

City Clerk File No. Ord. 14.045

Agenda No. 3.A 1st Reading

Agenda No. 4.A. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 14.045

TITLE:

**AN ORDINANCE AMENDING CHAPTER 254, (PROPERTY MAINTENANCE)
ARTICLE IV, TO ESTABLISH A REGISTRATION FEE FOR VACANT LOTS AND TO
PROVIDE MAINTENCE STANDARDS FOR VACANT LOTS**

WHEREAS, the City of Jersey City contains many vacant lots; and

WHEREAS, often the owners of these vacant lots are neglectful of them, fail to maintain or secure them to an adequate standard, or plan to return to productive use; and

WHEREAS, it has been demonstrated that vacant lots cause harm to the health, welfare and safety of the community, including an increase in criminal activity, litter, environmental degradation and diminution of adjacent and neighboring property values; and

WHEREAS, the citizens of Jersey City must bear the increased cost associated with dealing with the problems of vacant lots including, but not limited to excessive police calls, and property inspections; and

WHEREAS, it is in the public's best interest that the City of Jersey City establish minimum standards of accountability on the owners or other responsible parties of vacant lots in order to protect the health, welfare and safety of the community; and

WHEREAS, it is in the public's best interest that the City of Jersey City impose a fee in conjunction with a registration ordinance to for vacant lots in light of the costs imposed upon the citizens of Jersey City by the presence of these structures.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that:

- A. The following amendments to Chapter 254 (Property Maintenance) creating a Vacant Lot Registry are set forth below and shall be adopted:

PROPERTY MAINTENANCE
Article IV ~~Unfit Buildings~~ Vacant Properties

§ 254-20. Vacant structures; vacant lots; inspection; notice; hearings.

- A. The ~~Chief Director of the Division of Housing Code Enforcement (HCE)~~ on his or her own, or upon the filing of a petition by a public authority or by at least five residents of the ~~e~~City, shall make an inspection of any building believed to be unfit for human habitation, occupancy or use; and if ~~his or her~~ a preliminary investigation discloses a basis for such charges, the Director ~~of the Division of Construction Code Official~~ Housing Code Enforcement or his or her designee,

thereupon shall serve upon the owner of the building and parties in interest in such a building, a notice stating the charges in that respect and setting a date for a hearing before the ~~Director of the Division of Construction Code Official~~ Director of Housing Code Enforcement not less than seven nor more than 30 days from the date of service of said notice. The owner and parties in interest shall be given the right to file an answer to the notice and to appear in person or otherwise and give testimony at the time and place fixed in the notice. The rules of evidence prevailing in the courts shall not be controlling in hearings before the ~~Director of the Division of Construction Code Official~~ Director of Housing Code Enforcement.

B. ~~The Construction Official~~ Director of Housing Code Enforcement shall determine within 90 days after notice to the owner whether a building should be condemned and the owner directed to either repair or demolish the building.

C. The Director of the Division of Housing Code Enforcement (HCE) on his or her own, or upon the filing of a petition by a public authority or by at least five residents of the City, shall make an inspection of any vacant lot and if a preliminary investigation indicates that lot is unkempt and should be added to the City's vacant Lot Registry then the Director Housing Code Enforcement or his or her designee, shall serve upon the owner of the lot and parties in interest in the lot, a notice stating the charges in that respect and setting a date for a hearing before the Director of Housing Code Enforcement not less than seven nor more than 30 days from the date of service of said notice. The owner and parties in interest shall be given the right to file an answer to the notice and to appear in person or otherwise and give testimony at the time and place fixed in the notice. The rules of evidence prevailing in the courts shall not be controlling in hearings before the Director of Housing Code Enforcement.

~~C.D.~~ The Construction Official Director of Housing Code Enforcement shall provide the Mayor and Council with quarterly reports on the status of all buildings and lots reported to his or her division as abandoned or unfit for human occupancy. Such report shall indicate the ~~Construction Official's~~ Housing Code Enforcement Director's decision as to each such building.

§ 254-21. Vacant or boarded structures.

A. Any residential or commercial building or structure in the City of Jersey City remaining vacant or boarded for a period exceeding six (6) months shall be deemed a fire hazard and unsafe.

