

2008-03

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF HADDONFIELD, COUNTY OF CAMDEN, STATE OF NEW JERSEY, BY ADOPTING CHAPTER 75 ENTITLED BOARD OF HEALTH, WHICH ALLOWS THE LOCAL HEALTH OFFICER TO ACT AS AN AGENT OF THE LANDLORD AND PURCHASE FUEL, IMPLEMENT EQUIPMENT REPAIRS OR TAKE OTHER STEPS TO ENSURE HEAT IS PROVIDED

WHEREAS, N.J.S.A. 26:3-31.5 states that the governing body of any municipality may enact an ordinance providing that the local health officer may take action to ensure the proper heating of any rental property when the outside temperature is between 33 degrees F and 55 degrees F; and

WHEREAS, this law means that a municipality may enact an ordinance allowing the local health office, if necessary, to act as an agent of the landlord and purchase fuel oil, implement equipment repairs or take other steps to ensure heat is provided; and

WHEREAS, the County Health Officer services as the local health officer for the Borough of Haddonfield.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of Haddonfield, County of Camden, State of New Jersey, as follows:

SECTION I:

The Codified Ordinances of the Borough of Haddonfield is hereby amended by adding Chapter 75 entitled "BOARD OF HEALTH" which provides the following:

§ 75-1 Health Officer Authority to Obtain Heat For Rental Residential Units.

Camden County's Health Officer is hereby designated and authorized to take and any all steps in accordance with N.J.S.A. 26:3-31.5¹ necessary to restore heat to any residential rental unit in the Borough of Haddonfield.

¹ N.J.S.A. 26:3-31.5. The governing body of any municipality may provide, by ordinance, that the local health officer or other officer designated in the ordinance shall, whenever necessary to protect the health and safety of residential tenants, act as an agent for a landlord in engaging a fuel oil dealer to deliver fuel oil at a reasonable price per gallon and to re-fire the burner to restore the proper heating of any residential property rented by said landlord; provided, however, that at least 12 hours have elapsed, if the outside air temperature is between 33° and 55° F., inclusive, or at least 4 hours have elapsed, if the outside air temperature is 32°F. or less, since the tenant has lodged a complaint with any municipal officer or agency, prior to which complaint a bona fide attempt has been made by the

tenant or his representative to notify the landlord of the lack of heat, and the landlord has failed to take appropriate action. Lack of heat means maintaining less heat than required by R.S. 26:3-31.

SECTION II:

All ordinances or parts of ordinances inconsistent with this amending ordinance be and are hereby repealed only to the extent of such inconsistencies.

SECTION III:

If any section or provision of this ordinance shall be held unconstitutional or invalid by any court, the remaining sections and provisions shall, notwithstanding such holding, remain and be in full force and effect.

SECTION IV:

This ordinance shall be in effect upon passage and publication according to law.

First Reading – January 22, 2008
Second Reading – February 12, 2008