

**TOWNSHIP OF MOUNT HOLLY
BURLINGTON COUNTY, NEW JERSEY**

ORDINANCE NO. 2022-14

**AN ORDINANCE OF THE TOWNSHIP OF MOUNT
HOLLY, COUNTY OF BURLINGTON, STATE OF
NEW JERSEY, AMENDING CHAPTER 216 OF THE
CODE OF THE TOWNSHIP OF MOUNT HOLLY**

WHEREAS, the Township Council of the Township of Mount Holly have determined that adoption of the ordinance set forth herein will further the health, safety, and welfare and protection of the public and property;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWNSHIP OF MOUNT HOLLY, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT:

SECTION 1. Chapter 216 of the Code of the Township of Mount Holly is hereby amended and revised to add new provisions to Article II titled “Licenses.”

SECTION 2. Chapter 216, Article II, titled “Licenses” shall be amended to add the following new subsections:

§ 216-11(A) Violation of license and registration requirements.

- A. In order to validly possess license and registration as set forth in § 216-7, the owner shall comply with all applicable local, state, and federal laws relating to renting residential rental units. An owner may be subject to the revocation or suspension of the operating license issued under Article II of this Chapter upon the happening of one or more of the following:
- 1) Conviction of a violation of this article in the Municipal Code or any other court of competent jurisdiction.
 - 2) Continuously renting the unit or units to a tenant or tenants who are convicted of a violation of the Nuisances, Public Health Ordinance of the Township of Mount Holly.
 - 3) Continuously permitting the rental unit to be occupied by more than the maximum number of occupants permitted.
 - 4) Maintaining the rental unit or the property in which the rental unit is apart of in a dangerous condition likely to result in injury to person or property.

- 5) A false, misleading or fraudulent statement is made in connection with the registration, license or inspection of a rental unit or units under this Chapter.
 - 6) Determination of a violation of this article at a hearing held pursuant to § 216-11(B) of this Chapter.
 - 7) Refusal to comply with the notice of violation of the Township Code involving public health or safety violations.
 - 8) Failure to pay the licensing fees, including any late fees.
 - 9) A pattern of conduct which results in creating, maintaining, permitting or suffering the existence of any of the following conditions at or about the rental unit:
 - a) Disorderly conduct on the part of tenants or occupants or their guests. "Disorderly conduct" shall be as defined in N.J.S.A. 2C:33-2; provided, however, that a conviction of such person or persons under that statute shall not be required in order for the Township to take action under this section;
 - b) A nuisance, as that term is defined by N.J.S.A. 2C.33-12; provided, however, that a conviction of such person or persons under that statute shall not be required in order for the Township to take action under this section;
 - c) The failure to comply with any directive of the Township of Mount Holly concerning the abatement of conduct prohibited by Subsection **A(9)(a)** or **(b)** hereof;
 - d) The rental unit has continued to be, after written notice to cease to the landlord, so disorderly as to destroy the peace and quiet of the neighborhood; and
 - e) The possession or consumption of alcoholic beverages by minors.
- B. Whenever the Police Department shall have made an arrest of or issued a summons to a tenant, occupant or guest or owner on three or more occasions during any thirty-day period for an offense related to or arising out of the use and occupancy of the same rental unit(s), the same shall be prima facie evidence of a violation of this section, provided that the owner and/or managing agent shall have had written notice of the existence of such circumstances or conditions.

§ 216-11(B) Notice of violation; revocation of license; hearing.

- A. Notice. Whenever the Township Code Enforcement Official or any other person or office authorized to file a notice determines that there has been a violation of this chapter, he or she shall serve a written notice of the violation of the owner, operator and/or registered agent which shall include a statement of the reasons why it is being issued and what action, if any, the owner, operator and/or registered agent must take to abate the violation. Said notice shall also state that the violation(s) must be corrected within ten (10) days and, if not, that the license or certificate of registration and the certificate of occupancy for the

subject premises may be revoked, in addition to the remedies and provisions set forth elsewhere in this Chapter, after a hearing before the Township Council. The period for correction may be extended or abbreviated by the Code Enforcement Official for a definite number of days for good cause. Good cause for such extension shall include but is not limited to delays in the correction of the violations caused by weather conditions, unavailability of building/construction materials, and/or unavailability of contractors hired to correct the violations or the existence of emergent circumstances affecting the health or safety of occupants or residents of Mount Holly.

B. Written complaint.

- 1) If a violation is not corrected within 10 days of the service of the notice thereof, the individual issuing the written notice shall file a written complaint with the Municipal Clerk or designee and with the landlord, owner and/or agent by certified and regular mail or by personal service at the address indicated on the license application form. The complaint shall apprise the landlord, owner and/or agent of the charges, so as to permit said individuals to present a defense. The individual(s) filing the complaint may do so on the basis of information and belief and need not rely on personal information.
- 2) Upon the filing of such written complaint, the Municipal Clerk or designees shall immediately inform the Township Council, and a date for a hearing shall be scheduled, which shall be not sooner than 10 days, nor more than 30 days, thereafter, unless the landlord, owner and/or agent requests a waiver of the 30 day requirement and the Township Council authorizes said waiver. The Municipal Clerk or designee shall forward a copy of the complaint and a notice, as to the date of the hearing, to the landlord, owner, or agent, if any, at the address at which the written complaint was served.

C. Hearing; revocation of license.

- 1) The hearing required by this section shall be held before the Township Council. The Township Council shall render a decision within 30 days of the conclusion of the hearing.
- 2) Following the hearing, a decision shall be rendered dismissing the complaint, revoking or suspending the operating license or determining that the operating license shall not be renewed or reissued for one or more subsequent calendar years.
- 3) The hearing shall be taped. If determined to be necessary, the Township Council may have a stenographic transcript prepared. All witnesses shall be sworn in prior to testifying. The strict rules of evidence shall not apply. All relevant evidence shall be admissible. The burden of proof shall be that which generally controls administrative hearings.
- 4) It shall be a defense to any proceeding for the revocation, suspension, or other disciplinary action involving an operating license that the landlord, owner and/or

agent has taken appropriate action and has made a good faith effort to abate the abate the conditions or circumstances giving rise to the revocation proceeding, including but not limited to the institution of legal action against the tenants, occupants or guests for recovery of the premises, eviction of the tenants or otherwise.

SECTION 3. This Ordinance shall take effect immediately upon final passage.

First Reading: October 3, 2022

Councilmember	Motion	2 nd	Yea	Nay	Recuse	Abstain	Absent
L. Brown	X		X				
J. Codianni			X				
T. Astor			X				
C. Banks		X	X				
J. Jones			X				

Second Reading: November 14, 2022

Councilmember	Motion	2 nd	Yea	Nay	Recuse	Abstain	Absent
L. Brown	X		X				
J. Codianni		X	X				
T. Astor			X				
C. Banks			X				
J. Jones			X				

TOWNSHIP OF MOUNT HOLLY

 JASON JONES, Mayor

Attest:

 SHERRY L. MARNELL, Township Clerk

PUBLIC NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced and passed at a meeting of the Township Council of the Township of Mount Holly, County of Burlington, State of New Jersey, held on the ___ day of _____, 2022, and will be considered for final passage after a public hearing at a meeting of the Township Council of the Township of Mount Holly to be held on the _____ day of _____, 2022.

SHERRY L. MARNELL, Township Clerk

I HEREBY CERTIFY that the foregoing Ordinance was approved for final adoption by Mayor and Township Council of the Township of Mount Holly, County of Burlington, State of New Jersey, at a regular meeting on the ___ day of _____, 2022.

SHERRY L. MARNELL, Township Clerk