

**AN ORDINANCE OF THE TOWNSHIP COUNCIL  
OF THE TOWNSHIP OF DEPTFORD REPEALING  
AND REPLACING CHAPTER III, SUBSECTION 19  
OF THE GENERAL CODE OF THE TOWNSHIP OF DEPTFORD  
"RENTAL PROPERTY"**

**BE IT ORDAINED** by the Mayor and Council of the Township of Deptford hereby repealing §3.19 of the General Code of the Township of Deptford in its entirety and replacing same as set forth below:

**"3.19 RENTAL PROPERTY**

**§3.19.1. Findings**

The Township declares that their residents have experienced disturbances, damage and public expense resulting from carelessly granted and inadequately supervised rentals to irresponsible tenants by inept or indifferent landlords. N.J.S.A. 40:48-2.12n.

To preserve the peace and tranquility of this Township it is necessary and desirable to utilize the means provided by the New Jersey State Legislature to curb and discourage those occasional excesses arising from irresponsible rentals.

It is the purpose in adopting this legislation to take effective action to assure that excesses, when they occur, shall not be repeated, and that landlords be held to sufficient standards of responsibility.

**§3.19.2. Definitions**

**"Disorderly house"** means a premises where 1) any illegal activity occurs or 2) which is subject to more than two (2) legitimate police service calls within a period of six (6) months, the legitimacy of each police service call to be determined on the totality of the circumstances taking into account the activity giving rise to the police service call. If the Hearing Officer determines there was good cause for the police to be there due to the activity or non-activity by persons covered herein, then said service call should be considered legitimate.

**"Hearing officer"** means the Township Compliance Officer or person designated pursuant to subsection b. of section 3.19.2 to hear and determine proceedings under P.L.1993,c.127 (C.40:48-2.12n *et seq.*). Said Hearing Officer, in order to assure impartiality and in accordance with N.J.S.A. 40:48-2.12p3b, shall be a licensed attorney of the State of New Jersey and shall not be an owner or lessee of any real property within the Township of Deptford, nor hold any interest in the assets of or profits arising from the ownership or lease of such property.

**"Landlord"** means the person or persons who own or purport to own a building in which there is rented or offered for rent housing space for living or dwelling under either a written or oral lease which building contains no less than one dwelling unit or not more than four dwelling units or not more than four dwelling units.

"Person" means any owner, tenant, individual or business entity which has control over the property in question.

"Substantiated complaint" means a complaint which may form the basis for proceedings in accordance with subsection a. of section 4 of P.L. 1993, c.127 (C.40:48-2.12q).

### §3.19.3. Standards of responsibility

Landlords shall be responsible for maintaining an orderly premises and are held to standards of responsibility in the selection of tenants and supervision of the rental premises, requiring that under certain circumstances, as hereinafter described, such landlords may be required to post adequate bond against the consequences of disorderly behavior of their tenants, and in the case of subsequent violations forfeit such bond in whole or part, in compensation for the consequences of such behavior.

### §3.19.4. Provisions for rental units

- a. A complaint 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, which have been subject to two (2) legitimate police service calls within a period of six (6) months, as set forth under §3.19.2 or 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 Township Ordinance governing disorderly conduct the Court may for the first offense, impose a fine of \$1,200 upon the landlord.
- b. For the second offense, which shall be defined as a third legitimate police service call within one year of the first offense or a second conviction within one year of the first offense, the Court shall impose a fine of \$1,200 upon the landlord and revoke the person so convicted of his or her right to operate any commercial business in the unit from where the first and/or second offense occurred for a period of up to six (6) months and a term of imprisonment not to exceed six (6) months.
- c. At the conclusion of any twenty-four-month period if 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, as set forth §3.19.4a above and in the fifth month of the revocation, as set forth in §3.19.4b, the Township Council or any officer or employee of the Township designated by the Township Council 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 as resulted in the revocation.
- d.(1) In the event a tenant is convicted of any of the conduct described in §3.19.4a, the governing body, or Manager of the Department of Community Development, or the employee designated pursuant to §3.19.4a. of this section, 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.
- (2). Township Council or person designated pursuant to §3.19.4a and c. 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 Township Municipal building, Township Municipal Court or other public place within the Township, and which shall be no sooner than 30 days from the date upon which the notice is served or mailed.

