

CERTIFICATION

I, **Sonia Gordon**, Deputy City Clerk to the City of Paterson and to the CITY COUNCIL of said City, DO HEREBY CERTIFY that the attached is a true copy of **A Ordinance amending T.C.O.P Chapter 271, Housing-Property Maintenance, Article VII, Vacant Buildings, Governing the Maintenance of Vacant Buildings, including establishing Registration Requirements and Fees.**

Adopted by the said Council on **September 13, 2011**
as copied from and compared with the original now remaining on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my
hand and affixed the seal of the City of
Paterson, this **21th** day of **September**
Two Thousand and Eleven.

Seal

Sonia Gordon
.....
Sonia Gordon, Deputy City Clerk

Ordinance of the City of Paterson, N.J.

No. 3 1st Reading No. 11-028

No. 1 Public Hearing
(2nd Rdg. & Final Passage)

Division CITY COUNCIL

TITLE:

ORDINANCE AMENDING TCOP CHAPTER 271,
HOUSING-PROPERTY MAINTENANCE, ARTICLE VII,
VACANT BUILDINGS, GOVERNING THE MAINTENANCE
OF VACANT BUILDINGS, INCLUDING ESTABLISHING
REGISTRATION REQUIREMENTS AND FEES

Date SEPTEMBER 13, 2011

Date to Mayor SEPTEMBER 14, 2011

Date Returned

Date Submitted to
Council AUGUST 9, 2011

Factual Contents Certified to By

Janisha D. Mahle/mjg 8/9/11
Title Date

Approved As To Form and Legality
on Basis of Facts Set Forth

[Signature]
CORPORATION COUNSEL Date

COUNCILPERSON RIGO RODRIGUEZ Moved the Following Ordinance:

WHEREAS, the City of Paterson contains many structures that are vacant and in many cases the owners or other responsible parties of these structures are neglectful of them, and are failing to maintain them or secure them to adequate standards or restore them to productive use; and

WHEREAS, many of these structures are in violation of State and local housing and property maintenance codes; and

WHEREAS, it has been established that vacant and abandoned structures cause severe harm to the healthy, safety and general welfare of the community, including diminution of neighboring property values, loss of property tax revenues, accumulations of trash and debris, increased risk of fire, and potential increases in criminal activity and public health risk; and

WHEREAS, the City of Paterson incurs significant costs in order to deal with the problems of vacant and abandoned structures in order to protect the health, safety and general welfare of the residents of the City of Paterson, including but not limited to police calls, fire calls, property inspections and code enforcement; and

WHEREAS, it is in the public interest for the City of Paterson to establish minimum standards of accountability on the owners or other responsible parties of vacant and abandoned structures in order to protect the health, safety and general welfare of the residents of the City of Paterson; and

WHEREAS, to that end, it is incumbent upon the City of Paterson to exercise such legal tools as may be available to it under the municipal police power and under specific enabling legislation enacted by the State; and

WHEREAS, one such legal tool already exercised by the City is the creation of an Abandoned Property List pursuant to the Abandoned Properties Rehabilitation Act and other related State statutory provisions, codified in TCOP Chapter 157; and

WHEREAS, the complexity and multi-faceted nature of the problems posed by vacant and abandoned structures precludes any single program or strategy from being a cure all, and instead requires that the City pursue multiple strategies to achieve significant improvement of such problems; and

WHEREAS, it is the intent of the City of Paterson, as embodied in this Ordinance, and in the public interest, to supplement the tools of the Abandoned Property List and related actions allowable pursuant to the creation of such List, by imposing a fee in conjunction with a registration ordinance for vacant and abandoned structures in light of the extensive costs imposed on the City by the existence of these structures.

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NOW, THEREFORE BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF
PATERSON AS FOLLOWS:

SECTION I:

[§271-47. Securing of vacant buildings; notification of city. [Amended 3-10-1998 by Ord. No. 98-016]

Upon the vacancy of any structure, the owner or agent or responsible person as defined by this chapter shall remove from the structure all combustible waste materials, refuse, garbage, debris and all other items that may prove a health hazard and securely board and lock all openings against trespass for as long as the structure remains unoccupied. When a structure is securely boarded pursuant to this section, the boards shall be painted the same color as the structure. Such vacant and/or abandoned structures shall be immediately reported to the public officer of the city or the Coordinator of Community Improvements.]

SECTION II:

§ 271-47. Definitions.

For purpose of this ordinance, the following terms are defined as set forth herein:

"Owner" shall include the title holder, any agent of the title holder having authority to act with respect to a vacant building, any foreclosing entity that has filed a notice with the Municipal Clerk pursuant to the provisions of N.J.S.A. 46:10B-51, P.L.2008, c.127, Sec. 17 as amended by P.L.2009, c.296, or any other entity determined by the City of Paterson to have authority to act with respect to the building property.

