

**TOWNSHIP OF CRANFORD
CRANFORD, NEW JERSEY**

ORDINANCE 2020-02

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF CRANFORD,
PART II GENERAL LEGISLATION – Explanation – “An Ordinance to Authorize
Municipal Liens to Recoup the Costs of Property Maintenance and Demolition”**

WHEREAS, the Township Committee recognizes that there may be properties within the Township that will be deemed unfit for human habitation or occupancy; and

WHEREAS, the Township Committee wants to ensure that the building department and construction official of the Township of Cranford are in full compliance with the rules and regulations under the State Uniform Construction Code Act and N.J.S.A. 40:48-2.5 with respect to the remediation, disposition and demolition of properties deemed unsafe within Township; and

WHEREAS, the Township of Cranford recognizes that the costs associated with such disposition of uninhabitable properties should be imposed onto the owner of said property; and

WHEREAS, the Township Committee has identified the need to revise Part II, General Legislation, Chapter 319, Property Maintenance, Article III, Administration and Enforcement of the Code for the Township of Cranford; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Cranford as follows:

SECTION 1. Part II General Legislation, Chapter 319 Property Maintenance, is hereby amended as follows:

ARTICLE III. Administration and Enforcement

§ 319-08. Property Maintenance Official.

. . .

§ 319-10. Complaints, notices and orders.

- A. ~~Complaints, notices and orders issued by t~~ The public officer, pursuant to this chapter, is authorized to prepare, file and serve shall be served complaints, notices and orders upon persons either personally or by registered mail.

EXPLANATION-Matter struck through ~~thus~~ in the above Ordinance is not enacted and is intended to be omitted in the law. Matter underlined thus is a new matter.

- B. Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents charging that any building is unfit for human habitation or occupancy or use or whenever it appears to the public officer (on his own motion) that any building is unfit for human habitation or occupancy or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such building a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed not less than seven (7) days nor more than 30 days after the serving of said complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in the courts shall not be controlling in hearings before the public officer.
- C. ~~B.~~ If the whereabouts of such persons is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and an affidavit shall be made to that effect, then the serving of such complaint, notice or order upon such persons may be made by publishing the same once in the official newspaper(s) of the Township. A copy of such complaint, notice or order shall be posted in a conspicuous place on the premises affected by the complaint, notice or order. A copy of such complaint, notice or order shall be duly recorded with the office of the Register of Deeds for Union County.
- D. If, after such notice and hearing, the public officer 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 parties in interest an order:
- (1) requiring the repair, alteration or improvement of the 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 the said building vacated and closed within the time set forth in the order; and
 - (2) if the building is in such a condition as to make it dangerous to the health and safety of persons on or near the premises, and the owner fails to repair, alter or improve the said building within the time specified in the order, then the owner shall be required to remove or demolish the said building within a reasonable time as specified in the said order of removal.

§ 319-11. Time to make repairs.

The owner, operator and/or occupant, within 30 days of notice or order thereof and parties of interest shall make the required repairs, alterations or improvements, within a reasonable time, which time shall be set forth in the order or at the option of the owner to vacate or have the said building vacated and closed within the time set forth in the order.

§ 319-12. Failure to comply.

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A. If the owner fails to comply with an order requiring him to repair, alter or improve or, at his option, to vacate and close the building, the public officer may cause such building to be repaired, altered or improved or to be vacated and closed and may 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 occupation of this building is prohibited and unlawful."

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

C.

§ 319-13. Recovery of Costs; Nuisances; Demolition Lien.

A. The cost of filing of legal papers, expert witnesses' fees, search fees and advertising charges, incurred in the course of any proceeding taken under this chapter determined in favor of the Township, and the cost of any such repairs, alterations, or improvements or vacating and closing, or removal or demolition, if any, undertaken pursuant to this chapter by the Township shall be a municipal lien against the real property upon which such cost was incurred.

B. If the building is removed or demolished by the public officer, he shall sell the materials of such building. There shall be credited against the cost of the removal or demolition thereof, including the clearance and, if necessary, leveling of the site, the proceeds of any sale of such materials or any sum derived from any contract for the removal or demolition of the building. If there are no such credits or if the sum total of such costs exceeds the total of such credits, a detailed statement of the aforesaid costs and the amount so due shall be filed with the municipal tax assessor or other custodian of the records of tax liens and a copy thereof shall be forthwith forwarded to the owner by registered mail. The amount so due shall be filed as a lien certificate with the Township Tax Assessor and a copy thereof shall be sent forthwith to the owner by registered mail.

C. If the total of the credits exceed such costs, the balance remaining shall be deposited in the Superior Court by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed according to the order or judgment of the court to the persons found to be entitled thereto by final order or judgment of such court.

D. Nothing contained in this chapter shall be construed to limit or impair in any way the power of the Township to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise. Any owner or party in interest may, within 60 30 days from the date of the filing of the municipal lien certificate or demolition lien certificate, proceed in a summary manner in the Superior Court to contest the reasonableness of the amount or the accuracy of the costs set forth in either certificate.

E. 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.

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§ 319-14.

§ 319-15.

§ 319-16.

§ 319-17.

§ 319-18. Authority of the Municipality.

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 proceedings or otherwise, nor is anything in this act intended to limit the authority of the enforcing agency or construction official under the State Uniform Construction Code Act, N.J.S.A. 40:48-2.5 or any rules or regulations adopted thereunder.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. This ordinance shall become effective upon final passage and publication according to law.

Introduced:

Adopted:

Approved:

Patrick F. Giblin
Chairman, Township Committee

Attest:

Patricia Donahue, RMC
Municipal Clerk

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