- e. At the Hearing convened pursuant to §3.19.4c, the Hearing Officer shall give full hearing to both the complaint of the Township 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 herein.
- f. 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 (1) damages likely to be caused to public or private property and damages consequent upon disruption of affected residents' rights of fair use and quiet possession of their premises, (2) securing the payment of fines and penalties likely to be levied for such offenses, and (3) compensating the Township for the costs of repressing and prosecuting such incidents of disorderly behavior; but 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.
- g. A bond or other security deposited in compliance with subsection f. of this section shall remain in force for a period of three (3) years. Upon the lapse of the specified 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 §3.19.5., in which case the security shall be renewed, in an amount and for a period that shall be specified by the Hearing Officer.

**§3.19.5. Complaints, proceedings against landlord, recovery from tenant**

- a. If during the period for which a landlord is required to give security pursuant to section §3.19.4., a substantiated complaint is recorded against the property in question, the Township Council or its designee may institute proceedings against the landlord for the forfeiture or partial forfeiture of the security, for an extension as provided in subsection e. of §3.19.4g, of the period for which such 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 §3.19.4f. 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 hereinabove 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 carry out the purposes of this act effectually. The decision of the Hearing Officer in such circumstances shall be enforceable in the same manner as provided in §3.19.4f.

- c. A landlord may recover from a tenant any amounts of security actually forfeited as described hereinabove. N.J.S.A. 40:48.”

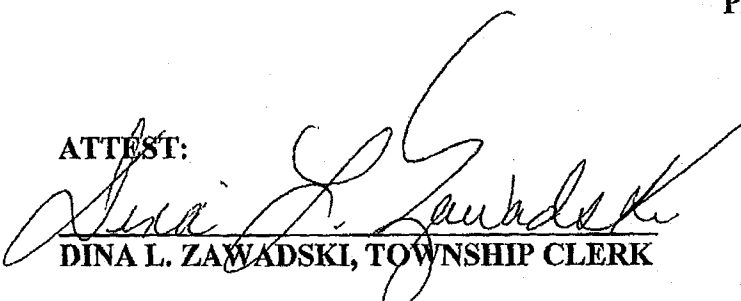
**BE IT FURTHER ORDAINED** that this Ordinance shall take effect immediately upon passage and publication as required by law.



**TOWNSHIP OF DEPTFORD**

  
**PAUL MEDANY, MAYOR**

**ATTEST:**

  
**DINA L. ZAWADSKI, TOWNSHIP CLERK**

**CERTIFICATION**

The foregoing Ordinance was introduced at a Regular Meeting of Township Council of the Township of Deptford held on the 4<sup>th</sup> day of February, 2013 and will be considered for final passage and adoption at a Work Session Meeting at which time any person interested therein will be given an opportunity to be heard. Said meeting to be held on the 25<sup>th</sup> day of February, 2013 at the Municipal Building, 1011 Cooper Street, Deptford, New Jersey.

  
**DINA L. ZAWADSKI, TOWNSHIP CLERK**

**Introduction**

RECORD OF VOTE						
Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		O.2.13				
Medany			✓			
Hufnell			✓			
DiMarco			✓			
Lamb			✓			
Love			✓			
Schocklin			✓			
Scott			✓			

**Adoption**

RECORD OF VOTE						
Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		O.2.13				
Medany			✓			
Hufnell			✓			
DiMarco			✓			
Lamb						✓
Love			✓			
Schocklin			✓			
Scott			✓			