

Borough of Ocean Gate
801 Ocean Gate Avenue, CN 100
Ocean Gate NJ 08740
ogcode@oceangatenjgov.com

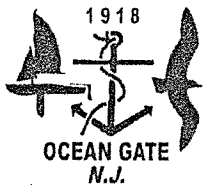
Telephone
732-269-3166 x129

Refer to:
Code Officer/Technical Assistant

RENTAL LICENSE APPLICATION PROCEDURE

- **Submit the completed Rental Facility License Application. Owner/Agent must fill out and be notarized**
- **\$200.00 initial registration fee payable to: Borough of Ocean Gate (*Renewal registration on an annual basis will be \$125.00*)**
- **Provide separate drawing (not to scale) for each floor on 8"x10" paper showing the building room layout. Designate the use of each room (bedroom, living, etc.) and the length and width. See sample attached (*Drawing is only required on the initial registration for license*)**
- **Tenant Registration form (attached). Tenant must complete and sign. Owner/Agent's signature ONLY is notarized on this form. This form must be filled out by all future tenants and mailed to the Rental Office as each new tenant takes occupancy**
- **Lead Based Paint Hazard form (attached) for homes built prior to 1978**
- **Schedule a date for inspection of the building/unit. No inspection will be scheduled without a drawing of the building**
- **All construction permits must be closed**
- **All Municipal taxes & utilities must be current**

The rental license shall commence on the date of issuance and shall expire on the same date in the next calendar year. A separate license shall be required for each unit if more than one rental unit is contained in the property



BOROUGH OF OCEAN GATE
801 OCEAN GATE AVENUE, CN 100
(732) 269-3166 x129 ogcode@oceangatenjgov.com

RENTAL FACILITY LICENSE APPLICATION & CERTIFICATION
PURSUANT TO ORDINANCE #698-24

NOTE: Please read instructions/requirements on Rental License Application Procedure

1. Rental Property Address _____ Ocean Gate, NJ Block ____ Lt ____
Unit

2. Owners of Record: _____

Home Address _____

Phone: _____ Email: _____

Record owner is a corporation _____ (Yes/No) Record Owner is a Partnership _____ (Yes/No)

Registered Agent:

(Name) (Address) (Phone)

3. **Manager/Local Contact Information:** If owner is not a resident of Ocean County, NJ, please provide the information of an individual that you have authorized for acceptance of notices from tenant or municipality issue receipts therefore and to accept service of process on behalf of the Owner of Record.

(Name) (Address) (Phone)

4. **Superintendent/Janitor/Custodian or other individual to provide regular maintenance service:**

(Name) (Address) (Phone)

5. **Owner's Emergency Representative-** in absence of owner/agent, **NOT IN SAME RESIDENTS AS OWNER or TENANT**, in time of emergency that is authorized to make emergency decisions regarding this rental unit

(Representative) (Address) (Phone)

6. **Mortgage Holder Information.** List all company holders of recorded mortgages on this rental property.
Name: _____ Address _____

7. Unit Utilities Information:

Owner's Responsibility _____ (yes/no) Heat ____, Electric ____, Water ____, Sewer ____, Yard Maint., _____
Tenant's Responsibility _____ (yes/no) Heat ____, Electric ____, Water ____, Sewer ____, Yard Maint., _____
Fuel Dealers Name: _____ Address _____ Phone _____

8. Number of Sleeping Rooms in this unit _____

Note: Floor plan requirement attached to rental license application Procedure

9. Current Occupants: Provide Tenant Certification In lieu of Affidavit (attached/enclosed)

10. Lead Certificate required on long term rental homes build prior to 1978

11. Registration Fee Information: \$200.00 Initial Renewal \$125.00 or

Exempt No payment is required, qualifying NJ Property Tax as Senior Citizen Resident Owner, I am exempt from registration fee.

12. Non-Rental Unit Certification: Location _____ I certify this is not a Residential Rental Unit and will no longer be used as such.

