

ORDINANCE NO. 5635

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ELIZABETH CHAPTER 8.80 ENTITLED "VACANT AND FORECLOSING RESIDENTIAL PROPERTIES" SPECIFICALLY TO INCLUDE ALL NON-RESIDENTIAL PROPERTIES**

**WHEREAS**, abandoned properties, both residential and commercial, create a wide range of problems, such as fostering criminal activity, creating public health problems and otherwise diminishing the quality of life for residents and business operators in those areas; and;

**WHEREAS**, abandoned properties, both residential and commercial, diminish the property values of neighboring properties and have a negative effect on the quality of life of adjacent property owners, increasing the risk of property damage through arson and vandalism and discouraging neighborhood stability and revitalization; and

**WHEREAS**, the continued presence of abandoned properties, both residential and commercial, which are presumptively considered to be nuisances in view of their negative effects on nearby properties and the residents or users of those properties, in the City of Elizabeth acts a significant barrier to the City's continued progress, development, and revitalization; and

**WHEREAS**, on November 12, 2008, the City Council of the City of Elizabeth adopted Ordinance 4002 establishing Chapter 8.80 of the Code of the City of Elizabeth entitled "Vacant and Foreclosing Residential Properties" which established the municipal registration fee program for residential properties; and

**WHEREAS**, on January 18, 2022, the State of New Jersey signed into law Public Law 2021, c. 444, allowing for all real property to be registered; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, this Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the City by law; now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH:**

**SECTION 1.** Chapter 8.80 of the Code of the City of Elizabeth entitled "Vacant and Foreclosing Residential Properties" is hereby amended to read as follows:

Change title to: - "Vacant and Foreclosing Properties"

**SECTION 2.** Section 8.80.010 of the Code of the City of Elizabeth entitled "**Purpose**" is hereby amended to read as follows:

It is the intent of this chapter to protect and preserve the public health, safety and welfare and security and quiet enjoyment of residents and neighborhoods by (i) requiring all ~~residential~~ property owners, including lenders, trustees and service companies to properly maintain vacant and/or foreclosing properties, and (ii) regulating the maintenance of vacant and/or foreclosing ~~residential~~ properties in order to prevent blighted and unsecured ~~residences~~ real property.

In addition to any other remedies in law or equity not set forth herein, enforcement authority shall be vested in the department of planning and community services and the department of health and human services and their respective inspectors, including, but not limited to the bureaus of construction, health and housing. The police department and department of public works shall also have enforcement authority with respect to this chapter. The Mayor, may also designate, when necessary, additional enforcement duties for other city departments.

PRESENTED to the Mayor for  
APPROVAL or DISAPPROVAL on  
APR 27 2022  
CITY CLERK

**SECTION 3.** Section 8.80.020 of the Code of the City of Elizabeth entitled "Definitions" is hereby amended to read as follows:

"Property" means ~~any~~ all real estate, residential **and non-residential** property, or portion thereof, located in the city, including buildings or structures situated on the property. For the purposes of this section only, property does not include property owned or subject to the control of the city, or any of its governmental bodies, or agencies including, but not limited to, property, owned or controlled by the Housing Authority of the City.

~~"Residential Property" means any real property in the City that contains one or more dwelling units used, intended or designed to be occupied for living purposes.~~

**SECTION 4.** Section 8.80.030 of the Code of the City of Elizabeth entitled "Registration of vacant and/or foreclosing properties; duty to provide written notice of vacant residential property and/or mortgage foreclosure" is hereby amended:

Change the title to:

"Registration of vacant and/or foreclosing properties; duty to provide written notice of vacant residential property and/or mortgage foreclosure"

**SECTION 5.** All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

**SECTION 6.** If any portion or clause of this ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this ordinance.

**SECTION 7.** The effective date of this ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor at the time and in the manner provided by law.

PASSED:

4/26/22

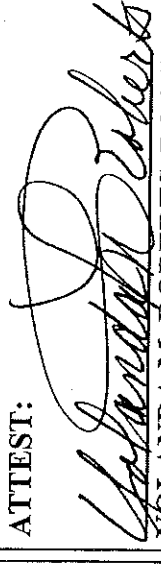
  
NELSON GONZALEZ  
President of City Council

APPROVED:

4/27/22

  
J. CHRISTIAN BOLLWAGE  
Mayor

ATTEST:

  
YOLANDA M. ROBERTS, R.M.C.  
Municipal Clerk