

Chapter 235

MOBILE HOMES

[HISTORY: Adopted by the Township Council of the Township of Marlboro as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Affordable housing — See Ch. .

Land use and development — See Ch. .

Rent control — See Ch. , Art. [I](#).

Property maintenance — See Ch. , Art. [I](#).

• **ARTICLE I**

[Adopted 4-2-2009 by Ord. No. 2009-7

Editor's Note: This ordinance repealed former Art. I, Rent Control, adopted 6-8-1989 by Ord. No. 24-89 (Ch. 91 of the 1981 Code), as amended.

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§ 235-1 [.](#)

The following matters and things are hereby determined, declared and recited:

[.](#)

A compelling situation exists within the Township of Marlboro with respect to the rental of mobile home spaces and mobile homes in mobile home communities by reason of the demands for increases in rent in that such increases are causing severe hardships upon tenants in such mobile home communities and are adversely affecting the health, safety and general welfare of the citizens of the Township of Marlboro warranting legislative action by the Township Council.

[.](#)

The number of mobile home communities and spaces permitted within the Township has been limited by the Township Council so as to achieve a balance in the types of housing permitted in the Township, and it is desirable to maintain such balance, and the present situation cannot be corrected by increasing the number of mobile home communities alone.

[.](#)

By reason of the necessity of licensing mobile home communities, mobile home community operators enjoy an unintended monopoly which may be abused by the charging of unregulated excessive rents.

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Regulations of rent in mobile home communities will serve to prevent abuses and at the same time ensure the benefits of balanced housing and regulation achieved by licensing of mobile home communities and limitation of their number.

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The Township has the power to so regulate rents in mobile home communities pursuant to the provisions of N.J.S.A. 40:52-1 et seq. bestowing general power to regulate mobile home communities and the provisions of N.J.S.A. 40:48-2 bestowing power to enact ordinances for the preservation of the public health, safety and welfare of the Township and its inhabitants, pursuant to which grant of powers this article is enacted.

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A policy of resolution of fair-rental-charge disputes by open communication, discussion and negotiation between mobile home community operators and their tenants is to be encouraged, in that it will serve to minimize the governmental regulation and intrusion into the citizens' private business and domestic affairs.

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In a democratic society, it is a fundamental premise that the will and wishes of the majority shall serve to bind all members of a group with a community interest, be that group large or small.

#### **§ 235-1.1** —

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From and after the effective date of this article, or as it is amended from time to time, it shall be unlawful for any landlord to demand or receive any rent for any mobile home space in excess of the base rent in effect for such mobile home space, except in conformity with the provisions of this article.

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A landlord shall be entitled to a just and reasonable return based either on the landlord's investment, as defined by this article, or such other methods as approved by the courts or Legislature of the State of New Jersey.

§ 235-2 .

As used in this article, the following terms shall have the meanings indicated:

RENT

The gross rent for the mobile home pad or lot in effect on the effective date of this article. Thereafter "base rent" shall equal this charge as is lawfully increased in conformance with the provisions of § -5 of this article. "Base rent" shall not include tax and cost pass-throughs pursuant to § -6, hardship rental increase applications pursuant to § -8 and capital improvements pursuant to § -7.

PRICE INDEX

The Consumer Price Index (CPI) (all items) for the New York - Northwest New Jersey - U Region of the United States of which the Township of Marlboro, Monmouth County, New Jersey, is a part, published periodically by the Bureau of Labor Statistics, United States Department of Labor.

Not only an increase in rent but any increase in or addition to the rent or any other charges made by the landlord to the tenant and shall include any diminution of services rendered as an incident to the letting or occupancy from the effective date of this article.

Includes the amount of the original cash or equivalent consideration paid upon acquisition, together with such other additional capital contributed after the date of acquisition. "Investment" shall not include the principal amount of any mortgage or mortgages.

The mobile home community operator, owner, lessor, sublessor, receiver, trustee, executor, assignee or other person, owner or other person leasing a mobile home space to a tenant.

Includes written or verbal leases, licenses or other arrangements, agreement or understanding pursuant to which any person or persons is permitted to occupy a mobile home space.

