

MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY
SEPTEMBER 14, 2015
7 P.M.

1. Council President Bresenhan called the meeting to order at 7:01 p.m. and asked for a Roll Call.

PRESENT: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Giacobbe

City Clerk Jeffrey J. Jotz announced the meeting had been advertised and posted in accordance with the Open Public Meetings Act of the State of New Jersey.

This meeting of September 14, 2015 was included in a list of meetings notice sent to the *Star-Ledger*, *Home News Tribune* and the *Union County Local Source*, posted on the bulletin board in the Municipal Building on January 2, 2015 and has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

- 2. PLEDGE OF ALLEGIANCE**

In the absence of a Member of the Clergy, Council President Bresenhan offered an invocation.

- 3. APPROVAL OF MINUTES**

August 10, 2015 7 p.m. Combined Meeting

Motion was made by Councilmember Cox and seconded by Councilmember Wenson Maier to accept and approve the above listed minutes.

YES: Councilmembers Brown, Cox, Farrar, Miles, Mojica, Bresenhan

ABSTAIN: Councilmembers Baker, Wenson Maier

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

4. PRESENTATIONS

5. COMMUNICATIONS FROM MAYOR, REPORTS OF CITY OFFICERS AND LIST OF PAYMENT OF BILLS FOR AUGUST

6. REPORTS OF COUNCIL COMMITTEES

Councilmember Wenson Maier moved to remove AR-185-15 from the Agenda.

The motion was seconded by Councilmember Brown.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

7. HEARING OF CITIZENS Items on Agenda, Except Ordinances on Second Reading

With no one appearing, Council President Bresenhan closed the Public Hearing.

8. CONSENT AGENDA

Motion made by Councilmember Farrar seconded by Councilmember Mojica, to adopt the Consent Agenda, and was adopted by the following vote:

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

9. ORDINANCES - First Reading

O-28-15 City Clerk Jotz read AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF RAHWAY AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY PURSUANT TO N.J.S.A. 40:11A-22.

Motion to introduce the above Ordinance on first reading was made by Councilmember Farrar, seconded by Councilmember Mojica and adopted by the following vote:

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan: This Ordinance is declared adopted on first reading and the City Clerk is hereby authorized and directed to advertise said notice of its introduction and passage according to law. This Ordinance will come up for Public Hearing and further action at a Council Meeting at Tuesday, October 13, 2015 at 6:45 p.m.

O-29-15

City Clerk Jotz read AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 411, "WATER", BY ADDING SECTION 411-5, ENTITLED "WATER CONSERVATION REGULATIONS" OF THE CODE OF THE CITY OF RAHWAY TO SET FORTH REGULATIONS FOR WATER CONSERVATION.

Motion to introduce the above Ordinance on first reading was made by Councilmember Cox, seconded by Councilmember Miles and adopted by the following vote:

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan: This Ordinance is declared adopted on first reading and the City Clerk is hereby authorized and directed to advertise said notice of its introduction and passage according to law. This Ordinance will come up for Public Hearing and further action at a Council Meeting at Tuesday, October 13, 2015 at 6:45 p.m.

O-30-15

City Clerk Jotz read AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF RAHWAY (VEHICLES AND TRAFFIC) – PERMIT PARKING ONLY IN DESIGNATED RESIDENTIAL AREAS.

Motion to introduce the above Ordinance on first reading was made by Councilmember Brown, seconded by Councilmember Cox and adopted by the following vote:

YES: Councilmembers Brown, Cox, Farrar, Miles, Mojica, Wenson Maier, Bresenhan

ABSTAIN: Councilmember Baker

ABSENT: Councilmember Giacobbe

Council President Bresenhan: This Ordinance is declared adopted on first reading and the City Clerk is hereby authorized and directed to advertise said notice of its introduction and passage according to law. This Ordinance will come up for Public Hearing and further action at a Council Meeting at Tuesday, October 13, 2015 at 6:45 p.m.

O-31-15

City Clerk Jotz read AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF RAHWAY (VEHICLES AND TRAFFIC) – PERMIT PARKING ONLY IN DESIGNATED RESIDENTIAL AREAS.

Motion to introduce the above Ordinance on first reading was made by Councilmember Baker, seconded by Councilmember Cox and adopted by the following vote:

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan: This Ordinance is declared adopted on first reading and the City Clerk is hereby authorized and directed to advertise said notice of its introduction and passage according to law. This Ordinance will come up for Public Hearing and further action at a Council Meeting at Tuesday, October 13, 2015 at 6:45 p.m.

10. RESOLUTIONS

***AR-181-15** Councilmember Baker presented and moved A RESOLUTION COMMENDING SHANICE WILLAMS.

The motion was seconded by the Entire Council.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

- *AR-182-15** Councilmember Brown presented and moved A RESOLUTION PROCLAIMING SEPTEMBER 18, 2015 AS POW/MIA REMEMBRANCE DAY.

The motion was seconded by the Entire Council.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson
Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

- *AR-183-15** Councilmember Farrar presented and moved A RESOLUTION AUTHORIZING REFUND OF PARKS & RECREATION FEES.

The motion was seconded by Councilmember Mojica.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson
Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

- *AR-184-15** Councilmember Miles presented and moved A RESOLUTION AUTHORIZING REFUND OF SENIOR SERVICES FEES.

The motion was seconded by Councilmember Cox.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson
Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

- *AR-186-15** Councilmember Cox presented and moved A RESOLUTION APPOINTING A MEMBER TO THE RAHWAY HOUSING AUTHORITY (ROBERT SIMON).

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson
Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

- *AR-187-15** Councilmember Mojica presented and moved A RESOLUTION AUTHORIZING THE CANCELLATION AND REFUND OF PAYMENT OF TAXES DUE TO THE GRANTING OF DISABLED VETERAN DEDUCTION.

The motion was seconded by Councilmember Miles.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson
Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

- *AR-188-15** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CANCEL CY 2016 REAL ESTATE TAXES.

The motion was seconded by Councilmember Mojica.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson
Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

- *AR-189-15** Councilmember Farrar presented and moved A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2009 FISCAL YEAR AND THE 2015 CALENDAR YEAR.

The motion was seconded by Councilmember Cox.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson
Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

***AR-190-15** Council President Bresenhan presented and moved A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CREDIT OVERPAYMENT OF TAXES DUE TO A JUDGMENT OF THE TAX COURT OF NEW JERSEY.

The motion was seconded by Councilmember Brown.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson
Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

***AR-191-15** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Miles.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson
Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

***AR-192-15** Councilmember Mojica presented and moved A RESOLUTION OF THE MUNICIPAL COUNCIL CONCERNING THE AUDIT REPORT FOR CALENDAR YEAR 2014.

The motion was seconded by Councilmember Brown.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson
Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

- *AR-193-15** Councilmember Farrar presented and moved A RESOLUTION AUTHORIZING THE SALE OF UNUSED OR SEIZED CITY PROPERTY.

The motion was seconded by Councilmember Cox.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson
Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

- *AR-194-15** Council President Bresenhan presented and moved A RESOLUTION AUTHORIZING PARTICIPATION OF THE CITY OF RAHWAY IN THE "GREENING UNION COUNTY" GRANT PROGRAM.

The motion was seconded by Councilmember Baker.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson
Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

- *AR-195-15** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT WITH THE COUNTY OF UNION FOR THE FIRST ALERT SYSTEM.

The motion was seconded by Councilmember Baker.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson
Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

- *AR-196-15** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING THE CITY OF RAHWAY TO PARTICIPATE IN THE NATIONAL JOINT POWERS ALLIANCE (NJPA).

The motion was seconded by Councilmember Brown.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

- *AR-197-15** Councilmember Miles presented and moved A RESOLUTION AUTHORIZING THE PURCHASE OF A NEW STREET SWEEPER UNDER THE NATIONAL JOINT POWERS ASSOCIATION (NJPA) COOPERATIVE PURCHASING AGREEMENT.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

- *AR-198-15** Councilmember Cox presented and moved A RESOLUTION AWARDED THE ACCEPTANCE OF BID FOR THE PROJECT ENTITLED "REBUILD/REPAIR OF THE FLOW-CON AIR HANDLER ROOF-MOUNTED UNIT" FOR THE DEPARTMENT OF PUBLIC WORKS.

The motion was seconded by Councilmember Mojica.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

***AR-199-15** Councilmember Miles presented and moved A RESOLUTION AWARDDING THE ACCEPTANCE OF BID FOR A REFUSE TRUCK FOR THE DEPARTMENT OF PUBLIC WORKS.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson
Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

11. ORDINANCES – SECOND READING

O-20-15 Council President Bresenhan: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption:

**AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF
RAHWAY AUTHORIZING THE CONVEYANCE OF A PERMANENT
NON-EXCLUSIVE EASEMENT TO PROVIDE SANITARY SEWER
SERVICE TO PROPERTY IDENTIFIED AS LOT 3.03 IN BLOCK 303.01
ON THE OFFICIAL TAX MAP OF THE CITY**

WHEREAS, on September 26, 2006 VPG Lawrence Street, LLC (“VPG”) received minor site plan approval with bulk variances from the City Planning Board for property located at 1296 Lawrence Street and identified as Lot 3.03 in Block 303.01 on the official tax map of the City; and

WHEREAS, as a condition of said approval VPG was to replace the City sewer connection servicing the property; and

WHEREAS, in order to satisfy such condition of approval a sanitary sewer easement is required from the City for the sewer lateral/force main that has been installed within the City’s existing right-of-way in Lawrence Street; and

WHEREAS, the Municipal Council of the City of Rahway has determined that it is in the best interest of the City to convey to VPG a permanent non-exclusive easement over the existing right-of-way to provide sanitary sewer service to VPG’s property.

