

ORDINANCE 3-2023

AN ORDINANCE OF THE BOROUGH OF MAGNOLIA, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AMENDING CHAPTER 210, ENTITLED "RENTAL PROPERTIES"

WHEREAS, the Borough of Magnolia ("Borough") is a municipal entity organized and existing under the laws of the State of New Jersey and located in Camden County; and

WHEREAS, the Borough seeks to amend Chapter 210 of the Code of the Borough of Magnolia to protect the public health, safety and welfare the Borough and its residents.

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

Section 1: Chapter 210 of the Code of the Borough of Magnolia, entitled "Rental Properties", shall be amended to read as follows:

5.210-1. Statutory Authority.

- A. 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 of the 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.
- B. N.J.S.A. 40:48-2.12(a) provides in relevant part that the governing body of any municipality may make, amend, repeal and enforce ordinances 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 the general public in the municipality.
- C. N.J.S.A. 40:48-2.12(a)(1) provides in relevant part that no exemption from inspection pursuant to state statute shall prohibit a municipality from adopting and ordinance to provide for the inspection of buildings to assure the health, safety and public welfare of the municipality and its residents.
- D. N.J.S.A. 40:48-2.12(b) provides in relevant part that the authority conferred by this act shall be in addition to the authority heretofore or hereafter conferred on the governing bodies of the municipalities in respect to the construction and maintenance of buildings and structures and parts thereof endangering the public health and safety.
- E. N.J.S.A. 40:48-2.12(c) 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.

- F. N.J.S.A. 40:48-2.12(f) provides in relevant part that any ordinances 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.”
- G. N.J.S.A. 40:48-2.12(m) 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 pace 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.

5.210-2. Findings and Purpose.

- A. The governing body of the municipality finds and declares that the New Jersey State Housing Code, International Property Maintenance Code and Chapter 208 of the Borough of Magnolia Code, entitled “Property Maintenance”, set the minimum standards for safety and habitability and continued occupancy of residential units in order to protect the public health, safety and welfare of the municipality and its residents.
- B. 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.
- C. 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 30 consecutive days.
- D. These regulations shall not apply to a residential unit occupied by the owner.

5.210-3. Definitions.

Unless the context clearly indicates a different meaning, the following words or phrases, when used in this Chapter, shall have the following meaning:

AGENT means the individual or individuals designated by the owner as the person authorized by the owner to perform any duty imposed upon the owner of this chapter. The term “agent” 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.

APARTMENT or DWELLING means any apartment, cottage, bungalow or other dwelling unit, consisting of one or more rooms occupying all or part of a floor or floors in a building, whether designed with or without housekeeping facilities for dwelling purposes and notwithstanding whether the apartment be designed for the residence.

CERTIFICATE means the certificate issued by the Borough Clerk or designee attesting that the rental unit has been properly registered in accordance with this chapter.

CERTIFICATE HOLDER means the person to whom the certificate is issued pursuant to this chapter. The term “certificate holder” includes within its definition the term agent, where applicable.

DWELLING UNIT means any room or rooms or suite or apartment, 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 includes all privileges, services, furnishings, furniture, equipment, facilities and improvement connected with use or occupancy thereof.

OWNER means 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 rental facility.

PERSON means an individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof.

PET means any domesticated animal required to be licensed pursuant to the Laws of the State of New Jersey and/or chapter 95 of title 6 of the Code of the Borough of Magnolia.

RENTAL FACILITY means every building, group of buildings or a portion thereof consisting of one or more dwelling units, which is kept, used, maintained advertised or held out to be a place where living accommodations are supplied, whether furnished or unfurnished, for pay or other consideration, to one or more individuals.

RENTAL UNIT means a dwelling unit, which is available for lease or rental purposes.

5.210-4. Registration.

All rental units within a rental facility defined in 5.210-3 shall be registered with the Borough Clerk or designee of the Borough of Magnolia, or such other person as designated by the Mayor and Borough Council, on forms which shall be provided for that purpose, and which shall be

obtained from the Borough Clerk or designee. Such registration shall occur as provided herein.

5210-5. Registration; term; initial registration provisions.

- A. 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 unit is registered in accordance with this chapter.
- B. Each residential unit shall be re-registered with each change in occupancy.
- C. 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.
- D. Residential rental units registered during the registration term shall have their registration term end on December 31 of the same calendar year.

