

**ORDINANCE
TOWNSHIP OF FRANKLIN
ORDINANCE CREATING A NEW CHAPTER OF THE CODE OF THE TOWNSHIP
OF FRANKLIN, COUNTY OF GLOUCESTER AND STATE OF NEW JERSEY,
ENTITLED “NUISANCE HOUSES”**

O-23-14

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF FRANKLIN, COUNTY OF GLOUCESTER, AND STATE OF NEW JERSEY, AS FOLLOWS:

Chapter . NUISANCE HOUSES

§ -1. Definitions.

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

OWNER

Any person, group of persons, firm, corporation or officer thereof, partnership, association, company, trust, or other legal entity who owns, operates, exercises control over or is in charge of a rental property or owner-occupied property.

RESIDENTIAL RENTAL PROPERTY

A building, group of buildings, or a portion thereof which contains one or more individual apartments which is kept, used, maintained, advertised or held out to be a place where living accommodations are supplied, whether furnished or unfurnished, for pay or other consideration, to one or more individuals and is meant to include one or more individual apartments. A property shall be presumed to be a rental property if a lease exists for the property; there is written proof of rent being paid thereon or the property is registered as a rental property.

OWNER-OCCUPIED DWELLING

Any structure which the owner thereof occupies, uses, or allows to function or be occupied as a domicile or home other than as a rental property.

§ -2. Lawful service of notice.

Any of the notices required by this article shall be deemed to be lawfully served if such notice is personally served upon the individual named, or sent via certified mail with a return receipt, or sent via regular mail to the individual named at the last known address without return, or by posting or affixing a copy of the same upon the door or other conspicuous part of such premises. Such posting shall be deemed to be lawful service.

§ -3. Rental properties.

A residential rental property whose tenant(s), occupant(s) or guest(s) shall be so disorderly as to disturb the peace and quiet of the landlord or other tenant(s) and occupant(s) living in the dwelling or the neighborhood shall be rebuttably presumed to be a nuisance house if any of the following have occurred within twelve (12) months prior to the filing of any charge regarding a premises being a nuisance house:

- A. A residential property whose tenant(s), occupant(s) or guest(s) have been convicted of a second or subsequent offense for violation of the Noise Ordinance of the Township of Franklin on the premises of the residential rental property; or

- B. A residential property whose tenant(s), occupant(s) or guest(s) have been convicted of a second or subsequent offense for a disorderly persons offense or criminal offense as defined by statute on the premises of the residential rental property; or
- C. A residential property whose tenant(s), occupant(s) or guest(s) have been convicted for a controlled dangerous substance(s) related offense on the premises of the residential rental property; or
- D. A residential property whose tenant(s), occupant(s) or guest(s) have been convicted for prostitution or solicitation of same on the premises of the residential rental property; or
- E. A residential property whose tenant(s), occupant(s) or guest(s) have been convicted of a third or subsequent offense under Chapter 295 on the premises of the residential rental property.

§ -4. Owner-occupied properties.

An owner-occupied dwelling, whose owner(s) or occupant(s) shall be so disorderly as to disturb the peace and quiet of the neighborhood by the following, shall be rebuttably presumed to be a nuisance house if any of the following have occurred within twelve (12) months prior to the filing of any charge regarding a premises being a nuisance house:

- A. A residential property whose tenant(s), occupant(s) or guest(s) have been convicted of a second or subsequent offense for violation of the Noise Ordinance of the Township of Franklin on the premises of the owner-occupied property; or
- B. A residential property whose tenant(s), occupant(s) or guest(s) have been convicted of a second or subsequent offense for a disorderly persons offense or criminal offense as defined by statute on the premises of the owner-occupied property; or
- C. A residential property whose tenant(s), occupant(s) or guest(s) have been convicted for controlled dangerous substance(s) related offense on the premises of the owner-occupied property; or
- D. A residential property whose tenant(s), occupant(s) or guest(s) have been convicted for prostitution or solicitation for same on the premises of the owner-occupied property; or
- E. A residential property whose tenant(s), occupant(s) or guest(s) have been convicted of a third or subsequent offense under Chapter 295 on the premises of the owner-occupied property.

§ -5. Violations and penalties.

- A. Any owner of a residential rental property which has been deemed a nuisance house as set forth in this article shall be subject to the following:
 - (1) Upon written notification, the owner of a residential rental property that has been deemed by the Municipal Court to be a nuisance house as set forth in this article shall take those actions required by law to evict the tenants(s), occupant(s) or guest(s) from that residential rental property. The landlord shall give notice of such act with a copy of the complaint and date of hearing and shall allow the Township's representative to appear and testify therein.
 - (2) A landlord who refuses to take those actions required by law, after thirty (30) days written notice to evict the tenant(s), occupant(s) or guest(s) from a residential rental property that has been deemed by the Municipal Court to be a nuisance house as set forth in this article or who fails to otherwise successfully correct said violations, shall be subject to fines of not less than \$100 and not more than \$1,250

and/or imprisonment in the county jail for up to ninety (90) days. Each day during which a failure to take action continues shall constitute a separate violation.

- B. Any owner of an owner-occupied dwelling which has been deemed a nuisance house as set forth in this article shall be subject to the following: Upon written notification, the owner-occupant of a residential dwelling who fails to cease and desist from unlawful actions or who fails to cause such unlawful actions to cease or who fails to remediate violations as set forth in § -3 of this article shall be subject to fines of not less than \$100 and not more than \$1,250 and/or imprisonment in the county jail for up to ninety (90) days. Each day during which a failure to take action continues shall constitute a separate violation.

§ -6. Notice.

Written notice of conviction of the offenses set forth under §§ -3 and -4 hereof shall be given to owners of residential rental properties and owner-occupied dwellings by the Township of Franklin Zoning Officer at least thirty (30) days prior to a complaint for violation of this article is issued.

BE IT FURTHER ORDAINED, that if any section, sentence, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of the competent jurisdiction, such holdings shall not effect or impair any other section, sentence, clause, provision or portion of this Ordinance.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately upon its final passage, adoption and publication provided by law.

The foregoing ordinance was introduced on first reading at a meeting of the Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey, held on August 26, 2014 and will be read and considered for final passage at a meeting to be held by the Franklin Township Committee at the Municipal Building, 1571 Delsea Drive, Franklinville, New Jersey 08322 at 7:00 p.m. on September 23, 2014 at which time and place any and all interested persons will be given an opportunity to be heard.

Attest:

Township of Franklin

Barbara Freijomil, Clerk

Edward Leopardi, Mayor

Notice is hereby given that the foregoing Ordinance O-23-14 was finally adopted at a meeting of the Franklin Township Committee held on the September 23, 2014 at 7:00 in the Township of Franklin Municipal Building, 1571 Delsea Drive, Franklinville, NJ.

BARBARA FREIJOMIL, CLERK

| | Yes | No | Abstain | Absent |
|----------------|-----|----|---------|--------|
| Mr. Genna | | | | |
| Mr. Deegan | | | | |
| Mrs. Neely | | | | |
| Mr. Gonzalez | | | | |
| Mayor Leopardi | | | | |