

**ORDINANCE 2016-07
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ**

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF GREEN
BY THE ADOPTION OF A NEW CHAPTER TO BE ENTITLED
“BUILDINGS OR STRUCTURES, REPAIR OR DEMOLITION OF” PROVIDING
FOR THE REPAIR OR DEMOLITION OF DILAPIDATED STRUCTURES
IN THE TOWNSHIP OF GREEN**

BE IT ORDAINED, by the Township Committee of the Township of Green, Sussex County, New Jersey, that a new chapter of the Code of the Township of Green to be entitled “Buildings or Structures, Repair or Demolition of” be adopted as follows:

Section 1. Definitions.

The following terms, whenever used or referred to in this chapter, shall have the following respective meanings for the purposes hereof, unless a different meaning clearly appears from the context:

BUILDING - Any building or structure or part thereof, whether used for human habitation or otherwise, including any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

PUBLIC OFFICER - The Construction Official or such other public official as shall from time to time be designated by the Governing Body.

GOVERNING BODY - The Mayor and Committee of the Township of Green.

OWNER - The holder or holders of the title in fee simple.

PARTIES IN INTEREST - All individuals, associations and corporations who have interests of record in a building and any who are in actual possession thereof.

PUBLIC AUTHORITY - Any housing authority or any official who is in charge of any department or branch of the government of the Township of Green, relating to health, fire, building regulations or to other activities concerning buildings in the Township of Green.

Section 2. Investigation Upon Charge of Unfit Building

Whenever it shall be found that there exists in the Township of Green buildings which are unfit for human habitation or occupancy or use due to dilapidation, disrepair, structural defects increasing the hazards of fire, accidents or other calamities, lack of adequate ventilation, light or sanitary facilities or due to other conditions rendering such buildings unsafe or unsanitary and dangerous or detrimental to the health or safety or otherwise inimical to the welfare of the residents, the Construction Official shall, upon the filing of a petition by a public authority or by at least five (5) residents of the Township of Green, charging that any building is unfit for human habitation or occupancy or use, or if it shall appear to such Construction Official, on his own motion, that any building is unfit for human habitation or occupancy or use, make a preliminary investigation or cause such preliminary investigation to be made concerning the basis for such charges.

Section 3. Basis for Determination of Unfit Building

- A. Buildings shall be considered unfit for human habitation or occupancy or use, within the meaning hereof, when one (1) or more of the below listed conditions are found to exist. Not all of the below listed conditions would be applicable to all buildings depending on the design or use of any particular building. The conditions are as follows:
1. Condition of structure. The condition of the structure is such as to make it unsafe or unsanitary through the presence of serious safety hazards resulting from the need for major repairs to the roof, walls, ceiling, floors or stairs or through the presence of serious health hazards resulting from continuous dampness or exposure brought about by neglect or dilapidation.
 2. Water supply: lack of potable running water within each dwelling or lack of hot water facilities available to each dwelling.
 3. Sewerage system: no connection between plumbing fixtures and adequate sewage disposal system.
 4. Toilet facilities: no flush toilet fit for use in each building.
 5. Bath facilities: no bathtub or shower fit for use in each dwelling.
 6. Kitchen facilities: lack of permanent, safe and reasonably efficient kitchen facilities within each dwelling unit, including a sink with running water and provisions for a cooking stove.
 7. Lighting facilities: building inadequately wired for electricity
 8. Heating facilities: heating facilities inadequate or unsafe
 9. Light and ventilation: living room, bedroom or kitchen with no windows or with windows opening on an air shaft, or toilet or bathroom without adequate ventilation.
 10. Unsecured building: any building without adequate doors or windows in place capable of being locked or otherwise secured to prevent the unauthorized entrance into said building by any person.
- B. The generality of the condition rendering a building unfit for human habitation or occupancy or use, specified in Section 2 hereof, shall not be deemed in anywise limited by the foregoing specification of conditions.
- C. Any building or buildings, or parts thereof, which have been damaged to such an extent that nothing remains but the walls, or parts of the walls and other supports, shall, regardless of the safety and sturdiness of those remaining walls or parts thereof, be deemed inimical to the welfare of the residents of the Township of Green and the Township may exercise its police powers to

repair, demolish, or cause the repairing or demolishing of the building or buildings, or parts thereof, pursuant to P.L. 1942, c. 112 (C. 40:48-2.3 et seq.), and the provisions of this chapter.

