

**CITY OF SALEM  
MINUTES OF THE COMMON COUNCIL MEETING  
OF MARCH 21, 2016**

A regular meeting of the Common Council of the City of Salem was called to order by Council President Karen Roots. The meeting took place in the Municipal Building located at 1 New Market Street at 7:00 p.m. The meeting was opened with the Pledge of Allegiance. Present: Council President Karen Roots, Councilpersons, Ruth Carter, Earl Gage, Vaughn Groce, Charles Hassler, Horace Johnson, and Sharon Kellum. Council President announced that a quorum was present. Also in attendance were Mayor Charles Washington, Jr., Solicitor Adam Telsey, CFO David Crescenzi and City Clerk Kathleen L. Keen. Councilwoman Lydia Thompson was absent.

**STATEMENT OF THE OPEN PUBLIC MEETINGS ACT**

NOTICE OF THE REGULAR MEETINGS OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF SALEM, AS REQUIRED BY N.J.S.A. 10:4-6 ET SEQ., THE "OPEN PUBLIC MEETINGS ACT", HAS BEEN PROVIDED BY THE PUBLIC ADVERTISEMENT OF A SCHEDULE ADOPTED BY RESOLUTION ON JANUARY 1<sup>ST</sup>, 2016 SETTING FOR THE TIME, DATE AND PLACE OF ALL THE REGULAR MEETINGS OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF SALEM.

**INVOCATION** Minister John Derasol of Mt. Zion Church of Salem delivered the invocation.

**APPROVAL OF PAYMENT OF BILLS**

It was moved by Councilman Johnson to approve the bill list, Councilwoman Carter seconded and all were in favor. Motion carried 7-0.

**APPROVAL OF MINUTES**

It was moved by Councilman Hassler, seconded by Councilman Johnson to adopt the minutes of the March 7, 2016 Council Meeting and Closed Session, and March 17, 2016 Special Budget Meeting. Motion carried 7-0.

**COMMUNICATIONS/APPLICATIONS/REPORTS:**

At this time Mayor Washington administered the Oath of Office to new Police Officer Matthew W. Mease who was accompanied by members of his family.

Dave Williams of Kelly Brothers Circus addressed Council on behalf of the Circus, he proposed June 27<sup>th</sup> for the circus to present two shows; after there was a brief question and answer session with the Council.

Stephen Walsh of Remington & Vernick Engineers made a presentation to Council regarding the Oak Street Grant Project; after there was a brief question and answer session with the Council.

**INTRODUCTION OF ORDINANCES FOR FIRST READING:**

**ORDINANCE NO. 1606  
AN ORDINANCE AMENDING THE CITY CODE TO CREATE A  
DEPARTMENT OF COMMERCE**

**BE IT HEREBY ORDAINED**, by the Common Council of the City of Salem, County of Salem, and State of New Jersey that the City Code is hereby amended to include new Chapter 11 entitled “Commerce Department” which shall read as follows:

**Chapter 11**  
**COMMERCE DEPARTMENT**

**11-1. Establishment.**

There is hereby established within the Office of Mayor, a Department of Commerce in and for the City of Salem.

**11-2. Administration/Oversight.**

The Executive Director of the Commerce Department shall report to the Mayor and who shall be a member of the Mayor’s cabinet. The City Council’s Committee on Commerce (hereinafter in this Chapter referred to as “the Committee”) shall also have oversight over the Commerce Department. The Mayor shall direct and empower the Director of Commerce, to set forth all Commerce and Economic policies in addition to all policies, procedures and compliance measures for all departments contained therein, inclusive of governmental and non-governmental partners and/or designees in the areas under the jurisdiction of the Department of Commerce and Economic Development. The Mayor and the Director of Commerce and Economic Development shall have authority over all reporting and compliance procedures related to all Commerce and Economic activities and Offices therein contained. This shall apply to non-governmental partners and/or City services designees as well.

**11-3. Purpose.**

The Department of Commerce and Economic Development shall have authority over all matters relating to Commerce and Economic Development in the City of Salem and shall serve as the City’s apex Economic Development Organization and as such, is authorized to oversee, recommend, implement, and enforce policies approved by the Mayor and Council which are designed to: promote economic growth, coordinate and manage all economic activities in the City inclusive of commercial corridors; interface with existing businesses both large and small to encourage growth, expansion and retention; attract new business, commerce and industry to locate or relocate within the City; and increase minority-owned businesses and contracting opportunities.

#### **11-4. Authority over Departments, Agencies, Offices, Boards and Commissions**

The Office of Commerce and Economic Development shall contain the following: Two Authorities, the Salem Port Authority and Salem Housing Authority and six Offices: (i) the Office of Policy and Management; (ii) the Office of Housing and Community Development; (iii) the Office of Planning and Redevelopment; (iv) the Office of Transportation, Energy and the Environment; (v) the Office of Neighborhood and Business Services; (v) the Office of Culture, History and the Arts. The following Boards and/or Commissions are under the authority of the Commerce Department; Historic Commission, Commission on Youth, Commission on seniors, Faith-Based Commission, Commission on Veterans Affairs, and the Commission on Homelessness. The Offices shall perform the functions set forth with respect to each Division in this Council resolution.

#### **11-5. Coordination with other departments, agencies, and groups.**

The Commerce Department shall serve as the City's "umbrella organization" for all economic development activity and related funding in the City and is authorized to manage and coordinate all works of related offices, agencies, partners and initiatives covering business expansion, job creation, international trade, transportation, planning, public-private partnerships, job training, redevelopment, housing development, intergovernmental relations and cultural development. In this regard the Commerce Department is authorized and empowered to use such processes as are necessary to establish and maintain a direct link to City, County, State, Non-Profit, Faith Based departments, agencies and groups that are or can foster economic and/or community development within Salem City.