13. Owner/Agent Certification: I hereby certify that all the above information is true to the best of my knowledge and belief. I am aware that if the foregoing information is willfully false, that I am subject to penalties and criminal prosecution.

Date _____ Owner/Agent Signatures _____

NOTARY Date _____ Signature _____

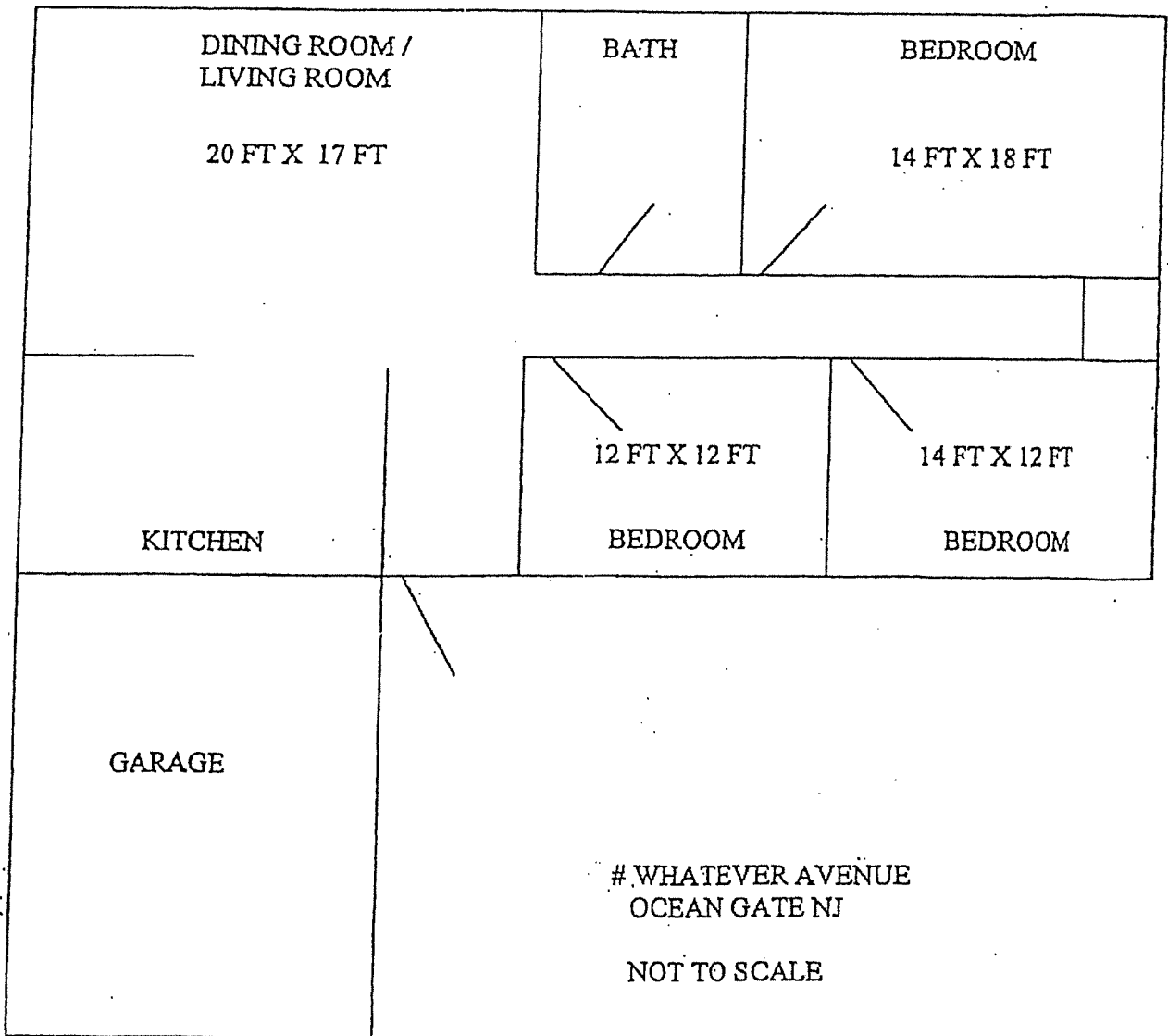
SEAL

Note: Every person required to file this registration form pursuant to this registration shall file an amended registration form within 20 days after any change in the information required to be included hereon. No additional fee shall be required for the amendment except when ownership of the unit is changed. All property fees must be paid and all municipal charges satisfied, or this application will be considered incomplete and not in compliance with the Ordinance # 698-24

