

**BOROUGH OF WALLINGTON
BERGEN COUNTY
ORDINANCE NO. 2021-015**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 276 OF THE
CODE OF THE BOROUGH OF WALLINGTON TO ADD THERETO A NEW
ARTICLE III ENTITLED BUILDINGS DAMAGED BY CASUALTY.**

Be it ordained by the Mayor and Council of Borough of Wallington as follows:

1. Chapter 276 of the Code of the Borough of Wallington is amended and supplemented by adding thereto a new Article III entitled Fire Damaged Buildings to read as follows:

Article III. Fire-Damaged Buildings

§ 276-28. Procedures after casualty.

Where a building has been damaged by fire, explosion, collapse or other act of God so as to be incapable of being occupied or used, the owner of such Construction shall, within 72 hours after such occurrence, seal said building against access by unauthorized persons and shall clear the site of debris incident to the occurrence.

§ 276-29. Notification of intent.

Within 30 days after the occurrence, the owner or his agent shall, in writing, notify the Construction Official of his intent to pursue one of the following courses of action:

- A. To demolish the building and not rebuild.
- B. To demolish the Building and rebuild a new Building on a new foundation.
- C. To demolish the Building and rebuild a similar Building on the same foundation.
- D. To repair the Building.

§ 276-30. Demolition of Building and site clearance.

If the owner elects to demolish the Building pursuant to § 276-29.A above, he shall, within 60 days of the occurrence, secure a demolition permit. The Building shall be demolished and the site shall be cleared of all debris within 30 days of the issuance of said permit. Site clearance shall include the removal of all debris from the foundation and backfilling with clean inorganic fill.

§ 276-31. Demolition and Reconstruction of structure.

If the owner elects to demolish the Building and rebuild pursuant to § 276-29.B or C. above, he shall, within 90 days of the occurrence, file plans with the Construction Official and apply for a demolition permit and a Construction permit. The Building shall be demolished and the site cleared of all debris within 30 days of the issuance of the Construction permit.

§ 276-32. Repair of Building.

In the event that the owner elects to repair the Building pursuant to § 276-29.D above, he shall apply for a Construction permit within 90 days of the occurrence and shall clear the site and begin construction within 30 days of the issuance of the Construction permit.

§ 276-33. Review by Construction Official.

On receipt of a notification pursuant to § 276-32 , the Construction Official shall review the matter and determine whether all zoning approvals (including but not limited to variance relief, site plan or conditional use approval) is required in the case of any proposed construction, reconstruction or repair. In such event, the owner shall make application to the appropriate land use board of the Borough within 90 days of the occurrence and shall secure a demolition permit, if required, at the time of said application. Demolition shall be commenced on issuance of the demolition permit and the site shall be cleared of all debris within 30 days.

§ 276-34. Enforcement; Cost to become a lien.

- A. Where the owner shall not have notified the Construction Official as provided in §276-29, or where said owner shall not have taken action to secure necessary permits and undertaken demolition or repair pursuant to the appropriate section or sections of this Article III, the Construction Official shall notify the Mayor and Council. The Mayor and Council shall review the matter, including the reports of the Construction Official and the Fire Official. The Mayor and Council shall determine that there is probable cause that a nuisance or safety hazard exists, and, in the event of such finding, the Borough Clerk shall notify the property owner, who shall be given an opportunity to be heard on that issue.

B. In the event that the property owner shall not have taken action to secure permits pursuant to this article within two weeks of notification or of hearing before the Mayor and Council, whichever shall be later, the Borough may take lawful action to demolish the Building or take other action as may be necessary to secure compliance with this Article. If the Mayor and Council determine to proceed with such work:

- (1) the Construction Official shall present a report of the work proposed to be done to accomplish the foregoing to the Mayor and Council with an estimate of the cost thereof, along with a summary of the proceedings undertaken by the Construction Official and other public officers to secure compliance, including notices served upon the owners, operators, lessors or agents, as the case may be.
- (2) The Mayor and Council may thereupon, by resolution, authorize the abatement of the violation, correction of the defect or work necessary to place the premises in proper condition and in compliance with ordinances of the Borough and laws of the state.
- (3) The Borough may thereafter proceed to have the work performed in accordance with said resolution at Borough expense, not to exceed the amount specified in the resolution, and shall, upon completion thereof, submit a report of the moneys expended and costs to the Mayor and Council.
- (4) After review of such report, the Mayor and Council may approve said expenses and costs, and they shall become a lien against said premises and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced in the same manner as are taxes. A copy of the resolution approving said expenses and costs shall be certified by the Mayor and Council and filed with the Tax Collector, and a copy of this report and resolution shall be sent by certified mail to the owner.

2. All ordinances or parts of ordinances which are inconsistent with this ordinance are hereby repealed, but only to the extent of such inconsistency.

3. This ordinance shall take effect upon final passage and publication as prescribed by law.

Introduction/First Reading

Member	Motion	Second	Aye	Nay	Abstain	Certified as a true copy of a Resolution adopted by the Borough Wallington at a below date meeting. _____ Greg Zagaja Act. Deputy Borough Clerk
Rachelski			X			
Ivanicki			X			
Preinfalk	X		X			
Androwis		X	X			
Orzechowski			X			
Sadecki			X			

Approved: April 29, 2021

BOROUGH OF WALLINGTON

Second Reading/Adoption

Member	Motion	Second	Aye	Nay	Abstain	Certified as a true copy of a Resolution adopted by the Borough Wallington at a below date meeting. _____ Greg Zagaja Act. Deputy Borough Clerk
Rachelski	X		X			
Ivanicki			X			
Preinfalk			X			
Androwis			X			
Orzechowski			X			
Sadecki		X	X			

Approved: May 27, 2021

BOROUGH OF WALLINGTON

By: _____
Mayor Melissa Dabal