B. If any residential or commercial building or structure remains vacant or boarded for more than six (6) months, the ~~Construction Official~~ Director of Housing Code Enforcement or his or her designee shall serve upon the owner, agent or person in control of the building or structure a written notice describing the building or structure and requiring the owner, agent or person in control of the building or the structure to abate this condition by taking one (1) of the following corrective measures within six (6) months of the date of written notification.

(1) Actual and legal occupancy of the building or structure, which occupancy shall be made only after obtaining a certificate of occupancy.

(2) Submission of a fully executed and binding contract of sale for the property building, which contract shall contain a clause advising the

prospective purchaser that occupancy must be achieved within six (6) months of the service of the written notice specified above.

- (3) Demolition of the building or structure, upon obtaining the necessary demolition permit(s).
- (4) Any other action required or necessary to render the building or structure safe and in a habitable condition.

C. Where a building or structure has been abandoned for a period exceeding six (6) months and ownership cannot be determined, the city shall institute appropriate legal action to acquire title to the building or structure pursuant to the police powers vested in the City of Jersey City and upon acquisition, the building or structure shall be maintained by the eCity in a condition compatible with the surrounding neighborhood until such time as said property is disposed of at public auction or as otherwise permitted by law.

§ 254-21.1. Purpose.

The purpose of this Section Article IV is to require accountability from the owners of vacant buildings and abandoned properties lots within the City of Jersey City by establishing a system of registration and the maintenance plan approval, and impose the fees to fund these efforts which will protect public health, safety and general welfare of the citizens and improve unsightly neighborhoods, require secure structures, prevent structural deterioration, and protect neighborhood property values and safety.

§ 254-22.2. Definitions.

The following words, terms and phrases, when, used in this ~~division~~ section, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

ABANDONED PROPERTY defined in accordance with N.J.S.A. 55:19-78 means improved real property that has not been legally occupied for six (6) months and which meets any one of the criteria set forth in N.J.S.A. 55:19-78.

DIVISION OF HOUSING CODE ENFORCEMENT (HCE) is the City division charged with enforcing the provisions of this Ordinance.

ENFORCEMENT OFFICIAL means any duly authorized City employee or designated representative.

EVIDENCE OF VACANCY means any condition that on its own, or combined with other conditions present would lead a reasonable person to believe that the property is or has been vacant for six (6) or more months. Such conditions include, but are not limited to, overgrown or dead vegetation, accumulation of newspapers, circulars, flyers or mail, past due utility notices or disconnected utilities, accumulation of trash, junk or debris, the absence of window coverings -such as curtains, blinds or shutters, the absence of furnishings or personal items consistent with residential habitation, statements by neighbors, delivery agents, or government employees that the property is vacant or abandoned.

OWNER means any person, co-partnership, agent, operator, firm, association, corporation, or fiduciary having a legal or equitable interest in the property; or appears on the official records of the state, country, or municipality as holding title to the property; or otherwise exercises control of the property, including the trustee or guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PROPERTY means any unimproved or improved real property, or portion thereof, located in the City of Jersey City, including the buildings or structures located on the property regardless of condition.

VACANT PROPERTY BUILDING means any property building used or to be used as a residence which is (i) not legally occupied or (ii) at which substantially all lawful construction operations or residential occupancy has ceased, and which is in such condition that it cannot legally be re-occupied without repair or rehabilitation; provided, however, that any property with all "building systems" in working order that is also being actively marketed by its owner for sale or rental, shall not be deemed vacant.

VACANT LOT means a platted or unplatted parcel of land, which does not contain a habitable or commercial structure.

§ 254-21.3. General requirements for vacant buildings and lots.

- A. ~~Effective October 15, 2011, the owner of any property building which is, becomes or is found to be vacant shall within sixty (60) days (or within thirty (30) days of assuming ownership of such property building) Sixty (60) days after the effective date of this Ordinance or thirty (30) days after a building or lot becomes vacant the owner shall~~ file a registration statement for each such property vacant building or lot with the City Division of Housing Code Enforcement (HCE) on forms provided by HCE for such purposes. The registration shall, remain valid until the subsequent October 15 for one (1) year. The owner shall be required to renew the registration annually as long as the property, building or lot remains vacant or abandoned and shall pay a registration or renewal fee in the amount prescribed in § 254-21.9.
- B. ~~The owner of property which was vacant prior to October 1, 2011, shall file a registration statement for that property on or before October 31, 2011. The registration statement shall include the information required under § 254-21.4 of this Chapter, as well as any additional information that the HCE may reasonably require.~~
- ~~C.B.~~ The Owner shall notify the HCE within thirty (30) days of any change in the registration information by filing an amended registration statement on a form provided by the HCE for such purpose.
- ~~D.C.~~ The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the City of Jersey City against the owner or owners of the property.