Each anniversary of registration of the rental unit will require an annual renewal registration

Borough of Ocean Gate
801 Ocean Gate Ave, CN 100
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732-269-3166, ext 129

Sample
Rental Floor Plan Layout



WHATEVER AVENUE
OCEAN GATE NJ
NOT TO SCALE

BOROUGH OF OCEAN GATE
801 OCEAN GATE AVENUE, CN 100
OCEAN GATE NJ 08740
Rental Division Phone: 732-269-3166 Ext. 129

TENANT REGISTRATION FORM

Tenants Name: _____

Mailing Address: _____, PO BOX: _____

Home Phone: _____ Cell Phone _____ Work Phone _____

Roommate/Spouses Name _____

Child Occupants Name _____
Dependent _____

Emergency Contact Information:

Name: _____ Phone _____

Tenants Signature _____ Date _____

(Tenant's Signature does not require Notary)

Landlord/Owner/Agent: By signing below you are verifying the Tenant information given.

Landlord/Owner/Agent Signature _____ Date _____

NOTARY: Signature _____

Date _____

SEAL:



Borough of Ocean Gate

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Ocean Gate, NJ 08740

732-269-3166, ext.129 ogcode@oceangatenjgov.com

Application for Lead-Based Paint Hazard

Complete this form only for house that was built prior to 1978

Annual Rental Units / Ordinance #698-24

Property Address: _____

Block: _____ Lot: _____ Year Property Built: _____

Has the property/dwelling been previously certified to be free of lead-based paint pursuant to N.J.A.C.5:17-3.6(b) either after an abatement was completed or evaluation confirmed there is no lead-based paint in the dwelling? Yes No

If YES, please submit a certification form from a certified lead evaluation firm

Has the property/dwelling been issued a valid lead-safe certificate issued pursuant to P.L. 2021, c.182? Lead-safe certificates are valid for 2 years from the date of issuance. Yes No

If YES, please submit the valid lead-safe certificate

FOR MULTIPLE DWELLINGS ONLY (3 or more dwelling units): Has the property been registered with the Department of Community Affairs for at least 10 years with no outstanding paint violations from the most recent cyclical inspection performed pursuant to N.J.S.A.55:13A-1? Yes No Not

If YES, please provide certification from the DCA Applicable

If you have answered NO to all the questions above or are unable to provide valid documentation, a Lead-Based Paint Hazard inspection must be performed.

In accordance with P.L.2021, c.182, the owner/landlord may directly hire an NJ certified lead evaluation contractor (*attached is a DCA list of certified contractors*)

Please include a copy of the "Lead-Paint Safe Certificate" or the "Lead-Paint Free Certificate"

Signature of property owner

Date

Application Fee: \$50

Please make checks payable to: **Borough of Ocean Gate**

Office Use	
Date Received:	_____
Check#:	_____
Received By:	_____
App#:	_____

ARTICLE II
Registration of Rental Units; Licensing Requirements
[Adopted 9-11-2024 by Ord. No. 698-24]

§ 487-17. Definitions.

Unless the context clearly indicates a different meaning, the following words or phrases when used in this article shall have the following meanings:

AGENT — The individual or individuals designated by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner by this article. The term does not necessarily mean a licensed real estate broker or salesperson of the State of New Jersey as those terms are defined by N.J.S.A. 45:15-3; however, such term may include a licensed real estate broker or salesperson of the State of New Jersey if such person designated by the owner as his/her agent is so licensed.

