

BOROUGH OF AVALON
COUNTY OF CAPE MAY
O R D I N A N C E
ORDINANCE NO.348 -1992

**RE: AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XXXVII OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF AVALON PERTAINING TO RENTAL PROPERTIES
AND AMENDING AND SUPPLEMENTING ORDINANCE 340-1992**

BE IT ORDAINED by the Borough Council of the Borough of Avalon, County of Cape May and State of New Jersey, as follows:

SECTION 1: Chapter XXXVII, entitled "Rental Properties," of the Revised General Ordinance of the Borough of Avalon is amended and supplemented as follows:

Section 37-15. Revocation or Suspension of a License; Other Disciplinary Action; Procedure; Conditional Renewal of Rental License.

a. Grounds. ...

1. Conviction of a violation of this chapter in the municipal court or any other court of competent jurisdiction.
2. Following a determination of a violation of this chapter by the Borough after a hearing held pursuant to paragraph b of this Section.
3. A pattern of renting the unit(s) to one or more individuals or groups of individuals who during any one or more license term(s) (is) (are) convicted of a violation of the Borough Noise Ordinance or a violation of any other Borough Ordinance which conviction is related to or arising out of the use and occupancy of the rental unit(s). In order to support disciplinary action under this section it need not be shown that convictions are of the same individual(s) or that the conviction(s) were for conduct occurring during any single license term. It shall be sufficient to demonstrate that such convictions were of different individuals occurring over one or more license terms.
4. A pattern of permitting the rental unit(s) to be occupied by more than the maximum number of occupants as defined herein.
5. [no change]
6. A false, misleading, or fraudulent statement made in connection with the registration, licensing or inspection of a rental unit or units, under this chapter.
7. 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 tenant(s) 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 Borough 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 Borough to take action under this section;
 - (C) the failure to comply with any directive of

the Borough concerning the abatement of conduct prohibited by (a) or (b) hereof;

(D) the public manifestation by tenant(s), occupants or guests of being under the influence of alcohol or controlled dangerous substances provided however, that a conviction of such individuals for such violation(s) shall not be required in order for the Borough to take action under this section;

(E) the possession or consumption of alcoholic beverages by minors.

8. Whenever the Police Department shall have made an arrest of, issued a Summons to a tenant, occupant or guest or owner on three (3) or more occasions during any thirty (30) day period for an offense related to or arising out of the use and occupancy of the rental unit(s), the same shall be prima facie evidence of a violation of Section 37-15(a) of this chapter, provided that the owner and/or managing agent shall have had notice of the existence of such circumstances or conditions.

9. 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 and has made a good faith effort 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.

SECTION 2: REPEALER: All Ordinances or parts of Ordinances which are in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency or conflict only.

SECTION 3: SEVERABILITY: If any section, paragraph, sub-division, sub-section, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, sub-division, sub-section, clause or provision declared invalid, and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 4: EFFECTIVE DATE: This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was introduced and passed upon first reading of the Municipal Council of the Borough of Avalon in May 27, 1992. It will be further considered for final passage after public hearing thereon, at a meeting of said Municipal Council to be held in the Municipal Building in said Borough on June 24, 1992 at 7:15 o'clock P.M., and during the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in said Municipal Building to the members of the general public who shall request the same.

BETTY GOBLE
Borough Clerk

TO BE PUBLISHED IN THE JUNE 3, 1992 EDITION OF THE
GAZETTE-LEADER.