

**BOROUGH OF PENNS GROVE  
SALEM COUNTY  
ORDINANCE NO. 2022-12**

**“AN ORDINANCE AMENDING CHAPTER 206 OF THE BOROUGH CODE TO  
ADDRESS THE GENERAL DEMOLITION OF ABANDONED, VACANT, AND  
UNSAFE PROPERTIES”**

**WHEREAS**, the Borough of Penns Grove has found and declared that there exist in the municipality dwellings and structures which are, or may become vacant and abandoned due to dilapidation and defects, increasing the hazards of fire, accidents or other calamities rendering such premises unsafe, dangerous or detrimental to the health and safety or otherwise inimical to the welfare of the residents of Penns Grove; and

**WHEREAS**, such vacant and abandoned buildings creates blighting conditions and slum areas; and

**WHEREAS**, such conditions should be curtailed and removed for neighborhood enhancement and protection and fostering the public health, safety and welfare; and

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Council of the Borough of Penns Grove, Salem County, State of New Jersey, that Chapter 206, so entitled *Buildings, Unfit, and Abandoned*, as annotated in the Borough Code’s General Legislation, be amended to include “Article IV, General Demolition of Abandoned, Vacant, and Unsafe Properties,” as specified herein:

**ARTICLE IV:**

**GENERAL DEMOLITION OF ABANDONED, VACANT, AND UNSAFE PROPERTIES**

**§ 206-23 DEFINITIONS**

As used in this chapter:

**BLIGHT**

Shall mean any condition known at public law or in equity or as provided by the Statutes of New Jersey (N.J.S.A. 40:55C-3).

**UNFIT BUILDINGS**

Shall mean all buildings or structure where any or all of the following occurred:

- a. Constant vandalism requiring the property to be secured repeatedly;
- b. Owner failed to secure and protect the building and the Borough of Penns Grove required to do same to protect the health and welfare of the community;
- c. The property attracts squatters, trespassers and/or other persons engaged in illegal activity;

- d. The property is subject to fires or defects increasing the hazards of fire, accidents or other calamities; or
- e. The property is a public nuisance as defined at law or in equity as provided by the statutes of the State of New Jersey.

#### **§ 206-24 DESIGNATION AS PUBLIC OFFICER**

The Borough Engineer is hereby designated as a Public Officer to exercise the powers prescribed in this chapter. He/she may appoint or designate such other public officials or employees of the Borough to perform such duties as may be necessary and lawfully authorized for the enforcement of this section including the making of inspections and holding hearings.

#### **§ 206-25 DETERMINATIONS OF PUBLIC OFFICER**

For the purpose of this chapter, the Public Officer may determine that a building or the surrounding property or vacant land, as herein described, is injurious to the health and safety of the occupants thereof, or of neighboring buildings of other residents of the Borough; such conditions may include, but without limiting the generality of the foregoing, dilapidation, disrepair, uncleanliness; or conditions deleterious to the well-being of the general public with reference to property not properly maintained as required by Code.

#### **§ 206-26 FILING OF PETITION**

Whenever a petition is filed with the Public Officer by a public authority, as defined in N.J.S.A. 40:48-2.4, or by at least five residents of the Borough or it appears to the Public Officer on his/her own motion that any building is in a state of dilapidation, or disrepair, the Public Officer shall, if his/her preliminary investigation discloses the above, issue and cause to be served upon the owner of the premises in question a complaint stating the charges and the basis therefor and containing a notice that a hearing will be held. The owner shall have a right to file an answer and appear in person or by counsel and give testimony concerning the charges. The rules of evidence of the State of New Jersey shall not be controlling in hearings before the Public Officer.

#### **§ 206-27 INSPECTION OF UNOCCUPIED STRUCTURES**

The Borough Engineer and/or lawfully delegated designee and/or applicable subordinate official in collaboration with the head of Public Safety are hereby empowered to enter into and upon unoccupied properties and structures to inspect each and every industrial, residential or other type structure in this Borough which is or has been vacant or unoccupied for a period of more than five days.

#### **§ 206-28 NOTICE TO OWNER; FAILURE TO PERFORM WORK; ACTION BY BOROUGH**

Complaints, orders or certifications issued by the Borough pursuant to this chapter shall be served upon owner or owners either personally or by registered and regular mail simultaneously, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the Borough official in the exercise of reasonable diligence, and the Borough official shall make an affidavit to that effect, then the serving of such complaint, order or certification upon such owner or owners may be made by publishing the same once in a newspaper printed and published in the Borough, or, in the absence of such newspaper, in one printed and published in Salem County and circulating

in the Borough of Penns Grove. A copy of such complaint, order or certification shall be posted in a conspicuous place on premises affected by the complaint order or certification. A copy of such complaint, order or certification along with proof of service or proof of publication shall be duly recorded or lodged for record with the Camden County Recording Officer.