NOW, THEREFORE, be it ordained, by the Municipal Council of the City of Rahway, County of Union, State of New Jersey, as follows:

1. The City is hereby directed and authorized to convey to VPG for nominal consideration a permanent non-exclusive easement on, over, under, through, across and along all that certain lot, tract or parcel of land situated in the existing right-of-way of Lawrence Street adjacent to property known and designated as Lot 3.03 in Block 303.01 (the "Benefited Property") as shown on the official tax map of the City of Rahway to provide sanitary sewer service to the Benefited Property.
2. The Mayor and the Municipal Clerk are hereby directed and authorized to execute any and all documents necessary to effectuate the conveyance of such permanent non-exclusive easement.
3. The Director of Law and the Municipal Engineer, as well as any other appropriate municipal officials, are hereby directed and authorized to prepare any and all necessary documents to effectuate the aforesaid conveyance.
4. All Ordinances or parts of Ordinances inconsistent herewith are repealed.
5. If any section, subsection, sentence, clause, phrase, or a portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

This Ordinance shall become effective after second reading and publication as required by law.

Council President Bresenhan opened the Public Hearing on this matter and asked if any citizen wished to be heard, to approach the rail, give his/her name and address and be heard.

With no one appearing, Council President Bresenhan closed the Public Hearing.

Roll Call for O-20-15:

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson
Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan: This Ordinance having been read on two separate days and having achieved the vote required by law is declared adopted. The City Clerk is directed to deliver same to the Mayor for his approval or disapproval.

O-21-15 Council President Bresenhan: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption:

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 401,
VEHICLES AND TRAFFIC, OF THE CODE OF THE CITY OF RAHWAY
(PARKING PROHIBITED CERTAIN HOURS)**

WHEREAS, the City of Rahway desires to amend portions of Chapter 401, Vehicles and Traffic, of the Municipal Code of the City of Rahway with respect to prohibiting parking during certain hours.

NOW, THEREFORE, be it ordained, by the Municipal Council of the City of Rahway, County of Union, State of New Jersey, as follows:

Section 1. § 401-22. “Parking prohibited certain hours.” is hereby revised to add an additional sentence to read as follows:

The parking restrictions set forth herein and as described in Schedule XIV shall only be in effect during the months of April through October.

Section 2. § 401-72. “Schedule XIV: Parking Prohibited Certain Hours.” is hereby revised to delete reference to the following streets: Brown Place and Fowler Place.

Section 3. All Ordinances or parts of Ordinances inconsistent herewith are repealed.

Section 4. If any section, subsection, sentence, clause, phrase, or a portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 5. This Ordinance shall become effective after second reading and publication as required by law.

Council President Bresenhan opened the Public Hearing on this matter and asked if any citizen wished to be heard, to approach the rail, give his/her name and address and be heard.

With no one appearing, Council President Bresenhan closed the Public Hearing.

Roll Call for O-21-15:

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson
Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan: This Ordinance having been read on two separate days and having achieved the vote required by law is declared adopted. The City Clerk is directed to deliver same to the Mayor for his approval or disapproval.

O-22-15 Council President Bresenhan: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption:

**AN ORDINANCE AMENDING ORDINANCE O-31-14 REQUIRING
REGISTRATION AND MAINTENANCE OF PROPERTIES THAT ARE
VACANT OR IN FORECLOSURE**

WHEREAS, in 2014, the City of Rahway adopted Ordinance O-31-14, which requires that all residential and non-residential properties in the City which are vacant or in foreclosure be registered with the Rahway City Clerk; and

WHEREAS, pursuant to N.J.S.A. 40:48-2.12s, a municipality may adopt an ordinance to regulate the care, maintenance, security, and upkeep of the exterior of vacant and abandoned residential properties on which a summons and complaint in an action to foreclose has been filed; and

WHEREAS, the City desires to repeal Ordinance O-31-14 in its entirety and adopt a new ordinance which sets forth the procedure for the registration of vacant and foreclosed properties in accordance with N.J.S.A. 40:48-2.12s.

NOW, THEREFORE, be it ordained, by the Municipal Council of the City of Rahway, County of Union, State of New Jersey, that Ordinance O-31-14 of the City of Rahway is hereby repealed and replaced with this Ordinance as follows:

Section 1. Purpose.

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 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 properties in order to prevent blighted and unsecured properties.

Section 2. Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When consistent with the context, words used in the present tense include the future, words in the plural include the singular and words in the singular include the plural. The word “shall” is always mandatory and not merely directory.

“City” means the City of Rahway.

“Creditor” means the creditor having a right of foreclosure, including but not limited to the holder of a mortgage on a property, and any agent, servant or employee of the creditor, a loan servicing company, or any successor in interest and/or assignee of the creditor's rights, interests or obligations under the document granting foreclosure rights.

“Days” mean consecutive calendar days.

“Foreclosing” means the process by which property, placed as security for a real estate loan, is prepared for sale to satisfy the debt if the borrower defaults.

“Non-Residential Property” means any commercial, industrial and mixed-use real estate, or portion thereof, located in the City of Rahway, including improvements thereon.

“Nuisance” means:

- a. Any common nuisance known as common law or inequity jurisprudence or as provided by the statutes of the State of New Jersey or the ordinances of the City.
- b. Any attractive nuisance which may prove detrimental to the health or safety of children, whether in a building, on the premises of a building or upon an unoccupied lot. This includes, but is not limited to: abandoned wells, shafts, basements, excavations, abandoned iceboxes, refrigerators, motor vehicles, boats, any structurally unsound fences or structures, lumber, trash, fences, debris or vegetation, such as poison ivy, oak or sumac, which may prove a hazard for inquisitive minors.
- c. Physical conditions dangerous to human life or detrimental to health of persons on or near the premises where the conditions exist.
- d. Insufficient ventilation or illumination in violation of this Code.
- e. Inadequate or unsanitary sewage or plumbing facilities in violation of this Code.

f. Unsanitary conditions or anything offensive to the senses or dangerous to health in violation of this Code.

g. Fire hazards.

“Owner” means any person who, alone or jointly with several others, shall have legal or equitable title to any premises, with or without accompanying actual possession thereof, or who shall have charge, care or control of any property unit as owner or agent of the owner as lessee, executor, executrix, administrator, administratrix, trustee, receiver or guardian of the estate or as a foreclosing mortgagee or mortgagee in possession, regardless of how that possession was obtained. Any person who is a lessee subletting or assigning any part of any property or property unit shall be deemed to be co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by said lessee.

“Property” means any real estate, including residential, commercial, industrial and mixed-use, or portion thereof, located in the City of Rahway, including any improvements thereon.

“Residential property” means any property that contains one or more dwelling units used, intended or designed to be occupied for living purposes.

”Security” means measures taken to ensure that the property is inaccessible to unauthorized persons.

“Vacant” means, with regard to any property, that no portion of the property is legally occupied. A property shall not be deemed “vacant,” for purposes of this Ordinance: (a) where there is a building on the property containing multiple residential units, if any of the residential units are legally occupied; (b) where the legal occupant has temporarily left the property for vacation or other purposes for a period not exceeding 180 days, possessing both the intent to return and the legal right to return, such as a residential property owner or tenant who resides in another municipality or state for a portion of the year; or (c) where the building is under construction with current valid construction permits, and work is being performed on the property on a regular basis. A mixed-use property is considered “vacant” if the commercial use is not legally occupied even though one or more residential units may be legally occupied.

Section 3. Registration of vacant properties; designation of responsible individual.

- a. All owners of vacant residential property must register such vacant properties with the Rahway City Clerk within ten (10) days of such property becoming vacant. The registration must be renewed annually as set forth below for as long as the property remains vacant.

- b. All owners of vacant non-residential property must register such vacant properties with the Rahway City Clerk within thirty (30) days of such property becoming vacant. The registration must be renewed annually as set forth below for as long as the property remains vacant.

- c. Owners of vacant properties shall designate an individual or property management company responsible for the security and maintenance of the property. The individual or property management company responsible for the security and maintenance of the property shall have an office located in New Jersey within twenty five miles of the property.
 - d. The registration required by this section must contain the following information:
 - 1. The owner's name, telephone number, and mailing address. The mailing address may not be a P.O. Box.
 - 2. The street address and tax map designation (lot and block) of the property,
 - 3. Whether the property is residential, non-residential, commercial or mixed use.
 - 4. The name, telephone number, e-mail address and mailing address of an individual or property management company located in the State of New Jersey which is responsible for the security and maintenance of the property. The mailing address may not be a P.O. Box.
 - 5. Certification that the property was inspected as required by this Ordinance.
 - 6. Proof of utility (gas, electric, water) connections or disconnections.
 - 7. Proof of insurance meeting the requirements of Section 7(c) of this Ordinance.

- e. The owner shall have a continuing duty to notify the City of any changes to the information contained in the registration.

- f. The Rahway City Clerk may promulgate forms on which the information in the registration must be provided.