Section 4. Issuance of Complaint.

If a preliminary investigation shall disclose to said Construction Official a basis for the charges filed, he shall issue and cause to be served upon the owner of and parties of interest in such building a complaint stating the charges in that respect. Said complaint shall also contain a notice that a hearing will be held before him at a place therein fixed not less than seven (7) days nor more than thirty (30) days after the serving of said complaint.

Section 5. Answer to Complaint.

The owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, by counsel or otherwise, and give testimony at the time and place fixed in the complaint.

Section 6. Rules of Evidence.

The rules of evidence prevailing in courts of law or equity shall not be controlling in a hearing before the Construction Official.

Section 7. Determination of Unfit Building.

The Construction Official may determine that a building is unfit for human habitation or occupancy or use if he finds that conditions exist in such buildings which are dangerous or injurious to the health and safety of the occupants of such building, the occupants of neighboring buildings or other residents of the Township of Green. Such conditions shall be deemed to include, without limiting the generality of the foregoing, defects increasing the hazards of fire, accidents or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects; uncleanliness; failure to comply with the requirements of the building code or the certificate of occupancy; and the conditions set forth in Section 2 and Section 3 of this Chapter.

Section 8. Order to Abate Conditions.

When, after such notice and hearing, the Construction Official determines that the building under consideration is unfit for human habitation or occupancy or use, he shall state, in writing, his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof and the parties in interest an order as follows:

- A. Requiring the repair, alteration or improvement of said building to be made by the owner within a reasonable time, which time shall be set forth in the order or, at the option of the owner, to vacate or have said building vacated and closed within the time set forth in the order.
- B. If the building is in such a condition as to make it dangerous to the health and safety of the persons on or near the premises and the owner fails to repair, alter or improve said building within the time specified in the order, then the owner shall be required to remove or demolish said building within a reasonable time to be specified in said order.

Section 9. Failure to Repair.

If the owner fails to comply with an order to repair, alter or improve or, at the option of the owner, to vacate and close the building, the Construction Official may cause such building to be repaired, altered or improved or to be vacated and closed. The Construction Official shall cause to be posted on the main entrance of any building so closed a placard with the following words: "This building is unfit for human habitation or occupancy or use; the use or occupancy of this building is prohibited and unlawful."

Section 10. Failure to Demolish.

If the owner fails to comply with an order to remove or demolish the building, the Construction Official may cause such building to be removed or demolished or may contract for the removal or demolition thereof after advertisement and after receipt of bids therefor.

Section 11. Recovery of Costs.

The amount of the cost of such repairs, alterations or improvements or vacating and closing or removal or demolition, when done by the Construction Official, shall be a municipal lien against the real property upon which such cost was incurred. If the building is removed or demolished by the Construction Official, he shall sell the materials of such building and shall credit the proceeds of such sale against the cost of the removal or demolition, including the clearance and, if necessary, the leveling of the site, and any balance remaining shall be deposited in the Superior Court of New Jersey, Chancery Division, by the Construction Official, shall be secured in such manner as may be directed by such court and shall be disbursed by such court to the persons found to be entitled thereto by final order or decree of such court; provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement by summary proceeding or otherwise.

Section 12. Service of Complaint.

Complaints or orders issued by the Construction Official, pursuant to this chapter, shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown, and the same cannot be ascertained by the Construction Official in the exercise of reasonable diligence, and the Construction Official shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once in a newspaper printed and published in the Township of Green or circulated in said Township. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall be duly recorded or lodged for record with the County Clerk of Sussex County.