"Vacant Building" shall mean any building or structure which is not legally occupied or at which all lawful business or construction operations or residential occupancy have substantially ceased, and which is in such condition that it cannot legally be re-occupied without repair or rehabilitation, including but not limited to any building meeting the definition of vacant building in N.J.S.A.55:19-80; provided, however, that any building where all building systems are in working order, where the building and grounds are maintained in good order, and which is being actively marketed by its owner for sale or rental, shall not be deemed a vacant building for purposes of this ordinance.

SECTION III:

§271-48. Registration of vacant buildings.

- A. The owner of any vacant building as defined herein shall within 30 days after the building becomes a vacant building or within 30 days after assuming ownership of the vacant building, whichever is later, or within 10 days of receipt of notice from the municipality, file a registration statement with the Building Official for such vacant building on forms provided by the Director of the Division of Community Improvements in compliance with this ordinance. Failure to receive notice by the municipality shall not constitute grounds for failing to register the building property.
- B. Each vacant building property as defined herein having a separate tax block and lot number shall be registered separately.

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- C. The registration shall include the information required under Subsection (I) of this Section, the insurance certificate required under Section 271-49B, as well as any additional information that the Director of the Division of Community Improvements may reasonably require.
- D. The registration shall remain valid for one year from the date of registration. The owner shall be required to renew the registration annually as long as the building remains vacant and shall pay a registration or renewal fee in the amount prescribed in Subsection M of this Section for each vacant building so registered.
- E. The Director of the Division of Community Improvements may establish for purposes of efficient administration that all registrations shall be renewed by a single date in each year, which date shall be established by the Director and in which case the initial registration fee shall be pro-rated for registration statements received less than 10 months prior to that date.
- F. Any owner of a vacant building property who plans to restore it to productive use and occupancy during the twelve month period following the date of the initial registration of the building shall file a detailed statement of the owner's plans for restoration of the building with the registration statement and shall be exempt from payment of the registration fee, but shall comply with all other provisions of this Article. In the event that the building has not been restored to productive use and occupancy at the end of the twelve month period, the owner shall be liable for any fee waived. The Director of the Division of Community Improvements may extend the waiver of the registration fee for not more than one additional year in response to a written request by the building owner where the Building Official finds that compelling conditions outside the owner's control made it impossible for the owner to restore the building within the initial twelve month period.
- G. The owner shall notify the Building Official within 30 days of any change in the registration information by filing an amended registration statement with the Building Official on a form provided by the Director of the Division of Community Improvements for such purpose.
- H. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the City against the owner or owners of the building.
- I. The registration statement shall include the name, street address and telephone number of a natural person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owner or owners in connection with the enforcement of any applicable Code and/or this Article; and the name, street address and a telephone number of the firm or individual responsible for maintaining the building. The individual or a representative of the firm responsible for maintaining the building shall be available by telephone or in person on a 24 hours per day, seven days per week basis. Such individuals and entities shown on the statement must maintain offices in the State of New Jersey or in the County of Passaic.

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- J. At any time after filing a registration statement or a renewal of a registration statement, the owner of any vacant building shall provide access to the City to conduct exterior and interior inspections of the building to determine compliance with municipal codes, on reasonable notice to the property owner or the designated agent. Any owner who is a natural person and who meets the requirements of this Section with respect to the location of his or her residence or workplace may designate himself or herself as agent or as the individual responsible for maintaining the vacant building.
- K. By designating an authorized agent under the provisions of this Section the owner consents to receive any and all notices of code violations concerning the registered vacant building and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on such authorized agent. Any owner who has designated an authorized agent under the provisions of this Section shall be deemed to consent to the continuation of the agent's designation for the purposes of this Section until the owner notifies the Director of the Division of Community Improvements in writing of a change of authorized agent or until the owner files a new annual registration statement.
- L. Any owner who fails to register a vacant building under the provisions of this Article shall further be deemed to consent to receive, by posting at the building, any and all notices of code violations and all process in any administrative or court proceeding brought to enforce code provisions concerning the building.
- M. The registration and renewal fee for each building shall be as follows:

Initial registration	\$250 or prorated amount per Subsection E. of this Section
First renewal	\$500
Second renewal	\$1000
Any subsequent renewal	\$2500

SECTION IV:

§271-49. Responsibilities of building owner

- A. The owner of any structure that has become a vacant building, and any person responsible for maintaining any such building that has become vacant shall within 30 days of the structure becoming vacant or 30 days of the owner taking title to the property:
1. Enclose and secure the structure as provided in the applicable Codes of the City of Paterson, or as set forth in rules and regulations adopted by the Director of the Division of Community Improvements to implement those Codes.
 2. Ensure that the grounds of the structure, including yards, fences, sidewalks, walks and driveways, are well maintained and free from trash or debris.
 3. Post a sign affixed to the structure indicating the name, address and telephone number of the owner and the owner's authorized agent for the purpose of service of process, and the name, address and telephone number of the entity responsible for maintenance of the building, which may be the same as the owner or authorized agent. If the structure is set back from the street, the sign shall also be posted on a well-secured post or stake in the front yard of the property. The signs shall be at least 18 inches x 24 inches in dimension, shall include the words "to report

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problems with this building, call the Building Official at 973-321-1300, and shall be placed in a location where it is clearly legible from the nearest public street or sidewalk, whichever is nearer.

4. Maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition, and secure that the sign is visible and intact until the building is again occupied or demolished or until repair or rehabilitation of the building is complete.
- B. The owner of any vacant building shall acquire or otherwise maintain liability insurance, in an amount of not less than \$300,000.00 for buildings designed primarily for use as residential units and not less than \$300,000.00 for buildings designed primarily for use as residential units and not less than \$1,000,000.00 for any other building, including, but not limited to, buildings designed for manufacturing, industrial, storage or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building. Any insurance policy acquired or renewed after the building has become vacant shall provide for written notice to the Director of Community Improvements within 30 days of any lapse, cancellation or change in coverage. The owner shall attach evidence of the insurance to the owner's registration statement. Any registration statement submitted that does not include such evidence shall not be deemed to be a valid registration.
- C. The Director of the Division of Community Improvements may issue rules and regulations for the administration of the provisions of this Article.

SECTION V:

§271.50 Violations; and penalties.

- A. For purposes of this Article, failure to file a registration statement within 30 days after a building becomes a vacant building, or within 30 days after assuming ownership of a vacant building, whichever is later; or within 10 days of receipt of notice of the requirement to comply with this Article from the municipality, failure to provide correct information on the registration statement, failure to comply with the provisions of Section 271-49 of this Article, or such other matters as may be established by the rules and regulations of the Director of the Division of Community Improvements shall be deemed to be violations of this Article.
- B. Any person who violates any provision of this Article or of the rules and regulations issued thereunder shall be fined not less than \$100.00 and not more than \$1,250.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this Article shall be recoverable from the owner and shall also be a lien, in the nature of municipal taxes, on the building until paid.

SECTION VI:

All Ordinances or portions of Ordinances inconsistent herewith are hereby repealed to the extent of their inconsistency only.

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SECTION VII:

If any part of this Ordinance shall be declared to be invalid or inoperative, such part shall be deemed severable and the invalidity hereof shall not affect the remaining parts of this Ordinance.

SECTION VIII:

The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Paterson Code.

SECTION IX:

This Ordinance shall take effect upon passage, approval and publication as required by law.

SECTION X:

The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this Ordinance reveals a conflict between those numbers and the existing Code, in order to avoid confusion and possible accidental repealers of existing provisions.

SECTION XI:

The City Clerk and the Corporation Counsel may correct any clerical errors in the printing, publication and codification of this Ordinance, provided both concur with the correction being made and both certify the clerical correction being made in writing to the Municipal Council within seven days thereof.

STATEMENT OF PURPOSE

This ordinance is to amend the Code of Paterson governing the maintenance of vacant buildings, including establishing registration requirements and fees for such buildings.

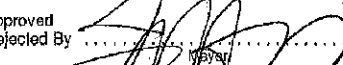
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SECONDED BY COUNCILPERSON : BENJIE WIMBERLY

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RECORD OF COUNCIL VOTE ON FINAL PASSAGE	AYE	NAY	ABSTAIN	ABSENT
1. AMES-GARNES, VERADENE				X
2. DAVIS, ANTHONY	X			
3. GOOW, ASLON				X
4. MCKOY, WILLIAM C.	X			
5. MORRIS, KENNETH	X			
6. RODRIGUEZ, RIGO	X			
7. SAYEGH, ANDRE	X			
8. TAVAREZ, JULIO	X			
9. WIMBERLY, BENJIE E.	X			

Adopted on first reading at a meeting of the Council of the City of Paterson, N.J., on AUGUST 23, 2011 Adopted on
second and final reading after hearing on

Approved
Rejected By  Reconsidered
By Council Date Over
Ride
Vote ☐ Aye ☐ Nay

..... Council President
ANTHONY E. DAVIS SANTA GORDON DEPUTY City Clerk
Form 6
This Ordinance when adopted must remain in the custody of the City Clerk. Certified copies are available.
USE REVERSE SIDE FOR POSTPONEMENT AND RECONSIDERATION DATA