HOME SPACE

Includes that portion of a trailer or mobile home park or community with incidental services, or a mobile home situate in a portion of a trailer or mobile home park or community, rented or offered for rent, for the purpose of parking a trailer or mobile home thereon or occupying a mobile home for living or dwelling purposes, to one or more individuals or family units, together with all privileges, services, equipment, facilities and improvements connected with the use or occupancy of such space or mobile home.

AND NECESSARY OPERATING EXPENSES

Those expenses reasonably incurred by a landlord in the day-to-day operation of a mobile home park or community. It shall not include capital improvements, mortgage amortization or depreciation.

Includes any charge or charges made, fixed, demanded or charged for the use or occupancy of a mobile home space, whether or not commonly known as "rent."

§ 235-3 increase applications.

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Rent increases may be allowed by the Rent Control Board upon written application thereto by the landlord in the manner and for the reasons set forth in this article. All applications for rent increases brought under this article shall be filed on written forms which may be obtained from the Rent Control Board Secretary.

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The provisions of this article shall allow for the following forms of rent increase:

(1)

Consumer Price Index (CPI) (§ -5);

(2)

Tax pass-through (§ -6);

(3)

Capital improvement (§ -7); and

(4)

Hardship (§ -8).

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A landlord filing a rent increase application under any Section of this article shall file an original and seven copies of said application with the Secretary to the Rent Control Board along with payment of the appropriate fee pursuant to § -19.

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The Rent Control Board Secretary, upon receipt of any application for a rent increase brought under any section of this article, shall review said application for completeness and determine whether the following, if applicable, has either been filed or paid:

(1)

Written application for rent increase (original and seven (7) copies);

(2)

Payment of the filing fee established in § -19;

(3)

Certifications of compliance and taxes pursuant to § -4;

(4)

Appropriate notice and disclosure of information to all affected tenants for increases sought pursuant to § -5, -6, -7 or -8;

(5)

Notice of hearing to tenants pursuant to § -10;

(6)

Proof of service upon affected tenants as required by § -10; and

(7)

Any other required documents, fees, or proofs required by this article.

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Should the Secretary of the Rent Control Board deem that the application is incomplete for the failure of the landlord to pay any required filing fee(s) or provide any documentation or proofs required under this article for the filing of an application, the Rent Control Board, in that event, reserves the right to adjourn the listing of said application until such time as the fee, documentation or proof is provided. A determination that an application is complete shall in no way be construed to mean that the application shall be granted by the Rent Control Board.

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Should the Secretary of the Rent Control Board deem that the application is complete, a hearing for the matter shall then be scheduled for the next regularly scheduled public hearing at which a voting quorum is present.

§ 235-4 of compliance and taxes.

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No rent increase of any kind may be awarded by the Rent Control Board under this article unless such application includes a certification from the landlord that the mobile home park substantially complies with the municipal ordinances of the Township of Marlboro pertaining to mobile home parks as well as any other applicable Marlboro Township ordinances.

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No rent increase of any kind may be awarded by the Rent Control Board until such time as the Board is in receipt of a certification from the Municipal Tax Collector that all real property taxes and assessments have been paid pertaining to the property on which the mobile home park or community is located. It is the responsibility of the landlord to obtain and provide this certification with his application when it is filed with the Rent Control Board.

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No rent increase of any kind may be awarded by the Rent Control Board until such time as the Board is in receipt of certification from the Marlboro Township Municipal Clerk that the applicant has complied with the licensing provisions of Chapter , Article of the Marlboro Township Ordinances. It is the responsibility of the landlord to obtain and provide this certification with his application when it is filed with the Rent Control Board.

§ 235-5 Price Index Increase.

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Calculation of increase. Upon submission of an application that is deemed complete and at the close of a hearing or hearings as provided for in §§ -3 and -10 of this article, and conditioned upon the landlord's compliance with § -4 and -5 herein and upon the landlord's presentation of proof of compliance with Chapter , Article , which includes the landlord furnishing a true copy of a license to operate, a landlord shall receive on an annual basis a percentage increase of the Consumer Price Index based on the percentage increase in the Consumer Price Index over the twelve-month period ending 120 days prior to the date of the effective date of the increase. In no event shall such annual percentage increase exceed a maximum of 5%. The percentage of allowable increase calculated hereunder shall be applied to the tenant's existing base rent.