5.210-6. Registration form; filing; contents.

- A. Without in any way intending to infringe upon the requirements of N.J.S.A. 46:8-28, all residential units shall be registered, as provided herein. Every owner shall file with the Borough Clerk or designee of the Borough of Magnolia, a registration application for each unit contained within a building or structure, which shall include the following information:
 - (1) 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.
 - (2) If the address of the record owner is not located in the Borough of Magnolia or in Camden County, in addition to the information 5.210-5(A)(1), 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 owner.
 - (3) The name and address of the managing agent of the premises, if any.
 - (4) The name and address, including the dwelling unit or apartment number of the superintendent, janitor, custodian or other individual employed by the owner or managing agent to provide regular maintenance, if any.
 - (5) 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 the current list of building tenants that shall be made available to emergency personnel as required in the event of an emergency.

(6) Telephone numbers should be provided for both day and evening hours, unless one telephone number provides access to the identified individual during both the day and evening hours.

(7) The name and address of every holder of a recorded mortgage on the premises.

(8) If fuel oil is to be 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.

(9) The address of the residential rental unit, the exact number of all separate units at that address, and the designation for each unit.

(10) 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 with the Borough Clerk or the designee of the Borough of Magnolia.

(11) The name, phone number and age of each occupant.

(12) The number and type of all pets.

(13) Such other information as may be prescribed by the Borough of Magnolia.

B. 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 18 years of age. The tenant shall sign a written acknowledgement attesting to the receipt of the same which shall be filed together with the registration application.

5.210-7. Registration form; permit; indexing and filing; public inspection.

A. The Borough Clerk or designee shall index and file the registration forms. In doing so, the Borough Clerk 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. The owners shall post the certificate of inspection or certificate.

- B. Upon a determination that the registration application meets the requirements of 5.210-5, the Borough Clerk 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.
- C. The owner shall conspicuously post the certificate of inspection at the rental unit.

5.210-8. Registration form; amendments; filing.

Every person required to file a registration form pursuant to this chapter shall file an amended registration form within 20 days after any change in the information required to be included thereon. No fee shall be required for the filing of an amendment, except where the ownership of the premises is has changed and/or the tenant is has changed within the 12-month period.

5.210-9. Periodic Inspections.

- A. Each rental unit shall be inspected at least one every twelve-month period. The landlord of all buildings containing more than 25 residential 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 Borough a certification annually conforming 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 the Borough. Nothing contained herein shall preclude the Borough of Magnolia from conducting inspections of any rental unit located within any building containing more than 25 residential units in accordance with the provisions of this chapter.
- B. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Borough of Magnolia and inspections made by persons or an agency other than the duly authorized and appointed person, persons or agency of the Borough of Magnolia shall not be used as a valid substitute.
- C. 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.
- D. Each residential rental unit within a multiple dwelling shall be inspected, whether or not any individual unit shall be occupied by the owner.
- E. 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 the 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, 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. The owner, however, shall be permitted to apply to the Borough for an extension of time to make repairs or corrections so as to comply with this chapter, for good cause shown.

5.210-10. Access for inspections; repairs.

- A. The inspection officers are hereby authorized to make inspections to determine the condition of the 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 units and of the general public. For the purposes of making such inspections, the inspecting officers are hereby authorized to enter, examine and survey every residential units at all reasonable times. The owner or occupant of every residential rental unit shall give the inspecting officer free access to the rental facility and/or residential unit at all reasonable times, ~~to promote the purposes of this chapter~~ for the purpose of such inspections, examinations and surveys.
- B. Every occupant shall give the owner of the residential rental unit access to any part of such residential 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 chapters or any lawful order issued pursuant thereto.
- C. Complaints. Within ten days of receipt of a complaint alleging a reported violation of this chapter, an inspecting officer shall conduct an inspection as hereinbefore provided.

5.210-11. Prohibitions on occupancy.

No person shall hereafter occupy any residential unit, nor shall the owner permit occupancy of any residential rental unit, within the Borough of Magnolia which is not registered in accordance with this chapter.

5.210-12. Certificate.

Upon the filing of the completed registration forms, payment of the prescribed fees and a satisfactory inspection, the owner shall be entitled to the issuance of a certificate commencing of the date of issuance, valid for a period of one year. As hereinbefore stated, should a change in occupancy occur within the registration period, the certificate shall be void and, upon the filing a completed registration form, payment of the prescribed fee, the owner shall be entitled to the issuance of a new certificate commencing on the date of issuance, valid for the remaining period of the original annual inspection date of that unit per section 5.21-13.