- g. The owner must notify the Rahway City Clerk if, at any time subsequent to registration as a vacant property, the property is no longer vacant, and provide proof that the property is no longer vacant.

Section 4.Registration Fees for Vacant Properties.

- a. The initial registration fee for vacant residential property shall be five hundred dollars (\$500.00) and must accompany the registration form. The

initial registration shall be valid for the remainder of the calendar year in which the property is registered. Renewals for subsequent calendar years shall run from January 1 to December 31, and payment of the renewal registration fee shall be due by January 15th of the relevant year. The fee for the first annual renewal shall be one thousand dollars (\$1,000.00); the fee for the second annual renewal shall be three thousand dollars (\$3,000.00); and the fee for the third and subsequent renewals shall be five thousand (\$5,000.00). Registration fees and renewal fees will not be prorated or refunded.

- b. No fee shall be charged at the time the owner registers vacant non-residential property with the City. If a tenant is not secured for the registered vacant non-residential property within six (6) months of the date of registration of the vacant non-residential property, an initial registration fee of five hundred dollars (\$500.00) shall be charged to the owner. The initial registration shall be valid for the remainder of the calendar year in which the property is registered. Renewals for subsequent calendar years shall run from January 1 to December 31, and payment of the renewal registration fee shall be due by January 15th of the relevant year. The fee for the first annual renewal shall be one thousand dollars (\$1,000.00); the fee for the second annual renewal shall be three thousand dollars (\$3,000.00); and the fee for the third and subsequent renewals shall be five thousand (\$5,000.00). Registration fees and renewal fees will not be prorated or refunded.
- c. No governmental agency shall be required to pay the annual or renewal registration fee.

Section 5. Registration of foreclosing properties; designation of responsible individual.

- a. A creditor serving a summons and complaint in an action to foreclose on a mortgage on property in this City, including but not limited to residential property, shall, within 10 days of serving the summons and complaint, file a registration with the Rahway City Clerk. The registration must be renewed as set forth below until title to the property has been transferred to a new owner or the foreclosure action is dismissed. A creditor who takes title to a vacant property shall then be required to register as an owner of such vacant property, and to renew such registration for as long as the property remains vacant.
- b. If the property is vacant or the creditor is located outside the State of New Jersey, the creditor must designate an individual or property management

company responsible for the security and maintenance of the property. The individual or property management company responsible for the security and maintenance of the property shall have an office in New Jersey located within twenty five miles of the property.

c. The registration shall contain the following information:

1. The creditor's name, telephone number, e-mail address and mailing address. The mailing address may not be a P.O. Box.
 2. The street address and tax map designation (lot and block) of the property for which foreclosure has been sought.
 3. Whether the property is residential, non-residential, commercial or mixed use.
 4. The name, telephone number, e-mail address and mailing address of a designated representative of the creditor who is located in the State of New Jersey and is responsible for receiving complaints of property maintenance and code violations for that property. The mailing address may not be a P.O. Box.
 5. If the property is vacant, the name, telephone number, and mailing address of an individual or property management company located in the State of New Jersey which is responsible for the care, maintenance, security and upkeep of the property. The mailing address may not be a P.O. Box.
 6. If the property is vacant, certification that the property was inspected as required by this Ordinance.
 7. If the property is vacant, proof of utility (gas, electric, water) connections or disconnections.
 8. If the property is vacant, proof of insurance meeting the requirements of Section 6(c) of this Ordinance.
- d. The creditor shall have a continuing duty to notify the City of any changes to the information contained in the registration.
- e. The Rahway City Clerk may promulgate forms on which the information in the registration must be provided.
- f. Pursuant to N.J.S.A. 40:48-2.12s.c.(1), an out-of-State creditor's failure to appoint an in-State representative or agent for residential properties is subject to fines set forth in Section 10b of this Ordinance.
- g. Once the foreclosure action has terminated, either through dismissal, *or* transfer of title, the creditor must provide proof of such termination, sale, transfer or occupancy to the enforcement authority within thirty (30) days of sale, exchange or transfer.

Section 6. Registration Fees For Foreclosing Properties.

- a. The initial registration fee shall be five hundred dollars (\$500.00) and must accompany the registration form. The initial registration shall be valid for the remainder of the calendar year in which the property is registered. Renewals for subsequent calendar years shall run from January 1 to December 31, and payment of the renewal registration fee shall be due by January 15th of the relevant year. The fee for the first annual renewal shall be one thousand dollars (\$1,000.00); the fee for the second annual renewal shall be three thousand dollars (\$3,000.00); and the fee for the third and subsequent renewals shall be five thousand (\$5,000.00). Registration fees and renewal fees will not be prorated or refunded.
- b. No governmental agency shall be required to pay the annual or renewal registration fee.

Section 7. Maintenance requirements.

- a. Properties subject to the requirements of this Ordinance must be maintained in accordance with the all applicable federal, state and local laws, ordinances, rules and regulations. The owner, creditor, local individual or local property management company, as appropriate, must inspect the property twice a month for the duration of the vacancy or foreclosure as appropriate.
- b. In addition to, and not in lieu of meeting all other applicable federal, state, and local laws, ordinances, rules and regulations:
 - i. Properties subject to the requirements of this Ordinance shall be kept free of accumulated snow and ice, weeds, dry brush, dead vegetation, trash, junk, debris, building materials, unregistered vehicles, any accumulation of newspapers, circulars, flyers, notices (except those required by law), and discarded personal items including but not limited to furniture, clothing, large and small appliances, printed material or any other items giving the appearance that the property is vacant.
 - ii. Properties subject to the requirements of this Ordinance shall be maintained free of graffiti, tagging, or similar markings. In the event that any graffiti, tagging, or similar markings are placed on the Property, it/they shall either be removed or painted over with an exterior-grade paint matching the color of the portion of the structure where the graffiti, tagging, or similar marking was placed.
 - iii. Front yards, rear yards, and side yards of properties subject to the requirements of this Ordinance shall be landscaped and maintained to neighborhood standards. Landscaping and maintenance shall include, but is not limited to, care of grass, mulch, decorative rock, artificial turf/sod

specifically designed for residential or commercial installation, or other ground cover, bushes, shrubs, hedges, trees, or similar plantings, removal or repair of gravel, broken concrete, asphalt, decomposed granite, plastic sheeting, mulch, indoor-outdoor carpet or any similar material, in addition to regular watering, irrigation, cutting, pruning and mowing of required vegetation and removal of all trimmings.

- iv. Any pool, spa, or other standing body of water shall either be kept in working order so the water remains clear and free of growth, pollutants, and debris, and does not become a harborage for vermin or insects; or drained and kept dry. In either case, properties with pools or spas must comply with the security fencing requirements of the City.
- c. The owner of any vacant property shall acquire and maintain liability insurance covering injury or damage to any person or any property in not less than \$300,000 for residential buildings, and \$1,000,000 for non-residential buildings or property.
- d. The property owner shall be responsible for property maintenance. However, if the owner of a property vacates or abandons any property on which a foreclosure proceeding has been initiated or if a property is or becomes vacant at the time of or at any point subsequent to the creditor's filing the summons and complaint in an action to foreclose on a mortgage against the subject property, but prior to vesting of title in the creditor or any other third party, and the property is found to be a nuisance or in violation of any applicable State or local code, the enforcement authority shall notify the creditor, which shall have the responsibility to abate the nuisance or correct the violation in the same manner and to the same extent as the title owner of the property, to such standard or specification as may be required by State law or City ordinance. The enforcement authority shall include a description of the conditions that gave rise to the violation with the notice of violation and shall provide a period of thirty (30) days (or ten (10) days if the violation presents an imminent threat to public health and safety) from the creditor's receipt of the notice for the creditor to remedy the violation. The issuance of a notice of violation pursuant to this section shall constitute proof that a property is "vacant and abandoned" for the purposes of N.J.S.A. 2A:50-73. If the creditor fails to remedy the violation within that time period, the City may impose the penalties allowed for the violation of municipal ordinances pursuant to Section 10 of this Ordinance against the creditor to the same extent as they could be imposed against the owner of the property.
- e. Adherence to this Ordinance does not relieve the owner or creditor of obligations set forth in any other statute, regulation, ordinance, or other source of authority or obligation.

Section 8. Inspections.

The enforcement authority shall have the authority to inspect the properties subject to this chapter for compliance and to issue summonses for any violations.

Section 9. Enforcement.

Enforcement authority shall be vested in the Rahway Department of Administration (Mayor and/or Business Administrator), the Rahway Department of Building, Planning and Economic Development, and the Rahway Department of Health and Senior Services, and their respective officials and inspectors. The Rahway Police Department and Department of Public Works shall also have enforcement authority with respect to this Ordinance. The Mayor and/or Business Administrator may also designate, when necessary, enforcement duties to other City departments.

Section 10. Penalties.

a. Violation of any of the terms of this Ordinance (except for those violations which pertain to out-of-State creditors set forth in Sections 10b and 10c of this Ordinance) shall be punishable by a fine of not less than one hundred dollars (\$100.00) nor greater than two thousand dollars (\$2,000.00) per occurrence in addition to any registration fee or renewal fee that may be due and owing. Each subsequent occurrence shall result in an increased penalty.

b. Pursuant to N.J.S.A. 40:48-2.12s.c.(1), an out-of-State creditor's failure to appoint an in-State representative or agent for residential properties within ten (10) days of the service of the foreclosure summons and complaint shall be subject to a fine of \$2,500.00 for each day of the violation.

c. Pursuant to N.J.S.A. 40:48-2.12s.c.(2), an out-of-State creditor's failure to correct a care, maintenance, security or upkeep violation on a residential property within thirty (30) days of service of the notice of violation (or ten (10) days if the violation presents an imminent threat to public health and safety) shall be subject to a fine of \$1,500.00 for each day of the violation.