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Limitation on frequency of increase. No landlord shall be given more than one increase in rent under this section (§ -5) in any twelve-month period. This limitation shall not in any way affect other permitted rent increases pursuant to the terms of this article.

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Notice to tenants of increase. Any landlord seeking an increase in rent under this section shall make application to the Rent Control Board, and serve the affected tenants with a notification, which shall clearly set forth the following information:

(1)

A calculation of the allowable percentage increase in rent pursuant to this section.

(2)

A calculation of the amount of the allowable rental increases rounded to nearest dollar.

(3)

A calculation of the tenant's rent for the new leasing term.

(4)

The date of the anticipated implementation of the increase.

(5)

The landlord certification that he or she is in full compliance with all applicable building, maintenance and housing codes.

**§ 235-6 and cost pass-through increase.**

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A landlord shall be entitled to collect from each tenant the proportionate share per pad or space of any increase in real estate taxes, state licenses, municipal licenses, municipal pad fees and utilities, if the utilities are provided or paid for by the landlord. The proportionate share shall be equal to the increase divided by the total number of occupied pads or spaces in the mobile home park or community.

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Any landlord seeking an increase under the provisions of this section shall provide all affected tenants with notice of said application which shall include a statement identifying the date that the increase will take effect, the method of calculating the increase, a statement of the tax, fee, license or utility paid by the landlord for the previous year, and a statement as to the increase in the taxes, fees, licenses, or utilities as applicable to each affected tenant.

**§ 235-7 improvement increase.**

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A landlord may apply to the Rent Control Board for additional rental charges for the payment of the reasonable cost of major capital improvements which are necessary for the proper operation of the mobile home park or community upon completion of said capital improvement(s). However, no landlord shall be entitled to a rent increase for any

capital improvement(s) which were completed two years prior to the application for the rent increase under this section.

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For the purpose of this section, "capital improvements" shall be any item considered as such under the United States Internal Revenue Service enactments and regulations. The replacement of an existing item or facility with an item or facility which has a more serviceable and useful life shall be considered a capital improvement unless the Board, in its discretion, determines that such replacement consists of normal and necessary maintenance and repairs.

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An owner seeking a rent increase for a capital improvement shall apply in conformance with the application and notification provisions of this article. The Rent Control Board shall determine if said improvement is a necessary major capital improvement and, if so, the amount of the increase granted for such major improvement, and shall establish the term and conditions of such increase. In determining the term and conditions of the increase, the Rent Control Board shall consider the total cost of the improvement, including interest expense, the useful life of the improvement and the reasonable time necessary for the landlord to recover his costs.

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The cost of expanding or enlarging the mobile home community or a section thereof shall not be borne by the tenants or utilized in computing additional rental charges under this section.

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Any landlord seeking an increase under this section shall provide to each affected tenant the total cost of the completed capital improvement, the number of years of useful life of the improvement as claimed by the landlord for purposes of depreciation for income tax purposes, the average cost, including debt service, of the improvement, and the amount of the capital improvement surcharge that the landlord is seeking from each affected tenant.

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In no event shall any increase under the provisions of this section exceed 15% of the annual rent paid by the affected tenant unless the capital improvement is mandated by law.

§ 235-8 increase.

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When an efficient landlord finds that the gross maximized income from his property is insufficient to cover the cost of interest payments on a first mortgage or purchase money mortgage, and on any subsequent mortgages the proceeds of which have been used to improve and upgrade the rental property; for reasonable and necessary operating expenses incurred in connection with the rental property or mobile home park; or for unusual or unexpected increases in the cost of providing heat or utilities or in the making of capital expenditures or improvements which may require a substantial investment or expenditure by the landlord to offset such expenses, such landlord may seek a hardship rental increase. The Rent Control Board may grant a hardship rent increase to meet these payments.

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The Rent Control Board shall consider all relevant evidence, including conditions of the premises, the degree of hardship to the landlord and financial records explaining the mortgage, tax or maintenance expense. Any landlord seeking a hardship increase shall petition the Rent Control Board after serving notice upon the tenants of his intent to seek a hardship increase and after full disclosure of all relevant financial information to the tenants and Board. The Rent Control Board shall give reasonable opportunity to be heard to both the landlord and the tenant(s) before making a determination.

