

City of Newark

City Hall
920 Broad Street
Newark, New Jersey
07102

Ordinance

6PSF-g 01/10/2024

File ID: 23-1873

Type: Ordinance

Status: Adopted

AN ORDINANCE AMENDING TITLE VII, STATE UNIFORM CONSTRUCTION CODE ENFORCING AGENCY, CHAPTER 5 ENFORCEMENT; VIOLATIONS; PENALTIES; EMERGENCIES, SECTION 8, VIOLATION NOTICES AND ORDERS, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, TO PLACE A LIS PENDENS ON THOSE FOUND VIOLATING INITIAL STOP WORK ORDERS.

Sponsor(s): Council Member, Patrick O. Council

WHEREAS, the Municipal Council on behalf of the City of Newark wishes to place a Lis Pendens on those found violating initial stop work orders; and

WHEREAS, the City realizes the need to amend existing enforcements and penalties to ensure a reduction in violating initial stop work orders; and

WHEREAS, the Municipal Council finds and declares the following amendments to the Revised General Ordinances of the City of Newark, New Jersey, 2000, are deemed necessary for the enforcement of initial stop work orders.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

Note: Additions are shown in Bold and Underlined. Deletions are shown in ~~Strikeouts~~.

SECTION 1. Title VII, State Uniform Construction Code Enforcing Agency, Chapter 5, Enforcement; Violations; Penalties; Emergencies, Section 8, Violation Notices and Orders, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, to place a Lis Pendens on those found violating initial stop work orders as follows:

CHAPTER 5, Enforcement; Violations; Penalties; Emergencies

§ 12:5-8 VIOLATION NOTICES AND ORDERS.

- a. Construction Official shall serve, either personally or by certified mail return-receipt requested, a notice of violation and orders to terminate on the person responsible for the

erection, construction, alteration, extension, repair, removal, demolition, or use of a building or structure in violation of the provisions of the Code, or in violation of a detailed statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this Code; and such order shall direct the discontinuance of the illegal action or condition and the correction of the violation.

- b. The notice and orders shall contain at least the following information: the name and address of the owner or lessee; the address at which the violation has occurred; the name and business address of the person upon whom service is made if it be other than the owner; the name and address of the person to whom the order is directed; a citation to the section of the Code violated; an order to terminate violations within a time specified in the order; the amount of the penalty assessed, if any, and citation to its statutory and regulatory source, and if cumulative, an explanation of the method of computation; and be signed by the appropriate Subcode Official and the Construction Official.
- c. Unless an immediate hazard to health and safety is posed, the Construction Official shall permit such time period for correction as is reasonable within the context of the violation.
- d. Once a Stop Work Order has been issued and property is found to be an unauthorized conversion, and it is determined that the owner, developer and/or contractor continues to perform work on the subject premises, the City of Newark is authorized to board up the property, all costs of boarding up the premises shall be charged to the owner of the property.
- e. Once a Stop Work Order has been issued and it is determined that a contractor or sub contractor continue to perform work on the property they shall be subject to a fine of \$1,000.00 for every day they are found to be working on the property in violation of the Stop Work Order as per the determination of same by the Construction Official.
- f. Once a Stop Work Order has been issued it is determined that residents have been found to be living in any part of the building, and the Construction Official has determined that the property, building or structure is unsafe, uninhabitable, or an unauthorized conversion, in that event the owner of the property shall be responsible and pay for the following expenses of the residents by:
 - i. Refunding rent and security deposit of any current tenant;
 - ii. Providing temporary emergency housing for any current tenant ;
 - iii. Paying all costs of tenants moving expenses; and
 - iv. Paying initial costs of tenants rent for new housing
- g. Once a Stop Work Order has been issued and it is determined that the Stop Work Order is being ignored by the owner, developer or contractor, the Construction Official and/or Subcode Official are hereby authorized to file a Lis

Pendens on the subject.

SECTION 2. All City ordinances or portions of ordinances inconsistent herewith are hereby repealed to the extent of their inconsistency only.

SECTION 3. Severability. If any provision of this amendment shall be deemed unenforceable by a Court of competent jurisdiction, the remainder of the amendment shall remain in full force and effect.

SECTION 4. This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

SECTION 5. Codification. This Ordinance shall be a part of the Code of the City of Newark as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Code. The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Newark in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

STATEMENT

This Ordinance amends Title VII, State Uniform Construction Code Enforcing Agency, Chapter 5, Enforcement; Violations; Penalties; Emergencies, Section 8, Violation Notices and Orders, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, to place a Lis Pendens on those found violating initial stop work orders.

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	12/15/2023	Jerusha J. Schulze	Approved as Modified	12/19/2023
1	2	12/15/2023	Kecia Daniels	Approved	12/18/2023

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Municipal Council	12/20/2023	Advance and Adopt on First Reading as 6F-				Pass
Action Text: A motion was made by Patrick Council, seconded by LaMonica McIver to Advance and Adopt on First Reading as 6F-g. The motion was adopted by the following votes:							

Ordinance Continued (23-1873)


Mover: Patrick O. Council Yes: 8 - Patrick Council, C. Lawrence Crump, Carlos Gonzalez, Dupre' Kelly, Luis Quintana, Louise Scott-Rountree, Michael Silva and LaMonica McIver 8-1
Absent: 1 - Anibal Ramos Jr.

1 Municipal Council 01/10/2024 Close on Public Hearing and Adopt Pass

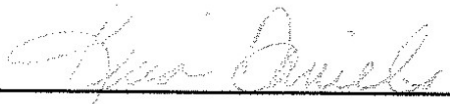
Action Text: A motion was made by Council, seconded by McIver to Close on Public Hearing and Adopt. The motion was adopted by the following votes:

Mover: Patrick O. Council Yes: 8 - Patrick Council, Carlos Gonzalez, Dupre' Kelly, Luis Quintana, Anibal Ramos Jr., Louise Scott-Rountree, Michael Silva and LaMonica McIver 8-1
Absent: 1 - C. Lawrence Crump

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Approved or Rejected By 
Ras J. Baraka, Mayor

Date 1-18-24

Certified By 
Kecia Daniels, City Clerk

CERTIFIED TO BY ME THIS

Date JAN 19 2024