Section 11. City's authority to abate and impose lien.

Nothing contained herein shall prevent the City from taking action to abate a nuisance or correct a violation where the owner or creditor, as applicable, has failed to abate the nuisance or correct the violation on a vacant property or a property in foreclosure after notice and the opportunity to abate or correct. In such situations, the City may impose a lien against the property for costs to correct the violation or abate the nuisance. Such lien shall hereafter form part of

the taxes next to be assessed and levied upon said lands, the same to bear interest at the same rate as such taxes to be collected and enforced by the same officers and in the same manner as such taxes.

Section 12. Governmental entities exempt.

No governmental entity shall be required to register under this Ordinance. However, nothing contained herein shall be construed as granting exemption to the governmental entity from property maintenance or other obligations imposed by any other statute, regulation, or ordinance.

Section 13. Implementation.

a. Upon the effective date of this Ordinance, the owner of any currently vacant property and a creditor pursuing a pending foreclosure shall have thirty (30) days within which to comply with the provisions of this Ordinance.

Section 14. Severability.

If any provision or portion of a provision of this Ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

Section 15. Repealer.

All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.

Section 16. Effective Date.

This Ordinance shall take effect twenty days following adoption and publication in accordance with the laws of the State of New Jersey.

Section 17. All Ordinances or parts of Ordinances inconsistent herewith are repealed.

Section 18. If any section, subsection, sentence, clause, phrase, or a portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 19. This Ordinance shall become effective after second reading and publication as required by law.

Council President Bresenhan opened the Public Hearing on this matter and asked if any citizen wished to be heard, to approach the rail, give his/her name and address and be heard.

With no one appearing, Council President Bresenhan closed the Public Hearing.

Roll Call for O-22-15:

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson
Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan: This Ordinance having been read on two separate days and having achieved the vote required by law is declared adopted. The City Clerk is directed to deliver same to the Mayor for his approval or disapproval.

O-23-15 Council President Bresenhan: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 151, BRUSH, GRASS AND WEEDS OF THE CODE OF THE CITY OF RAHWAY

WHEREAS, the City of Rahway desires to amend and supplement Chapter 151, Brush, Grass and Weeds, of the Municipal Code of the City of Rahway to revise standards for maintaining the exterior of premises in the City.

NOW, THEREFORE, be it ordained, by the Municipal Council of the City of Rahway, County of Union, State of New Jersey, as follows:

Section 1. The definition of "Owner" set forth in Chapter 151-1, "Definitions" is hereby deleted in its entirety and revised to read as follows:

Any person who, alone or jointly with several others, shall have legal or equitable title to any premises, with or without accompanying actual possession thereof, or who shall have charge, care or control of any property unit as owner or agent of the owner as lessee, executor, executrix, administrator, administratrix, trustee, receiver or guardian of the estate or as a foreclosing mortgagee or mortgagee in possession, regardless of how that possession was obtained. Any person who is a lessee subletting or assigning any part of any property or property unit shall be

deemed to be co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by said lessee.

Section 2. The third sentence in Chapter 151-2, "Prohibited conditions" is hereby deleted in its entirety and revised to read as follows: "Prohibited conditions include grass in excess of 8 inches in height, weeds, dead and dying trees, stumps, roots, obnoxious growth, filth, garbage, trash and debris, the existence or maintenance of which shall be against the public health, security, and general welfare of the people of the City or the existence and maintenance of which shall create or tend to create a fire hazard."

Section 3. The first sentence in Chapter 151-3, "Removal of growths" is hereby deleted in its entirety and revised to read as follows: "Upon determining that a condition exists as set forth in § 151-3, the Division of Health shall cause written notice to be sent to the owner or tenant, whichever the case may be, ordering the removal and correction of the condition, specifying the manner in which to remove or correct the condition within 7 days after said notice is served.

Section 4. The following sentence is inserted as the second sentence in Chapter 151-4, "Work performed by city; reimbursement of costs":

The certified costs shall include a \$150.00 administrative fee to cover the overhead expenses incurred by the City of Rahway.

Section 5. Chapter 151-6, "Violations and penalties." is hereby revised to read as follows:

§ 151-6. Violations and penalties.

a. Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$2,000 or by imprisonment for a term not exceeding 90 days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

b. The seven (7) day period set forth in § 151-3 above shall not apply to repeat violators of this Chapter. Said repeat violators shall be subject to immediate action by the Enforcement Officer and may immediately be issued a summons for a violation of this Chapter. For the purposes of this Chapter, repeat violator(s) shall mean a person or persons who have previously been served with a notice of violation within the past year for a substantially similar violation of this Chapter pertaining to the same property.

Section 6. All Ordinances or parts of Ordinances inconsistent herewith are repealed.

Section 7. If any section, subsection, sentence, clause, phrase, or a portion of this

Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 8. This Ordinance shall become effective after second reading and publication as required by law.

Council President Bresenhan opened the Public Hearing on this matter and asked if any citizen wished to be heard, to approach the rail, give his/her name and address and be heard.

With no one appearing, Council President Bresenhan closed the Public Hearing.

Roll Call for O-23-15:

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan: This Ordinance having been read on two separate days and having achieved the vote required by law is declared adopted. The City Clerk is directed to deliver same to the Mayor for his approval or disapproval.

O-24-15 Council President Bresenhan: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption:

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 257,
UNFIT DWELLINGS AND STRUCTURES, OF THE CODE OF THE
CITY OF RAHWAY**

WHEREAS, the City of Rahway desires to amend and supplement Chapter 257, Unfit Dwellings and Structures, of the Municipal Code of the City of Rahway to establish minimum standards governing the repair, closing or demolition of buildings unfit for human habitation, occupancy or use.

NOW, THEREFORE, be it ordained, by the Municipal Council of the City of Rahway, County of Union, State of New Jersey, as follows:

Section 1. Chapter 257, "Housing and Property Maintenance" of the Municipal Code of the City of Rahway is hereby retitled as "Unfit Dwellings and Structures."

Section 2. Article I. State Standards, Chapter 257-1, “Adoption of Standards” is hereby moved to become Chapter 257-2 and new Chapter 257-1, “Findings,” is hereby added to read as follows:

§ 257-1. Findings.

It is hereby found and declared that the existence or occupation of any building or buildings, or parts thereof, in the City which are so old, dilapidated or have become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, or occupancy, or use, are inimical to the welfare of the residents of the City and that a public necessity exists for the repair, closing or demolition of such building or buildings, or parts thereof.

Section 3. Article I. State Standards, Chapter 257-3, “Exercise of Police Power” is hereby added to read as follows:

§ 257-3. Exercise of Police Power.

In addition, whenever the City finds that there exists within its boundaries any building or buildings, or parts thereof, which are unfit for human habitation or occupancy, or use, due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitation facilities, or due to other conditions rendering such building or buildings, or parts thereof, unsafe or unsanitary, or dangerous or detrimental to the health or safety or otherwise inimical to the welfare of the residents of the City, the City shall exercise its police powers to repair, close or demolish, or cause or require the repairing, closing or demolition of such building or buildings, or parts thereof, in the manner herein provided.

Section 4. Article I. State Standards, Chapter 257-4, “Definitions” is hereby added to read as follows:

§ 257-4. Definitions.

Building shall mean any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or material of any kind.

Dwelling shall mean a building, or entirely self-contained portion thereof, containing its own sleeping, sanitary and cooking facilities occupied or intended to be occupied for residential purposes by one family.

Owner shall mean any person who, alone or jointly with several others, shall have legal or equitable title to any premises, with or without accompanying actual

possession thereof, or who shall have charge, care or control of any property unit as owner or agent of the owner as lessee, executor, executrix, administrator, administratrix, trustee, receiver or guardian of the estate or as a foreclosing mortgagee or mortgagee in possession, regardless of how that possession was obtained. Any person who is a lessee subletting or assigning any part of any property or property unit shall be deemed to be co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by said lessee.

Structure shall mean a combination of materials to form a construction for use, occupancy or ornamentation, whether installed on, above or below the surface of land or water, which includes but is not limited to buildings, stadiums, platforms, towers, sheds, trailers, storage bins, fences, swimming pools and signs.

Section 5. Article I. State Standards, Chapter 257-5, “Damaged Buildings” is hereby added to read as follows:

§ 257-5. Damaged Buildings.

Any building or buildings, or parts thereof, located within the boundaries of the City, which have been damaged to such an extent that nothing remains but the walls, or parts of the wall and other supports, shall, regardless of the safety and sturdiness of those remaining walls or parts thereof, be deemed inimical to the welfare of the residents of this City, and the City may exercise its police powers to repair, demolish, or cause the repairing or demolishing of the building or buildings, or parts thereof, pursuant to this chapter and the procedures set forth within.

Section 6. Article II. Enforcement and Administration, Chapter 257-2, “Designation of Supervisor of Rehabilitation” is hereby moved in its entirety to become Article II. Enforcement and Administration, Chapter 257-6, “Designation of Supervisor of Rehabilitation.”

