ORDINANCE 2011 - #12
AMENDING CHAPTER 212, OF THE TOWNSHIP CODE ENTITLED "RENTAL PROPERTIES"

BE IT HEREBY ORDAINED by the Township Committee of the Township of Riverside, County of Burlington, State of New Jersey, that the Township Code be and is hereby amended as follows:

SECTION I. AMENDED SECTION

The Township shall make the following changes:

§ 212-17. Revocation of a license; procedure.

A. Grounds. In addition to any other penalty prescribed herein, a licensee may be subject to the revocation or suspension of the license issued hereunder upon the happening of one or more of the following:

(1) Conviction of a violation of this chapter in the Municipal Court or any other court of competent jurisdiction.

(2) Determination of a violation of this chapter at a hearing held pursuant to § 212-17B herein.

(3) Continuously renting the unit or units to a tenant or tenants who are convicted of violating the ordinances of the Township.

(4) Continuously permitting the rental unit to be occupied by more than the maximum number of occupants as defined in this chapter.

(5) Maintaining the rental unit or units or the property in which the rental unit is a part in a dangerous condition likely to result in injury to person or property.

(6) Failure or refusal to comply with any lawful regulation or order of the Township.

(7) A determination by the Township that the issuance or the renewal of a license to such a person or corporation would be contrary to the best interests of the public generally.

(8) Repeated violations or prolonged failure to correct any violations of any applicable building, housing, health or safety code or regulations.

B. Procedure; written complaint; notice; hearing.

(1) A complaint seeking the revocation or suspension of a license may be filed by any one or more of the following: Chief of Police, Construction Code Official, Housing Inspector, the Zoning Enforcement Officer or any other persons or office authorized to file such complaint. Such complaint shall be in writing and filed with the Township Clerk or designee. The complaint shall be specific and shall be sufficient to apprise the licensee of the charges so as to permit the licensee 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 Township Clerk or designee shall immediately inform the Township Committee, and a date for a hearing shall be scheduled which shall not be sooner than 10 nor more than 30 days thereafter. The Township Clerk or designee shall forward a copy of the complaint and a notice as to the date of the hearing to the licensee and the agent, if any, at the address indicated on the registration form. Service upon the agent shall be sufficient.

(3) The hearing required by this section shall be held before the Township Committee unless, in it discretion, the Township Committee determines that the matter should be heard by a Hearing Officer who shall be appointed by the Township Committee. If the matter is referred to a Hearing Officer, such officer shall transmit his findings of fact and conclusions of law to the Township Committee within 30 days of the conclusion of the hearing. The Township Committee shall then review the matter and may accept, reject, or modify the recommendations of the Hearing Officer based on the record before such Hearing Officer. In the event that the matter is not referred to a Hearing Officer and is heard by Township Committee, then the Township Committee shall render a decision within 30 days of the conclusion of the hearing. Following the hearing, a decision shall be rendered, dismissing the complaint, revoking or suspending the license, or determining that the license shall not be renewed or reissued for one or more subsequent license years.

(4) A recording shall be made of the hearing. All witnesses shall be sworn prior to testifying. The strict rules of evidence shall not apply, and the evidential rules and burden of proof shall be that which generally control administrative hearings.

(5) The Township Solicitor or his designee shall appear and prosecute on behalf of the complainant in all hearings conducted pursuant to this section.

C. Defense. It shall be a defense to any proceeding for the revocation, suspension or other disciplinary action involving a rental license by demonstrating that the owner has taken appropriate action to abate the conditions or circumstances giving rise to the revocation proceeding, including, but not limited to the institution of legal action against the tenant(s), occupant(s) or guests for recovery of the premises, eviction of the tenant(s) or otherwise. Said defense, however, must be accompanied by any and all required documents attesting to actions taken and does not limit the ability of the Township to pursue additional, applicable penalties.

SECTION II. REPEALER, SEVERABILITY AND EFFECTIVE DATE

A. Repealer. All Ordinances and provisions thereof inconsistent with the provisions of the Ordinance shall be and are hereby repealed to the extent of such inconsistencies.

B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said

invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

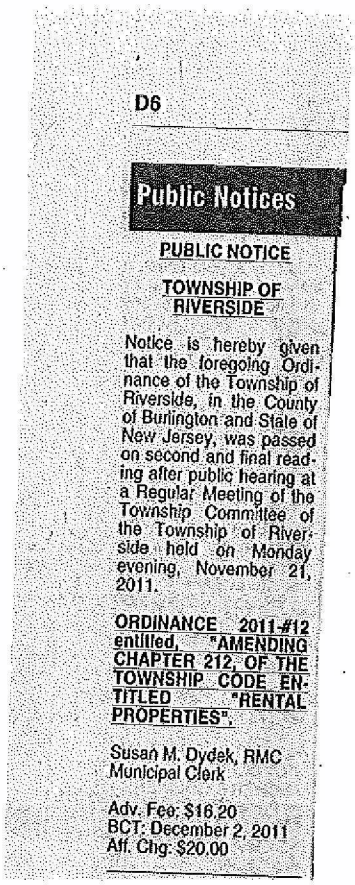
C. Effective. The Ordinance shall take effect upon proper passage in accordance with the law.

RIVERSIDE TOWNSHIP COMMITTEE

State of New Jersey}

SS. Township of Riverside

County of Burlington}



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Public Notices

PUBLIC NOTICE

TOWNSHIP OF RIVERSIDE

Notice is hereby given that the foregoing Ordinance of the Township of Riverside, in the County of Burlington and State of New Jersey, was passed on second and final reading after public hearing at a Regular Meeting of the Township Committee of the Township of Riverside held on Monday evening, November 21, 2011.

ORDINANCE 2011-#12 entitled, "AMENDING CHAPTER 212, OF THE TOWNSHIP CODE ENTITLED "RENTAL PROPERTIES".

Susan M. Dydek, RMC
Municipal Clerk

Adv. Fee: $16.20
BCT: December 2, 2011
Aff. Chg: $20.00

Susan M. Dydek RMC, being duly sworn or affirmed according to law, deposes and says that she is the Township Clerk of the Township of Riverside, and that the securely attached printed notice above was printed in the Burlington County Times on December 2, 2011 and is a true copy thereof, and that all of the allegations in this statement as to the time, place and character of publication are true. The Burlington County Times is the official newspaper of the Township of Riverside, and is a daily newspaper of general circulation, being established on October 6, 1958 and printed in the State of New Jersey.

Susan M. Dydek, Township Clerk

Sworn or Affirmed according to the law and subscribed to me this 12th day of December 2011 A.D.

Notary Public

NANCY ELMEAZE
Notary Public of New Jersey
My Commission Expires May 4, 2015