

ORDINANCE NO. 2020-36

**ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE
BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF
NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 26-11
OF THE BOROUGH CODE ENTITLED “ARTICLE III RENTAL
PROPERTY”**

WHEREAS, the Mayor and Council of the Borough of Belmar (hereinafter referred to as “Belmar”) has reviewed Chapter 26-11 of the Borough Code entitled “Article III Rental Property” in order to confirm whether any provisions therein should be updated.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey, as follows:

SECTION I. Chapter 26, Section 11, shall be amended as follows:

26-11.2 Definitions

For the purposes of this section, the following meanings shall apply:

SUBSTANTIATED COMPLAINT

Shall mean an act of disorderly, indecent, tumultuous or riotous conduct, including by way of example but not limited to, simple assault, terroristic threats, harassment, urinating in public, lewdness, criminal mischief, excessive noise, petty disorderly offense, or as a violation of any provision of Title 2C of the New Jersey Statutes or any other municipal ordinance governing disorderly conduct upon or in proximity to any seasonal rental premises, and attributed to the acts or incitements of any of the tenants of those premises which have been substantiated by prosecution and conviction and/or guilty plea in any court of competent jurisdiction. For purposes of this definition, the phrase “upon or in proximity to” shall mean anywhere on the property or upon or within the adjacent right-of-way, adjoining roadways, or adjoining properties-

26-11.3 Hearing Penalty

- a. If, in any 24 month period, two complaints, as defined in subsection 2-11.2 hereof, on separate occasions, of disorderly, indecent, tumultuous or riotous conduct, including by way of example, but not limited to, simple assault, assault, terroristic threats, harassment, lewdness, urinating in public, criminal mischief, excessive noise, a petty disorderly offense, or as a violation of any provision of Title 2C of the New Jersey Statutes or any other municipal ordinance governing disorderly 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 Borough Council or any officer or employee of the Borough so designated by the Borough Council for this purpose, may institute proceedings to require the landlord of the seasonal rental premises to post a bond against the consequences of future incidents of the same character, or of a character actionable under this ordinance.
- For purposes of this definition, the phrase “upon or in proximity to” shall mean anywhere on the property or upon or within the adjacent right-of-way, adjoining roadways, or adjoining properties.

26-11.7 Revocation or Suspension of licenses

1. Causes: Any license granted or issued pursuant to Ordinance §26.3 et seq. may be suspended or revoked as provided herein after notice and hearing for any of the following causes:
 - a. In the event any tenant or occupant of any individual living unit upon the licensed premises is charged with a violation of a Borough Ordinance, notice of the pending charge will be given by mail to the licensee and the person designated to receive notices on the behalf of the licensee’s behalf. In the event two (2) such complaints are issued during one (1) licensing year and result in convictions and/or guilty pleas in Municipal Court, then such convictions and/or guilty pleas may be grounds for suspension or revocation of the license. In the event the owner of the licensed premises is the complaining party and said complaint results in a conviction -in municipal court, such conviction shall not be counted as a complaint for purposes of license suspension or revocation.