Section 7. Article II. Enforcement and Administration, Chapter 257-3, “Complaint; hearing.” is hereby moved in its entirety to become Article II. Enforcement and Administration, Chapter 257-7, “Complaint, hearing.”

Section 8. Article II. Enforcement and Administration, Chapter 257-4, “Determination of unfit dwelling.” is hereby moved in its entirety to become Article II. Enforcement and Administration, Chapter 257-8, “Determination of unfit dwelling.” and the following is inserted after the word “habitation,” in the first paragraph: “as defined in § 257-3,”

Section 9. Article II. Enforcement and Administration, Chapter 257-5, “Service of complaint.” is hereby moved in its entirety to become Article II. Enforcement

and Administration, Chapter 257-9, "Service of complaint."

Section 10. Article II. Enforcement and Administration, Chapter 257-6, "Powers of Supervisor" is hereby moved in its entirety to become Article II. Enforcement and Administration, Chapter 257-10, "Powers of Supervisor."

Section 11. Article II. Enforcement and Administration, Chapter 257-7, "Rules and regulations." is hereby moved in its entirety to become Article II. Enforcement and Administration, Chapter 257-11, "Rules and regulations."

Section 12. Article II. Enforcement and Administration, Chapter 257-8, "Certificate of approval." is hereby moved in its entirety to become Article II. Enforcement and Administration, Chapter 257-12, "Certificate of approval."

Section 13. Article II. Enforcement and Administration, Chapter 257-9, "Certificate of approval for continued occupancy." is hereby moved in its entirety to become Article II. Enforcement and Administration, Chapter 257-13, "Certificate of approval for continued occupancy."

Section 14. Article II. Enforcement and Administration, Chapter 257-10, "Violations and penalties." is hereby moved to become Article II. Enforcement and Administration, Chapter 257-14, "Violations and penalties." and is hereby deleted in its entirety and revised to read as follows:

§ 257-14. Violations and penalties.

Any person, firm or corporation who shall violate any of the provisions of this chapter shall, upon conviction, be punished by a fine of not to exceed \$2,000 (plus a \$150.00 administrative fee) or by imprisonment in the county jail for a period of not to exceed 90 days, or by both such fine and imprisonment; and each violation of any of the provisions of this chapter and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

Section 15. Article III. Responsibilities of Owners, Chapter 257-11, "Responsibilities enumerated." is hereby moved to become Article III. Responsibilities of Owners, Chapter 257-15, "Responsibilities enumerated." and is hereby deleted in its entirety and revised to read as follows:

§ 257-15. Responsibilities enumerated.

It shall be the responsibility of the owner to:

A.

Properly maintain any building, structure or dwelling that has been vacated for a period of more than 30 days in an aesthetic manner consistent with the standards

of the neighborhood or such higher standards as may be adopted by the City of Rahway.

B.

File with the office of the Supervisor of Rehabilitation of Dwellings (City Health Officer) the name(s) of the agent to contact in case of emergency.

C.

Provide certification that all utilities have been properly disconnected.

D.

If, in the opinion of the Health Officer/Supervisor of Rehabilitation of Dwellings, the building or structure is not maintained to the required standards set forth in this chapter, the owner shall be subject to fines and punishment set forth in § 257-14 herein and a \$150.00 administrative fee to cover the overhead expenses incurred by the City of Rahway.

Section 16. Article III. Responsibilities of Owners, Chapter 257-12, “Inspection of buildings which have become vacant.” is hereby moved in its entirety to become Article III. Responsibilities of Owners, Chapter 257-16, “Inspection of buildings which have become vacant.”

Section 17. Article III. Responsibilities of Owners, Chapter 257-13, “Demolition.” is hereby moved in its entirety to become Article III. Responsibilities of Owners, Chapter 257-17, “Demolition.” and the following is inserted after the word “with”: “§ 257-8B,”

Section 18. All Ordinances or parts of Ordinances inconsistent herewith are repealed.

Section 19. If any section, subsection, sentence, clause, phrase, or a portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 20. This Ordinance shall become effective after second reading and publication as required by law.

Council President Bresenhan opened the Public Hearing on this matter and asked if any citizen wished to be heard, to approach the rail, give his/her name and address and be heard.

With no one appearing, Council President Bresenhan closed the Public Hearing.

Roll Call for O-24-15:

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson
Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan: This Ordinance having been read on two separate days and having achieved the vote required by law is declared adopted. The City Clerk is directed to deliver same to the Mayor for his approval or disapproval.

O-25-15 Council President Bresenhan: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption:

AN ORDINANCE TO ESTABLISH CHAPTER 320, PROPERTY MAINTENANCE CODE, OF THE CODE OF THE CITY OF RAHWAY

WHEREAS, the City of Rahway desires to adopt a new Chapter 320, Property Maintenance Code, of the Municipal Code of the City of Rahway to establish minimum standards governing the maintenance, appearance, condition and occupancy of residential, commercial, industrial and storage premises.

NOW, THEREFORE, be it ordained, by the Municipal Council of the City of Rahway, County of Union, State of New Jersey, as follows:

Section 1. Chapter 320, "Property Maintenance Code" of the Municipal Code of the City of Rahway is hereby created to read as follows:

§320-1 PROPERTY MAINTENANCE CODE.

Part I Title; Policy; Purposes; Definitions

§320-1.1 Short Title.

This section shall be known as "Property Maintenance Code of the City of Rahway" and may be referred to in this section as "the Code."

§320-1.2 Findings; Declaration of Policy.

a. It is hereby found and declared that there are located within the City buildings used for residential, commercial, industrial or storage purposes which have become or are becoming substandard with respect to structure, equipment, maintenance, occupancy, sanitation or use. It is further declared that such conditions, which include, but are not limited to, lack of maintenance of exterior or interior of premises, faulty design, construction or installations, lack of proper sanitary facilities, fire or accident hazards, unsanitary conditions, infestation or

overcrowding, have made these buildings either unfit for occupancy or use or so deteriorated, dilapidated, dangerous, unsanitary, neglected or over-occupied as to jeopardize or to be detrimental to the health, morals, safety or welfare of the people of the City.

b. It is further found and declared that among other reasons, because of lack of maintenance and progressive deterioration, certain properties have become blighted and have had the further effect of causing blighting conditions within the City that have necessitated an excessive and disproportionate expenditure of public funds for health, fire protection, public safety, welfare and other public services. However, it is further found and declared that through appropriate regulations and restrictions as herein contained, the growth of blight and blighting conditions can be curbed or prevented and neighborhood and property values thereby maintained, the appearance and amenities of properties and neighborhoods can be enhanced, and the public health, safety and welfare protected and fostered.

§320-1.3 Purposes.

The purposes of this Code are to: protect the public health, safety, morals and welfare and to eliminate and to prevent the spread of property and neighborhood deterioration and blight by establishing minimum standards governing the maintenance, appearance, condition and occupancy of residential, commercial, industrial and storage premises; establish minimum standards governing utilities and facilities and physical components and conditions in such residential, commercial, industrial and storage buildings essential to make the same fit for occupancy or use; fix certain responsibilities and duties upon owners and operators and distinct and separate responsibilities and duties upon occupants; authorize and establish procedures for the inspection of premises; and for the general administration and enforcement of this Code to: provide for the vacation or repair or demolition of premises unfit for occupancy or use; provide for the right of access across adjoining premises to permit repairs; and, fix penalties for violations of this Code.

This Code is hereby declared to be remedial and essential for the public interest and it is intended that this Code be liberally construed to effectuate the purposes as stated herein.

§320-1.4 Effect on Pending Proceedings.

Nothing in this chapter hereby adopted shall be construed to affect any suit or proceeding impending in any court or any rights acquitted or liability incurred or any cause or causes of action required or existing under any act or ordinance hereby repealed as cited in subsection 320-1.2 of this section, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this section.

§320-1.5 Definitions.

As used in this section:

Building shall mean a combination of materials to form a construction adapted

to permanent or continuous occupancy or use for public, institutional, residence, business or storage purposes.

Commercial uses shall mean all uses involved in the (retail or wholesale) sales, service or handling of goods of any nature. In addition thereto, apartment complexes consisting of ten (10) or more units shall be considered commercial uses and thereby governed by this section. In addition thereto, public mausoleums shall be considered commercial uses and thereby governed by this section.

Fire hazard shall mean any device or condition likely to cause fire and which is so situated as to endanger either persons or property; accumulation or storage of combustible or explosive material sufficient in amount or so located or in such a manner as to put in jeopardy, in the event of ignition, either persons or property; or, the obstruction to or of all means of ingress and egress.

Industrial uses shall mean all uses involved in the manufacture, processing or packaging of products of any nature.

Junk material shall mean any waste, broken or used materials, machinery, parts of products which are not necessary to the operation of a use or which have been obviously discarded by the owner or operator of the business.

Litter shall mean garbage, refuse and rubbish, as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to the public health, safety and welfare.

Non-Residential Property shall mean any commercial, industrial and mixed-use real estate, or portion thereof, located in the City of Rahway, including improvements thereon.

