hazard Control Assistance Act, unless the owner demonstrates that the Department of Community Affairs has already assessed an additional inspection fee of \$20.00. The fees collected pursuant to this subsection shall be deposited into the Lead Hazard Control Assistance Fund.

3. In a common interest community, any inspection fee charged pursuant to this subsection shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit.

SECTION 272-25 Violations

- A. If a property owner has failed to conduct the required inspection or initiate any remediation as required by N.J.S.A. 52:27D-437.1 et seq. the owner shall have 30 days to cure the violation. If a property owner fails to cure the violation after 30 days, the property owner shall be subject to a penalty not to exceed \$1,000.00 per week until the required inspection has been conducted or remediation efforts have been initiated.

Section 8. Article IV. Title Penalties

SECTION 272-26 Penalties and Violations

- A. Any person who shall violate the provisions of this chapter, except § 272-17, shall, upon conviction, be subject to the penalties as set forth in Chapter 1, Article I, § 1-15, General penalty.
- B. A first violation of § 272-17, or the conditions upon which a waiver has been granted by the Board, shall be punishable by a fine of not more than \$500 for each unit in violation. Subsequent violations shall be punishable by a fine of not less than \$100 nor more than \$500. Each day during which an owner is in violation of § 272-17, or the conditions upon which a waiver has been granted, shall constitute a separate violation hereunder.

Section 9. Repealer

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

Section 10. Severability

Each section of this Ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective, shall not be deemed to affect the validity or constitutionality of any other sections or parts hereof.

Section 11. Effective date

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduced: April 27, 2026

Adopted:

BOROUGH OF WESTVILLE

**Fritz Sims, Jr.
MAYOR**

ATTEST:

**Kathleen Carroll
DEPUTY MUNICIPAL CLERK**