#### **11-6. Executive Director.**

There is hereby created the title of "Executive Director" of the Commerce Department for the City of Salem. The Mayor shall appoint the Executive Director **subject to the advice and consent of City Council; however if City Council fails to act within 30 days of the Mayor's nomination presented at a City Council Meeting, the Mayor's appointment shall be approved without further vote of the Council.** The Executive Director shall serve at the pleasure of the Mayor and accordingly may be removed with or without cause by the Mayor. The Mayor within the Commerce Department budget

determined by the City Council shall present the compensation related to the position of Executive Director.

**11-7. Function.**

The Commerce Department through the Executive Director shall have authority to:

- A. Manage, guide and implement action plans designed to achieve the purpose of the Department.
- B. Serve as chief compliance officer on behalf of the City to Offices, Agencies, Representatives, Boards and Commissions under the jurisdiction of the Department of Commerce and Economic Development;
- C. Design and implement campaigns approved by the Mayor and Committee to attract industrial, commercial, and other economic development into the City.
- D. Undertake an inventory and the securing and promotion of sites whose development is in line with the policies of government and to the economic benefit of the City.
- E. Manage, arrange, and coordinate City services necessary for specific economic development projects.
- F. Keep appropriate statistics and data to indicate trends in economic development and make evaluations and recommendations concerning the same.
- G. Review and make recommendations concerning economic development and planning for the Comprehensive Master Plan of the City.
- H. Manage, coordinate, and ensure compliance on the City's economic development efforts with those of other governmental bodies and agencies.
- I. Administer, coordinate, and ensure compliance on federal, state, county, and local aid programs pertaining to economic development in the City, except as otherwise provided.
- J. Serve as the chief conduit for the business community and City government relating to economic and community development projects and issues.
- K. Conduct regular management meetings with departments, agencies, and groups as referenced in 11-4 above.
- L. Recommend economic development strategies, actions, grant opportunities and other actions to the Mayor and Committee.

- M. Manage, implement and ensure compliance with, economic development plans approved by the Mayor and City Council.
- N. Maintain regular contact with the Mayor and meet semi-annually with the Committee.
- O. Prepare proposed short and long-term action plans for the Department for review by and approval of the Mayor and the Committee.
- P. Submit a monthly report to the Mayor and the Committee.
- Q. Perform such other function as may from time to time be determined by the Mayor and/or City Council.
- R. The Port of Salem and, and the rates and charges for the use thereof;
- S. The Salem Housing Authority;
- T. Jurisdiction and oversight as the City’s representative, on Special purpose, Economic Development and Redevelopment Zones and Districts.
- U. All matters relating to celebrations, parades, and other similar functions.
- V. All matters relating to the promotion of commerce, economic development, and employment within the City.
- W. All solicitations and/or expenditures of Federal and State funds for the promotion of Commerce and economic development related activities and employment within the City.
- X. All matters related to international relationships, international commerce, international visitors, international business, global marketing, and investments from overseas
- Y. All matters related to foreign governments and overseas entities, cultural exchanges, trade missions, global collaborating and strategic alliances.
- Z. All matters related to developing and promoting Salem’s creative/innovative economy.

**THIS ORDINANCE** shall take effect according to law.

<b>COUNCIL</b>	<b>MOVED</b>	<b>SECONDED</b>	<b>Y</b>	<b>N</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
R. Carter			X			
E. Gage	X		X			
V. Groce				X		
C. Hassler		X	X			
H. Johnson			X			
S. Kellum			X			
L. Thompson						X
K. Roots			X			

**NOTICE** is hereby given that the foregoing Ordinance was introduced and passed at the meeting of the Common Council of the City of Salem on March 21, 2016 and further said Council will hold a hearing and consider said ordinance for final passage at a meeting to be held on April 4, 2016 at 7:00 p.m. at the Salem City Municipal Building at which time all persons interested may appear for or against the passage of said Ordinance.

**INTRODUCTION OF ORDINANCES FOR SECOND READING/PUBLIC HEARING:**

**ORDINANCE 1601  
AN ORDINANCE AMENDING CHAPTER 225, SECTION 37  
HANDICAPPED PARKING ZONE, FOR A HANDICAPPED PARKING SIGN TO BE  
PLACED AT 372 EAST BROADWAY**

**BE IT HEREBY ORDAINED**, by the Common Council of the City of Salem, County of Salem, and State of New Jersey, that Chapter 225, Section 37, Schedule “11” be amended as follows:

A Handicapped Parking Sign be placed at 372 East Broadway, the residence of Arlene Hall.

<b>COUNCIL</b>	<b>MOVED</b>	<b>SECONDED</b>	<b>Y</b>	<b>N</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
R. Carter			X			
E. Gage			X			
V. Groce			X			
C. Hassler	X		X			
H. Johnson		X	X			
S. Kellum			X			
L. Thompson						X
K. Roots			X			

Introduced: February 1, 2016  
 Published: February 7, 2016  
 Public Hearing: March 21, 2016  
 Final Adoption: March 21, 2016  
 Final Publication: March 29, 2016

**ORDINANCE 1604  
AN ORDINANCE AMENDING CHAPTER 225, SECTION 37  
HANDICAPPED PARKING ZONE, FOR A HANDICAPPED PARKING SIGN TO BE  
PLACED AT 89 EIGHTH STREET**

**BE IT HEREBY ORDAINED**, by the Common Council of the City of Salem, County of Salem, and State of New Jersey, that Chapter 225, Section 37, Schedule “11” be amended as follows:

A Handicapped Parking Sign be placed at 89 Eighth Street, the residence of Jennifer K. Smith.

