

"Seasonal rental" means any rental of residential accommodations for a term of less than one year and including any part of the period extending from May 15 to September 15.

"Substantiated Complaint" – means an act of disorderly, indecent, tumultuous or riotous conduct, including by way of example but not limited to, simple assault, assault, terroristic threats, harassment, urinating in public, lewdness, criminal mischief, or excessive noise, upon or in proximity to any seasonal rental premises, and attributable to the acts or incitements of any of the tenants of those premises which have been substantiated by prosecution in any court of competent jurisdiction.

SECTION III Hearing, Penalty

- (a) **If in any one year**, three substantiated complaints, as defined in Section 2 hereof, or separate occasions, of disorderly, indecent, tumultuous or riotous conduct, including by way of example, but not limited to, simple assault, assault, terroristic threats, harassment, urinating in public, lewdness, criminal mischief, or excessive noise, upon or in proximity to any seasonal rental premises, and attributable to the acts or incitements of any of the tenants of those premises which have been substantiated by prosecution in any court of competent jurisdiction, the Township Council or any officer or employee of the Township of Ocean so designated by the Township Council for this purpose, may institute proceedings to require the landlord of the seasonal rental premises to post a bond against the consequences of future incidents of the same character.
- (b) **The Township Council** or any officer or employee of the municipality designated by the Township Council shall cause to be served upon the landlord, in person or by registered mail, to the address appearing on the tax records of the municipality, notice advising of the institution of such proceedings, together with particulars of the substantiated complaint upon which the those proceedings are based, and the time and place at which the hearing will be held in the matter, which shall be in the Municipal building, Municipal Court or such other public place as designated by the Township Council, and which shall be no sooner than thirty(30) days from the date upon which the notice is served or mailed.
- (c) At the hearing convened pursuant to section(b) above, the hearing officer shall give full evidence in contradiction or mitigation that the landlord, f present or represented or offering such evidence, may represent. At the conclusion of the hearing, the officer shall determine whether the landlord shall be required to post a bond in accordance with the terms of the Ordinance.
- (d) Any bond required to be posted shall be in accordance with the judgment of the hearing officer, in light of the nature and extent of the offenses indicted in the substantiated complaints upon which the proceedings are based, to be adequate in the case of subsequent offenses to make reparation for:
 - 1. Damages likely to be caused to public or private property and damages consequent upon distribution of affected residents' rights of fair use and quiet enjoyment of their premises; and
 - 2. **Securing the payment** of fines and penalties likely to be levied for such offenses; and

3. **Compensating the municipality** for the costs of repressing and prosecution such incidents of disorderly behavior; provided however, no such bond shall be in an amount less than \$500.00 nor more than \$5,000.00. The municipality may enforce a bond thus requiring by action in the Superior Court, and shall be entitled to an injunction prohibiting the landlord from making or renewing any lease of the affected premises for residential purposes until that bond or equivalent security, in satisfactory form and amount, has been deposited with the municipality.
4. **Any bond or other** security deposited in compliance with Section (d) above shall remain in force for a period of four (4) years. Upon the lapse of the four (4) year period, the landlord shall be entitled to the discharge of the bond, unless prior thereto further proceedings leading to a forfeiture or partial forfeiture of the bond or other security shall have been had under Section 4 below, in which the case the security shall be renewed in an amount and for a period that shall be specified by the hearing officer. A transfer of ownership or control of the property shall not void a requirement of security imposed under this Ordinance. The person or persons to whom ownership or control is transferred shall maintain that security shall be subject to injunctive proceedings as authorized by Section (d) above, in the same manner as the landlord upon which the requirement was originally imposed; provided however, the Township Council may, by Resolution, shorten the period for which security is required to not less than one year from the date of the transfer of ownership or control, if during that year no substantiated complaints are recorded with respect to the property in question.

SECTION IV Bond Forfeiture, Extension

- (a) If during the period for which a landlord is required to give security pursuant to section (3) above, a substantiated complaint is recorded against the property in question, the Township Council or its designee may institute proceedings against the landlord for forfeiture or partial forfeiture of the security, for an extension as provided in Section 3(e) above, of the period for which the security is required, or for an increase in the amount of security required, or for any or all of those purposes.
- (b) Any forfeiture or partial forfeiture of security shall be determined by the hearing officer solely in accordance with the amount deemed necessary to provide for the compensatory purposes set forth in Section 3(d) above. Any decision by the hearing officer to increase the amount or extend the period of the required security shall be in light of the same factors set forth in Section 3(d) above, and shall be taken only to the extent that the nature of the substantiated complaint or complaints out of which proceedings arise under this action indicated that appropriateness of such change in order to effectually carry out the purposes of this (these) ordinances. The decision of the hearing officer in such circumstances shall be enforceable in the same manner as provided in Section 3(d) above.

SECTION V Hearing Officer, Qualifications

The hearing officer shall be a person or persons appointed by the Mayor, subject to the advice and consent of the Township Council. A hearing officer shall be not own or

lease any real property within the Township of Ocean, nor hold any interest in the assets of or profits arising from the ownership or lease of such property.

SECTION VI All ordinances or parts of ordinances, which are inconsistent herewith, are repealed, but only to the extent of such inconsistency.

SECTION VII If any word, phrase, clause, section or provision of this Ordinance shall be found by any court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section or provision shall be severable from the balance of this Ordinance and remainder of the Ordinance shall remain in full force and effect.

SECTION VIII This Ordinance shall take effect (20) twenty days after the first publication thereof after final adoption as provided by law.

CERTIFICATION

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Ordinance adopted/certified on 10/22/97 by J.Smith, Township of Ocean Clerk