

Chapter 30

BUILDINGS UNFIT FOR HUMAN HABITATION

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[HISTORY: Adopted by the Mayor and Council of the City of Gloucester 11-4-43. Amended in its entirety 12-20-07 by Ordinance No. O27-2007. Amendments noted where applicable.]

§ 30-1. Designation of public officer.

The Mayor, or his designee, is designated as the public officer to exercise the powers described herein.

§ 30-2. Preliminary investigation.

In the event a petition is filed with the public officer by at least five (5) residents of City charging that any building is unfit for human habitation or occupancy or use, or the public officer so determines on his inspection, the public officer shall conduct a preliminary investigation, and if such preliminary investigation discloses a basis for such charges, the public

officer shall cause to be issued and served upon the property owner and any other parties in interest in such building, a complaint stating the charges, and that a hearing will be held before the public officer at City Hall not less than seven (7) days nor more than thirty (30) days after the serving of said complaint, at which time the owner and parties in interest may file an answer to the complaint, appear at the hearing and give testimony.

§ 30-3. Service of order to repair.

Following said hearing, if the public officer determines the building under consideration is unfit for human habitation or occupancy or use, he shall issue and serve, in writing, his findings, and shall issue and serve upon the owner and parties in interest an order:

- A. Requiring the repair, alteration or improvement of the said building to 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 said building vacated and closed within the time set forth in the order; and
- 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.

§ 30-4. Failure of owner to comply.

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 such building to be repaired, altered or improved, or to be vacated and closed; that the public officer may cause to be posted on the main entrance

§ 30-2 BUILDINGS AND STRUCTURES, UNSAFE § 30-4

days before the proposed removal or destruction, in a newspaper circulating in the City of Gloucester City. There may be inserted in the advertisement notice to the owners of several different parcels of land. Notice to infant owners, or owner or owners of unsound mind, shall be served upon their guardians. Where lands are held in trust, service shall be made upon the trustee. Where lands are held by joint tenants, tenants in common or tenants by the entirety, service upon one (1) of the owners shall be sufficient and deemed and taken as notice to all. Proof of service of such notices shall be filed within ten (10) days thereafter with the City Treasurer, but failure to file same shall not invalidate the proceedings if service has actually been made as herein provided.

§ 30-3. Removal by city; account of costs.

If the said owner or owners of any building, wall or structure shall, within the time specified in said notice, fail to remove or destroy same, the said Chairman of the Police Committee of Common Council, or such other person, firm or corporation as may be employed for that purpose, shall proceed with the removal or destruction of such building, wall or structure. An accurate account of the cost and expenses of such removal or destruction shall be kept, and a true statement thereof, under oath or affirmation, shall be filed by the said Chairman of the Police Committee with the City Clerk. The Mayor and Common Council shall thereupon examine the said statement of account and, if it is properly made, shall confirm it and file such report with the said Clerk, who shall record it in a book to be kept for that purpose.

§ 30-4. Assessment of costs.

The cost and expenses of the removal or destruction of any such building, wall or structure shall be assessed against the land

affected thereby, and such assessment shall be made on notice by the Assessment Commissioners in the same manner as improvement assessments are made as provided by the Revised Statutes of New Jersey

§ 30-5. When effective.

This ordinance shall take effect immediately upon the passage and publication according to law.

§ 30-4 BUILDINGS UNFIT FOR HUMAN HABITATION § 30-6

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."

§ 30-5. Removal or demolition by city.

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.

§ 30-6. Costs for removal or demolition by city.

The amount of:

- A. The cost of the filing of legal papers, expert witnesses' fees, search fees and advertising charges, incurred in the course of any proceeding taken under this act determined in favor of the municipality, and
- B. 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 clearance 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 the Court to the persons found to be entitled thereto by final order or judgment of such Court. Any owner or party in interest may, within thirty (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.

§ 30-7. Immediate danger to life; demolition of building.

If an actual and immediate danger to life is posed 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.