

CITY OF WOODBURY, NEW JERSEY

ORDINANCE NO. 2338-21

**AN ORDINANCE AMENDING CHAPTER 144, PROPERTY MAINTENANCE, OF THE
CODE BOOK OF THE CITY OF WOODBURY TO ADD A NEW ARTICLE IV TO BE
ENTITLED "MAINTENANCE OF VACANT PROPERTY"**

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Woodbury, County of Gloucester and State of New Jersey as follows:

Section 1. Chapter 144, Property Maintenance, of the Code of the City of Woodbury is hereby amended to add a new Article IV entitled "Maintenance of Vacant Property" to read as follows:

Article IV. Maintenance of Vacant Property

§ 144-39 Owners subject to provisions; exemptions.

- A. The owner of any dwelling or commercial unit, other than those exempted below, shall be subject to the provisions of this article.
- B. The following are exempt from the provisions of **§ 144-40A** of this article:
 - (1) Units in owner-occupied buildings, where there are four units or less, and one of these units is owner-occupied.
 - (2) Units in newly constructed buildings, which are being rented for the first time. One year after the first rental, such units will be subject to the provisions of this article.
 - (3) Units where the owner is participating in an affordable housing project approved by the City of Woodbury.
 - (4) Units in a building whose owner has transmitted his first sixty-day notice of his intentions to convert the building into a condominium or cooperative and his full plan of conversion to the City Clerk pursuant to N.J.S.A. 2A:18-61.8.
 - (5) Units where the closing of the business is due to personal reasons or vacations up to two consecutive months.
 - (6) Units where the business conducted is of a "seasonal nature" and the business will be re-opened for the following year's seasonal business.
 - (7) Units which have just been purchased will be exempt for the first six months, provided the owner/landlord/tenant applies for the appropriate building construction permits and begins work on the property.

C. The following are exempt from the provisions of § **144-42B** of this article:

- (1) Any unoccupied property that is under agreement of sale. This exemption shall be limited to the first four months after a property becomes unoccupied. Thereafter, all provisions of this section are applicable, and all time requirements are considered to be extended by said four-month period.
- (2) Any unoccupied property that is listed for sale by a realtor or by the owner. This exemption shall be limited to the first four months after a property becomes unoccupied. Thereafter, all provisions of this article are applicable, and all time requirements are considered to be extended by said four-month period.

§ 144-40 Rental requirement; exception.

- A. All such units that have been rental units shall be rented and occupied by a new tenant within four months after the end of the preceding tenant or tenants, except where this requirement has been waived by the Planning Board under the provisions of § **144-43** below, in which event the unit shall be rented and occupied within the time period specified in the waiver.
- B. All such units that have not been rented, but become vacant for any reason, shall be occupied within four months after the property becomes vacant, except where this requirement has been waived by the Planning Board under the provisions of § **144-43** below, in which event the unit shall be occupied within the time period specified in the waiver.

§ 144-41 Notification of vacancies.

- A. The owner of any rental unit which is still vacant 90 days after the end of the preceding tenancy shall notify the Zoning Officer within five days, in writing, of said continuing vacancy.

(1) "Vacancy," as it applies to a dwelling unit, is defined as:

- (a) Being unoccupied by any person or persons for more than 20 days out of a month; or
- (b) Receiving no electricity, gas or fuel heat; or
- (c) Appearing to manifest no evidence of occupancy by a person or persons, such as by lack of furniture, lack of food or clothing, lack of mail delivery or by being boarded up.

(2) "Vacancy," as it applies to a commercial unit, is defined as:

- (a) Lacking a main entrance open to the general public for business; or
- (b) Being closed to the general public for business for more than 18 out of 24 hours per day for more than three out of seven days per week for a period of three or more weeks.

- B. Said notification shall include the following information:
- (1) The address and location within the building of the unit.
 - (2) The rent charged the preceding tenant and rent to be charged the proximate incoming tenant.
 - (3) The name, address and telephone number of the owner.
 - (4) The name, address, and telephone number of the owner's agent and/or resident manager, if any.
- C. No notification shall be required with respect to any unit rented and occupied within 90 days or less from the end of the preceding tenancy.
- D. The owner or other representative of any unit that has not been previously rented, which is vacant for more than 90 days, shall notify the Zoning Officer within five days, in writing, of such vacancy. Such notification shall include the name, address, telephone number of the owner and any other relevant information, such as identification of attorney, estate or relatives with knowledge of status of ownership.

§ 144-42 Notification of occupancy.

- A. Within 30 days after submission of the report required under § **144-41** above, the landlord (in those cases involving rental units) shall notify the Zoning Officer that the unit has been rented and occupied, with the names of the new tenant or tenants and the terms of the tenancy. Failure to have the unit rented and occupied within 120 days after the end of the preceding tenancy, except where a waiver has been granted by the Planning Board, shall be considered a violation of this article, and subject to the penalties set forth in § **144-45** below.
- B. Within 30 days after submission of the report required under § **144-41** above, the owner (in those cases not involving rental units) shall notify the Zoning Officer that the unit has been occupied, with the name of the new occupant or occupants. Failure to have the unit occupied within 120 days from the time that the unit became vacant, except where a waiver has been granted by the Planning Board, shall be considered a violation, and subject to the penalties set forth in § **144-45** below.

