

**TOWNSHIP OF MANSFIELD
BURLINGTON COUNTY**

ORDINANCE 2019-16

AN ORDINANCE TO ADDING A CHAPTER TO THE CODE OF THE TOWNSHIP OF MANSFIELD TITLED “HOUSING STANDARDS.”

WHEREAS, The Burlington County Health Department has requested that the Township Committee of the Township of Mansfield adopt the State Housing Code to aid in its inspections; and

WHEREAS, N.J.S.A. 40:49-5.1 states that a municipality adopt certain state issued codes by reference; and

WHEREAS, the Township Committee, having reviewed the State Housing Code, and desiring to aid the County Health Department Inspectors in their important work, accept its recommendation to adopt the State Housing Code.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey that the Code of the Township of Mansfield is hereby amended by the insertion of the following chapter:

ARTICLE I. NEW CHAPTER

Chapter 25B “Housing Standards”

§25B-1 Designation of enforcement officers

The Property Maintenance officer, Building Inspector, or their designee are hereby designated as the officers to exercise the powers prescribed by this chapter, and they shall serve in such capacity without any additional salary. In addition, the County Health Officer of Burlington County is hereby designated as an officer to exercise the powers under § 142-3 of this chapter and the power to make a determination that there has been a violation of this chapter, or of any rule or regulation adopted pursuant thereto, and to give notice of such alleged violation to the person or persons responsible therefor as provided for in § 142-4 of this chapter. The County Health Officer shall have the same power as the Construction Code Official and Code Enforcement Officer, as provided for in § 142-4 of this chapter, in the event of an emergency, to issue orders to meet any such emergency.

Further pursuant to N.J.S.A. 40:48-2.5, the Township Administrator, or his or her designee, is hereby designated the public officer to exercise the powers described by this chapter.

§25B-2 Adoption of Standards

Pursuant to N.J.S.A. 40:49-5.1, the New Jersey State Housing Code, as approved by the

Department of Health and Conservation and Economic Development and filed in the Secretary of State's office, is hereby accepted, adopted and established as a standard to be used as a guide in determining whether dwellings in this municipality are safe, sanitary and fit for human habitation and rental. A copy of the New Jersey State Housing Code is annexed to this chapter, and three copies of the same have been placed on file in the office of the Township Clerk and are available to all persons desiring to use and examine the same.

§25B-3 Inspections; right of entry

Any enforcement officer, as defined in §25B-1, is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units and premises in order that they may perform their duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections, the enforcement officers are hereby authorized to enter, examine and survey, at all reasonable times, all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling, dwelling unit and rooming unit, or the person in charge thereof, shall give enforcement officers free access to such dwelling, dwelling unit or rooming unit and its premises, at all reasonable times, for the purpose of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful order issued pursuant to the provisions of this chapter.

§25B-4 Notice of Violation

If a petition is filed by at least five residents of the Township, or is filed by an enforcement officer alleging a violation of this chapter, or that the premises is unfit for human habitation, the public official 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. A hearing will be held before the public officer or his designated agent at a place therein fixed not less than seven days nor more than 30 days after the serving of said complaint.
- b. 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 complaints
- c. The rules of evidence prevailing in courts of law or equity shall not be controlling in the hearings

§25B-5 Hearing,

If, after such notice and hearing, the public officer determines that a violation of the State housing Code has occurred, the public officer may issue an order to remediate. After a reasonable time, if the order has not been obeyed, the public officer may bring a complaint in any court of competent jurisdiction seeking penalties under §25B-10. If, after such notice and hearing, the

building under consideration is determined to be 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 requiring:

- a. The repair, alteration or improvement of the said building 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 building vacated and closed within the time set forth in the order.
- b. 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.
- c. If the owner fails to comply with an order to repair, alter or improve or, at the option of the owner, to vacate and close the building, the public officer 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."
- d. 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.
- e. The amount of
 - i. 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 municipality; and
 - ii. Such cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition, if any, or the amount of the balance thereof remaining after deduction of the sum, if any, realized from the sale of materials derived from such building or from any contract for removal or demolition thereof, shall be a municipal lien against the real property upon which such cost was incurred. 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 cost of clearing 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. 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 such 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.

- f. If any actual and immediate danger to life is imposed by the threatened collapse of any fire-damaged or 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.
- g. Nothing in this section shall be construed to impair or limit in any way the power of the Township to define and declare nuisances to cause their removal or abatement, by summary proceedings or otherwise, nor is anything in this chapter intended to limit the authority of the Construction Code Official under the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.) or any rules or regulations adopted thereunder.

§25B-6 Service

Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by said public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once in a newspaper printed and published in the County of Burlington and circulated in the Township. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order, and a copy of such complaint or order shall be duly recorded or lodged for record with the county recording officer of Burlington County.

§25B-7 Powers of Public Officer

The public officer is hereby authorized and empowered to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following, in addition to others herein granted:

- a. To investigate the conditions of buildings in the Township in order to determine which buildings therein are unfit for human habitation.
- b. To administer oaths and affirmations, examine witnesses and receive evidence.
- c. To enter upon premises for the purpose of making examination, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession.
- d. To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter.
- e. To delegate any of his functions and powers under this chapter to such officers and agents as he may designate
- f. If any actual and immediate danger to life is proposed 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.

§25B-8 Conflict of powers

Nothing in this chapter shall be construed to abrogate or impair the power of the Township or any officer or department to enforce any provisions of its Charter, or its ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred upon the Township by any other law or ordinance.

§25B-9 Costs

In the event any building or structure is removed or demolished pursuant to this chapter because it is found to be dangerous to human life or the public welfare or because it constitutes a fire hazard, the Township Committee, in addition to assessing the cost of such removal or demolition as a municipal lien against the premises, may enforce the payment of such assessment, together with interest, as a debt of the owner of the premises and may authorize the institution of an action at law for the collection thereof. The Superior Court shall have jurisdiction over any such action.\

§25B-10 Violations

Any person, firm or corporation who or which shall violate any of the provisions of this chapter shall, upon conviction, be punished by a fine of not to exceed \$200 or by imprisonment in the county jail for a period of not to exceed 90 days, or by both such fine and imprisonment, and each violation of any of the provisions of this chapter and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

ARTICLE II. REPEALER, SEVERABILITY AND EFFECTIVE DATE.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

CERTIFICATION

I, **LINDA SEMUS, RMC, CMR**, Municipal Clerk of the Township of Mansfield, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of an Ordinance which was introduced by the Mansfield Township Committee, County of Burlington, State of New Jersey at their regular meeting held on September 5, 2019 at 7:00 PM at the Municipal Complex, with a Second Reading, public hearing and final adoption scheduled for _____, 2019.

LINDA SEMUS, RMC, CMR
Municipal Clerk

4810-6510-8131, v. 1

Introduced: September 5, 2019
Adopted: