

# Ordinance of the City of Jersey City, N.J.

File No. Ord. 22-091  
Agenda No. 3.2 (1st Reading)  
Agenda No. 4.2 (2nd Reading and Final Passage)



**AN ORDINANCE AMENDING CHAPTER 254 (PROPERTY MAINTENANCE) ARTICLE 3 (ADMINISTRATION) SECTION 17 (NOTICES AND HEARINGS) ESTABLISHING A PROCEDURE FOR THE ABATEMENT OF CONDITIONS AFFECTING HEALTH AND SAFETY WITHIN RENTAL DWELLINGS.**

**COUNCIL AS A WHOLE offered and moved adoption of the following ordinance:**

**WHEREAS**, due to incoming inclement weather, it is the responsibility of dwelling owners to maintain property in terms of providing heat, operable plumbing and solid infrastructure as defined within Chapter 254 of the City Code; and

**WHEREAS**, to assure that owners maintain their properties in a manner that does not affect the health and safety of tenants, the city has established a procedure to ensure emergency abatement of violations and to impose the cost of such abatement as a lien against the property.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JERSEY CITY AS FOLLOWS:**

## **Chapter 254: Property Maintenance**

### **Article III: Administration**

#### **§ 254-17. Notices of violation and hearings.**

- A. Procedure where violation discovered. ~~Except as provided in Subsection G of this section,~~ Where a violation of this chapter or the regulations hereunder is found to exist, a written notice from the Chief Director of Code Compliance shall be served on the person or persons responsible for the correction thereof.
- B. Contents of notice. The notice shall specify the violation or violations committed, what must be done to correct the same, a reasonable period of time not to exceed 30 days to correct or abate the violation. ~~[the right of the person served to request a hearing and that the notice shall become an order of the Chief Director in 10 days after service unless a hearing is requested pursuant to Subsection D of this section.]~~
- C. Service of notice. Notice may be served personally or by ~~prepaid telegram or by mail with postage prepaid,~~ addressed to the last known address of the person to be served. In the case of an occupant, notice may be posted upon the door of his or her dwelling unit or rooming unit. Where it is ascertained that the owner does not reside on the premises, the last known address shall be the address of the owner as shown in the office of the Tax Collector. If the last known address cannot be ascertained, the notice may be posted on the outside front entrance of the building. The Chief Director of Code Compliance shall file and provide notice to any owner, manager or occupant of any violation at any address other than the last known address provided hereunder, if such other address is filed with the Chief Director of Code Compliance personally or by certified mail addressed to the Chief Director of Code Compliance. Service upon an owner, manager or occupant may also be attained by service of any notice upon a member of the family of the owner, manager or occupant. Date of service of the notice shall be determined, where service is by mail, as of the day following the day of mailing for notices

APPROVED AS TO LEGAL FORM

Business Administrator

Corporation Counsel

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to addresses within the city, and as of the third day after the day of mailing for notices to addresses outside the city. Where the day of service would fall upon a Sunday or other day when mail is not ordinarily delivered, then the day of service shall be the next regular delivery day.

~~D. [Notice to become an order unless hearing requested.]~~

- ~~(1) [Within 10 days of the date of service of a notice, the notice shall constitute a final order unless any person affected by the notice requests a hearing thereon and serves a written request within the ten-day period in person or by mail on the Chief Director.]~~
- ~~(2) [Such request for a hearing shall set forth briefly the grounds or reasons on which the request for a hearing is based and the factual matters contained in the notice of violation which are to be disputed at the hearing. The Chief Director, upon receipt of the request, shall within 30 days therefrom and upon five days' notice to the party aggrieved set the matter down for hearing.] **[Repealed.]**~~

~~E. [Determination at hearing. At any hearing provided hereunder, the Chief Director shall be vested with all the powers provided by law to compel the attendance of witnesses and parties in interest by issuance and service of subpoena, to require by subpoena the production of books, records or other documents at any such hearing which may be pertinent to matters to be determined by him or her and to enforce any such subpoena or secure any order for the enforcement of any such subpoena as provided by law. Determination shall be made within 10 days from the completion of the hearing. The Chief Director shall issue an order either incorporating the determinations and directions contained in the notice, modifying the same or withdrawing the notice.] **[Repealed.]**~~