~~B. A tenant registration form shall be required for each rental unit, and a certificate shall be issued to the owner of each rental unit, even if more than one rental unit is contained in the property.~~

§210-13. Inspection and re-inspection fees.

- A. At the time of the filing of the registration application the owner or agent of the owner must pay an inspection fee as follows:
 - 1. Efficiency unit (no bedrooms): \$100 per year.
 - 2. One-bedroom unit: \$125 per year.
 - 3. Two-bedroom unit: \$150 per year.
 - 4. Three-bedroom unit: \$175 per year.
- B. The owner shall be entitled to up to one re-inspection of the residential rental unit if deemed necessary pursuant to 5.210-8 by the Borough.
- C. In the event that a second or subsequent re-inspection of a residential rental unit is deemed necessary pursuant to 5.210-8, the owner or agent of the owner must pay a re-inspection fee of \$50 per inspection.
- D. If the owner of the property is a senior citizen who resides in the 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.
- E. If any registration or re-inspection fee is not paid within 30 days of its due date, a late fee surcharge of \$60 will be assessed.

5.210-14. 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 guest house 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).

§210-15. Maximum number of occupants; posting.

- A. 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 occupants based upon 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 a penalty pursuant to this chapter.
- B. Only those occupants whose names are on file with the Borough of Magnolia, as required

by this chapter, may reside in the registered premises. It shall be unlawful for any 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 a penalty pursuant to this chapter.

5.210-16. Taxes and other municipal charges; payment precondition for registration.

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

5.210-17. Other residential rental unit standards.

All dwelling units shall be maintained in accordance with this Code, the International Property Maintenance Code 2006, the Uniform Construction Code and/or the Uniform Fire Safety Act.

5.210-18. Occupant(s) standards.

- A. Occupants. Only those occupants whose names are on file with the Borough of Magnolia, as provided in this article, may reside in the said premises, and this provision may be enforced against the landlord, tenant or other person residing in said premises.
- B. Nuisance prohibited. No residential 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 Borough of Magnolia.
- C. 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 Borough of Magnolia, the Code and all applicable state and federal laws. Any lease for the rental of a residential rental unit shall contain language which subjects the lease to this chapter and Code.
- D. Penalties. Any landlord, tenant or other person violating the provisions of this section shall be subject to the penalty provisions of section 3.210-16.

5.210-19. Revocation of residential rental unit permit; procedure.

- A. 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 5.210-12 upon the happening of one or more of the following, after hearing before Mayor and Council of the Borough of Magnolia, as set forth below:
 - 1. Conviction of a violation of this article in the Municipal Court or any other court of competent jurisdiction.
 - 2. Continuously renting the unit or units to a tenant or tenants who are convicted of a

violation of the Noise Ordinance.

3. Continuously permitting the rental unit to be occupied by more than the maximum number of occupants as defined in this article.
4. 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.
5. Refusal to designate a resident agent for acceptance of service of process of a notice of violation of the Code where the owner is not the resident of the county.
6. Allowing the rental unit to be occupied in a manner which constitutes a public nuisance to the surrounding properties and property owners.
7. 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.
8. Refusal to take all reasonable and necessary steps to evict a tenant who has been found guilty of three or more violations of the New Jersey Criminal Statutes within a twelve-month period.
9. Where the owner or resident agent fails to comply with an order to correct a violation the property maintenance code entered by the Municipal Court or any other court of competent jurisdiction.
10. Failure to pay inspection, re-inspection and/or registration fees, including any late fees.
11. Failure to notify the Borough that there has been a change in occupancy.
12. Three or more violations or convictions of a violation under the New Jersey State Housing Code.
13. Continuous violations or conviction of a violation under the Uniform Fire Safety Act, N.J.S.A. 52:27D-192 et seq.
14. Conviction under Chapter 208 of the Borough's Code, entitled "Property Maintenance."
15. Three or more violations or conviction of a violation under the Uniform Construction Code, N.J.S.A. 52:27D-119 et seq.
16. Three or more violations or convictions of a violation under the Code of the Borough of Magnolia.