COUNCIL	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
R. Carter			X			
E. Gage			X			
V. Groce			X			
C. Hassler	X		X			
H. Johnson		X	X			
S. Kellum			X			
L. Thompson						X
K. Roots			X			

Introduced: March 7, 2016  
Published: March 11, 2016  
Public Hearing: March 21, 2016  
Final Adoption: March 21, 2016  
Final Publication: March 29, 2016

**ORDINANCE 1605**  
**ORDINANCE ESTABLISHING VACANT PROPERTY REGISTRATION AND**  
**FEE REQUIREMENT**

**WHEREAS**, the City of Salem contains many structures that are vacant in whole or part; and

**WHEREAS**, in many cases the owners or other responsible parties of these structures are neglectful of them, and are failing to maintain them or secure them to adequate standard, or restore them to productive use; and

**WHEREAS**, many of these structures are in violation of state and local housing and property maintenance codes; and

**WHEREAS**, it has been established that vacant and abandoned structures cause severe harm to the health, safety and general welfare of the community, including diminution of neighboring property values, loss of property tax revenues, accumulations of trash and debris, increased risk of fire, and potential increases in criminal activity and public health risk; and

**WHEREAS**, the City of Salem incurs disproportionate costs in order to deal with the problems of vacant and abandoned structures, including but not limited to police calls, fire calls and property inspections; and

**WHEREAS**, it is in the public interest for the City of Salem to establish minimum standards of accountability on the owners or other responsible parties of vacant and abandoned structures in order to protect the health, safety and general welfare of the residents of the City of Salem; and

**WHEREAS**, it is in the interest of the City of Salem to impose a fee in conjunction with a registration ordinance for vacant and abandoned structures in light of the disproportionate costs imposed on the City by the presence of these structures;

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the City of Salem, that Chapter 86 (Ordinance 0906) of the Code of the City of Salem entitled “Unfit

Buildings; Abandoned Buildings; and Emergency Procedure for Unsafe Buildings” shall be retitled as: “Unfit, Abandoned and Vacant Buildings; and Emergency Procedure for Unsafe Buildings” and shall be amended to add new Article IV, which shall read as follows:

**ARTICLE IV  
VACANT PROPERTY REGISTRATION, MAINTENANCE AND FEE**

**§86-17 Definitions.**

For purposes of this Article, the following terms are defined as set forth herein:

**“Abandoned Property”** - any property that has not been legally occupied for a period of six months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the Public Officer that:

(a) The property is in need of rehabilitation in the reasonable judgment of the Public Officer, and no rehabilitation has taken place during that six month period;

(b) Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of a determination by the Public Officer pursuant to this section;

(c) At least one installment of property tax remains unpaid and delinquent on that property in accordance with Chapter 4 of Title 54 of the Revised Statutes (see N.J.S.A. 54:4-1 et seq.) as of the date of a determination by the Public Officer pursuant to this section; or

(d) The property has been determined to be a nuisance by the public officer in accordance with section 5 of P.L.2003, c.210 (C.55:19-82).

**“Accessible property”** - a property that is accessible through direct access, a compromise/breached gate, fence, wall, etc.

**“Accessible structure”** - a structure/building that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

**“Agreement”** - any agreement or written instrument, which provides that title to a property, shall be transferred or conveyed from one owner to another owner after the sale, trade, transfer or exchange.

**“Apartment”** - portion of a dwelling unit, rented or offered for rent for living and dwelling purposes, to one (1) individual or family unit, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use occupancy of such portion of the property.

**“Available for Rent to a Tenant(s)”** shall mean fit to habitation as defined by the Statutes of the State of New Jersey, and the Codes and Ordinances of the City of Salem.

**“Beneficiary”** - an entity under a note secured by a mortgage, deed of trust or similar document.

**“Buyer”** - any person, co-partnership, association, corporation, or fiduciary who agrees to transfer anything of value in consideration for property described in an agreement of sale, as defined in this subsection.

**“City”** - City of Salem

**“Dangerous building”** - any building/structure that is violation of any condition referenced in Article I of this Chapter, entitled “Buildings, Unfit”.

**“Days”** - consecutive calendar days.

**“Deed of Trust”** - an instrument by which title to real estate is transferred to a third party trustee as security for a real estate loan definition applies to any and all subsequent deeds of trust i.e.:2nd trust deed, 3rd deed, etc.

**“Deed in lieu of foreclosure”** - a recorded document that transfers ownership of a property from the fee owner to a mortgagor, lien holder, or beneficiary of the deed of trust.

**“Default”** - the failure to fulfill a contractual obligation, monetary or conditional.

**“Dwelling Unit”** - shall mean and include that portion of a building or structure rented or offered for rent to one (1) or more tenants or family units. A room or series of connected rooms designed for permanent residency, containing living, cooking, sleeping and sanitary facilities. The dwelling unit shall be self-contained and shall not require the use of outside stairs (other than those required for initial access to the structure), passage through another dwelling unit or other indirect route to get to any portion of the dwelling unit. Any cottage, bungalow, room or group of rooms in occupying all or part of a floor or floors in a building, with housekeeping facilities for dwelling purposes.