Nuisance shall mean:

a. Any common nuisance known as common law or inequity jurisprudence or as provided by the statutes of the State of New Jersey or the ordinances of the City.

b. Any attractive nuisance which may prove detrimental to the health or safety of children, whether in a building, on the premises of a building or upon an unoccupied lot. This includes, but is not limited to: abandoned wells, shafts, basements, excavations, abandoned iceboxes, refrigerators, motor vehicles, boats, any structurally unsound fences or structures, lumber, trash, fences, debris or vegetation, such as poison ivy, oak or sumac, which may prove a hazard for inquisitive minors.

c. Physical conditions dangerous to human life or detrimental to health of persons on or near the premises where the conditions exist.

d. Insufficient ventilation or illumination in violation of this Code.

e. Inadequate or unsanitary sewage or plumbing facilities in violation of this Code.

f. Unsanitary conditions or anything offensive to the senses or dangerous to health in violation of this Code.

g. Fire hazards.

Owner shall mean any person who, alone or jointly with several others, shall have legal or equitable title to any premises, with or without accompanying actual

possession thereof, or who shall have charge, care or control of any property unit as owner or agent of the owner as lessee, executor, executrix, administrator, administratrix, trustee, receiver or guardian of the estate or as a foreclosing mortgagee or mortgagee in possession, regardless of how that possession was obtained. Any person who is a lessee subletting or assigning any part of any property or property unit shall be deemed to be co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by said lessee.

Premises shall mean a lot, plot or parcel of land, right-of-way or multiples thereof, including the building or structures thereon.

Property shall mean any real estate, including residential, commercial, industrial and mixed-use, or portion thereof, located in the City of Rahway, including any improvements thereon.

Residential property shall mean any property that contains one or more dwelling units used, intended or designed to be occupied for living purposes.

Structure shall mean a combination of any materials, whether fixed or portable, forming a construction, including buildings.

Vacant building shall mean any structure intended for residential or commercial use which has not been occupied or in use for a period of six (6) months or more. This definition shall not include the following:

- a. Any structure which is unoccupied because of a current alteration being performed in accordance with a plan which has been approved by the City Construction Official;
- b. Any structure which is a principal residence that is utilized by the owner for a period of six (6) months or less per year;
- c. Any structure which is a vacation home or seasonal residence;
- d. Dormitories which are not normally in use during a portion of the calendar year.

Vacant lot shall a neglected parcel of property that has no buildings on it.

Waste shall mean material or a combination of materials which are no longer of use for the purposes for which it is normally intended.

Yard, front shall mean the yard extending across the entire width of the lot between the front lot line and the nearest point at which the principal building would be permitted according to the Zoning Ordinance.

The foregoing words and terms shall include the plural of the words and shall be applied retroactively as well as prospectively.

Part II Applicability Standards

§320-1.6 Applicability of Code; Minimum Standards.

- a. Every building and premises in the City that is used or intended to be used for uses covered by this Code shall comply with the provisions of this Code, whether or not such building shall have been constructed, altered or repaired before or after the adoption of this Code and irrespective of any permit or license

which shall have been issued for the use or occupancy of the building or premises, for the construction or repair of the building or for the installation or repair of equipment or facilities prior to the effective date of this Code.

b. This Code establishes minimum standards for the initial and continued occupancy and use of all such buildings, and does not replace or modify standards otherwise established for the construction, repair, alteration or use of the building, equipment or facilities contained herein except as provided in subsection 320-1.9. Where there is mixed occupancy, the residential and/or nonresidential uses herein also shall be regulated by and subject to the provisions of this Code.

§320-1.7 Higher Standards to Prevail.

In any case where the provisions of this Code impose a higher standard than set forth in any other ordinance of the City or under the laws of the State of New Jersey, then the standards set forth herein shall prevail; but if the provisions of this Code impose a lower standard than any other ordinance of the City or of the laws of the State of New Jersey, then the higher standard contained in any other such ordinance or law shall prevail.

§320-1.8 Compliance with Other Ordinances.

Compliance with this Code shall not constitute a defense against any other violation of any other local ordinance applicable to any structure or premises, nor shall any provision herein relieve any owner, operator, or occupant from complying with any such other provision, nor any official of the City from enforcing any such other provision. To the extent that any other ordinance(s) of the City regulates the subject matter regulated by this Code, the Code and the other ordinance(s) of the City shall be construed together, if possible, and the remedies of this Code and the other ordinance(s) of the City shall be cumulative.

Part III Property Maintenance Requirements

§320-1.9 Exterior of Buildings and Structures.

All exterior walls, roofs and surfaces shall be clean, painted if material used requires, impervious to water, and kept in good repair.

§320-1.10 Open Areas.

The exterior of the premises shall be kept free of all nuisances, and any hazards to the safety of occupants, pedestrians and other persons utilizing the premises, and free of unsanitary conditions, and any of the foregoing shall be promptly removed and abated by the owner or operator. It shall be the duty of the owner or operator to keep the premises free of hazards which include, but are not limited to the following:

a. Refuse. Brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash and debris.

b. Natural Growth. Dead and dying trees and limbs or other vegetation which, by reason of rotting or deteriorating conditions or storm damage,

constitute a hazard to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions.

c. Overhangings. Loose and overhanging objects and accumulations of ice and snow, which by reason of location above ground level constitute a danger of falling on persons in the vicinity thereof.

d. Ground Surface Hazards. Holes, excavations, breaks, projections, obstructions, icy conditions, uncleared snow or paths, walks, driveways, parking lots and parking areas, and other parts of the premises and adjacent public rights-of-way, used for access to the premises, must be repaired or cleared.

e. Construction Sites. It shall be unlawful for any owner, agent or contractor in charge of a construction or demolition site to permit the accumulation of litter before, during or after completion of any construction or demolition project. It shall be the duty of the owner, agent or contractor in charge of a construction site to furnish containers adequate to accommodate flyable or nonflyable debris or trash at areas convenient to construction areas and to maintain and empty the receptacles in such a manner and with such a frequency as to prevent spillage of refuse.

f. Recurring Storm Water Accumulations. Adequate runoff drains shall be provided and maintained to eliminate any recurrent or excessive accumulation of storm water.

g. Unsanitary Conditions. Animal droppings and sources of infestation from rodents or other vermin shall be eliminated in accordance with local health requirements.

§320-1.11 Storage of Refuse – Residential Properties.

a. Storage of Household Solid Waste. It shall be unlawful for any residential property owner to store or permit storage of any bulky household waste, including household appliances, furniture and mattresses, in areas zoned residential, except in a fully enclosed structure or during days designated for the collection of bulky items.

b. Storage of Tires. It shall be unlawful for any residential property owner to store or permit the storage of tires in areas zoned residential, except in a fully enclosed structure or on days designated for the collection of tires.

c. Laundry. It shall be unlawful for any residential property owner to store or hang clothing, bedding, towels or other laundry, to dry on fences or railings on any residential property.

§320-1.12 Storage of Refuse – Non-Residential Properties.

All properties shall include an enclosed area for the temporary storage of trash and other refuse. All garbage type refuse shall be in tightly covered containers. The enclosed area shall be paved with a durable surface and screened by a solid architectural fence at least six (6) feet in height. It shall be the responsibility of the owners or operators of all applicable uses to provide for the removal, on a regular basis, of all trash or junk material so that an accumulation of excess material does not occur as determined by the City.

§320-1.13 Outside Storage Areas.

Outside storage areas are not permitted in front yard setbacks as defined by the City Zoning Ordinance. Outside storage areas located in other yards shall be enclosed by dense landscaping or an attractive, solid architectural fence at least six (6) feet in height which effectively blocks the visibility of materials being stored. Storage areas shall be paved with a durable material such as macadam. Materials stored in such areas shall be orderly to the extent possible, and trash or junk materials, as defined, shall be disposed of on a regular basis.

All storage areas shall have all materials and vehicles arranged to permit easy access for fire-fighting purposes. Adequate space shall be provided around buildings for maintenance purposes. Fire exits, protective devices and equipment shall be kept clear in accordance with the applicable fire provisions of all other Codes.

§320-1.14 Clearing of Litter by City.

a. Notice to Remove. The Director of Public Works or his duly designated agent, or the City Health Officer is authorized and empowered to notify the owner of any open or vacant private property or the tenant or agent of such owner to dispose properly of litter located on such owner's property which is dangerous to public health, safety or welfare. Notice shall be by registered or certified mail, return receipt requested, addressed to the owner or his agent or tenant at his last known address, or served personally upon the owner, tenant or agent.

b. Action upon Noncompliance. Upon the failure, neglect or refusal of any owner, tenant or agent so notified to dispose properly of the said litter within seven (7) days after receipt of written notice specified in paragraph a. of this subsection, or within seven (7) days after the date of such notice in the event that it is returned to the City by the Post Office because of inability to make delivery thereof, provided that the notice was properly addressed to the last known address of the owner, tenant or agent, the Director of Public Works or his duly designated agent, or the City Health Officer or his duly designated agent, is authorized and empowered to pay for disposing of such litter or to order its disposal by the City.

c. Charge Included in Tax Bill. When the City has affected the removal of litter or has paid for its removal, the actual cost thereof shall, unless paid by the owner prior thereto, be charged to the owner of the property on the next regular tax bill forwarded to the owner by the City. The charge shall be due and payable by the owner at the time set for payment of the tax bill.

d. Recorded Statement Constitutes Lien. Where the full amount due the City is not paid by the owner within thirty (30) days after the disposal of such litter, as specified in paragraphs a. and b. of this subsection, then, and in that case, the Director of Public Works or his duly designated agent, or the City Health Officer or his duly designated agent, shall cause to be recorded in the City Clerk's office a sworn statement showing the cost and expense incurred for the work, the date the work was done and the location of the property on which the work was done. The recordation of such sworn statement shall constitute a lien on the property, and shall remain in full force and effect for the amount due in principal and interest,

plus costs of court, if any, for collection, until final payment has been made. Said costs and expenses shall be collected in the manner fixed by law for the collection of taxes and shall be subject to a delinquent penalty at the same rate as in the case of taxes in the event they are not paid in full on or before the date the tax bill upon which the charge appears becomes delinquent. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.

