

## BOROUGH OF KENILWORTH

### ORDINANCE 2018-01

**AN ORDINANCE IMPOSING THE AN OBLIGATION UPON THE FIRE PREVENTION OFFICIAL TO ANNUALLY INSPECT ALL RESIDENTIAL BUILDINGS AND STRUCTURES WITHIN THE BOROUGH THAT ARE NOT OWNER OCCUPIED BY AMENDING CHAPTER 94 ENTITLED "FIRE PREVENTION".**

**Explanation:** The Borough Code is amended to provide for annual inspections of residential rental property within the Borough and setting forth the fee for said inspection.

**NOW THEREFORE**, Be it ordained by the Governing Body of the Borough of Kenilworth that:

**Section 94-3 IS AMENDED TO ADD SUBSECTION C**

**94-3C** The local enforcing agency shall enforce the Uniform Fire Code. In addition to the foregoing, the local enforcing agency shall annually and upon each change in the occupancy of a residential rental unit that is not owner occupied or for the sale of any building inspect the buildings of determining that:

- i) smoke & carbon monoxide alarms are properly functioning,
- ii) required fire extinguishers installed in kitchen(s)
- iii) in addition to the above, the local enforcing agency may refer violations of the property maintenance code, health codes, BOCA code and zoning violations observed in plain view to the Borough officials responsible for the aforesaid discipline.

Section 94-9 A. , B. and C. are hereby deleted

Section 94-D(3) shall read - The failure to report immediately upon discovery a hazardous material or waste spill discharge or dumping to the fire official shall subject the violator to a fine as set by the fire code official consistent with the Uniform Fire Code.

**The existing Section 94-7 is deleted and replaced by the following:**

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**94-7 RESIDENTIAL INSPECTION FEES**

- A. The fee schedule for annual residential inspections of non-owner occupied dwellings which shall be paid for by the landlord and which may not be included as additional rent is as follows:
  - a. Single family home \$100.00
  - b. Two family home \$160.00
  - c. Greater than a two family \$80.00 plus \$45.00 times the total number of residential units in the structure
- B. The fee schedule for the sale or transfer of title if requested two or more weeks in advance shall be equal to the fee set forth in the preceding paragraph
- C. The fee for the change of occupancy inspection of a single residential unit shall be \$100.00

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D. In the event that a structure fails to comply with the fire code when inspected, the owner shall be entitled to one re-inspection at no additional cost.

E. Landlords shall be entitled to expedited inspection within two full business days from the date of the completed application for inspection upon paying an additional \$50.00

Section 94-13 is added to the code as follows:

**94-13-1** In the event of an unsatisfactory inspection by the fire official of a vacant rental unit, such property shall not thereafter be registered, nor shall a rental license issue, 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, registered and licensed. In the event that the property is occupied when such conditions are discovered, all such corrections shall be made within 30 days, 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 the fire code. The owner, however, shall be permitted to apply for extension of time to make repairs or corrections so as to comply with this article, for good cause shown, provided that such extension shall not exceed 30 days.

**94-13-2** No person shall occupy any rental unit that is required to have been inspected nor shall the owner permit occupancy of any rental unit within the Borough of Kenilworth, which has not been inspected and approved by July 1, 2019 in accordance with this chapter. If a Landlord fails to register the rental unit and/or fails to maintain the registration, rent collected in excess of four (4) months in any calendar year shall not be deemed earned by the landlord. The unearned rent paid shall be returned to the tenant within thirty days of service of a written demand.

Approved:



Anthony DeLuca, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION				
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.
X		X				KAY CECERI			✓		
		X				LARRY CLEMENTI			✓	✓	
		X				MARK DAVID			✓		
X	X					LINDA KARLOVITCH			✓		
		X				GERRY LAUDATI			✓		
		X				ROBERT SCHIELKE			✓		
Introduced: January 10, 2018			I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.								
Final Adoption: January 24, 2018			 Laura Reinertsen, Borough Clerk								