Section 13. Petition for Relief from Order.

Any person affected by an order issued by the Construction Official may petition the Chancery Division, Superior Court, for relief in accordance with P.L. 1942, c. 112, N.J.S.A. 40:48-2.3 et seq.

Section 14. Remedies to be Exclusive

The remedies herein provided shall be exclusive remedies, and no person affected by an order of the Construction Official shall be entitled to recover any damage for action taken pursuant to any order of

the Construction Official or because of non-compliance by such person with any order of the Construction Official.

Section 15. Authority to Seek Judgment

If an actual and immediate danger to life is posed by the threatened collapse of any fire-damaged or other structurally unsafe building, the public officer may, after taking such measures as may be necessary to make such building temporarily safe, seek a judgment in summary proceedings for the demolition thereof.

Section 16. Powers of Construction Official.

In addition to the powers herein granted to the Construction Official, he shall also have the following powers:

- A. To investigate the building conditions in the Township of Green in order to determine which buildings therein are unfit for human habitation or occupancy or use.
- B. To administer oaths, affirmations, examine witnesses and receive evidence.
- C. To enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession.

Section 17. Effect on Power of Other Authorities.

Nothing in this chapter shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise, nor is anything in this chapter intended to limit the authority of the enforcing agency or Construction Official under the State Uniform Construction Code Act P.L. 1975, c. 127, (N.J.S.A. 52:27D-119 et seq.) or any rules or regulations adopted thereunder.

Section 18. Rehabilitation Director.

For the enforcement of provisions of this chapter, the office of Rehabilitation Director is hereby created, and appointment to the office shall be by the Mayor and Committee for such term or terms and with such compensation as it may fix. The Construction Official may also serve as the Rehabilitation Director.

Section 19. Posting of Notice of Dangerous Condition.

Every building which shall have been damaged by fire or other cause so as to be dangerous by reason of the bad condition of walls, floors, construction or otherwise shall be held to be unsafe, and the Construction Official, besides proceeding as hereinabove provided, shall also fix a notice of the dangerous character of the structure to a conspicuous place on the exterior of the building.

Section 20. Violations and Penalties.

Any person convicted of a violation of any of the provisions hereof by unlawfully removing any notice affixed to any building or by refusing to vacate any building, structure or premises or part thereof when lawfully ordered to vacate same shall, upon conviction, be punishable by a fine not exceeding \$2,000 or

imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof.

Section 21. Effect on Enforcement of Other Provisions

The imposition of the fine or imprisonment for a violation of this chapter shall not be construed as in any manner affecting the enforcement of the other provisions hereof.

Section 22. Severability.

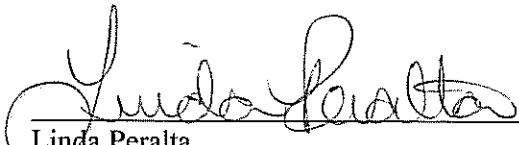
If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of this chapter shall not be affected thereby and shall remain in full force and effect.

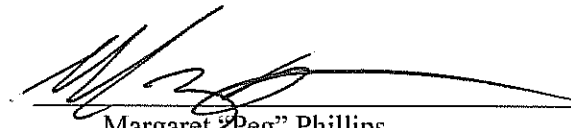
Section 23. When Effective.

This chapter shall take effect immediately upon its final passage and publication as required by law.

ATTEST:

TOWNSHIP OF GREEN
IN THE COUNTY OF SUSSEX


Linda Peralta
Township Clerk/ Administrator


Margaret "Peg" Phillips
Mayor

Record of Vote – ^{Adoption:} Introduction:

	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip				✓
Mr. Conkling	1st ✓			
Mr. Kurzeja	2nd ✓			
Mr. Qarmout		✓		
Mrs. Phillips	✓			

Introduction: May 23, 2016
Public Hearing: June 13, 2016
Advertised Adoption: June 19, 2016

Advertised Introduction: May 31, 2016
Adopted: June 13, 2016