§ 144-43 Waivers of requirements.

- A. A landlord may seek a waiver of the requirement to rent the unit within 120 days of the end of the preceding tenancy where the condition of the unit or other special circumstances make rental within such time period impossible. In order to obtain a waiver, the landlord must submit a request, in writing, to the Planning Board within 90 days or less from the end of the preceding tenancy, setting forth with specificity:
- (1) The reasons that the unit cannot be rented within such time period.
 - (2) The steps that the landlord shall take to remedy the conditions that make it impossible to rent the unit.

- (3) The date by which the unit shall be rented and occupied.
- B. Full documentation, such as code violation reports, engineering or inspection reports, etc. shall be provided by the landlord. Any waiver granted by the Board under this section shall specify a date by which the unit shall be rented and occupied. The Board may extend that date upon written request of the landlord, but may not provide more than two such extensions of not more than 60 days each.
- C. In no circumstance shall any waiver, including extensions, exceed six months from the time of granting of such waiver.
- D. The following circumstances shall constitute grounds for granting of a waiver by the Planning Board:
 - (1) Any owner wishes to maintain a vacant unit in order to reserve said unit for a family member. The owner shall provide in the waiver request full documentation, such as the name of the future tenant, and the date of occupancy.
 - (2) An owner wishes to maintain a vacant unit in order to improve the conditions of said unit. The owner shall provide full documentation in the waiver request, such as up-to-date building and housing inspection reports, improvement plans, all related permits and the date by which the unit shall be rented and occupied.
 - (3) An owner maintains a vacant unit in order to correct code violations in said unit. The owner shall provide in the waiver request full documentation, such as code violation reports, correction plans, permits and the date by which the unit shall be rented and occupied.
- E. In the case of properties that have not been previously rented, an owner may seek a waiver of the requirement to have the unit occupied within 120 days from the time that it became vacant where the condition of the unit or other special circumstances make occupancy within such time period impossible. In order to obtain a waiver, the owner must submit a request, in writing, to the Planning Board within 90 days or less from the time that the unit became vacant setting forth with specificity:
 - (1) The reasons that the unit cannot be occupied within such time period.
 - (2) The steps that the owner shall take to remedy the conditions that make it impossible to occupy the unit.
 - (3) The date by which the unit shall be occupied.
- F. To the extent applicable, the provisions of Subsections **B**, **C** and **D** above shall be applied to properties that have not been rented.

§ 144-44 Filing complaints.

Any individual affected by the action or inaction of an owner of a dwelling unit or commercial unit subject to the provisions of this article, any civic organization and any

appropriate municipal agency may file a complaint of violation of this article with the City of Woodbury Municipal Court.

§ 144-45 Violations and penalties.

- A. A first violation of § **144-40**, or the conditions upon which a waiver has been granted by the Board, shall be punishable by a fine of not less than \$100 or more than \$500. Each day during which an owner is in violation of § **144-40** of this article, or the conditions upon which a waiver has been granted, shall constitute a separate violation hereunder.
- B. A violation of any other provisions of this article, where there has been no finding of a violation of § **144-40** of this article, shall be punishable by a fine not to exceed \$100 for each unit found in violation for each day the owner is found in violation.

§ 144-46 Vacancies upon effective date.

Any landlord of any unit which has been vacant 90 days or more from the end of the preceding tenancy, as of the effective date of this chapter, shall be required to file the notification required under § **144-41** of this chapter within 15 days of the effective date of this article.

Section 2. Repealer: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

Section 3. Severability: Each section of this Ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective, shall not be deemed to affect the validity or constitutionality of any other sections or parts hereof.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication as required by law

CITY OF WOODBURY, NEW JERSEY

[SEAL]

By: _____
PHILIP HAGERTY, Council President

ATTEST:

Cassidy Swanson, Acting City Clerk

APPROVED:

By: _____
PEG SICKEL, Mayor

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilman Parker				
Councilman Merinuk				
Councilman Miller				
Councilwoman Miller				
Councilwoman Moore				
Councilwoman O'Connor				
Council President Hagerty				
Mayor Sickel				

CERTIFICATION OF INTRODUCTION

I, Cassidy Swanson hereby certify that the foregoing Ordinance 2338-21 was introduced to the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a regular business meeting held on **April 27, 2021** at City Hall 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy Swanson, Acting City Clerk

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				
Councilman Fleming				
Councilman Parker				
Councilman Merinuk				
Councilman Miller				
Councilwoman Miller				
Councilwoman Moore				
Councilwoman O'Connor				
Council President Hagerty				
Mayor Sickel				

CERTIFICATION OF ADOPTION

I, Cassidy Swanson hereby certify that the foregoing Ordinance 2338-21 was adopted after public hearing by the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a regular business meeting held on **May 12, 2021** at City Hall 33 Delaware Street, Woodbury, New Jersey 08096.

Cassidy Swanson, Acting City Clerk