

**LEGAL NOTICE
ORDINANCE NO.19
2010
TOWNSHIP OF WAYNE
COUNTY OF PASSAIC
STATE OF NEW JERSEY**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 99
(HOUSING STANDARDS; MULTIPLE FAMILY DWELLINGS) OF
THE CODE OF THE TOWNSHIP OF WAYNE**

BE IT ORDAINED by the Municipal Council of the Township of Wayne in the County of Passaic, State of New Jersey, as follows:

SECTION 1. Chapter 99 (Housing Standards; Multiple-Family Dwellings) of the Code of the Township of Wayne is hereby amended and supplemented by establishing an Article III "Rental of Residential Property", to read as follows :

**ARTICLE III
RENTAL OF RESIDENTIAL PROPERTY**

99-17. Declaration of Purpose.

The governing body hereby finds and does declare that residents of the Township have experienced disturbances; damage and public expense resulting from inadequately supervised rentals. In order to preserve the peace and tranquility of neighborhoods within the Township, it is necessary and desirable that the governing body act to discourage those occasional excesses arising from irresponsible rentals. It is the purpose of this Article 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.

99-18. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

HEARING OFFICER - A licensed attorney of the State of New Jersey who is not an owner or lessee of any real property within the Township, and who does not hold any interest in assets or profits arising from the ownership or lease of such property and who shall hear and determine the proceedings against landlords brought pursuant to the provisions of this Article.

LANDLORD - The person(s) who owns or purports 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 more than four dwelling units.

SUBSTANTIATED COMPLAINT - A complaint of disorderly, indecent, tumultuous or riotous conduct upon or in proximity of any rental premises and attributable to the acts or incitement of any of the tenants of those premises, from which complaints have been prosecuted and a conviction has been determined in a Court of competent jurisdiction.

99-19. Bond Required; Certain Landlords

A bond in an amount of not less than \$500 or more than \$5,000 shall be posted by a landlord if, in any 12 month period, at least two complaints on separate occasions of disorderly, indecent, tumultuous or riotous conduct upon or in proximity to any rental premises, attributable to the acts or incitement of any of the tenants of those premises have been substantiated by prosecution and conviction of the tenants in a court of competent jurisdiction.

99-20. Notice; Hearing

A. The Township Attorney or his/her designee shall cause to be served upon the landlord, either personally or by certified mail, return receipt requested, to the address appearing on the tax records, notice advising the landlord of the institution of proceedings to require the posting of a bond, together with particulars of the substantiated complaint upon which the proceedings are based, and of the time and place at which a hearing will be held. The hearing shall be no sooner than thirty (30) days from the date upon which the notice is either personally served or mailed.

B. The Hearing Officer shall conduct a hearing at which the

Township shall have the opportunity to present evidence in support of the complaint and the landlord shall have the opportunity to present evidence in contradiction or mitigation of the complaint.

99-21. Bond Amount; Term; Forfeiture

A. The Hearing Officer, at the conclusion of the hearing, shall determine whether the landlord shall be required to post a bond in accordance with the terms of this Article. In the event the Hearing Officer determines that a bond is required to be posted, the amount of the bond shall be in accordance with the judgment of the Hearing Officer, but shall not be in an amount less than \$500, or more than \$5,000. In determining the amount of the bond, the Hearing Officer shall consider the nature and extent of the offenses indicated in the substantiated complaints and shall be sufficiently adequate in case of subsequent offenses, to make reparation for the following:

1. Damages likely to be caused to public or private property and damages consequent upon disruption of effected 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;
3. Compensating the Township for the cost of repressing or prosecuting such incidents of disorderly behavior.

B. The bond required to be posted shall remain in force and effect for a period of two years, unless if during the two year period a substantiated complaint is recorded against the property in question, the Township Attorney shall institute proceedings against the landlord, for the forfeiture, partial forfeiture, extension of the period with which the bond is required, or for an increase in the amount of the bond.

C. In determining if there will be a forfeiture, partial forfeiture, or an increase in either the amount of the bond or the period of the bond, the Hearing Officer shall consider the criteria set forth in Paragraph A.

99-22. Enforcement

The decision of the Hearing Officer shall be enforceable in an action brought by the Township in the Superior Court of New Jersey. In addition to enforcement of the bond, the Township shall be entitled to an injunction prohibiting the landlord from making or renewing any lease of the affected premises for residential purposes, until the bond has been deposited with the Township.

SECTION 2. If any section, sub-section, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 3. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This ordinance shall take effect twenty (20) days after final passage and publication as prescribed by law.

NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was introduced and passed upon first reading at a meeting of the Municipal Council of the Township of Wayne, in the County of Passaic, New Jersey held on **March 17, 2010**. It will be further considered for final passage after public hearing thereon at a meeting of the said Municipal Council to be held in the Municipal Building in said Township on **April 21, 2010 at 8:00 o'clock p.m.** and during the week prior to and up to and including the date of such meeting copies of said ordinance will be made available in the Clerk's Office in said Municipal Building to the members of the general public who shall request the same.

PAUL V. MARGIOTTA, RMC
TOWNSHIP CLERK

Herald News:
Fees:
March 27, 2010