ORDINANCE

No. 19-68

1st Reading OCT 17 2019

Public Hearing NOV 14 2019

2nd Reading & Passage NOV 14 2019

Withdrawn _____ Lost _____

Date to Mayor NOV 15 2019

Date Returned NOV 15 2019

Date Resubmitted to Council _____

Approved as to Form and Legality

JOHN MORELLI, CITY ATTORNEY

Factual content certified by

ADAM CRUZ, ACTING DIRECTOR, DEPARTMENT OF INSPECTIONS

Councilman /woman _____ presents the following Ordinance:

ORDINANCE AMENDING CHAPTER 132, ARTICLE XII, UNFIT DWELLINGS, OF THE TRENTON MUNICIPAL CODE REQUIRING NOTIFICATION OF OWNERS AND LIENHOLDERS WHEN SCHEDULING DEMOLITION OF PRIVATE PROPERTIES, IN ACCORDANCE WITH N.J.S.A. §40:48-2.5 ET SEQ.

WHEREAS, the City of Trenton ("City") has adopted a process for scheduling demolitions of private properties (Trenton Municipal Code, Chapter 132, Housing Standards, Art. XII, Unfit Dwellings); and

WHEREAS, it is in the best interest of the City to notify all parties who hold an interest in properties that have been scheduled for demolition by the Director of the Department of Inspections; and

WHEREAS, the Code §132-96, 97, and N.J.S.A. §40:48-2.5 currently require that Owners be notified of the possible demolition of their properties, through a procedure involving the issuance of a Complaint and Order; and

WHEREAS, N.J.S.A. § 40:48-2.5 also requires that Lienholders or "Parties in Interest" receive demolition notification through a Complaint and Order; and

WHEREAS, N.J.S.A. § 40:48-2.5 requires a third notification to Owners of demolished properties, the Statement of Costs; and New Jersey Law (21-23 Seidler Assoc. LLC v. Jersey City, 391 N.J. Super. 201 (App. Div. 2007)) requires that Lienholders also receive a copy of the Statement of Costs.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TRENTON:

Chapter 132, Article XII is amended as follows:

§ 132-96 Investigation, complaint:

Whenever it appears to the Director of the Department of Inspections that any building may be unfit for human habitation or occupancy or use as herein defined . . . (s)he shall issue and cause to be served upon the **O**~~o~~wner ~~of the premises in question~~ or his/her agent or representative **and all Lienholders and Mortgagees ("Parties in Interest") of the premises in question** a complaint stating the charges and containing a notice that a hearing will be held before the Director of the Department of Inspections . . .

ORDINANCE

§ 132-97 Findings, Order:

If, after the notice and hearing, the Director of the Department of Inspections determines that the building under consideration is unfit for human habitation or occupancy or use, (s)he shall state in writing his/her findings of fact in support of this determination and shall issue and cause to be served upon the **O**~~o~~wner thereof or his/her agent or representative, **and the Parties in Interest**, in the manner prescribed above, an order:

§ 132-102 Cost of Action

A. the cost of the filing of legal papers, expert witness' fees, search fees and advertising charges, incurred in the course of any proceeding taken under this article determined in the favor of the City, and the amount of such cost of repairs, alterations or improvements, vacating and closing, removal or demolition, shall be a municipal lien against the real property upon which the building is or was located. If the building is removed or demolished by the Director of the Department of Inspections, (s)he shall sell the materials of the building and credit the proceeds of the sale against the cost of the removal or demolition. ~~Any balance remaining shall be deposited in the Superior Court by the Director of the Department of Inspections, and shall be secured in such manner as may be directed by that Court, and shall be disbursed by that Court to the persons found to be entitled thereto by final order or decree of that Court. However, nothing in this section shall be construed to impair or limit in any way the power of the City to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise, as provided by any law or ordinance.~~

B. 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 Collector or other custodian of the records of tax liens and a copy thereof shall be forthwith forwarded to the Owner and Parties in Interest by registered mail. If the total of the credits exceed such costs, the balance remaining shall be deposited in the Superior Court by the Director of the Department of Inspections, and shall be secured in such manner as may be directed by that Court, and shall be disbursed by that Court to the persons found to be entitled thereto by final order or decree of that Court. Any owner or party in interest may, within 30 days from the date of the filing of the 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 the municipal lien certificate.

ORDINANCE

C. However, nothing in this section shall be construed to impair or limit in any way the power of the City to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise, as provided by any law or ordinance.

Any Ordinance or parts of Ordinances inconsistent with this Ordinance are hereby repealed.

This Ordinance shall be effective after final passage and publication.

This Ordinance shall be codified within the City of Trenton Code.

	INTRODUCTION				ADOPTION			
	AYE	NAY	NV	AB	AYE	NAY	NV	AB
BLAKELEY	✓				✓			
CALDWELL WILSON	✓							✓
HARRISON	✓				✓			
MUSCHAL			✓		✓			
RODRIGUEZ	✓				✓			
VAUGHN	✓				✓			
MCBRIDE	✓							✓

NV - NO VOTE AB - ABSENT

Adopted on first reading at a meeting of the City Council of the City of Trenton, NJ on OCT 17 2019

Adopted on second reading after the public hearing on NOV 14 2019

Mayor — APPROVED / REJECTED

President of Council

Reconsidered by Council – Override Vote — AYE / NAY

City Clerk