**“Evidence of vacancy”** - any condition that on its own, or combined with other conditions present would lead a reasonable person to believe that the property is vacant or has the potential to become vacant. Such conditions include but are not limited to, a property that is under a current Notice of Default and/or Notice of Sheriff’s Sale and/or pending Tax Lien Sale or has been foreclosed upon by the Mortgagee or has been conveyed to the mortgagor, beneficiary or trustee via a Deed in lieu of Foreclosure; overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, past due utility notices and/or disconnected utilities, accumulation of trash, junk and/or debris, the absence of window coverings such as curtains, blinds and/or shutters, the absence of furnishings and/or personal items consistent with residential habitation, statements by neighbors, passerby, delivery agents, government employees that the property is vacant.

An un-occupied Property, Apartment or Dwelling Unit that the owner or responsible party intends to make available for rent to Tenant(s) shall be considered a vacant property subject to the requirements of this ordinance herein defined until which time the municipal Code Enforcement official or designee has deemed the unit habitable by the issuance of a Certificate of Occupancy and the Owner or Responsible Party has properly Registered the unit as defined in the City of Salem Rental Registration ordinance.

**“Enforcement Authority”** - the Department of Inspections and Permits and their respective inspectors, and including, but not limited to the Construction Department, Salem County Health Department, Police Department, Fire Department and Department of Public Works shall also have enforcement authority with respect to this ordinance. The Mayor, with the

advice and consent of council, may also designate, when necessary, additional enforcement duties for other City Departments

**“Foreclosure”** - 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.

**“Initiation of the foreclosure process”** - any of the following actions taking by a mortgagee against the borrower or mortgagor of a property: (i) taking possession of the property; (ii) delivering a mortgagee’s notice of intention to foreclose to the borrower; (iii) commencing a foreclosure action or filing a lis pendens in the Superior Court of New Jersey.

**“Interested Party”** - any person, co-partnership, association, corporation, or fiduciary authorized by the Owner of Record to act in the owners behalf.

**“Local”** - within ten (10) road/driving miles distance of the subject property.

**“Mortgage”** - a lien against real estate granted to serve an obligation, including a deed of trust.

**“Mortgagee”** - an individual, individuals or business entity to which a property is mortgaged, including but not limited to the creditor, service companies, lenders in a mortgage agreement and any agent, servant or employee of the mortgagee, or any successor in interest and/or assignee of the mortgagee’s rights, interests or obligations under the mortgage agreement.

**“Mortgagor”** - the person who has borrowed money and pledged his/her real property as security for the debt, i.e. granted a mortgage or gives property as security.

**“Municipal Officer”** - shall mean the Housing and/or Zoning Officer as representatives of the City’s Department of Inspections and Permits or such official as may be designated by the Mayor and Council.

**“Neighborhood Standard”** - those conditions that are present on a simple majority of properties within a One hundred (100) yard radius of an individual property. A property that is the subject of a neighborhood standard comparison, or any other property within the One hundred (100) yard radius, shall be counted toward the simple majority.

**“Notice of Default”** - a recorded notice that a default has occurred under a mortgage or deed of trust and that the mortgagee or beneficiary intends to proceed with a foreclosure proceeding.

**“Out of area”** - in excess of ten (10) road/driving miles distance of the subject property. Perhaps change to outside Salem County?

**“Owner”** – every Mortgagor, Mortgagee, Trustee, Agent, Real Estate Agency, Property Manager or Interested Parties, who alone or severally with others:

1. Has legal or equitable title to any dwelling, dwelling unit, mobile dwelling unit or parcel of land, vacant or otherwise; or
2. has care, charge or control of any dwelling, dwelling unit or parcel of land, vacant or otherwise, in any capacity including but not limited to agent, executor,

- executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or
3. is a mortgagee in possession of any such property; or
  4. is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or
  5. is an officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply as if he were the owner. However, this ordinance shall not apply to any Condominium Association or Co-op that forecloses or initiates the foreclosure process for unpaid assessments due or owing the Association; or
  6. every person who operates a rooming house; or
  7. is a trustee who holds, owns or controls mortgage loans for mortgage backed securities transactions and has initiated the foreclosure process.

**“Owner”** - shall include any private title holder, any agent of a private title holder having authority to act with respect to a vacant property, any foreclosing entity that has filed a notice with the municipal clerk pursuant to the provisions of C.46:10B-51 (P.L. 2008, c 127, Sec. 17 as amended by P.L. 200, c.296), or any other entity determined by the Municipal Officer of the City of Salem to have authority to act with respect to the property. This Article exempts any municipal, county or state owner of a vacant building or structure.

**“Owner of record”** - the person having recorded title to the property at any given point in time as set forth in the records recorded with the Registrar of Deeds of Salem County.

**”Property”** – any unimproved or improved real property, real estate, residential property, commercial property or portion thereof, located in the City of Salem, including buildings or structures situated on the property regardless of condition. For the purposes of this section only, property does not include property owned or subject to the control of the City or any of its governmental bodies or agencies including, but not limited to, property owned or controlled by the Federal Department of Housing and Urban Development.

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

**“Residential Building”** - any improved real property or portion thereof, situated in the City, designed or permitted to be used for dwelling purposes, and shall include the buildings and structures located on such improved real property. This includes any real property being offered for sale, trade, transfer, or exchanges as “residential” whether or not it is legally permitted and/or zoned for such use.

**“Securing”** - such measures as may be directed by the City Code Enforcement Officer or his or her designee that assist in rendering the property inaccessible to unauthorized persons, including but not limited to the repairing or replacement of fences and walls, chaining/pad locking of gates, the repair, replacement or boarding of door, window and/or other openings. Boarding shall be completed to a minimum of the current HUD securing standards at the time the boarding is completed or required.