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Any application based upon unusual or unexpected increases shall be allowed only for good cause shown. Clear proof of the cost must be furnished. If the increase sought concerns a capital expenditure, capital improvement or major repair requiring a substantial investment, the landlord shall prove the normal economic life expectancy of the expenditure, improvement or repair and shall determine the average cost per year of economic life. In no event shall the cost of expanding or enlarging the rental property or a portion thereof be borne by the tenants. If the increase sought is the result of an increase in the cost of providing a utility service regulated by the Board of Public Utilities of the State of New Jersey, the landlord shall prove that the cost of providing such utility service has increased by more than 6.5% per annum. Upon such proof, the landlord may be entitled to a rental increase equal to the amount by which the cost of providing such utility service exceeds 6.5% more than the prior year's cost. The landlord shall also present evidence in seeking an increase pursuant to this section concerning the actual rent being charged for each unit, a profit-and-loss statement for the premises for the past two fiscal years, the condition of the premises, the rate of return on the landlord's investment and the steps taken to provide safe, healthful and adequate housing, in addition to any other evidence that will assist the Board in making a fair decision. The Rent Control Board shall utilize all of the above information in determining whether or not to permit the additional rent increase sought.

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Any increase permitted by the Rent Control Board pursuant to this section shall be effective retroactive to the first rental period at the expiration of 30 days from the date that the landlord's application for an increase was filed with the Rent Control Board. Should the landlord revise his application for an increase based upon submission of expenses not related, in whole or in part, to the premises in question; or because the original application is substantially incorrect or incomplete or deviates from accepted accounting norms; or resulting in an increase in the amount of relief sought, then and in that event the increase permitted by the Rent Control Board shall be retroactive to the first rental period subsequent to 30 days from the date the revised application is submitted to the Rent Control Board.

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No landlord shall be permitted to receive an increase under this section until such time as the landlord has owned and operated the rental property or mobile home park for a period of at least 12 months or until the close of the first complete fiscal year of ownership by the landlord, whichever occurs first.

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For purposes of this section, the term "gross maximized annual income" shall mean the gross maximum potential rent roll, less a maximum deduction of 3.5% for vacancies and uncollectibles, or the annual sum of rents collected, whichever amount is larger, and includes all income resulting, directly or indirectly, from the operation of the mobile home park or community.

**§ 235-9 reduction.**

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A tenant whose rent has been increased may make written application to the Rent Control Board for a decrease of his rent to the base rental by filing an application with the Rent Control Board setting forth his name and address, the name and address of the landlord, the location and description of the leased premises, the rent paid from the effective date of this article and the amount and date of each increase thereafter, the term of the lease and the reason why the tenant feels that the increase in rent was unjustified. In determining whether or not the increase was justified, the Rent Control Board shall apply the same criteria as this article requires them to apply to a request for an increase.

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In the event that the taxes or costs referred to in § -6 are reduced, 50% of the savings shall be passed on to the tenants. Should a reduction in real estate taxes be obtained by the landlord, through the tax appeal process, the 50% savings shall be passed on to the tenants after the landlord deducts his reasonable and necessary documented attorney's or other professional fees and costs incident thereto incurred in obtaining said reduction.

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Any tenant seeking relief under this section shall file said application with the Board at least 21 days before the date set for the hearing and shall serve a copy thereof upon his or her landlord in the manner provided for the service by a landlord of an application for a rent increase.

**§ 235-10 of Hearing.**

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Prior to any landlord being entitled to any relief under this article, the landlord shall, not less than 21 days in advance of the hearing date, be required to serve tenants with a notice of the time and place at which the Rent Control Board will hear the matter and shall make due proof of the service thereof by providing an affidavit of mailing.

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Before the Rent Control Board may grant any relief pursuant to the terms of this article, it shall first hold a hearing upon the notice as prescribed herein and afford all parties a full opportunity to be heard and present any testimony relevant to the matter of the application before the Board.

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All notices required to be provided under this article to any tenant shall be effectuated by way of regular and certified mail, or by way of personal service, with the landlord providing proof of service prior to the first hearing on any application. The proof of service must identify the method of service upon each and every affected tenant.

