

**AN ORDINANCE TO ESTABLISH CHAPTER 8.85
OF THE CITY CODE OF THE CITY OF
ELIZABETH ENTITLED "ABANDONED
PROPERTIES"**

WHEREAS, abandoned properties create a wide range of problems, such as fostering criminal activity, creating public health problems and otherwise diminishing the quality of life for residents and business operators in those areas; and

WHEREAS, abandoned properties diminish the property values of neighboring properties and have a negative effect on the quality of life of adjacent property owners, increasing the risk of property damage through arson and vandalism and discouraging neighborhood stability and revitalization; and

WHEREAS, the continued presence of abandoned properties, which are presumptively considered to be nuisances in view of their negative effects on nearby properties and the residents or users of those properties, in the City of Elizabeth acts a significant barrier to the City's continued progress, development, and revitalization; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, this Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the City by law; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH:

SECTION 1. Municipal Powers to Rehabilitate Abandoned Property. The City of Elizabeth hereby grants to itself all such powers granted to municipalities by the State of New Jersey for the rehabilitation of abandoned property. Such powers are set forth, inter alia, in the "Abandoned Properties Rehabilitation Act" (N.J.S.A. 55:19-78 et seq.) and in applicable portions of the "New Jersey Urban Development Corporation Act" (N.J.S.A. 55- 19-1 though -77). These state statutory powers are collectively referred to herein as the "enabling statutes."

SECTION 2. Public Officer. The Public Officer, as defined in N.J.S.A. 55:19-80, who is responsible for executing the provisions of this chapter for the rehabilitation of abandoned property, shall be designated by resolution of the City Council.

SECTION 3. Abandoned Property. The Public Officer shall designate a property as an "abandoned property" if said property meets the criteria set forth in N.J.S.A. 55:19-81 (abandoned property criteria) and/or N.J.S.A. 55:19-82 (nuisance property criteria). The Public Officer's designation is limited by the provisions of N.J.S.A. 55:19-83.

SECTION 4. Abandoned Property List. The Public Officer shall establish an Abandoned Property List pursuant to N.J.S.A. 55:19-55. An interested party (as that term is defined in N.J.S.A. 55:19-105a) may request that the Public Officer include a property on the Abandoned Property List, pursuant to N.J.S.A. 55:19-105.

SECTION 5. Rights of Owner of Abandoned Property. The owner of a property on the Abandoned Property List has such rights designated to said owner by the enabling statutes. Such powers include but are not limited to:

- A. Challenging the inclusion of a property on the Abandoned Property List, pursuant to N.J.S.A. 55:19-55e;
- B. Seeking removal from said list, pursuant to N.J.S.A. 55:19-57 and 55:19-103;
- C. Petitioning for reinstatement of control and possession, pursuant to N.J.S.A. 55:19-92 et seq.;

SECTION 6. Municipal Powers. City of Elizabeth has such powers and rights regarding abandoned properties as set forth in the enabling statutes. Such powers include but are not limited to:

- A. Sale of tax lien, pursuant to N.J.S.A. 55:19-56;
- B. Special tax sales, pursuant to N.J.S.A. 55:19-101;
- C. Foreclosing the right to redemption, pursuant to N.J.S.A. 55:19-58;
- D. Recourse directly against property owner, pursuant to N.J.S.A. 55:19-100;
- E. Possession and control of property, pursuant to N.J.S.A. 55:19-84 to 55:19-92 et seq.;
- F. Rehabilitation and reuse of property, while in possession and control, pursuant to N.J.S.A. 55:19-90;
- G. Borrowing money and making applications for rehabilitation of property, while in possession and control, pursuant to N.J.S.A. 55:19-91;
- H. Sale of property, pursuant to N.J.S.A. 55:19-96;
- I. Purchase of property, pursuant to N.J.S.A. 55:19-96;
- J. Recover rehabilitation costs by lien on property, pursuant to N.J.S.A. 55:19-98;
- K. Clearance, development, redevelopment or repair of property through power of eminent domain, pursuant to N.J.S.A. 55:19-56, 55:19-102.

SECTION 7. Rights of Utilities. Electric and natural gas utilities are granted such rights to abandoned properties as are set forth in N.J.S.A. 55:19-106.

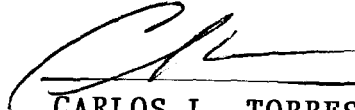
SECTION 8. Interpretation. All references in this chapter to state statutes include reference to all amendments thereto. References to particular sections of the enabling statutes are for ease of reference, but may not be exhaustive and are not meant to be exclusive of other applicable statutory provisions contained in the enabling statutes or elsewhere in the New Jersey statutes.

SECTION 9. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

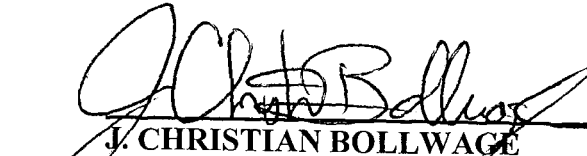
SECTION 10. If any portion or clause of this ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this ordinance.

SECTION 11. The effective date of this ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor at the time and in the manner provided by law.

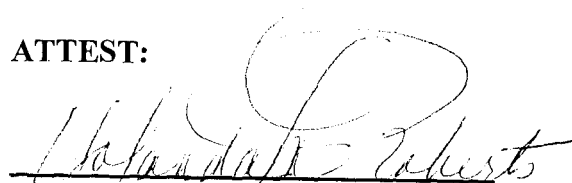
PASSED: 1-12-16

 1-12-16
CARLOS L. TORRES
PRESIDENT PRO TEM OF CITY COUNCIL

APPROVED: 1-13-16


J. CHRISTIAN BOLLWAGE
Mayor

ATTEST:


YOLANDA M. ROBERTS, R.M.C.
Municipal Clerk