**“Trustee”** - the person, firm or corporation holding a Deed of Trust on a property.

**“Trustor”** - a borrower under a deed of trust, who deeds property to a trustee as security for the payment of a debt.

**“Vacant Property”** - shall mean any building or structure which is not at present legally occupied or at which all lawful business or construction operations or residential or other occupancy have substantially ceased, and which is in such condition that it cannot legally be re-occupied without repair or rehabilitation, including but not limited to any property meeting the definition of vacant property in N.J.S.A. 55:19-80; provided, however, that any habitable property where all building systems are in sound working order, where the building and grounds are maintained in good condition, and is unoccupied for military leave, work transfer or other good cause as determined by the City Council’s Human Services Committee shall not be deemed a vacant property for purposes of this ordinance.

### **86 - 18. Recordation of Transfer of Loan/Deed of Trust/Assignment of Rents**

Within ten (10) days of the acquisition of title by Deed in lieu of foreclosure or Sheriff Sale by the Mortgagor/Trustee or Interested Party, such party shall record, with the City of Salem Department of Inspections and Permits (“the Department”), documents that lists the name of the corporation, and/or individual, the mailing address and contact phone number of the new owner/beneficiary/trustee responsible for receiving payments associated with the mortgage/deed of trust.

### **86 – 19. Registration.**

A. Any mortgagor, mortgagee, trustee or owner, who holds a deed or a mortgage on a vacant property located within the City of Salem, must register the property with the Department and perform an inspection of the property. If the property is found to be vacant or shows evidence of vacancy, by the mortgagor, mortgagee, trustee, owner or enforcement authority, it is, by this chapter, deemed vacant and each of the mortgagor, mortgagee, trustee, or owner shall, within thirty (30) days of the inspection, register the property with the Department of Inspections and Permits on forms provided by the City.

B. All registrations must state the Mortgagor, Mortgagee, Trustee, Owner, Agent, Property Manager or other Interested Parties; that are responsible for the security maintenance and marketing of the property, direct name, phone number and mailing address. The mailing address may not be a P.O. Box. This registration must also certify that the property was inspected and identify whether the property is vacant at the time of filing.

C. If the property is vacant, the Mortgagor, Mortgagee, Trustee, Owner, Agent, Property Manager or other Interested Parties must designate and retain an individual, property management company or Interested Party; responsible for the security and maintenance of the property. This designation must state the individual, property Management Company or Interested Parties direct name, phone number and mailing address. The mailing address may not be a P.O. Box. If the property is in the process of foreclosure, then the registration must be received within seven (7) days of the “initiation of the foreclosure process” as defined in the Section entitled “Definitions” hereinabove. If the enforcement authority determines that the property is vacant and the foreclosure proceedings have not been initiated, the registration must be received within thirty (30) days of the enforcement authority’s first notice of violations or summons for improper security and/or maintenance.

D. The registration shall include the insurance certificate required under Maintenance Requirements Section; as defined therein as well as any additional information that the enforcement authority may reasonably require. Each property having a separate tax block and lot number shall be registered separately.

E. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the City against the owner or owners of the property.

F. A registration fee shall accompany the registration form. The fee and registration shall be valid for the calendar year, or remaining portion of the calendar year in which the registration was initially required. All fees are non-refundable. In the event the property remains vacant subsequent registrations and fees are due June 1st of each year and must be received no later than June 30<sup>th</sup> of the year due.

G. This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a deed of trust or mortgage and any properties transferred under a deed in lieu of foreclosure.

H. Properties subject to this Article shall remain under the annual registration requirement, security and maintenance standards of this section as long as such properties remain vacant.

I. Once the property is no longer vacant or is sold or otherwise transferred, the owner must provide proof of sale, transfer or occupancy to the Department within thirty (30) days of sale, transfer or occupancy.

J. No governmental agency is required to pay the annual Registration fee. Governmental agencies are required to follow Maintenance, Security and Additional Authority Sections hereinafter defined.

K. Any person, firm or corporation that has registered a property under this Article must report any change of information contained in the registration within ten (10) days of the change.

**86 – 20. Annual Escalating Fee Schedule.**

The initial fee for registering a vacant property shall be \$500. The initial Registration fee shall be prorated at a rate of \$41.66 per month or the initial registration fee divided by twelve (12) multiplied by the remaining number of months in the initial registration calendar year. The fee for the first renewal is \$1,000.00, and the fee for the second renewal is \$2,000.00. The fee for any subsequent renewal beyond the second renewal is \$3,000.00.

Vacant property registration fee schedule

Initial registration	\$ 500.00
First Renewal	\$1,000.00
Second Renewal	\$2,000.00
Any Subsequent Renewal	\$3,000.00

An additional fee of \$300.00 shall be added for registrations received after the due date.

The funds in the account may be used for the above purposes, including but not limited to:

1. To abate problem and or nuisance properties that have become neglected, deteriorated, and has become a blighted property in need of demolition; and
2. For façade and landscaping projects that complement neighborhood aesthetics and facilitate, adjoining property owners ability to regain some of the lost equity that downturns in housing values has stripped from them and increase housing values; and
3. To support the administration and management of the municipality's efforts to monitor, administer, and manage vacant and abandoned properties in the City;
4. To support the City's activities and allow greater flexibility with future Code Enforcement, Housing, Community and Economic Development initiatives.

#### **86 – 21. Issuing Rules and Regulations**

The Enforcement Authority; may issue rules and regulations for the administration of the provisions of this ordinance.

#### **86 – 22. Maintenance Requirements**

A. Properties subject to the requirements of this Article must be maintained in accordance with all applicable federal, state and local laws, rules and regulations. The Mortgagor, Mortgagee, Trustee, Owner, Agent, Real Estate Agency, Property Manager and/or other Interested Parties must inspect the property twice a month for the duration of the vacancy.

