

Chapter 173

SEASONAL RENTAL DWELLINGS

[HISTORY: Adopted by the Township Council of the Township of Stafford 7-6-1993 by Ord. No. 93-47. Amendments noted where applicable.]

§ 173-1. Purpose.

To preserve the peace and tranquility of the Township of Stafford for its permanent residents, and to maintain its viability as a vacation spot not only for citizens of this state, but also for persons and families from far and near whom the beauties and pleasures of the Township of Stafford have historically attracted, it is necessary and desirable that the Township of Stafford have adequate means to curb and discourage those occasional excesses arising from irresponsible seasonal rentals. Accordingly, it is the purpose of this chapter to enable the Township of Stafford to take effective action to assure that excesses, when they occur, shall not be repeated, and that landlords offering seasonal rentals be held to sufficient standards of responsibility.

§ 173-2. Definitions.

For the purpose of this chapter, the terms used herein are defined as follows:

HEARING OFFICER — A person designated pursuant to § 173-5A to hear and determine proceedings under this chapter.

LANDLORD — The person or persons who own or purport to own any building in which there is rented or offered for rent housing space for living or dwelling under either a written or oral lease, including but not limited to any building subject to the Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-12 et seq., and owner-occupied two-unit premises. In the case of a mobile home park, "landlord" shall mean the owner of an individual dwelling unit within the mobile home park.

SEASONAL RENTAL — Any rental of residential accommodations for a term of less than one year and including any part of the period extending from May 15 to September 15.

SUBSTANTIATED COMPLAINT — A complaint which may form the basis for proceedings in accordance with this chapter.

§ 173-3. Complaints. [Amended 10-26-2021 by Ord. No. 2021-23]

If within the terms of a license three complaints, on separate occasions, of disorderly, indecent, tumultuous or riotous conduct upon or in proximity to any seasonal 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, the Mayor and Township Council, or any officer or employee of the Township of Stafford designated by the Mayor and Township Council for this 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 in accordance with the provisions of this chapter. Upon conviction of a fourth or subsequent complaint within the term of a license of disorderly, indecent, tumultuous or riotous conduct upon or in proximity to any seasonal rental premises, and attributable to the acts or incitements

of any of the tenants of those premises, the Code Official shall be authorized to revoke the landlord's seasonal rental license for the premises in question.

§ 173-4. Notice requirements.

The Mayor and Township Council, or person designated pursuant to § 173-3 of this chapter, shall cause to be served upon the landlord, in person or by registered mail to the address appearing on the tax records of the municipality, 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 Township of Stafford, and which shall be no sooner than 30 days from the date upon which the notice is served or mailed.

§ 173-5. Hearings.

- A. Hearings and decisions held and made under this chapter are to be conducted and decided by a licensed attorney of the State of New Jersey who shall not be an owner or lessee of any real property within the Township of Stafford, nor hold any interest in the assets of or profits arising from the ownership or lease of such property.
- B. At the hearing convened pursuant to § 173-4 of this chapter, the hearing officer shall give full hearing to both the complaint on behalf of the Township of Stafford and to any evidence in contradiction or mitigation that the landlord, if present or represented and offering such evidence, may present. 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 chapter.

§ 173-6. Posting of bond required.

- A. 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 for damages consequent upon disruption of the 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;
 - (3) Compensating the municipality for the cost of repressing and prosecuting such incidents of disorderly behavior.
- B. No such bond shall be in an amount less than \$500 nor more than \$5,000.

§ 173-7. Enforcement of bond.

The Township of Stafford may enforce the bond 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 of Stafford.

§ 173-8. Term of bond.

A bond or other security deposited in compliance with § 173-6 of this chapter shall remain in full force and effect for a period of two 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 § 173-9 of this chapter, in which case, the security shall be renewed in an amount and for a period that shall be specified by the hearing officer.

§ 173-9. Extension; forfeiture; increase in bond amount.

- A. If a substantiated complaint is recorded against the property in question during the period for which a landlord is required to give security pursuant to this chapter, the Mayor and Township Council, or its designee, may institute proceedings against the landlord for the forfeiture or partial forfeiture of the security, for an extension of the period for which such security is required as provided for in § 173-8 of this chapter, 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 § 173-6 of this chapter. 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 in § 173-6 of this chapter and shall be taken only to the extent that the nature of the substantiated complaint or complaints out of which proceedings arise under this chapter indicates the appropriateness of such change in order to carry out the purpose of this chapter effectually. The decision of the hearing officer in such circumstances shall be enforceable in the same manner as provided for in § 173-7 of this chapter.

