

# CITY OF PLAINFIELD

MC 2023-37

## AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 6, BUILDING, ARTICLE 5, CERTIFICATE OF COMPLIANCE, §6:5-7, TIME OF INSPECTION, §6:5-13, FINES; PENALTIES OF THE CITY CODE FOR THE CITY OF PLAINFIELD

WHEREAS, the City of Plainfield (hereinafter referred to as “City”) has received numerous complaints from tenants that they are living in unsafe conditions, but still required to pay rent to their landlords; and

WHEREAS, the City immediately responded to these complaints and have instructed the landlords to correct the unsafe conditions; and

WHEREAS, in order to further protect the residents’ health, safety, and welfare, the City wishes to enact additional legislation; and

WHEREAS, this additional legislation will ensure owners maintain their buildings and address any repairs on an expedited manner; and

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the City of Plainfield, County of Union, State of New Jersey that Chapter 6, Building, Article 5, Certificate of Compliance, §6:5-7, Time of Inspection, §6:5-13, Fines; Penalties, are hereby amended and supplemented as follows:

Additions are indicated by **bold underline**

Deletions are indicated by ~~strikethrough~~

Language that remains unchanged is not highlighted in anyway

### SECTION I

#### §6:5-7 Time of Inspection

**(a)** Within five (5) business days from the date of filing of the application for a certificate of compliance, the Division of Inspections shall use its reasonable efforts to inspect the building, structure or premises and shall notify, by telephone, the applicant of the scheduled date of inspection. The owner, operator and applicant are required to provide the necessary arrangements to make all buildings, structures and premises accessible for inspection by the Division of Inspections and to have an authorized person present to assist and provide entry for the inspection. Upon completion of such inspection, the Division of Inspections shall notify the applicant of its findings by sending a copy of either the certificate of compliance or a notice of violations to the applicant at the address set forth in the application. In addition, if applicable, the Division of Inspections, shall post a written notice in a conspicuous location on the building, structure or premises, setting forth the total number of persons permitted to occupy the property unit in accordance with local and State laws.

#### **(b) Access for Yearly Inspections and Complaints**

**(i) The Division of Inspections shall also conduct inspections of all multi-family dwellings with four (4) or more units in the City every two (2) years. All multi-family dwellings whose addresses end with an odd number shall be inspected on odd numbered years. All multi-family dwellings whose addresses end with an even number shall be inspected on even numbered years.**

**(ii) An inspector must provide an owner with a written notice within seven (7) days of said re-inspection.**

**(iii) A City Inspector is hereby authorized to make inspections to determine the conditions of multi-family dwellings in order that they may promote the purposes of this chapter to safeguard the health, safety and welfare of occupants of multi-family dwellings. For the purposes of making inspections, a City inspector is hereby authorized to enter, examine, and survey each unit within a multi-family dwelling. The owner or occupant of every multi-family dwelling shall give the City Inspector**

**free access to the building and each unit at all reasonable times for the purposes of such inspections, examinations, and surveys.**

**(iv) Within 72 hours of the receipt of a complaint alleging a violation of this Chapter, a City Inspector shall conduct an inspection as hereinbefore provided.**

**(v) The owners of multi-family dwellings with four (4) units or more, requiring property maintenance inspections by the Division of Inspections shall pay a fee of \$25.00 per unit per inspection.**

**(vi) All owners who refuse to grant access to the multi-family dwelling will be assessed a mandatory fine in accordance with §6:5-13.**

## **SECTION II**

### §6:5-13 Fines; penalties

(a) Fines. A violation of any section or subsection of this article shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) for each violation committed hereunder. Each violation of a section or subsection of this article shall constitute a separate and distinct violation independent of any other section or subsection. Each day's failure to comply with any such section or subsection shall constitute a separate violation.

(b) Penalties. Where an owner, operator or transferor has been convicted of a violation of this article, and within twelve (12) months thereafter has been found by the Judge of the Municipal Court to be guilty of a second violation of this article, the Court may, if it finds that the second offense was willful and inexcusable, sentence the offender in addition to or in lieu of the fine set forth in the above paragraph to imprisonment in the county jail for a period of time not to exceed ninety (90) days.

(c) Liability of officers and agents. Where the owner is other than a natural person or persons, the subsections (a) and (b) shall also apply to any agent, superintendent, officer, member, shareholder or partner who shall alone or with others have charge, care or control of the building, structure or premises.

(d) Liability for costs.

(1) Where the owner or operator of a dwelling unit or rooming unit fails to comply with the provisions of this article and the City of Plainfield is subsequently required to relocate the tenants or occupants of such dwelling unit or rooming unit, the owner or operator, or any combination of them, shall be liable to the City of Plainfield for (1) any and all costs and expenses of relocation and (2) any payment the City of Plainfield is required to make to the relocated tenant.

(2) Where the Director, Division of Inspections, concludes there exists probable cause that a tenant or other occupant will be required to relocate, the owner, operator or any combination of them, shall be required to deposit with the Director, Division of Inspections, ~~Five Hundred Dollars (\$500.00)~~, **One Thousand Five Hundred Dollars (\$1,500.00)** to be placed in the Relocation Fund. The monies deposited in the Relocation Fund shall be for the purpose of covering the actual costs of relocation. In the event the actual costs for relocation exceed ~~Five Hundred Dollars (\$500.00)~~, **One Thousand Five Hundred Dollars (\$1,500.00)**, then the Director, Division of Inspections, shall assess the owner, operator or any combination of them, such excess amount. In the event the actual costs for relocation are less than ~~Five Hundred Dollars (\$500.00)~~, **One Thousand Five Hundred Dollars (\$1,500.00)** the Director, Division of Inspections, shall refund to the person who made the deposit, the amount of such over deposit.

**(e) The owner of a multi-family dwelling building that is condemned due to violations pursuant to this Chapter, shall be assessed a penalty in the amount of Five Hundred Dollars (\$500.00) per day until a new Certificate of Compliance and/or Certificate of Occupancy is issued. If the penalty is not paid within thirty (30) days of the new Certificate of Compliance and/or Certificate of Occupancy, a municipal lien shall be instituted against**

**the real property which shall include a total fine and any additional expenses incurred by the City.**

**(f) All designated redevelopers, entering a financial agreement with the City of multi-family dwellings with four (4) units or more shall pay an annual fee of \$2,500.00 to \$5,000.00, depending on the number of units, in a displaced fund. The term of the annual fees will coincide with the financial agreement provided.**

**SECTION III**

**SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

**SECTION IV**

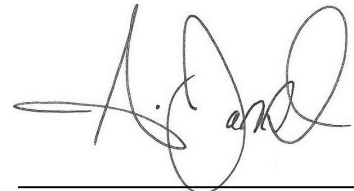
**REPEALER.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION V.**

**EFFECTIVE DATE.** This ordinance shall take effect immediately upon this passage and publication in accordance with the law.

ADOPTED BY THE MUNICIPAL COUNCIL

**November 13, 2023**



Abubakar Jalloh, R.M.C.  
Municipal Clerk

**CLERK'S CERTIFICATION**

I, Abubakar Jalloh, City Clerk of the City of Plainfield do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Plainfield City Council.

Abubakar Jalloh, R.M.C.  
Municipal Clerk

✓ Vote Record - Ordinance MC 2023-37						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted	Richard Wyatt	Secunder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Charles McRae	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Steve Hockaday	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Sean McKenna	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Repealed	Terri Briggs Jones	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Failed	Robert Graham	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Vetoed	Barry N. Goode	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Consensus						