B. Properties subject to this section shall be, in comparison to the neighborhood standard, kept free of weeds, dry bush, dead vegetation, trash, junk, debris, building materials, un-registered vehicles, internal combustion engine vehicles, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is vacant.

C. The property shall be maintained free of graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure.

D. Front, Rear and Side yards shall be landscaped and maintained to the neighborhood standard at the time registration was required.

E. Landscape includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed especially for residential or commercial installation.

F. Maintenance includes, but is not limited to the 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 landscaped and removal of all trimmings.

G. Pools and spas shall be kept in working order so the water remains clear and free of pollutants and debris or drained and kept dry. In either case properties with pools and/or spas must comply with the minimum security fencing requirements of the City.

H. Insurance Certificates – The owner of any vacant property shall acquire or otherwise maintain liability insurance, in an amount of not less than \$300,000.00 for buildings designated primarily for use as residential units and not less than \$1,000,000.00 for any other building, including, but not limited to, buildings designated for manufacturing, industrial, storage or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building. Any insurance policy acquired or renewed after the building has become vacant shall provide for written notice to the Code Enforcement Department within 30 days of any lapse, cancellation or change in coverage. The owner shall attach evidence of the insurance to the owner's registration statement. Any registration form submitted that does not include such evidence shall not be deemed to be a valid registration.

I. Adherence to this section does not relieve the Mortgagor, Mortgagee, Real Estate Agency, Trustee, Owner, Agent, Property Manager or Interested Parties of any obligations set forth in any the Laws of the State of New Jersey, any applicable regulations of any State Agency having jurisdiction, Code of the City of Salem, Covenants, Conditions and Restrictions set forth in any deed, and/or Home Owners Association rules and regulations which may apply to the property.

#### **86 – 23. Security Requirements.**

A. Properties subject to this section shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

B. Secure manner includes but is not limited to the closure and locking of windows, doors (walkthrough, sliding and garage) gates and any other opening of such size that it may allow a child to access the interior of the property and or structure(s). In the case of broken windows securing means the re-glazing or boarding of the window.

C. If the property is owned by a corporation and/or out of area mortgagor, mortgagee, trustee or owner, a local property management company or individual, shall be contracted to perform bi-weekly inspections to verify that the requirements of this section, and any other applicable laws, are being met.

D. The property shall be posted with name and a 24-hour contact phone number of the local property Management Company or Interested Party. The posting shall be 8.5" X 11" and shall contain along with the name and 24-hour contact number the words "THIS PROPERTY MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS CALL". The posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so it is visible from the street or if no such area exists, on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the property but not readily accessible to vandals. Exterior postings must be constructed of and printed with weather resistant materials.

E. The local property Management Company or responsible party shall inspect the property on a bi-weekly basis to determine if the property is in compliance with the requirements of this chapter.

#### **86 – 24. Additional Authority**

In addition to the enforcement remedies established herein, the Enforcement Officer or his or her designee shall have the authority to require any mortgagor, mortgagee, trustee, owner and/or owner of record of any property affected by this section, to implement additional maintenance and/or security measures including but not limited to, securing any/all door, window or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of on-site security guard or other measures as may be reasonably required to arrest the decline of the property.

#### **86 – 25. Inspections.**

At any time after filing a registration form or renewal of registration form, the owner of any vacant property shall provide access to the Enforcement Authority to conduct exterior and interior inspections of the building to determine compliance with municipal codes, on reasonable notice to the property owner or interested party and to issue summonses for any violations.

#### **86 – 26. Enforcement.**

A. The Department of Inspections and Permits, in addition to all other City officials empowered by the City Code or general law to take enforcement action or issue summons for violations of State Statutes and/or the provisions of the City Code are hereby authorized to enforce this Article and issue summons for violations of any section of this Article.

B. Any mortgagor, mortgagee, trustee, owner and/or owner of record who fails to register a vacant property under the provisions of this ordinance shall further be deemed to consent to receive, by posting at the building, any and all notices of code violations and all processes in an administrative proceeding brought to enforce code provisions concerning the property.

#### **86 – 27. Violation/Penalty.**

A. Violations of this chapter shall be treated as a strict liability offense regardless of intent. Any person, firm and/or corporation that violate any portion of this chapter shall be subject to prosecution, administrative enforcement and or placement of the property on the City of Salem Abandoned Properties List. Any person who shall violate any of the provisions of this article shall, upon conviction, be punished by a fine not less than \$300.00 and not more than \$1,000 for each offence or be subject to imprisonment in the county jail for a period of 90 days or by a period of community service not exceeding 90 days. Every day that a violation continues shall constitute a separate and distinct offence. Fines assessed under this chapter shall be recoverable from the owner and shall be a lien on the property.

B. Nothing contained herein shall prevent the City, in a case of an unregistered or delinquent registered vacant property, from cleaning up the property on an as needed basis and imposing a lien against the property for associated costs as set forth in paragraph 4 of this Section.

C. Any fine(s) or cost(s) associated with cleaning up the property that remains uncollected or unpaid shall, by resolution of the City Council, become a lien upon the property, which lien shall hereafter form part of the taxes next to be collected and enforced by the same officers and in the same manner as taxes in accordance with the provisions of N.J.S.A. 40:48 2.14 and Chapter 261 Taxation of the Code of the City of Salem.

### **86 – 28. Severability.**

Should any provision, section, paragraph, sentence or word of this Article be determined or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Article shall remain in full force and effect.