APARTMENT COMPLEX — One or more buildings, each containing two or more apartments, which are located within close proximity of each other and are owned by the same owner.

APARTMENT or DWELLING — Any apartment, cottage, bungalow, any room or rooms in dwelling unit consisting of one or more rooms occupying all or part of a floor or floors in a building, whether designed with or without housekeeping facilities for dwelling purposes and notwithstanding whether the apartment be designed for residence, for office, or the operation of any industry or business, or for any other type of independent use.

LICENSE — The license issued by the Borough Clerk or designee attesting that the rental unit has been properly registered in accordance with this article.

LICENSEE — The person to whom the license is issued pursuant to this article. The term "licensee" includes within its definition the term "agent" where applicable.

OCCUPANT — Any individual residing in a rental unit who is not the owner of record or an immediate family member (son, daughter, father, or mother) of the owner of record.

OWNER — Any person or group of persons, firm, corporation, or officer thereof, partnership association, or trust who owns, operates, exercises control over or is in charge of a rental facility.

PERSON — An individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof.

RENTAL FACILITY — Every building, group of buildings or a portion thereof 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 apartments and apartment complexes.

RENTAL UNIT — A dwelling unit or "apartment" as defined above which is available for lease or rental purposes and is meant to include individual apartments located within apartment complexes.

§ 487-18. Registration required; landlord license required.

- A. All rental units shall hereafter be registered with the Borough Clerk, Code Enforcement Officer, Construction Officer, Zoning Officer or designee of the Borough of Ocean Gate or

such other person as designated by the Borough Council on forms which shall be provided for that purpose and which shall be obtained from the Borough Clerk or designee. Such registration shall occur on an annual basis as provided herein.

- B. Landlord license required. Prior to offering a rental unit to the public for rent, the owner of the rental unit shall become a licensed landlord and file a rental property registration statement.

§ 487-19. Registration and licensing term; initial registration provisions.

Each rental unit shall be registered with each change in occupancy. The license term shall commence on the 1st of the month and shall be valid until the last day of the preceding month of the next calendar year, at which time it shall expire and a new registration shall be required. The initial registration shall occur within 45 days following the adoption of this article. Any lease which has been executed prior to the adoption of this article shall not be affected but the rental unit must nevertheless be registered, inspected and licensed in accordance with this article. No rental unit shall hereafter be rented unless the rental unit is registered and licensed in accordance with this article.

§ 487-20. Filing and contents of registration forms.

Without in any way intending to infringe upon the requirements of N.J.S.A. 46:8-28, all rental units shall be registered and licensed as provided herein. Every owner shall file with the Borough Clerk or designee of the Borough of Ocean Gate or such other person as designated by the Borough Council a registration form for each unit contained within a building or structure which shall include the following information:

- A. The name and address of the record owner or owners of the premises and the record owner or owners of the rental business if not the same persons. In the case of a partnership, the names and addresses of all general partners shall be provided together with the telephone numbers for each of such individuals indicating where such individual may be reached both during the day and evening hours. If the record owner is a corporation, the name and address of the registered agent and corporate officers of said corporation together with the telephone numbers for each of such individuals indicating where such individual may be reached both during the day and evening hours;
- B. If the address of any record owner is not located in Ocean Gate or in Ocean County, the name and address of a person who resides in Ocean County and who is authorized to accept notices from a tenant and to issue receipts therefor and to accept service of process on behalf of the record owner;
- C. The name and address of the agent of the premises, if any;
- D. The name and address, including the dwelling unit number, of the superintendent, janitor, custodian or other individual employed by the owner or agent to provide regular maintenance service, if any;
- E. The name, address and telephone number of an individual representative of the owner or agent who may be reached or contacted at any time in the event of an emergency affecting

the premises or any unit of dwelling space therein, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith;