~~F-D. Extensions of time. The Chief Director of Code Compliance may extend the time for correction or abatement of the violation for one or more additional periods of time each not to exceed 30 days, except where major capital improvements or renovations are involved, in which instance the time for completion may be extended for additional periods each not to exceed 90 days beyond the expiration date of the original notice. Subject to the limitation in this paragraph, if an extension of time is requested, the owner or manager of the subject property shall provide a report to the Chief Director of Code Compliance indicating the time necessary to correct or abate the violation and shall report on the status of any relocated tenants, if applicable.~~

D. [Amended 4-25-2018 by Ord. No. 18-020]

~~G E. Summary abatement in emergency matters. notice and hearing not required. Where in the opinion of the Director of Code Compliance, the violation or condition existing on the premises is of such a nature as to constitute an immediate threat to ~~[life and limb]~~ the health or safety of the occupants unless abated without delay, and the Director ~~[of the Division of Construction Code Official]~~ with the approval of the Municipal Prosecutor, Director of the Department of Housing, Economic Development and Commerce either may abate the violation or condition immediately or order the owner, manager or occupant to abate [correct] the violation or condition within a period of time not to exceed three days. ~~and~~ Upon failure to do so, the Director of Code Compliance may abate the condition or violation immediately thereafter. For purposes of this subsection, the Director of Code Compliance shall employ the necessary labor and materials to perform the required work as expeditiously as possible. Costs incurred in the performance of emergency work shall be paid by the City upon approval by the Director of the Department of Housing and Economic Development and Finance.~~

~~H F. Any person ordered to perform emergency work shall comply with such order forthwith. Any affected person shall thereafter, upon appeal directed to the Construction Board of Appeals, be afforded a hearing provided the written application for appeal is filed no later than twenty days after the order to abate the condition ~~[decision, notice or order]~~ was served. An application for appeal shall be based upon a claim that the condition existing on the premises did not constitute an imminent threat to the health and safety of the occupants warranting abatement within the time specified in the Director of Code Compliance's order. Appeals to the Construction Board of Appeals shall not stay an order of the Director of Code Compliance.~~

[Amended 8-13-1997 by Ord. No. 97-052]

H G. Cost of abatement to be a lien against premises.

- ~~(4) Where abatement of any condition or violation under Subsection E, as defined herein, correction of a defect in the premises or the maintenance of the premises in a proper condition so as to conform to this chapter or other provisions of the Jersey City Code or any ordinance or state law applicable thereto~~

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requires expending city moneys ~~therefore the officer of the city by whom or under whose direction the hazards were removed,~~ the Director of Code Compliance shall certify the costs thereof to the Municipal Council.

- (2) The Municipal Council shall examine the certificate and, if found correct, by resolution cause the cost ~~as shall~~ shown thereon to be charged against said landsproperties.
- (3) The amount so charged shall forthwith become a lien upon such landsproperties and shall be added to and become ~~and form~~ part of the taxes next to be assessed and levied upon such landsproperties, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same city officers and in the same manner as city taxes.
- ~~(4) A copy of the certificate and resolution shall be sent by certified mail to the owner.~~

~~H. Referral of violations. Any violation or suspected violations of any relevant provisions of the Code other than this chapter discovered by a field representative shall be reported to the Chief~~Director of Code Compliance who shall refer the ~~alleged~~ violation or suspected violations to the official or agency responsible for the enforcement of such other provisions of the code.

~~E. [Extension of time where dispossession action undertaken. Where there exists a violation of occupancy standards hereunder, an owner or manager, upon receipt of a notice of violation, if unable to eliminate the violation by peaceable means within the period of time specified in said notice, shall commence within such period legal action to dispossess, evict or eject the occupants who cause the violation. No further action hereunder shall then be taken against the owner or manager so long as the action aforesaid is pending in the court and is prosecuted expeditiously and in good faith.]~~ **[Repealed]**

~~I. Where a notice and hearing~~areis not required prior to court proceedings.

- ~~(1) Notwithstanding the requirements of Subsections A, B and C of this section, violations which in the opinion of the Director of Code Compliance constitutes a nuisance, of the following provisions of this chapter may be prosecuted without notice, by the filing of a complaint by the Chief Director of Code Compliance in the Municipal Court: §§ 254-16B(2), 254-27A(1), (3) and (7)(c), 254-28E and F, 254-44A, 254-45B(37), 254-70 and 254-72.~~
- (2) Where the Chief Director of Code Compliance has on two different occasions found violations by the same owner, manager or occupant on the same premises and has issued notices on each, ~~and has held at least one hearing and issued an order thereon,~~ upon discovering a third or subsequent violation by the same owner, manager or occupant on the same premises within the space of one year, whether of the same sections or of any other sections of this chapter, he or she may thereupon prosecute the offender by filing a complaint in the Municipal Court for said third or subsequent violation occurring within said period of one year without first providing notice and opportunity for a hearing by the Chief Director of Code Compliance.