## **ARTICLE V**

### **PROPERTY MAINTENANCE STANDARDS FOR FORECLOSING CREDITORS**

#### **86-29 Property Maintenance Standards.**

In accordance with N.J.S.A. 40:48-2.12s, all vacant and abandoned residential properties in which a summons and complaint in an action to foreclose have been filed shall be subject to the following standards with regard to the care, maintenance, security, and upkeep of the exterior of the properties:

- A. The premises shall be kept free of litter (including, without limiting the generality of the foregoing, discarded, windblown, deposited, dropped or strewn paper, wrappings, cardboard, bottles, cans, boxes and broken glass) and of all nuisances and hazards to the safety of pedestrians and other persons having access to the premises, and free of unsanitary conditions; and any of the foregoing shall be promptly removed and abated. The word "hazards" shall include, but is not limited to, the following:
- (1) Refuse. Brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash, rubbish, refuse and debris of any description.
  - (2) Natural growth. Dead and dying trees and other natural growth which, by reason of rotting or deteriorating conditions or storm damage, are or may be dangerous to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions.
  - (3) Overhanging's. Loose, overhanging and projecting objects and accumulations of ice and snow, which by reason of location above ground level, constitute dangers to persons in the vicinity thereof.
  - (4) Ground surface and unsanitary conditions. Holes, excavations, breaks, projections, obstructions and excretion of pets or other animals on paths, sidewalks, walks, driveways, parking lots and parking areas and other parts of the exterior of the premises which are accessible to and used by persons having access to such premises.
  - (5) Recurring accumulation of storm water. Adequate runoff drains shall be provided and maintained to eliminate recurrent accumulations of storm water.
  - (6) Sources of infestation.
  - (7) Foundation walls. Foundation walls shall be kept structurally sound, free from defects and damage and capable of bearing imposed loads safely.

- (8) Chimneys and flue and vent attachments thereto. Chimneys and flue and vent attachments thereto shall be maintained structurally sound, safe, durable, smoke tight and capable of withstanding the action of flue gases.
  - (9) Exterior porches, landings, balconies, stairs and fire escapes. Exterior porches, landings, balconies, stairs and fire escapes shall be provided with banisters or railings properly designed and maintained structurally sound, in good repair, well painted or otherwise provided with a protective treatment to prevent deterioration, and free from defects.
- B. Exterior of the premises. The exterior of the premises shall be maintained so that the appearance thereof shall reflect a level of maintenance in keeping with the standards of the neighborhood or such higher standards as may be adopted by the City of Salem and such that the appearance thereof shall not constitute a blighting effect upon neighboring properties nor an element leading to a progressive deterioration and downgrading of neighboring properties with an accompanying diminution of property values, including the following: The exterior of every building shall be maintained in good repair, and all exterior surfaces thereof shall kept painted or otherwise provided with a protective treatment where necessary for purposes of preservation and appearance. All exterior surfaces thereof shall be maintained free from broken glass, loose shingles or siding, crumbling masonry, excessively peeling paint or other condition reflective of deterioration or inadequate maintenance to the end that the building itself may be preserved, safety and fire hazards eliminated and adjoining properties and the neighborhood protected from blighting influences.
- C. Landscaping. Where exposed to public view, the landscaping of the premises shall be maintained in an orderly state with lawns and bushes trimmed and free from becoming overgrown, littered and unsightly where such would constitute a blighting effect, depreciating adjoining and nearby property. Open areas shall be graded evenly to eliminate holes, depressions, gullies, mounds, accumulations of debris or other unsightly or unsafe conditions.
- D. Security. The premises shall be enclosed and secured against unauthorized entry.

### **86-30 Responsibility of Creditor.**

Any and all creditors filing a summons and complaint in an action to foreclose shall be responsible for the care, maintenance, security, and upkeep of the exterior of the vacant and abandoned residential property as set forth herein, and if located out-of-State, shall be responsible for appointing an in-State representative or agent to act for the foreclosing creditor.

### **86-31 Issuance of Notice to Creditor.**

A public officer, appointed pursuant to P.L.1942, c.112 (C.40:48-2.3 et seq.), or any other local official responsible for administration of any property maintenance or public nuisance code may issue a notice to the creditor filing the summons and complaint in an action to foreclose, if the public officer or other authorized municipal official determines that the creditor has violated the ordinance by failing to provide for the care, maintenance, security, and upkeep of the exterior of the property. Such notice shall require the person or entity to correct the violation within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an

imminent threat to public health and safety. The issuance of a notice pursuant to this paragraph shall constitute clear and convincing evidence proof that a property is “vacant and abandoned” for the purposes of subsection a. of section 1 of P.L.2012, c.70 (C.2A:50-73).

**86-32 Establishment of in-State representative or agent.**

Any and all out-of-State creditors subject to this Article shall include the full name and contact information of the in-State representative or agent in the notice required to be provided pursuant to paragraph (1) of subsection a. of section 17 of P.L.2008, c.127 (C.46:10B-51).

**86-33 Violation of Requirement to Appoint an in-State Representative or Agent.**

Any out-of-State creditor subject to this Article and found by the Salem City Municipal Court to be in violation of the requirement to appoint an in-State representative or agent pursuant to this Article shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on a creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in paragraph (1) of subsection A. of section 17 of P.L.2008, c.127 (C.46:10B-51) for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

**86-34 Violation of Requirement to Maintain, Repair and Secure Premises.**

Any creditor subject to this ordinance found to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to the ordinance shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence 31 days following receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

**86-35 Allocation of Fines.**

No less than 20 percent of any money collected pursuant to this ordinance shall be utilized by the City of Salem for municipal code enforcement purposes.

