

ORDINANCE NO. 2218

**ORDINANCE AMENDING CHAPTER 128, ARTICLE XV SECTION 65 OF THE
CODE OF THE BOROUGH OF ROSELLE PARK REGARDING LAND USE**

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that Chapter 128, Article XV, Section 128-65 “Regulations Applicable to All Districts” of the Borough Code is hereby amended to add the following:

SECTION I. § 128-65 – H. Illegal Apartments.

1. Any person, whether family member or other, who utilizes or allows the use of the basement or floor below-grade area of a residence, whether multiple dwelling or not, as sleeping quarters or as a dwelling space, must comply with the International Mechanical Residential and Building Codes and N.J.A.C. Title 5:10-22.1 and N.J.A.C. Title 5:70 which refers specifically to basements, cellars and dwelling units made applicable N.J.S.A. 55.13A-6C and A-7.

2. Failure to comply with the standards will constitute an illegal apartment as defined by the aforesated Code and ordinances the provisions of which remain in effect.

3. Any landlord found to be in violation of this ordinance, wherein it has been determined that there exists an illegal apartment or the premises is found to violate any portion of this ordinance, shall pay a fine of \$1,500 for the first offense. [Amended 3-28-2006] A fine of \$2,500 for the second and subsequent offense.

4. In the event the occupant of an illegal apartment is required to relocate from the premises which are the subject of a notice of illegal apartment and/or eviction pursuant to N.J.S.A. 2A:18-61 et seq. and/or the Zoning Ordinance and Code of the Borough, said person is so considered a displaced person and entitled to relocation assistance.

5. For a first offense, the landlord, person or entity shall be responsible for any relocation costs borne by the Borough or by the tenant in accordance with the provisions of N.J.S.A. 2A:18-61.1g, together with any security deposit and a pro rata portion of the tenant’s rent which may have been paid in advance.

6. In addition to the above subsection, the landlord shall pay an additional fine in an amount equal to six times the monthly rental of the displaced person; said fine to be paid to the Borough of Roselle Park and to be deposited in revolving relocation assistance fund.

7. In addition to the fine outlined in Paragraph 3 above, any landlord, person, firm or entity that violates any portion of this Ordinance shall be assessed an additional fine equal to the cost incurred by the Board of Education of the Borough of Roselle Park regarding any student/resident of the illegal apartment who attended the public schools within the Borough of Roselle Park for a period not to exceed three years prior to the determination by the Court of said

violation. Said fine shall be recovered by the Borough of Roselle Park by summary proceedings pursuant to the Penalty Enforcement Law N.J.S.A. 2A:58-10 through 2A:58-12. Said proceedings shall be commenced by the Borough of Roselle Park's Municipal Court for enforcement of the penalty provided herein.

8. It shall be the duty of the Police Department and Construction Code Official to coordinate their efforts in this regard. Any violations found by the proper representatives of the Police Department shall be immediately forwarded to the Construction Official (not more than 24 hours from said noted violation), and the Police Department representatives designated by the Chief of Police shall assist the Construction Official and/or his representatives in obtaining legal entrance into said premises in order to effectuate the enforcement of this section.

SECTION 2. All ordinances and parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 3. If any portion of this Ordinance shall be deemed to be invalid, such determination shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. This ordinance shall take effect at the time and in the manner prescribed by law.

Introduced: September 20, 2007

Adopted:

Mayor

Attest: _____
Borough Clerk