

**BOROUGH OF FRANKLIN
COUNTY OF SUSSEX
ORDINANCE # 01-2016**

**PROPERTY MAINTENANCE - RESPONSIBILITY OF
LANDLORDS FOR DISORDERLY TENANT BEHAVIOR**

**AN ORDINANCE SETTING FORTH THE RESPONSIBILITY OF LANDLORDS FOR
DISORDERLY TENANT BEHAVIOR PURSUANT TO N.J.S.A. 40:48-2.12N ET SEQ**

BE IT ORDAINED AND ENACTED by the Mayor and Council of the Borough of Franklin,
County of Sussex, New Jersey, as follows:

Borough of Franklin, NJ

Chapter 205. Property Maintenance

Article 2. Responsibility of Landlords for Disorderly Tenant Behavior

Section 205-14. Legislative authority.

The Borough of Franklin 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.

Section 205-15. Definitions.

HEARING OFFICER

A licensed attorney of the State of New Jersey appointed by the Borough Council. The hearing officer shall not own or lease any real property within the Borough of Franklin, 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.

Section 205-16. Hearings and penalties.


- A. If, in any twenty-four-month period, two 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 Franklin Borough Administrator or any designee of the Borough Administrator 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 Borough Administrator 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 Borough.

- C. The Borough Administrator 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 Borough, 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 Borough, and which shall be no sooner than 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) Securing the payment of fines and penalties likely to be levied for such offenses; and
 - (c) Compensating the Borough 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 Borough 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 Borough.
- F. A bond or other security deposited in compliance with Subsection E of this section shall remain in force for three years. Upon the lapse of the three-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 § 205-17 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 Borough 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 205-17. Bond forfeiture and extension.

- A. If, during the period for which a landlord is required to give security pursuant to § 6 above, a substantiated complaint is recorded against the property in question, the Borough Administrator or designee may institute proceedings against the landlord for the forfeiture or partial forfeiture of the security, for an extension as provided in § 205-16F 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 § 205-16F 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 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 above.
- C. A landlord may recover from a tenant any amounts of security actually forfeited as described in Subsection B of this section.



Nicholas Giordano, Mayor

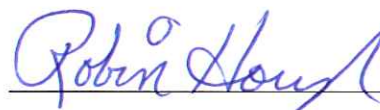
Attest:



Robin Hough, Borough Clerk

NOTICE

TAKE NOTICE that the above entitled Ordinance #01-2016 was introduced at a regular meeting of the Borough Council of the Borough of Franklin on January 26, 2016 and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Franklin to be held on February 9, 2016 at 7:00 p.m. in the Municipal Building, 46 Main Street, Franklin, New Jersey.



Robin Hough, Municipal Clerk

**BOROUGH OF FRANKLIN
LEGAL NOTICE**

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NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Franklin, in the County of Sussex, State of New Jersey, held in the Municipal Building on the 26th day of January, 2016, and the same came up for final passage at a meeting of the said Borough Council on the 9th day of February, 2016, at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law by order of the Borough Council of the Borough of Franklin, County of Sussex and State of New Jersey.



Robin Hough, Municipal Clerk