§ 254-21.4. Registration requirements for vacant buildings and lots.

The owner of a vacant building(s) or lot(s) shall provide the following information to HCE on a the registration form or form(s) prescribed by HCE:

- (1) Name, address, email address and contact telephone number of the owner; the owner's address must include a street address; a post office box is not acceptable.
- (2) Name, address, email address and contact telephone number of any local agent(s) or representative for the property building or lot;
- (3) Name, address, email address and contact telephone number of the person assigned to the property for the security and maintenance of the property building or lot;

- (4) Common address and tax assessor's block and lot designation of the property building or lot;
- (5) If a vacant building, the date on which the property building became vacant;
- (6) If a vacant building, proof of utility (gas, electric, water) connections or disconnections; and
- (7) Any other information reasonably required by the ~~HCE~~ the City to ensure the safety of all persons and to prevent neglect.
- (8) Any government entity that owns a vacant building or lot will be required to register with Jersey City, but the registration fee shall be waived.
- (8)(9) By designating an authorized agent under the provisions of this section, the owner consents to receive any and all notices of code violations concerning the registered vacant property building or lot and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building or lot by service of the notice of process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the ~~HCE~~ City of a change of an authorized agent or until the owner files a new annual registration statement.
- (10) The owner is required to update the form within thirty (30) days of a change of any information contained within the form.
- (11) The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the City of Jersey City against the owner or owners of the vacant building or lot.
- (12) An Enforcement Official may identify vacant lots through his/her routine inspection process as well as through notification by residents, or other community groups that a lot may be eligible for inclusion on the registry. Notice will be served upon, or sent by mail, to the owner and will be deemed received by the owner, upon personal delivery; or five days after service by first class mail.
- (13) The Director of Housing Code Enforcement shall provide the Mayor and Council with quarterly reports on the status of all vacant lots.

§ 254-21.5. Property Vacant building inspection.

After filing a registration statement or a renewal of a registration statement and upon reasonable notice, the owner of any vacant property building shall provide access to the City to conduct an exterior and interior inspection of the building to determine compliance with the municipal code, during the period covered by the initial registration or any subsequent renewal.

§ 254-21.6. Requirements for owners of vacant property buildings.

The owner of any property building that has become vacant, and any person maintaining, operating or collecting rent for any such property building shall, within thirty (30) days:

- (1) Enclose and secure the property building against unauthorized entry in accordance with the applicable provisions of the Code of the City of Jersey City.
- (2) Post a sign affixed to the property building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process (if designated pursuant to this Chapter) and the person responsible for day-to-day supervision and management of the property, if such person is different from the owner or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 18" x 24"; and
- (3) Secure the property building from unauthorized entry and maintain the sign until the property building is again legally occupied or demolished or until repair or rehabilitation of the property is complete.

§ 254-21.7. Vacant property building deemed abandoned property building; list of abandoned property building to be maintained by the director of housing and economic development; remedies for abandoned property building.

If the Director of ~~HED~~ Housing Code Enforcement determines that vacant property building as defined herein has been abandoned as defined in N.J.S.A. 55:19-81, the Director shall place the property building on a list of abandoned properties buildings to be maintained by the Director in accordance with N.J.S.A. 55:19-55. The abandoned property building list shall become effective either upon the expiration date of the period for appeal with respect to any property building placed on the list or upon the denial of an appeal brought by the owner. Thereafter, the municipality may pursue any statutory remedy with respect to properties buildings on the Abandoned Property list, including the sale of tax sale certificate subject to the condition that the purchase or assignee shall be obliged to complete any rehabilitation or repairs required to render the property building eligible for removal from the abandoned property building list.

§ 254-21.8. Fees.

~~The initial registration fee, and subsequent renewals, for each vacant property shall be as provided in Chapter 160, Fees and Charges.~~

§ 254-21.9. Violations and penalties.