17. Three or more violations or convictions of a violation under the New Jersey Building Code.
18. Continuously renting the unit or units to a tenant or tenants who are convicted of local ordinance violations, disorderly persons' offenses or other crimes.

B. Procedures; written complaint; notice; hearing; appeal.

1. Notice. Whenever the Chief of Police, Fire Chief, Construction Code Official, Housing Inspector, Zoning Enforcement Officer 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 to 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 10 days, and if not, that the certificate of occupancy for the subject property may be revoked after a hearing before Mayor and Council.
2. Written Complaint. If a violation is not corrected within the 10 days of the service of the notice thereof, the individual issuing the written notice shall file a written complaint with the Borough Clerk or her 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 Borough. 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 Borough Clerk or her designee shall immediately inform Mayor and Council and a date for hearing shall be set not sooner than 10, nor more than 30 days thereafter, unless the landlord, owner and/or agent request a waiver of the thirty-day requirement and Mayor and Council authorized said waiver. The Borough Clerk or her 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.
3. Hearing. The hearing required by this section shall be held before Mayor and Council, unless in its discretion, Mayor and Council determine that the matter should be heard by a Hearing Officer, who shall be appointed by Mayor and Council. If the matter is referred to a Hearing Officer, such officer shall transmit his or her findings of fact and conclusions of law to the Mayor and Council within 30 days of the conclusion of the hearing. Mayor and 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 Mayor and Council, then the Mayor and Council shall render a decision within 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.

4. An audio recording shall be made of the hearing. All witnesses shall be sworn prior to testifying. The strict rule of evidence shall not apply, and the evidential rules and burden of proof shall be that which generally controls administrative hearings.
 5. The Borough Solicitor, his or her designee or appointed special counsel shall appear and prosecute on behalf of the complainant in all hearings conducted pursuant to this section.
 6. Appeals. If a rental permit is revoked, suspended or the Borough 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 Court Rules.
- C. 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.
- D. Assessment of Fees. If, after the hearing, there is a finding in favor of the Borough, the governing body or hearing officer shall enter an order against the owner requiring the payment of litigation costs as follows:
1. \$250 for the first offense, \$500 for second or subsequent offense;
 2. \$750 for legal services; and
 3. Actual costs (including, but not limited to, expert witness fees, search fees, and publication fees).

5.210-20. Severability.

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

5.210-21. When effective.

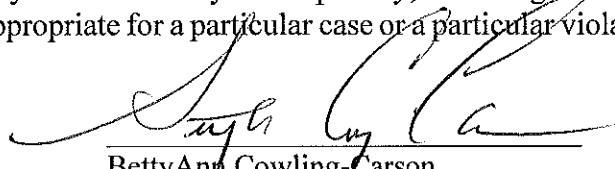
This section shall take effect immediately upon final adoption and publication in the manner prescribed by law.

5.210-22. Violations and penalties.

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


- A. **Maximum Penalty.** Any person who violates any provision of this section shall, upon conviction in the Municipal Court, or such other court having jurisdiction, be liable to a fine not exceeding \$2,000, imprisonment, for a term not exceeding 90 days, community service not exceeding 90 days, or any combination thereof, at the discretion of the Municipal Court Judge.
- B. **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.
- C. **Application.** The maximum penalty stated in this section 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.

EFFECTIVE: March 5, 2023



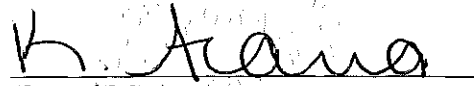
Betty Ann Cowling-Carson
Mayor

I, Krystel M. Arana, Municipal Clerk of the Borough of Magnolia, do hereby certify that Ordinance 3-2023 was introduced by the Mayor and Council of the Borough of Magnolia, County of Camden, State of New Jersey, at its Work Session Meeting held on Thursday, February 16, 2023 at Borough Hall located at 438 W. Evesham Avenue, Magnolia, NJ 08049.



Krystel M. Arana
Municipal Clerk

I, Krystel M. Arana, Municipal Clerk of the Borough of Magnolia, do hereby certify that Ordinance 3-2023 was adopted by the Mayor and Council of the Borough of Magnolia, County of Camden, State of New Jersey, at a Regular Meeting held on Wednesday, March 1, 2023 at Borough Hall located at 438 W. Evesham Avenue, Magnolia, NJ 08049.



Krystel M. Arana
Municipal Clerk