Part IV Performance Standards

§320-1.15 Abandoned or Inoperable Motor Vehicles.

The parking or storage of abandoned or inoperable vehicles on public and private property is regulated in accordance with Chapter 397, Vehicles, Abandoned or Inoperable of the Code of the City of Rahway.

§320-1.16 Landscaping.

All required landscaping shall be maintained in accordance with Chapter 151, Brush, Grass or Weeds of the Code of the City of Rahway. Lawns shall be regularly trimmed and shall not exceed a height of eight (8) inches and all landscaped areas kept free of weeds, rubbish and debris. Planted materials which have been damaged, or fail to survive, shall be replaced as required.

§320-1.17 Lighting.

Lighting for non-residential properties shall be maintained so as to be nonglaring and reflect light away from adjacent properties. Broken fixtures, inoperable stanchions, etc. shall be repaired or replaced. Lights and fixtures shall be kept clean and painted as required, and in good repair.

§320-1.18 Air Pollution.

All uses shall conform to Federal, State and local air pollution standards as enforced by local and area wide agencies.

§320-1.19 Liquid and Industrial Waste.

No liquid or industrial waste shall be discharged into any watercourse in the City. Waste treatment facilities, as required, must be approved by permit from the State Department of Environmental Protection.

§320-1.20 Drainage - Roof Leaders/Sump Pumps.

Roof leaders and sump pumps may not be extended above or below the ground beyond the limits of the building setback lines, either on a temporary or permanent basis, unless the water is being directed out to, and flows out to the

curbline within the limits of the lot frontage. The water may also be directed to an existing surface water body or to an existing City drainage easement on the property, with written permission from the City Engineer.

§320-1.21 Noise Pollution.

All sound levels shall conform to the appropriate State regulations as enforced by the City Health Officer.

§320-1.22 Heat Pollution.

All uses shall conform to the requirements of the State Department of Health with respect to the excess heat generation of a specific process or activity.

§320-2 DUTIES AND RESPONSIBILITIES OF OWNERS OF VACANT BUILDINGS.

§320-2.1 Safety from Fire.

All owners of vacant buildings shall comply with the applicable provisions of the New Jersey Uniform Fire Code, N.J.A.C. 5:18-2, et seq., as supplemented by the Fire Prevention Code of the City of Rahway, and the following additional standards for fire safety:

a. No vacant building shall contain any space utilized for the storage of flammable liquids.

b. No room within any vacant building shall be used for storage of debris, junk, rubbish or wastes, furniture or building materials not intended to be used in the existing building.

c. The early detection and containment of fire being a valid municipal concern, the boarding up of doors and windows shall not be permitted except with the permission of the Construction Official in emergency situations. When doors and windows are boarded up, they shall be covered with no less than one-half (1/2) inch exterior plywood or equivalent and be painted the same color as the body of the structure. In no case shall the boarding up of doors and windows be permitted for a period in excess of six (6) months. Should an owner find it necessary to board up doors and windows in excess of six (6) months, an application seeking permission to do so must be made before the expiration of the six (6) month period to the Code Enforcement Agency of the City of Rahway. At the time of the application all circumstances shall be set forth supporting the owner's request for an extension of the time in which the vacant building may remain boarded up.

d. Windows of any vacant commercial building that are within twenty (20) feet of the ground or which are easily accessible, may be secured with security screens, bars, and/or grills and the security screens, bars, and/or grills on open windows shall include quick-release mechanisms all of which shall be subject to the approval of the Fire Subcode Official of the City of Rahway prior to installation.

§320-2.2 Safe and Sanitary Maintenance.

All vacant buildings shall comply with the following minimum standards for safe and sanitary maintenance:

a. Every foundation, exterior wall and exterior roof shall be: weather tight, watertight and rodent proof; kept in sound condition and good repair; and, be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

b. Every yard area (front, side and/or rear) shall be properly graded so as to prevent the accumulation of stagnant water.

c. Every structure shall have all utilities, including, but not limited to, gas, electric, water and sewer, turned off and/or disconnected with sewer service to be sealed at the tap of said property.

d. The exterior of the structure and the condition of accessory structures shall be maintained so that the appearance of the entire premises, including any and all structures and buildings thereon, shall reflect a level of maintenance in keeping with the standards of the neighborhood, and such that the appearance of the premises and structures shall not create a blighting effect on the immediate neighborhood nor an element leading to the progressive deterioration and degradation of the neighborhood resulting in the diminution of property values in the area.

§320-2.3 Further Responsibilities of Owners.

All owners of vacant buildings shall be required to comply with the following standards:

a. Any yard area (front, side and/or rear) or parking lot adjacent to a vacant building shall be cleared and maintained free of trash, solid debris, or any other materials that cause litter.

b. Grass, weeds, or vegetation shall not be permitted to grow or remain on the side, front and/or rear yards of any vacant building so as to exceed a height of eight (8) inches.

c. Vacant buildings, including any yard area (front, side and/or rear) of such buildings, shall not be utilized for storage of any materials whether solid or liquid.

d. When a vacant building is found to be infested with rats, termites, roaches and/or other insects and vermin, the owner shall undertake an expedient means of extermination of such nuisances. Such extermination shall be certified by an approved exterminator.

e. All doors and/or lids on appliances, furniture utilized for storage, or on heating furnaces, shall be locked in order to deny entry to individuals where the potential for physical harm or death may result should said door close to prevent the individual's escape.

§320-2.4 Applicability.

The standards and requirements of this section shall apply as long as any dwelling, building and/or commercial structure remains vacant. Upon occupancy, the other appropriate sections of this chapter shall prevail along with other State and local codes and regulations.

§320-2.5 Commercial Structures Containing Storefronts/Display Windows.

The owner of any commercial structure determined to be vacant as defined herein, that contains a storefront, display window, and/or any area intended to exhibit or display merchandise or conduct advertising, shall place a display or a visual medium, such as mannequins, potted plants or some form of decorative display, which will not, by its appearance, create a blighting effect on the immediate neighborhood. The following methods of obstructing windows and/or storefronts are prohibited: the placement of newspaper or other types of newsprint on windows and/or storefronts; the painting, soaping or hazing of windows and/or storefronts; the boarding and/or placement of cardboard or other similar material in windows and/or storefronts. The aforementioned list is not intended to be exhaustive but rather illustrative as to those types of conditions which are specifically prohibited under this section.

§320-3 ADMINISTRATION AND ENFORCEMENT

§320-3.1 Enforcement Officer.

The Health Officer of the City of Rahway shall be considered the enforcing officer of the provisions of the Code.

§320-3.2 Violations.

a. The City Health Officer shall serve written notice of violation on the person or persons responsible for the erection, construction, alteration, repair, maintenance, use and occupancy of any premises in violation of the provisions of this Code. An administrative fee of \$150.00 shall be charged for each notice of violation issued by the City Health Officer to cover the overhead expenses of the City. Violators shall be allowed seven (7) days to abate said conditions before further action is taken unless, in the opinion of the City Health Officer, special reasons or conditions have been demonstrated to allow for an extension of this time period.

b. The seven (7) day period set forth in paragraph a. shall not apply to repeat violators of this Code. Said repeat violators shall be subject to immediate action by the Enforcement Officer and may immediately be issued a summons for a violation of this Code. For the purposes of this Code, repeat violator(s) shall mean a person or persons who have previously been served with a notice of violation within the past year for a substantially similar violation of this Code pertaining to the same property.

§320-3.3 Appeals.

Within ten (10) days of notification of violation of this Code or within the extended time period as permitted by the City Health Officer an owner or operator may appeal for relief from the provisions of this Code to the Business Administrator. Said appeal shall be acted upon within forty-five (45) days of the date of appeal and if action is not taken during that time period or during an

extension of that period, as agreed to between the City Health Officer and the owner or operator, the relief shall be considered granted.

§320-3.4 Emergency Action.

In the event that a nuisance or hazardous condition exists which, in the opinion of the City Health Officer, places an individual on or near the site in jeopardy of life, limb or health, that condition shall be immediately rectified by the owner or operator. If said immediate action is not taken, the City Health Officer shall cause said action to be taken. The expense for the remedial action shall be borne by the owner or operator.

§320-3.5 Penalty.

Any person, firm, or corporation who shall violate any provisions of this section shall be subject to a fine not to exceed five hundred (\$500.00) dollars for the first offense and not to exceed two thousand (\$2,000.00) dollars for a second or subsequent offense, or imprisonment for a term not to exceed ninety (90) days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

Section 3. All Ordinances or parts of Ordinances inconsistent herewith are repealed.

Section 4. If any section, subsection, sentence, clause, phrase, or a portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 5. This Ordinance shall become effective after second reading and publication as required by law.