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In addition to the notice required under Subsection C of this section, any landlord seeking relief under this article, with the exception of an increase based on vacancy decontrol, must provide proof of posting of a notice as to the time and date of hearing to all tenants within the mobile home park or community. Notice must be posted in a conspicuous place which is visible to all tenants.

**§ 235-11 decontrol.**

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Where there is a sale of a mobile home or where a lot or space becomes vacant as a result of the vacating of the mobile home rental space by a tenant, or where a tenant has vacated as a result of a lawful eviction proceeding, the landlord may increase the base rent by 15%, provided that the landlord shall not be entitled to more than one such increase

within any five-year period. When the landlord exercises its right to increase the base rent pursuant to this section, the landlord shall waive its right during that year to an increase pursuant to § [-5](#) of this article and shall also waive its right during that year to the tax and cost pass-throughs pursuant to § [-6](#) of this article, with the following exception: if the increase under § [-5](#) plus the tax and cost pass-throughs for the subject lot are greater than the 15% vacancy decontrol increase, then the landlord shall be entitled to the higher percentage of either the vacancy decontrol increase or the total of the increase and the tax and cost pass-throughs.

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When the landlord raises rent pursuant to this section, the landlord shall file a certified statement with the Rent Control Board confirming this increase. The statement shall include the amount of the base rent prior and subsequent to the increase. The Rent Control Board shall review said certification at its next regular meeting and, if it is satisfactory, shall approve the same. Unless the increase violates this section, it shall be effective when the new tenant moves in.

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Prior to any landlord being entitled to any increase under this section, the landlord shall submit an affidavit stating that he or she has not in any way harassed or coerced the prior tenant from vacating the mobile home space and that the vacation of the mobile home space was a voluntary act of the tenant. For purposes of this section, the removal of a tenant by way of eviction pursuant to the laws of the State of New Jersey shall constitute a voluntary act. However, for purposes of this section, a vacation caused or necessitated by substandard, unsafe, or unsanitary conditions within the mobile home community shall not be deemed a voluntary act.

#### **§ 235-12 [Control Board.](#)**

The Affordable Housing Agency created by § [-3](#) of the Code of the Township of Marlboro shall serve as the Rent Control Board.

#### **§ 235-13 [Control Board powers.](#)**

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In addition to the powers enumerated in Chapter of the Code of the Township of Marlboro, the Affordable Housing Agency is hereby granted and shall have and exercise all the powers necessary and appropriate to carry out and execute the purpose of this article of the Code of the Township of Marlboro, including but not limited to the following:

[\(1\)](#)

To issue and promulgate such rules and regulations as it deems necessary to implement the purposes of this article, provided that the Rent Control Board shall bring said rule or regulation to the attention of the Township Clerk who shall bring the proposed rule or regulation to the attention of the Township Council at its next regularly scheduled Council meeting. Should the Township Council object to any rule or regulation, the Council shall give notice to the Rent Control Board no later than 10 days after consideration of said rule or regulation at its Council Meeting. If a rule or regulation is objected to in a timely manner, the rule or regulation shall not be effective or enforceable. If the Township Council shall take no action concerning said rule or regulation, it shall become effective and enforceable on the 10th day after the Council meeting. All effective and enforceable rules and regulations shall thereafter be deemed to be part of this article as fully as if set forth herein and any violation thereof shall be a violation of this article.

(2)

To supply information and assistance to landlords and tenants to help them comply with the provisions of this article.

(3)

To hold hearings and adjudicate applications from landlords or tenants for adjustments of rental as herein provided.

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A quorum for a hearing shall consist of three voting members, and a vote of a majority of those present shall be necessary to take any action.

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At all public hearings, the Rent Control Board shall give both landlord and tenant reasonable opportunity to be heard and to present witnesses before making any determination. The parties may be represented by counsel.

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Action by the Rent Control Board shall be in writing and in the form of a resolution which shall contain findings of fact and conclusions of law as well as any conditions of approval. Violation of the term of any resolution adopted by the Board shall be a violation of this article.

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The Rent Control Board shall meet once a month. If there is no business pending, the Board Chairman may cancel the meeting and shall provide public notice of same.

