

ORDINANCE NO. 2018-13

**TOWNSHIP OF BLAIRSTOWN
COUNTY OF WARREN
STATE OF NEW JERSEY**

**AN ORDINANCE TO AMEND CHAPTER 147 OF THE CODE OF THE TOWNSHIP OF
BLAIRSTOWN ENTITLED "PROPERTY MAINTENANCE"**

WHEREAS, the Township Code contains a section regarding property maintenance setting forth certain standards for maintenance of property within the Township; and

WHEREAS, the Township Committee has reviewed the matter and determined that it is necessary to amend the Code to address certain events which have occurred within the Township and are necessary to protect the health and safety of Township residents; and

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Blairstown, Warren County, New Jersey, that Chapter 147 entitled "Property Maintenance" of the Code of the Township of Blairstown be and is hereby amended as follows:

SECTION 1. Chapter 147 "Property Maintenance" shall be amended to add a new Article to read as follows:

Article I. Responsibility of Landlords for Disorderly Tenant Behavior

§147-14 Legislative authority.

The Township of Blairstown hereby grants to itself all such powers granted to municipalities by the State of New Jersey for holding certain landlords responsible for their tenants, including the posting of adequate security against the consequences of disorderly behavior of their tenants. Such enabling statutory powers are set forth at N.J.S.A. 40:48-2.12n *et seq.*, as may be amended.

§147-15 Definitions.

HEARING OFFICER

A licensed attorney of the State of New Jersey appointed by the Township Committee. The hearing officer shall not own or lease any real property within the Township of Blairstown, nor hold any interest in the assets of or profits arising from the ownership or lease of such property.

LANDLORD

As defined under the law, N.J.S.A. 40:48-2.12o, as may be amended.

§147-16 Hearings and penalties.

A. If, in any twenty-four (24) month period, two (2) complaints, on separate occasions, of conduct upon or in proximity to any rental premises, and attributable to the acts or incitements of any of the tenants of those premises, have been substantiated by prosecution and conviction in any court of competent jurisdiction as a violation of any provision of Title 2C of the New Jersey Statutes or any municipal ordinance governing disorderly conduct, the Blairstown Township Committee or any designee of the Township Committee for the purpose, may institute proceedings to require the landlord of those premises to post a bond against the consequences of future incidents of the same character.

B. In the event a tenant is convicted of any of the conduct described in Subsection A of this section, the Township Committee or designee shall cause notice advising that the conduct specified has occurred to be served on the landlord, in person or by registered mail, at the address appearing on the tax records of the Township.

C. The Township Committee or designee shall cause to be served upon the landlord, in person or by registered mail to the address appearing on the tax records of the Township, notice advising of the institution of such proceedings, together with particulars of the substantiated complaints upon which those proceedings are based, and of the time and place at which a hearing will be held in the matter, which shall be in the municipal building, municipal court or other public place within the Township, and which shall be no sooner than thirty (30) days from the date upon which the notice is served or mailed.

D. At the hearing convened pursuant to Subsection C of this section, the hearing officer shall give full hearing to both the complaint of the municipality and to any evidence in contradiction or mitigation that the landlord, if present or represented and offering such evidence, may present. The hearing officer may consider, to the extent deemed relevant by the hearing officer, prior complaints about the residents of the property, even if those complaints did not result in a conviction. At the conclusion of the hearing, the hearing officer shall determine whether the landlord shall be required to post a bond in accordance with the terms of this article.

E. Bond requirements.

(1) 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 indicated in the substantiated complaints upon which the proceedings are based, to be adequate in the case of subsequent offenses to make reparation for:

(a) Damages likely to be caused to public or private property and damages consequent upon disruption or affected residents' rights of fair use and quiet possession of their premises;

(b) Costs associated with drug overdose calls, including but not limited to the use by Township first responders of NARCAN;

(c) Securing the payment of fines and penalties likely to be levied for such offenses; and

(d) Compensating the Township for the costs of repressing and prosecuting such incidents of disorderly behavior.

(2) No such bond shall be in an amount less than \$500 or more than \$5,000. The Township may enforce the bond thus required 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 Township.

F. A bond or other security deposited in compliance with Subsection E of this section shall remain in force for three (3) years. Upon the lapse of the three (3) year period, the landlord shall be entitled to the discharge thereof, unless prior thereto further proceedings leading to a forfeiture or partial forfeiture of the bond or other security shall have been had under §147-17 below, in which case the security shall be renewed, in an amount and for a period that shall be specified by the hearing officer. The Township Committee may by resolution shorten the period for which security is required to not less than one (1) 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.

§147-17 Bond forfeiture and extension.

A. If, during the period for which a landlord is required to give security pursuant to §147-16 above, a substantiated complaint is recorded against the property in question, the Township Committee or designee may institute proceedings against the landlord for the forfeiture or partial forfeiture of the security, for an extension as provided in §147-16F above, of the period for which the security is required, or for 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 §147-16E above. Any decision by the hearing officer to increase the amount or extend the period of the required security shall be determined in light of the same factors set forth §147-16E 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 section indicates the appropriateness of such change in order to effectually carry out the purposes of this article effectually. The decision of the hearing officer in such circumstances shall be enforceable in the same manner as provided in §147-16F above.

C. A landlord may recover from a tenant any amounts of security actually forfeited as described in Subsection B of this section.

All other portions of this Chapter remain unchanged.

SECTION 2. All ordinances or parts of ordinances of the Township of Blirstown inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

SECTION 4. This law shall take effect immediately upon final passage, approval and publication as required by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING Ordinance was introduced at a meeting of the Township Committee of the Township of Blirstown, in the County of Warren and State of New Jersey, held on May 9, 2018 and will be further considered for final passage after public hearing thereon at a regular meeting of said Township Committee to be held at the Municipal Building, 106 Route 94 in the Township of Blirstown, New Jersey on May 23, 2018 at 7:30PM.

Linda Leidner, Clerk