~~J. Effect of notice on owner. For the purpose of enforcement of this chapter, the service of a notice on an owner, whether or not the owner is also the manager, shall constitute notice of violations set forth therein until the violations are abated in conformity with this chapter and the other applicable provisions of the Jersey City Code.~~

K. Municipal Court prosecution. Upon the expiration of any period of abatement, or extension therefore, any violation of this chapter shall be prosecuted by summons pursuant to N.J. Ct. R. 7:2-2(a)(4). Nothing in this section shall be construed to limit the city's ability and right to file an action in any court of competent jurisdiction.

**NOTE:** All new material is underlined words ~~struck through~~ are omitted. For purposes of advertising only, new matter is **boldface** and repealed by *italics*.

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| RECORD OF COUNCIL VOTE ON INTRODUCTION – Oct 26 2022 |     |         |     |                    |        |     |
|--|-----|---------|-----|--------------------|--------|-----|
| RIDLEY   | AYE | SALEH   | AYE | DEGISE             | AYE    | 8-0 |
| PRINZ-AREY   | AYE | SOLOMON | AYE | RIVERA             | AYE    |     |
| BOGGIANO   | AYE | GILMORE | AYE | WATTERMAN,<br>PRES | ABSENT |     |

| RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING – Nov 9 2022 |     |         |     |                     |        |     |
|---|-----|---------|-----|---------------------|--------|-----|
| RIDLEY  |     | SALEH   | AYE | DEGISE              | AYE    | 8-0 |
| PRINZ-AREY  | AYE | SOLOMON | AYE | RIVERA              | ABSENT |     |
| BOGGIANO  | AYE | GILMORE | AYE | WATTERMAN,<br>PRES. | AYE    |     |

| RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY – |  |         |  |                     |  |  |
|--|--|---------|--|---------------------|--|--|
| RIDLEY   |  | SALEH   |  | DEGISE              |  |  |
| PRINZ-AREY                                     |  | SOLOMON |  | RIVERA              |  |  |
| BOGGIANO                                       |  | GILMORE |  | WATTERMAN,<br>PRES. |  |  |

| RECORD OF FINAL COUNCIL VOTE – Nov 9 2022 |     |         |     |                     |        |     |
|---|-----|---------|-----|---------------------|--------|-----|
| RIDLEY                                    | AYE | SALEH   | AYE | DEGISE              | AYE    | 8-0 |
| PRINZ-AREY                                | AYE | SOLOMON | AYE | RIVERA              | ABSENT |     |
| BOGGIANO                                  | AYE | GILMORE | AYE | WATTERMAN,<br>PRES. | AYE    |     |

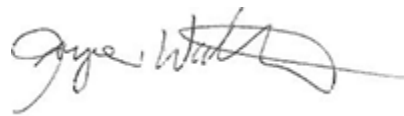
Adopted on first reading of the Council of Jersey City, N.J. on **Oct 26 2022**

Adopted on second and final reading after hearing on **Nov 9 2022**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on Nov 9 2022



City Clerk



Joyce E. Watterman, President of Council  
Approved: Nov 9 2022



Steven M. Fulop, Mayor  
Date to Mayor: Nov 10 2022  
Approved: Nov 10 2022

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**FACT SHEET -**

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the ordinance.

**Project Manager**

|                                |                   |                      |
|--------------------------------|-------------------|----------------------|
| Mira Prinz-Arey, Councilperson | 2015475092        | MPrinz-Arey@jcnj.org |
| Department                     | Municipal Council |                      |
| Division                       | Municipal Council |                      |

Note: Project Manager must be available by phone during agenda meeting (Wednesday prior to council meeting @ 1:00 p.m.)

|         |  |
|---------|--|
| Meeting | Regular Meeting of Municipal Council - Oct 26 2022 |
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**Purpose**

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| Council Person Prinz- Airey has taken measures to enforce the City's authority to abate health and safety violations in dwellings where owners have failed to maintain the property; for the protection of tenants and residents. |
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**Cost (Identify all sources and amounts)**

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| 0 |
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**Contract term (include all)**

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Approved by  
Itza Wilson, Supervisory Assistant Corporation Counsel  
John Metro, Business Administrator

Status:  
Approved - Oct 14 2022  
Approved - Oct 19 2022