**§ 235-14**   

  

This article shall not be applicable to any mobile home park or community that is operated on real property owned by the Township of Marlboro.

  

Mobile home spaces that are newly constructed are exempted from the provisions of this article. In that case, the landlord may determine the initial rent thereof. Any future increases after the initial rental amount, however, are subject to the provisions of this article.

  

Any mobile home space which is occupied by an employee of a landlord and the rental of which is customarily restricted to employees of the landlord is exempted from the provisions of this article.

  

Where a mobile home space has been vacant for a period of 12 or more months, the rent applicable to a new tenant taking possession following the 12 or more months is exempt from the provisions of this article. However, any subsequent increases following the initial rental referenced herein shall be subject to the provisions of this article.

**§ 235-15**   corporations

This article, shall not be binding on mobile home communities owned and operated as nonprofit corporations exempt from the Corporation Business Tax Act where the mobile home community is owner-occupied.

**§ 235-16**   of provisions.

This article being necessary for the welfare of the Township of Marlboro and its inhabitants, shall be liberally construed to effectuate the purposes thereof.

**§ 235-16.1**   

  

Any person or entity may request a waiver from a specific requirement of this article at any time. Such a waiver may be requested as part of a rent increase application or by application in such other form as the Rent Control Board may determine, consistent with this article.

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The Rent Control Board may grant a waiver from a specific provision of this article if the applicant demonstrates that the strict application of this article would create an unnecessary financial or administrative hardship or there is otherwise good cause for the Rent Control Board to grant a waiver from the provision(s) from which relief is sought. No waiver shall be granted under this article if in so doing such relief does not foster the intent of this article.

**§ 235-17** -

If any section, paragraph, subsection, clause or provision of this article shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the article shall be deemed valid and effective.

**§ 235-18** and penalties.

Any person found guilty of violating any provision of this article or of willfully filing with the Rent Control Board any material misstatement of fact shall be punished by a fine not exceeding \$500 or by imprisonment in the county jail for a term not exceeding 90 days, or both, in the discretion of the court. A violation affecting two or more mobile home spaces shall be considered a separate violation as to each mobile home space.

**§ 235-19** fees.

The Rent Control Board shall charge the following filing fees for rent increase applications:

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Section -5, CPI rent increase: \$250.

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Section -6, tax pass-through increase: \$250.

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Section -7, capital improvement increase: \$250.

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Section -8, hardship rent increase: \$250.

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Section -11, vacancy decontrol increase: \$50.

§ 235-20 effective.

This article shall become effective immediately upon passage and publication as required by law.

**ARTICLE II**

[Adopted 2-18-2010 by Ord. No. 2010-5]

**LICENSING AND MAINTENANCE**

§235-21. Definitions.

As used in this article, the terms "mobile home" and "mobile home park" shall have the same meanings as provided in §235-2\_of the Code.

§235-22. Maintenance.

It is hereby made to be the duty of the attendant in charge of the mobile home park, together with the park owner, to:

A. Keep all service buildings, office building(s), roadways, walkways and common grounds of the park maintained in good repair, and free of debris, weeds and brush (other than that necessary for required buffer areas), snow, standing water, health and safety hazards and obstructions and in a sightly condition.

B. Keep all water, sewer and electrical lines and their connections and equipment in good and safe operable condition, as well as shield them from the elements.

C. Notify residents in writing of any violations of unit owner responsibility promptly upon receipt from any code enforcement official or agency.

D. Distribute or post, as required, all official notices or correspondences received by the management pertaining to residents' responsibilities or rights on a bulletin board outside of the office building, which shall be convenient to all tenants.

E. Maintain the park in an orderly manner.

F. Maintain regular posted office hours, a responsible authorized agent in charge and an emergency telephone number to be accessible to residents after office hours.

G. Provide twice-a-week garbage removal.

§235-23. Applicability of building, plumbing and other regulations.

All building, plumbing, electrical and other work on or at any mobile home park licensed hereunder shall be in accordance with this Code and township ordinances regulating such work, unless they are specifically made inapplicable under the terms of the article, and shall be approved by the appropriate Township official with jurisdiction over the work.

§235-24. Licenses for mobile home parks.