When any building or structure whether residential, commercial, industrial, or any other type, has been vacant and unoccupied for a period of 15 or more days and the Head of the Department of Public Safety and/or Borough Engineer or such other subordinate official as each may lawfully designate to act in his/her behalf in each department or division of the department certifies, orders or complains that the same constitutes a danger and a threat to the health, welfare or safety to the inhabitants or other persons in the area, or to other buildings in the area, the owner or owners of the premises shall within seven days of receipt of such certification, order, or complaint, or such further period as the aforesaid official shall grant, protect and secure the building or structure from fire, vandalism, intrusion, unlawful entry or unlawful use in the following manner:

- a. The owner or owners shall remove therefrom all debris and the premises shall be broom-cleaned internally.
- b. The owner or owners shall secure and protect the building or structure and have all doorways, entrances, windows or other openings into the building or buildings whether such doorways, entrances or openings shall be for persons, goods, merchandise, materials, fixtures, light or air; fully and completely covered and protected on the outer surface thereof with one-half-inch thick ply score or plywood in the case of frame structures or with 10 gauge sheet metal in the case of brick, concrete, concrete block or cinder block buildings.
- c. Upon failure of the owner or owners to so secure and protect the building or buildings within the period specified in this section, immediate notice shall be given by the head of the Department of Public Safety and/or Borough Engineer or their representatives, and upon receipt of such notice, the Borough shall forthwith proceed to secure the same as hereinabove set forth. Upon completion of such work by the appropriate individuals, the cost thereof shall be certified by the Borough solicitor and/or chief financial officer for collection thereof from the owner or owners.
- d. Any building that has been boarded for 90 days and is so damaged to such an extent that nothing remains but the walls or parts of the walls and supports or is otherwise found to be unsafe or unsanitary, shall be considered a threat and danger to the health and welfare of the community and shall be demolished.
- e. After the 90 days, described hereinabove, the owner or other person in charge of the secured building shall submit a plan to the Borough Engineer for purposes of rehabilitation

of the secured building in order to comply with all local and State Codes, ordinances and statutes relating to the issuance of a certificate of occupancy or in the alternative shall apply for a permit to demolish the building with the Borough Engineer. All permits required for certificate of occupancy pertaining to the plan shall be obtained within 150 days of receipt of the notice described in this section.

- f. Any building consisting of four or more residential units shall be subject to demolition if the building has been vacant and abandoned for two years and constitutes a blighted condition as described in this section.
- g. Any building consisting of four or more residential units shall be subject to demolition if the building has been vacant for six months and is determined to be unfit as defined herein.

#### **§ 206-29 CONTINUATION OF VACANCY PROHIBITED**

It shall be unlawful for the owner or owners of any building or structure to permit the same to remain vacant and unoccupied after certification and failure to properly secure the same as provided in § 206-28.

#### **§ 206-30 PENALTY FOR FAILURE TO PERFORM AFTER NOTICE**

Failure of the owner or owners to so secure and protect the abandoned or uninhabited or vandalized or damaged, destroyed or unsafe structures after receipt of notice provided for in this Chapter shall be punished by a fine of not less than \$100 but not to exceed \$1,000 or by imprisonment for a term not to exceed 90 days or shall be ordered to participate in a program of community service for no more than 90 days or any and all of the above.

#### **§ 206-31 PENALTY FOR FAILURE TO DEMOLISH OR REHABILITATE BUILDING**

- a. If the owner or owners fail to obtain a permit to demolish the building and to commence the demolition of the building, the Public Officer may cause such building to be removed, demolished or impose other appropriate action deemed necessary to remedy the condition.
- b. The amount of the cost of the filing of legal papers, expert witnesses' fees, search fees and advertising charges, incurred in the cost of any proceeding taken as determined in favor of the Borough; and the cost of any such repairs, alterations or improvements, or vacating and closing, or removal or demolition, if any, undertaken shall be a municipal lien against the real property upon which such cost was incurred or a personal judgment against the property owner.

#### **§ 206-32 COMPLIANCE WITH OTHER ORDINANCES**

None of the above provisions shall in any way be construed to relieve the owner or owners of any responsibility or liability imposed by any pertinent sections of this Code, as amended and supplemented.

ATTEST:

Sharon R. Williams  
Sharon R. Williams, Municipal Clerk

LaDaena D. Thomas  
LaDaena D. Thomas, Mayor

**Intro:**

Council	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
Carter		X	X			
Martin	X		X			
Mincey						X
Rambo			X			
Scarpaci						X
Worley			X			

**Notice:** The above ordinance was introduced and passed on the first reading at the meeting of the Mayor and Council of the Borough of Penns Grove in the County of Salem held on 6-9-2022 and will be considered for final passage at a meeting to be held by the Mayor and Council at Borough Hall, Broad Street and State Street, Penns Grove, New Jersey on 7-5-2022 at which time any interested person will be given an opportunity to be heard.

Sharon R. Williams  
Sharon R. Williams, Municipal Clerk

**FINAL:**

Council	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
Carter			X			
Martin		X	X			
Mincey			X			
Rambo			X			
Scarpaci			X			
Worley	X		X			

**Notice:** The above ordinance was introduced and passed on the first reading at the meeting of the Mayor and Council of the Borough of Penns Grove in the County of Salem held on the 9th day of June 2022 and was adopted, after a public hearing was held by the Mayor and Council at Borough Hall, 1 State Street, Penns Grove, New Jersey on July 5, 2022.

Sharon R. Williams  
Sharon R. Williams, Municipal Clerk