- F. The name and address of every holder of a recorded mortgage on the premises;
- G. If fuel oil is used to heat the building and the landlord furnishes the heat in the building, the name and address of the fuel oil dealer servicing the building and the grade of fuel oil used;
- H. As to each rental unit, a specification of the exact number of sleeping rooms contained in the rental unit. In order to satisfy the requirement of this provision, an owner shall submit a floor plan which shall become part of the application and which shall be attached to the registration form when filed by the Borough Clerk or designee;
- I. Such other information as may be prescribed by the Borough;
- J. A certified statement from the owner and/or operator that, to the best of their knowledge, the rental property is current with all applicable municipal taxes, utility charges, that the rental property complies with applicable building codes and that there are no current or pending violations of applicable building codes for the rental property.

§ 487-21. Indexing and filing of registration forms; public inspection.

The Borough Clerk or designee shall index and file the registration forms. In doing so the Borough Clerk or designee shall follow the mandates of N.J.S.A. 46:8-28.1 as amended and supplemented so that the filing of the registration form will simultaneously satisfy the registration requirements of N.J.S.A. 46:8-28 to the extent that it applies to the property being registered and will also satisfy the registration requirements of this article. Registration forms shall include name of occupants, mailing address of occupants, occupant's phone number and the names of all of occupant's children residing with occupants.

§ 487-22. Filing of amended registration form.

Every person required to file a registration form pursuant to this article shall file an amended registration form within 20 days after any change in the information required to be included thereon. No fee shall be required for the filing of an amendment except where the ownership of the premises is changed.

§ 487-23. Periodic inspections.

- A. Each rental unit shall be inspected at least once every 12-month period, whether occupied or not.
- B. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Borough of Ocean Gate and inspections made by persons or an agency other than the duly authorized and appointed person, persons or agency of the Borough of Ocean Gate shall not be used as a valid substitute.
- C. Such inspection shall be for the purpose of determining Zoning Ordinance compliance and, to the extent applicable, to determine if the property complies with the International Property

Maintenance Code 2021 and all subsequent editions and iterations, or any other codes or standards referenced by the International Property Maintenance Code.

- D. Unsatisfactory inspection. In the event that the inspection(s) of a rental unit does not result in a satisfactory inspection, such property shall not thereafter be registered, nor shall a license issue, and the owner of the property, or his/her agent, shall not lease or rent such property, nor shall any tenant occupy the property until the necessary corrections have been made so as to bring the property and rental unit into compliance with the applicable code and the property is thereafter subsequently inspected, registered and licensed. In the event that the property is occupied when such conditions are discovered, all such corrections shall be made within 60 days; if an imminent hazard all such corrections shall be made immediately within 72 hours; and if not made within that time period, the owner shall be deemed in violation of this article and every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of § 487-35 of this article.

§ 487-24. Access for inspections and repairs.

- A. The inspection officers are hereby authorized to make inspections to determine the condition of rental facilities and rental units in order that they may promote the purposes of this article to safeguard the health, safety, and welfare of the occupants of rental facilities, rental units and of the general public. For the purposes of making such inspections, the inspecting officers are hereby authorized to enter, examine and survey rental facilities and rental units at all reasonable times. The owner, owner's agent or occupant of every rental facility and rental unit shall give the inspecting officer free access to the rental facility, rental unit and at all reasonable times for the purpose of such inspections, examinations and surveys. The owner or owner's agent shall be responsible for scheduling inspections and must be present upon the request of the inspecting officer/Code Enforcement Officer.
- B. Every occupant shall give the owner of the rental facility and rental unit access to any part of such rental facility and rental unit at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this article or any lawful order issued pursuant thereto.
- C. Complaints. Within 10 days of receipt of a complaint alleging a reported violation of this article, an inspecting officer shall conduct an inspection as hereinbefore provided.

§ 487-25. Prohibitions on occupancy.

No person shall hereafter occupy any rental unit, nor shall the owner permit occupancy of any rental unit within the Borough of Ocean Gate, which is not registered and licensed in accordance with this article.