A. Required.

(1) No person shall establish, operate or maintain, or permit to be established, operated or maintained upon any property owned or controlled by him or her, a mobile home park within the limits of the Township without having first secured a license therefor from the Township Clerk in compliance with the terms of this section.

(2) Such license shall expire one year from the date of issuance and may be renewed under the provisions of this section for additional periods of one year.

B. Application requirements.

(1) Application form; fee. The application for such license or the renewal thereof shall be made on printed forms furnished by the Township Clerk and shall include the name and address of the owner in fee of the tract and such description of the premises upon which the mobile home park is or will be located as will readily identify and definitely locate the premises. The application or renewal thereof shall be filed with the Township Clerk on or before January 10 of each year and shall be accompanied by a fee of one hundred dollars \$100 for the first 25 mobile home units in the park, and the sum of one hundred dollars \$100 for each 25 mobile home units or part thereof in excess of the first 25. In addition to this amount, the applicant shall be required to post the appropriate fee pursuant to § 235-28 of this chapter. In the case of an application for less than one year, the license fee shall be prorated by quarters, and the fee shall be paid for each quarter or fraction thereof during which the park will be conducted. If the fee is vested in some person other than the applicant, the application shall include a duly verified affidavit by that person that the applicant is authorized by him or her to construct or maintain the mobile home park and make the application.

(2) Additional required information. The application for any new park, or any existing park that has not already filed the same with the township, shall be accompanied by four copies of a plan or sketch showing the following, either existing or as proposed:

(a) The extent and area of the total premises used for mobile home park purposes.

(b) Roadways and driveways.

(c) Location, dimensions and area of each mobile home pad.

(d) Location and dimensions of each mobile home existing on each mobile home pad.

(e) Method and plan of sewage disposal.

(f) Method and plan of garbage removal.

(g) Method and plan for potable water supply.

(h) Method and plan for electrical lighting of the mobile home park and the mobile homes located or to be located thereon. If such a plan or sketch has already been filed with the township for any existing park, the applicant need not supply revised plans or sketches in order to be in compliance with this chapter unless, in the opinion of the Construction Code Official, a substantial change has been undertaken concerning any of the above items within the previous calendar year. In such cases, the applicant shall, upon renewal, submit four copies of a revised plan or sketch indicating only those areas of the park or items above which differ from the plan or sketch initially filed. The intent of this provision is to assure that, at any given point in time, the filed plans or sketches shall remain current.

(3) Investigation; Construction Code Official; Board of Health. At the time of the initial application for a license for a mobile home park or at the time of renewal of same, the Township Clerk shall refer the application to the Township Construction Code Official, who shall cause an investigation to be undertaken of the premises for compliance with all pertinent ordinances of the township as well as all applicable codes. In doing so, the Construction Code Official shall forward one copy of the application and accompanying data, if any, to the Board of Health and the Rent Control Board. Upon receipt of same, the Board of Health shall investigate the premises in order to determine compliance with applicable ordinances and regulations and to make recommendations within the area of its expertise. The Board of Health shall, within 20 days of receipt of the application and accompanying data, forward its findings and recommendations thereon to the Rent Control Board. The Rent Control Board shall thereafter make a determination upon the application within 30 days of its initial receipt. If the Rent Control Board fails to render a decision upon the application within this thirty-day period, the license shall be granted unless the Rent Control Board informs the applicant in writing during this period as to the

reason(s) for the delay. In the intervening period, no summons shall be issued to any mobile home owner for operating a mobile home park without a license.

C. Granting of license. If, after the investigation, the Rent Control Board shall find that there has been compliance with this section and all other applicable ordinances of the township, it shall direct the Township Clerk to issue the license to the applicant. In such cases, the Township Clerk shall provide one copy of the license to the Rent Control for filing with the initial application and accompanying data. The Rent Control Board shall retain one copy of the license for its files.

D. Conditional license. In the event there shall be one or more subjects of noncompliance with this section, other pertinent ordinances of the township or ordinances of the Board of Health, the Rent Control Board may, in its discretion, direct the Township Clerk to issue a conditional license for a three-month period during which the applicant may remedy the subject(s) of noncompliance, which shall be specified in the conditional license. After issuing such a license, the Township Clerk shall provide one copy of the same to the Rent Control Board for filing along with the initial application and accompanying data. The Rent Control Board shall retain one copy of the license for its files. In the event that the item(s) of noncompliance are not satisfied within the three-month period, then the applicant shall be subject to a fine of \$250.00 per month for each additional month of noncompliance.

