

AN ORDINANCE AMENDING CHAPTER 4, SECTION 31 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE, ENTITLED "REGISTRATION OF STREET ADDRESSES OF NONRESIDENT PROPERTY OWNERS"

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, in the County of Essex and State of New Jersey, that Chapter 4, Section 31 of the Revised General Ordinances of the Township of West Orange (the "Revised General Ordinances") is hereby amended as follows:

I. PURPOSE

The purpose of this Ordinance is to require that non-resident owners of one- and two-dwelling unit rental properties file a statutorily-prescribed registration form with the Township Clerk simultaneously with the filing of the registration form prescribed by the Township for non-resident owners of real property within the Township.

II. THE TITLE OF CHAPTER 4, SECTION 31 SHALL BE AND HEREBY IS AMENDED AND SUPERSEDED TO READ AS FOLLOWS:

"Registration of Non-Resident Property Owners."

III. CHAPTER 4, SECTION 31.1 SHALL BE AND HEREBY IS AMENDED AND SUPERSEDED TO READ AS FOLLOWS:

The purpose of this section is to obtain information and maintain a register of the actual residential addresses for non-owner occupied residential dwellings and commercial properties. This section is enacted pursuant to N.J.S.A. 40:48-2.53 and N.J.S.A.46:8-28.

IV. CHAPTER 4, SECTION 31.3 SHALL BE AND HEREBY IS AMENDED AND SUPERSEDED TO READ AS FOLLOWS:

- a. As provided herein, any Non-Occupant Owner of Real Property located within the Township of West Orange shall register said owner's street address with the Township Clerk by completing the form provided by the Township Clerk.
- b. In addition to filing the form required by subsection a., any Non-Occupant Owner of a one- or two-dwelling unit rental property shall also simultaneously file with the Township Clerk a certificate of registration on the form prescribed by the Commissioner of Community Affairs pursuant to N.J.S.A. 46:8-28.

V. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township in conflict with this Ordinance are hereby repealed to the extent of such conflict.

VI. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

VII. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

**Honorable Susan McCartney
Council President**

**Honorable Robert D. Parisi
Mayor**

**Karen J. Carnevale
Municipal Clerk**

Introduced: November 12, 2013

Adopted: December 3, 2013

LEGISLATIVE HISTORY

Section 31 of Chapter 4 of the Revised General Ordinances was created by adoption of Ordinance #1519-98 on April 7, 1998. Ordinance #1519-98 was adopted pursuant to N.J.S.A. 40:48-2.53, which authorizes a municipality to enact an ordinance requiring an owner of real property situated within the municipality to register with the clerk of the municipality the street address of the owner's residence when the owner does not reside at the real property. The registration form prescribed by the Township in connection with Section 4-31 of the Revised General Ordinances (the "Township Form") calls for three (3) general categories of information: (1) the name, address, and contact information of the non-resident owner; (2) the address of the West Orange property owned by the non-resident owner; and (3) the current use of the West Orange property owned by the non-resident owner – e.g., industrial, single family home, or commercial.

In the more specific context of non-resident owners of one- and two-dwelling unit rental properties, N.J.S.A. 46:8-28 requires such non-resident owners to file with the municipal clerk a certificate of registration on a form prescribed by the Commissioner of Community Affairs (the "State Form"). The State Form calls for information above and beyond the three (3) general categories of information called for by the Township Form – e.g., name and address of the managing agent of the property, name and address of every holder of a recorded mortgage on the property, and name and address of any fuel oil dealer servicing the property.

This Ordinance amends Section 4-31 of the Revised General Ordinances in order to comply with the requirements of N.J.S.A. 46:8-28 as well as N.J.S.A. 40:48-2.53. *All non-resident owners* of real property within the Township will continue to be required to file the Township Form with the Township Clerk, and *non-resident owners of one- and two-dwelling unit rental properties* will be required to file the State Form simultaneously with the filing of the Township Form. In addition to the benefit of compliance with State regulations, the Ordinance

will further promote the purpose underlying the adoption of Ordinance #1519-98, which is to enhance the Township's ability to respond to and address emergent issues relating to non-owner-occupied rental properties within the Township.