§ 487-26. Issuance of license. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- A. Upon the filing of a completed registration form, and payment of the prescribed fee, and a satisfactory inspection, the owner shall be entitled to the issuance of a license commencing on the date of issuance and expiring on the same date of the next calendar year. A registration form shall be required for each rental unit, and license shall issue to the owner for each rental

unit, even if more than one rental unit is contained in the property. In the event ownership of the rental property is transferred during the term of the license, the new owner shall apply for a transfer of the license within 10 days of the transfer by a transfer of license application. There will be a transfer fee as set forth in Chapter 290, Article III, Fee Schedule for Activities and Services, associated with the transfer. The transferor of the license shall forfeit any claim against the Borough for amounts previously paid to become a licensed landlord.

- B. This license requirement prescribed by this article shall be a requirement for the issuance of occupancy permits for existing buildings as required by Borough Ordinance No. 387-95 and any supplement thereto.

§ 487-27. Fees. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

At the time of the filing of the registration form, and prior to the issuance of a license, the owner or agent of the owner must pay a fee for the following. The fees for the items below are set forth in Chapter 290, Article III, Fee Schedule for Activities and Services:

- A. Initial registration fee.
- B. An annual registration fee, per year.
- C. A reinspection fee.
- D. If the owner of the property is a senior citizen who resides in a unit of the property and rents out the remaining unit and would otherwise qualify under the State of New Jersey property tax deduction under N.J.S.A. 54:4-8.41, there shall be no fee. Any individual seeking to have their fee waived must meet all of the qualifications identified in N.J.S.A. 54:4-8.41, including the annual income limitation.
- E. If any fee is not paid within 30 days of its due date, a late-fee surcharge as set forth in Chapter 290, Article III, Fee Schedule for Activities and Services, will be assessed. If any fee is not paid within 45 days of the assessment of a late-fee surcharge, a summons will be issued for violating Chapter 487, Article II, Registration of Rental Units; Licensing Requirements.
- F. Transfer of landlord license fee.

§ 487-28. Provision of registration form to occupants and tenants.

Every owner shall provide each occupant or tenant occupying a rental unit with a copy of the registration form required by this article. This particular provision shall not apply to any hotel, motel, or guest house registered with the State of New Jersey pursuant to the Hotel and Multiple Dwelling Act as defined in N.J.S.A. 55:13A-3. This provision may be complied with by posting a copy of the registration certificate in a conspicuous place within the rental unit(s).

§ 487-29. Maximum number of occupants; posting.

- A. The maximum number of occupants shall be posted in each rental unit. It shall be unlawful for any person, including the owner, agent, tenant or registered tenant, to allow a greater number of persons than the posted maximum number of occupants to sleep in or occupy

overnight the rental unit for a period exceeding 29 days. Any person violating this provision shall be subject to the penalty provisions of § 487-35 of this article.

- B. Only those occupants whose names are on file with the Borough as required in this article may reside in the licensed premises. It shall be unlawful for any other person to reside in said premises and any owner, agent, tenant, or registered tenant allowing a nonregistered party to reside in said premises shall be in violation of this section shall be subject to the penalty provisions of § 487-35 of this article.

§ 487-30. Taxes and other municipal charges; payment precondition for registration and license.

No rental unit may be registered and no license shall issue for any property containing a rental unit unless all municipal taxes, water and sewer charges and any other municipal assessments are paid on a current basis. A rental license may be revoked or suspended when any licensee, who is an owner of the property for which the license was issued, is delinquent on taxes and/or municipal assessments due for the property for at least three consecutive quarters. Upon payment of the delinquent taxes and/or municipal assessments, the license shall be restored. This section is in compliance with N.J.S.A. 40:52-1.2.

§ 487-31. Other rental unit standards.

All dwelling units shall be maintained in accordance with the International Property Maintenance Code and referenced standards.