#### §235-25. Denial or revocation of license.

A. The Rent Control Board is hereby authorized to deny or revoke any license issued pursuant to the terms of this section if, after the investigation, it determines the holder thereof:

- (1) Has violated or failed to satisfy any of the provisions of this chapter.
- (2) Has failed to remedy any areas of noncompliance within the period specified in any conditional license.
- (3) Is maintaining any mobile home or mobile home park in an unsafe manner or as a nuisance pursuant to all applicable state, county and local codes.
- (4) Has failed to post the required fee(s) as specified in §§ 235-24 and 235-28 of this article.

B. In the case of a denial, the Township Clerk shall be directed to return the fee deposited with the application to the applicant along with a written explanation as to the reasons for the denial.

C. In the case of a revocation, the Rent Control Board shall inform the licensee in writing of its determination, particularly specifying the reasons therefor.

§235-26. Hearing on granting, denial, renewal or revocation of license.

Any person aggrieved by a decision of the Rent Control Board granting, denying, renewing or revoking a license of a mobile home park under this chapter may file a written request for a hearing before the Township Council within ten days after the issuance of such decision. The Township Council shall give notice of a public hearing upon this request, to be held not more than twenty days after receipt of the request. At such hearing, the Township Council shall determine whether the action taken was in accordance with the provisions of this article, and all persons interested shall be given an opportunity to be heard concerning the same.

§235-27. Effective date and license term.

Licenses granted pursuant to the provisions of this chapter shall be issued commencing in January 1994 and shall be effective for a period of one year, expiring on December 31.

§235-28. Reporting requirements; fees.

A. Quarterly report as to number of mobile home unit spaces occupied. Upon the issuance of a license to operate a mobile home park, the licensee shall, on or before the 10th day of January, April, July and October of each year, file with the Township Clerk, on a form furnished by the Clerk, an affidavit stating the number of mobile home unit spaces occupied by the mobile homes in his or her mobile home park during each of the preceding three calendar months and the name and address of each mobile home owner. The affidavit shall also provide the date upon which each mobile home owner took possession of their mobile home space in the mobile home park and whether, according to information and belief, the mobile home owner actually resides at their mobile home space. Additionally, the affidavit shall indicate if any mobile home spaces in the mobile home park are vacant and not occupied by any tenant and/or if any mobile home space is being rented or subleased by the mobile home owner to the best of the licensee's knowledge. Finally, the affidavit shall state and affirm that the licensee has not effectuated or implemented any rent increase of any kind without the approval of the Marlboro Township Rent Control Board. A copy of the affidavit shall be forwarded to the Secretary of the Rent Control Board by the Township Clerk.

B. Fee. At the time of filing of each and every affidavit, the licensee shall pay to the Township Clerk the sum of two dollars \$2 per week for each mobile home unit space which is shown by the report to be occupied by a mobile home unit. This fee shall represent a part of the license fee to be paid by the licensee operating the mobile home park and failure to make the affidavit required under Paragraph (A) of this section and/or to pay the required fee under this Paragraph (B) shall constitute a violation of this article. In addition to the penalties imposed herein, the Rent Control Board may recommend that said license be revoked.

C. If on January 10 of any year the affidavit is not made for the preceding calendar months, which would be the last three months of the previous year, and the payment required under Paragraph (B) is not paid, then such failure shall constitute a violation of the then-existing license the same as though the license fee so required to be paid were a part of the year for which the license is issued.

D. The fee for a transfer of any license shall be five dollars (\$5.00).

§235-29. Violations and penalties.

A person found guilty of violating any provisions of this article shall be punished as provided in § 4-3 of the Code, by appropriate proceedings in a Municipal Court in the Township. Every day such violation shall continue shall constitute a separate and distinct offense. In the event that any violation shall continue for a period of five days or more, appropriate injunctive relief may be sought in a court of competent jurisdiction restraining and enjoining such continued violation; and