Council President Bresenhan opened the Public Hearing on this matter and asked if any citizen wished to be heard, to approach the rail, give his/her name and address and be heard.

With no one appearing, Council President Bresenhan closed the Public Hearing.

Roll Call for O-25-15:

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson
Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan: This Ordinance having been read on two separate days and having achieved the vote required by law is declared adopted. The City Clerk is directed to deliver same to the Mayor for his approval or disapproval.

- O-26-15** Council President Bresenhan: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 365, "STREETS AND SIDEWALKS" OF THE REVISED GENERAL ORDINANCES OF THE CITY OF RAHWAY TO ESTABLISH A COMPLETE STREETS POLICY

WHEREAS, the City of Rahway is committed to creating street corridors that will accommodate road users of all ages and abilities for all types of uses including pedestrians, bicyclists, transit vehicles, children, older citizens, and the mobility challenged; and

WHEREAS, a Complete Street is defined as a means to provide safe access for all users by designing and operating a comprehensive, integrated, connected multi-modal network of transportation options, and

WHEREAS, the benefits of Complete Streets include improving safety for pedestrians, bicyclists, children, older citizens, non-drivers and the mobility challenged as well as those that cannot afford a car or choose to live car-free; providing connections to bicycling and walking trip generators such as employment, education, residential, recreation, retail centers and public facilities, promoting healthy lifestyles; creating more livable communities, reducing traffic congestion and reliance on carbon fuels thereby reducing greenhouse gas emissions; and saving money by incorporating sidewalks, bike lanes, safe crossings and transit amenities into the initial design of a project, thus sparing the expense of retrofits later; and

WHEREAS, the Mayor and Council of the City of Rahway wish to implement a Complete Streets policy through the planning, design, construction, maintenance and operation of new and retrofit transportation facilities, enabling safe access and mobility of pedestrians, bicyclists, transit users of all ages and abilities; and

WHEREAS, grants and related funding opportunities now require the implementation of Complete Streets policies;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Rahway that the City does hereby implement a Complete Streets policy by creating new Article X in Chapter 365 of the Revised General Ordinances entitled "Complete Streets Policy" as follows:

SECTION 1

I. Purpose

To plan, design, build, and maintain all roads, where feasible, to meet the needs of all users, including enabling safe access and mobility of pedestrians, bicyclists, transit vehicle users, and motorists of all ages and abilities.

II. Definition

Complete Streets is defined as a means to provide safe access for all users by designing and operating a comprehensive, integrated, connected multi-modal network of transportation options.

III. Policy

1. Create a comprehensive, integrated, connected multi-modal network of streets by providing proper connections to bicycling and walking trip generators, such as employment, education, recreational and public facilities, as well as retail and transit centers within the community, where feasible.
2. Provide safe and accessible accommodations for existing and future pedestrian, bicycle, and transit facilities.
3. As all streets are different, establish a procedure to evaluate new streets and resurfacing projects for complete streets inclusion according to length of project, local community support, environmental constraints, right-of-way limitations, funding resources, and bicycle and/or pedestrian compatibility.
4. Transportation facilities are long-term investments that shall anticipate likely future demand for bicycling and walking facilities and not preclude the provision of future improvements.
5. Address the need for bicyclists and pedestrians to cross corridors. Even where bicyclists and pedestrians may not commonly use a particular travel corridor that is being improved or constructed, they will likely need to be able to cross that corridor safely and conveniently. Therefore, the design of intersections, interchanges, and bridges shall accommodate bicyclists and pedestrians in a manner that is safe, accessible, and convenient.
6. Design bicycle and pedestrian facilities to the best currently available standards and practices, including the New Jersey Roadway Design Manual, the AASHTO Guide for the Development of Bicycle Facilities, AASHTO's Guide for the Planning, Design, and Operation of Pedestrian Facilities, the Manual of

Uniform Traffic Control Devices and others as related.

7. Provisions shall be made for all pedestrians and bicyclists when closing roads, bridges, or sidewalks for construction projects as outlined in NJDOT Policy #705 – Accommodating Pedestrian and Bicycle Traffic During Construction.

8. Improvements shall also consider connections for Safe Routes to Schools, Safe Routes to Transit, Transit Villages, trail crossings, and areas or population groups with limited transportation options.

9. Improvements shall comply with Title VII Environmental Justice, Americans with Disabilities Act (ADA) and complement the context of the surrounding community.

10. Exemptions to the Complete Streets policy shall be presented for final decision to the Municipal Engineer in writing and documented with supporting data that indicates the reason for the decision and are limited to the following:

- a. Non-motorized users are prohibited on the roadway.
- b. Insufficient space in an existing right-of-way to design a Complete Street.
- c. Scarcity of population, travel and attractors, both existing and future, indicate an absence of need for such accommodations.
- d. Detrimental environment or social impacts outweigh the need for these accommodations.
- e. Cost of accommodations is excessively disproportionate to cost of project.
- f. The safety or timing of a project is compromised by the inclusion of Complete Streets.
- g. An exemption other than those listed above must be documented with supporting data and must be approved by the Municipal Engineer.

11. This policy shall be incorporated into the next Master Plan Reexamination report and the adoption.

BE IT FURTHER ORDAINED that a certified copy of this Ordinance shall be sent to the Planning Board, Board of Adjustment, Union County Board of Chosen Freeholders, and State of New Jersey Department of Transportation.

SECTION 2

This ordinance shall take effect immediately upon passage and publication as required by law.

Council President Bresenhan opened the Public Hearing on this matter and asked if any citizen wished to be heard, to approach the rail, give his/her name and address and be heard.

With no one appearing, Council President Bresenhan closed the Public Hearing.

Roll Call for O-26-15:

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson
Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan: This Ordinance having been read on two separate days and having achieved the vote required by law is declared adopted. The City Clerk is directed to deliver same to the Mayor for his approval or disapproval.

O-27-15 Council President Bresenhan: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption:

A BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE CROSSWALK AT EAST MILTON AVENUE AND LENOX PLACE, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$50,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$47,500 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the City of Rahway, in the County of Union, State of New Jersey (the "City"). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$50,000, which sum includes \$2,500 as the amount of down payment for said improvement or purpose required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the City for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvement or purpose described in

Section 3 hereof and to meet the part of said \$50,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the City are hereby authorized to be issued in the principal amount of \$47,500 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the City in a principal amount not exceeding \$47,500 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued is Improvements to the Crosswalk at East Milton Avenue and Lenox Place (the "Project"), said Project to include but is not limited to, the installation of a delineated crosswalk, new traffic markings, truncated dome mats, concrete handicap ramps and sidewalk, concrete curb improvements and crosswalk signage and flashing lights, in accordance with the plans therefor on file in the office of the City Clerk and available for public inspection and hereby approved, and also including all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto, all in accordance with the aforesaid plans therefor on file in the office of the City Clerk and available for public inspection and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$47,500.

(c) The estimated cost of said improvement or purpose is \$50,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the amount of \$2,500 is comprised of the down payment for said improvement or purpose.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Union make a contribution or grant in aid to the City, for the improvement and purpose authorized hereby and the same shall be received by the City prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Union. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Union, shall be received by the City after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the City as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the City, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at

such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement which the City may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the City and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$47,500 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$12,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore

described.

SECTION 8. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The City hereby declares the intent of the City to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The City Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The City Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The City covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Council President Bresenhan opened the Public Hearing on this matter and asked if any citizen wished to be heard, to approach the rail, give his/her name and address and be heard.

With no one appearing, Council President Bresenhan closed the Public Hearing.

Roll Call for O-27-15:

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson
Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan: This Ordinance having been read on two separate days and having achieved the vote required by law is declared adopted. The City Clerk is directed to deliver same to the Mayor for his approval or disapproval.

***12. MISCELLANEOUS**

Council President Bresenhan moved to approve he Oct. 3 Block Party on New Church St.

The motion was seconded by Councilmember Brown.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson Maier,
Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.

13. COMMUNICATIONS - Hearing of Citizens

Sarah West 747 River Road
Spoke on condition of River Road. Said she was contacted by the Mayor via letter with a promise that the City and County will resurface the street. Asked if such action required an ordinance.

Business Administrator Cherron Rountree answered the speaker's concerns.

With no one else appearing, Council President Bresenhan closed the Public Hearing.

14. COUNCIL COMMENT

Councilmember Cox: Thanked Administration for assistance in having a handicapped curb installed at River Road and St. Georges Ave. and resurfacing River Road.

Councilmember Brown: Praised work being done at Main Street by the pumping station and on Lenox Place.

Councilmember Wenson Maier: Thanked Administration for resurfacing Church and New Church Streets.

Councilmember Baker: Spoke on abandoned houses; said that the City has been proactive with the package of ordinances adopted tonight.

Councilmember Miles: Said that the Friends of the Rahway Public Library will be hosting a Progressive Dinner on Oct. 21 and that \$45 tickets are available at the Library. Noted that there are many exciting things to do in Rahway.

Councilmember Mojica: Thanked Administration for O-26-15 to make Rahway more pedestrian friendly.

15. ADJOURNMENT

Motion to adjourn the meeting at 7:30 p.m. was made by Councilmember Wenson Maier and seconded by Councilmember Brown.

YES: Councilmembers Baker, Brown, Cox, Farrar, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Giacobbe

Council President Bresenhan declared the motion carried.