§ 487-32. Lead-based paint inspections. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- A. Required initial inspection. The owner, landlord and/or agent of every single-family, two-family, and/or multiple dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards within two years of the effective date of the law, July 2, 2024, or upon tenant turnover, whichever is earlier.
- B. Required recurring inspection. After the initial inspection required by this article, the owner, landlord and/or agent of such dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three years, or at tenant turnover, whichever is earlier, except that an inspection upon tenant turnover shall not be required if the owner has a valid lead-safe certification.
- C. Standards. Inspections for lead-based paint in rental dwelling units shall be governed by the standards set forth in N.J.S.A. 52:27D-437.1 et seq. and N.J.S.A. 55:13A-1 et seq., as may be amended from time to time.
- D. Exceptions. A dwelling unit in a single-family, two-family, or multiple rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards, or for the fees for such inspection or evaluation, if the unit:
- (1) Has been certified to be free of lead-based paint;
 - (2) Was constructed during or after 1978; or

- (3) Is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least 10 years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 et seq.;
 - (4) Is a single-family or two-family seasonal rental dwelling which is rented for less than six months' duration each year by tenants that do not have consecutive lease renewals; or
 - (5) Has a valid lead-safe certification issued in accordance with N.J.S.A. 52:27D-437.16(d)(2).
- E. Hazards identified. If lead-based paint hazards are identified, then the owner of the dwelling shall remediate the hazards through abatement or lead-based paint hazard control mechanisms in accordance with N.J.S.A. 52:27D-437.16(d). Upon the remediation of the lead-based paint hazard, the Borough of Ocean Gate Code Enforcement Officer or designee, as may be applicable, or the owner's private lead inspector, shall conduct an additional inspection of the unit to certify that the hazard no longer exists.
- F. No hazards identified. If no lead-based hazards are identified, then the Borough Code Enforcement Officer or designee or the owner's private lead inspector shall certify the dwelling as lead safe on a form prescribed by the Department of Community Affairs, which shall be valid for two years and shall be filed with the Borough's Code Enforcement Officer, who shall maintain up-to-date information on inspection schedules, inspection results, tenant turnover and record of all lead-free certifications issued pursuant to N.J.A.C. 5:17.
- G. Certification; records. In accordance with N.J.S.A. 52:27D-437.16(e), property owners shall:
- (1) Provide evidence of a valid lead-safe certification and the most recent tenant turnover to the Borough of Ocean Gate at the time of the cyclical inspection.
 - (2) Provide evidence of a valid lead-safe certification to new tenants of the property at the time of tenant turnover and shall affix a copy of such certification as an exhibit to the tenant's or tenants' lease.
 - (3) Maintain a record of the lead-safe certification which shall include the name or names of the unit's tenant or tenants if the inspection was conducted during a period of tenancy.
- H. Fees.
- (1) Notwithstanding any other fees due pursuant to this article, a fee in the amount set forth in Chapter 290, Article III, Fee Schedule for Activities and Services, shall be paid for each lead-based paint inspection. Said fee shall be dedicated to meeting the costs of implementing and enforcing this section and shall not be used for any other purpose. Alternatively, a dwelling owner or landlord may directly hire a private lead evaluation contractor who is certified to provide lead paint inspection services by the Department of Community Affairs to satisfy the requirements.
 - (2) The fee for the filing of a lead-safe certification or lead-free certification shall be as set

forth in Chapter 290, Article III, Fee Schedule for Activities and Services.

- (3) In a common interest community, any inspection fee charged shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit.
- I. Violations and penalties. In accordance with N.J.S.A. 52:27D-437.19, the penalties for a violation of this section shall be as follows:
 - (1) If a property owner has failed to conduct the required inspection or initiate any remediation efforts, the owner shall be given 30 days to cure the violation.
 - (2) If the property owner has not cured the violation after 30 days, the property owner shall be subject to a penalty not to exceed \$1,000 per week until the required inspection has been conducted or remediation efforts have been initiated.

§ 487-33. Occupancy standards.