~~Any person violating any of the provisions of this chapter shall, upon conviction, be punished as provided for in Chapter 1, General Provisions, § 1-25.~~

§254.21.8. Requirements for owners of vacant lots.

The owner of any vacant lot and any person maintaining such a lot shall within 60 days:

- a) Register the vacant lot of which they are in possession.
- b) Enclose and secure the property against unauthorized entry with a six (6) foot tall fence in accordance with § 345-67, (Fences and walls) and with any other applicable provisions of the Code of the City of Jersey City. Broken or open fences must be repaired or replaced in a timely fashion.
- c) Ensure that all bushes and trees are trimmed and that they do not interfere with neighboring properties.

- d) Ensure that grass does not exceed twelve (12) inches height and that all grass clippings are removed from the lot when the grass is cut.
- e) Lots must be clear of all garbage, litter and debris. Vacant lots must be clear of all vehicles: cars, boats, campers, etc.
- f) All sidewalks bordering vacant lots must be maintained and be cleared of snow, ice, tripping hazards, obstructions, garbage, litter and debris.
- g) The owner or owner's agent shall perform regular weekly inspections of the vacant lot to ensure compliance with the requirements of this section.

§254.21.9. Fees.

The initial registration fee for each vacant building or vacant lot shall be two hundred fifty dollars (\$250.00). The fee for subsequent renewals shall be five hundred dollars (\$500.00). The renewal fee for the annual registration shall be due on the yearly anniversary of the initial registration. The registration fee will not be prorated or refunded.

The initial registration fee, and subsequent renewals, for each vacant building or lot shall be as provided in Chapter 160, Fees and Charges.

§254.21.10. Violations and Penalties.

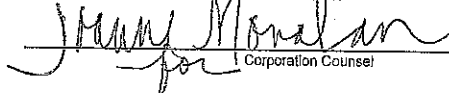
Any person violating any of the provisions of this chapter, shall, upon conviction, be punished as provided for in Chapter 1, General Provisions, Sec. 1-25.

- C. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
- D. This Ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.
- E. This Ordinance shall take effect at the time and in the manner as provided by law.
- F. The City Clerk and the Corporation Counsel be and hereby are authorized and directed to change any chapter numbers, article numbers and section numbers in the event the codification of this Ordinance reveals that there is conflict between those numbers and the existing code.

Note: All new material is underlined; words ~~struck through~~ are omitted. For purposes of advertising only, new matter is **boldface** and repealed by *italics*.

JJH
4/23/14

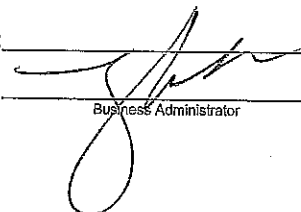
APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED: _____

APPROVED: _____



Business Administrator

Certification Required
Not Required

ORDINANCE FACT SHEET

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance

AN ORDINANCE AMENDING CHAPTER 254, (PROPERTY MAINTENANCE) ARTICLE IV, TO ESTABLISH A REGISTRATION FEE FOR VACANT LOTS AND TO PROVIDE MAINTENCE STANDARDS FOR VACANT LOTS.

Initiator

Department/Division	Department of Housing, Economic Development & Commerce	Division of Housing Code Enforcement
Name/Title	Edward Coleman	Director <i>Edward Coleman</i>
Phone/email	(201) 547-4825	edco@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

I certify that all the facts presented herein are accurate.

[Handwritten Signature]
Signature of Department Director

4/16/14
Date

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 14.045
 TITLE: 3.A APR 23 2014 4.A MAY 14 2014

An ordinance amending Chapter 254, (Property Maintenance) Article IV, to establish a registration fee for vacant lots and to provide maintenance standards for vacant lots.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
APR 23 2014 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
MAY 14 2014 9-0											
Councilperson <u>OSBORNE</u> moved, seconded by Councilperson <u>COLEMAN</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted _____											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMEN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
MAY 14 2014 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on APR 23 2014
 Adopted on second and final reading after hearing on MAY 14 2014

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on MAY 14 2014

Robert Byrne, City Clerk

APPROVED:
 Rolando R. Lavarro, Jr., Council President

Date MAY 14 2014

*Amendment(s):

APPROVED:
 Steven M. Filop, Mayor

Date MAY 19 2014

Date to Mayor MAY 15 2014