- A. Occupants. Only those occupants whose names are on file with the Borough Clerk as provided in the article may reside in the licensed premises. It shall be unlawful for any other person to reside in said premises, and this provision may be enforced against the landlord, tenant, or other person residing in said premises.
- B. Nuisance prohibited. No rental facility shall be conducted in a manner which shall result in any unreasonable disturbance or disruption to the surrounding properties and property owners or of the public in general, such that it shall constitute a nuisance as defined in the ordinances of the Borough of Ocean Gate.
- C. Compliance with other laws. The maintenance of all rental facilities and the conduct engaged in upon the premises by occupants and their guests shall at all times be in full compliance with all applicable ordinances and regulations of the Borough of Ocean Gate and with all applicable state and federal laws.
- D. Penalties. Any landlord, tenant or other person violating the provisions of this section shall be subject to the penalty provisions of § 487-35 of this article.

§ 487-34. Revocation of license; procedure.

- A. Grounds. In addition to any other penalty prescribed herein, an owner may be subject to the revocation or suspension of the license issued hereunder upon the happening of one or more of the following:
 - (1) Conviction of a violation of this article in the Municipal Court or any other court of competent jurisdiction.
 - (2) Determination of a violation of this article at a hearing held pursuant to § 487-34B herein.
 - (3) Continuously renting the unit or units to a tenant or tenants who are convicted of a violation of Chapter 416, Noise, of the Borough Code.

- (4) Continuously permitting the rental unit to be occupied by more than the maximum number of occupants as defined in this article.
- (5) Maintaining the rental unit or units or the property in which the rental unit is a part in a dangerous condition likely to result in injury to person or property.

B. Procedure; written complaint; notice; hearing.

- (1) A complaint seeking the revocation or suspension of a license may be filed by any one or more of the following: Chief of Police, Construction Code Official, Code Enforcement Officer, the Zoning Officer or any other persons or office authorized to file such complaint. Such complaint shall be in writing and filed with the Borough Clerk or designee. The complaint shall be specific and shall be sufficient to apprise the licensee of the charges so as to permit the licensee to present a defense. The individual(s) filing the complaint may do so on the basis of information and belief and need not rely on personal information.
- (2) Upon the filing of such written complaint, the Borough Clerk or designee shall immediately inform the Borough Council and a date for a hearing shall be scheduled which shall not be sooner than 10 nor more than 30 days thereafter. The Borough Clerk or designee shall forward a copy of the complaint and a notice as to the date of the hearing to the licensee and the agent, if any, at the address indicated on the registration form. Service upon the agent shall be sufficient.
- (3) The hearing required by this section shall be held before the Borough Council unless, in its discretion, the Borough Council determines that the matter should be heard by a hearing officer who shall be appointed by the Borough Council. If the matter is referred to a hearing officer, such officer shall transmit his/her findings of fact and conclusions of law to the Borough Council within 30 days of the conclusion of the hearing. Borough Council shall then review the matter and may accept, reject, or modify the recommendations of the hearing officer based on the record before such hearing officer. In the event that the matter is not referred to a hearing officer and is heard by Borough Council, then the Borough Council shall render a decision within 30 days of the conclusion of the hearing. Following the hearing, a decision shall be rendered, dismissing the complaint, revoking or suspending the license, or determining that the license shall not be renewed or reissued for one or more subsequent license years.
- (4) A stenographic transcript shall be made of the hearing. All witnesses shall be sworn prior to testifying. The strict rules of evidence shall not apply and the evidential rules and burden of proof shall be that which generally controls administrative hearings.
- (5) The Borough Solicitor or his/her designee shall appear and prosecute on behalf of the complainant in all hearings conducted pursuant to this section.

C. Defenses.

- (1) 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.

§ 487-35. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person who violates any provision of this article, other than § 487-32, Lead-based paint inspections, shall, upon conviction in the Municipal Court of the Borough of Ocean Gate or such other court having jurisdiction, be liable to the penalty provisions set forth in Chapter 1, Article III, General Penalty. Each day that a violation occurs shall be deemed a separate and distinct violation subject to the penalty provisions of this article.