**BE IT FURTHER ORDAINED**, that:

1. All Ordinances and parts of ordinances inconsistent herewith are hereby repealed.
2. This Ordinance shall be part of the City of Salem Code as though codified and fully set forth therein. The City shall have this ordinance codified and incorporated in the official copies of the City of Salem Code.
3. This Ordinance shall take effect at the time and in the manner as provided by law.
4. The City Clerk and the City Attorney are hereby authorized and directed to change any chapter number, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and existing Code, in order to avoid confusion and possible accident repeal of existing provisions.

COUNCIL	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
R. Carter			X			
E. Gage			X			
V. Groce			X			
C. Hassler	X		X			
H. Johnson		X	X			
S. Kellum			X			
L. Thompson						X
K. Roots			X			

Introduced: March 7, 2016

Published: March 11, 2016

Public Hearing: March 21, 2016

Final Adoption: March 21, 2016

Final Publication: March 29, 2016

### **COMMITTEE REPORTS**

**Administration:** President Roots reported the committee met on March 14<sup>th</sup> and discussed the Department Head meeting, updating the Policies and Procedures book, and the new time clock system to be implemented. The next meeting will be April 11<sup>th</sup> 5:00.

**Public Safety:** Councilman Gage reported he, Mayor Washington, and Chief Pelura met a week ago and discussed the new police hires. The next meeting will be April 11<sup>th</sup> at 6:30.

**Public Works:** Councilman Groce reported the scheduled meeting was cancelled, the committee will meet this Friday morning.

**Human Services:** Councilman Hassler referenced Ordinance 1605 Establishing Vacant Property Registration and Fees that was adopted this evening.

**City Property/Capital:** Councilwoman Carter said little league would be utilizing the field on Oak and Grieves Parkway for t-ball this year, and the air conditioning in 1 New Market was being fixed. The next meeting will be April 11<sup>th</sup> at 6:00.

**Redevelopment:** Councilman Groce stated the committee met earlier this evening and will be meeting again on April 4<sup>th</sup>.

**Neighborhood Initiatives/Community Services:** Councilman Johnson the committee discussed the opening of the pool this year and a city wide clean-up. President Roots noted all Salem City School students swim for free at the pool, and there will be lifeguards as well as monitors at the pool this year.

### **MAYORAL COMMENTS:**

Mayor Washington spoke of the Adopt-A-Street program being implemented again, and commended the Neighborhood Initiatives and Community Services Committee for doing this. He informed everyone of an upcoming Job Fair on March 23 at Logan Township, more information is on the City website. Lastly he spoke of the city port; stating the Army Corp of Engineers have been contacted for dredging, the Third Legislative District and Senator Cory Booker are all on board.

**NEW BUSINESS:**

CFO Crescenzi said lawyers have been sending letters to residents offering to help them appeal their taxes. He noted residents do not need help with this, and to please ignore the letters and contact the city if they have questions.

**PUBLIC PORTION:**

*Paul Dice –Director of the Housing Authority* addressed Council stating he welcomes the opportunity to attend the monthly meetings and give a report if that is council's pleasure. He spoke of funding from the federal government being down, deferred maintenance that needs to be done, and the high debt the Housing Authority is in.

*Bill Corbin of Davis Avenue* stated he witnesses an extreme amount of cell phone usage of drivers throughout the city, and is concerned for driver's safety. Chief Pelura was present, and acknowledged Mr. Corbins concerns.

*Joy Coleman of Van Meter Terrace* said she rode through the Anderson Drive area prior to the meeting and the area has been cleaned. She then addressed Chief Pelura stating the sneakers that were previously hung on utility wires have been removed also. She spoke of the US Constitution, abandoned properties with cars and other debris left at them, and is hopeful once the street sweeper is back in service it will influence tickets to be wrote for utility trailers that are parked on the streets. Lastly she questioned street lights in the Westside Court area that she feels are out or dim.

With no further requests for public comment, Councilman Hassler made a motion to close the Public Portion of the meeting. Councilman Groce seconded the motion and all were in favor. Councilman Hassler motioned to convene into Executive Session, Councilman Johnson seconded the motion and all were in favor. The regular portion of the meeting ended at 8:40pm.

**RESOLUTION 2016-75**

**A RESOLUTION AUTHORIZING A CLOSED SESSION OF THE COMMON COUNCIL OF THE CITY OF SALEM**

**WHEREAS**, the Open Public Meetings Act, N.J.S.A. 10:4-12b permits a public body to go into a closed session during a public meeting to discuss certain matters;

**WHEREAS**, the City Council has determined that it is necessary to go into a closed session to discuss certain matters relating to the items as permitted by N.J.S.A. 10:4-12b

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Salem that the Council will go into closed session to discuss the following, in accordance with the aforesaid provisions of the Open Public Meetings Act, after which it will reconvene in the public:

**a. CONTRACTS**

**BE IT FURTHER RESOLVED** that the minutes of the closed session will be made available to the public when the need for privacy no longer exists

COUNCIL	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
R. Carter			X			
E. Gage			X			
V. Groce			X			
C. Hassler	X		X			
H. Johnson		X	X			
S. Kellum			X			
L. Thompson						X
K. Roots			X			

With a Motion by Councilman Hassler, seconded by Councilman Johnson, and all in favor, Council came out of Closed Session at 9:10. The following business took place.

Councilman Johnson made a motion to allow Kelly Brothers Circus to come to the City on Monday June 27<sup>th</sup>, Councilman Hassler seconded the motion, and all were in favor. Possible locations were discussed, with the High School Football field on Walnut Street being the best location.

With no further business before Council, Councilman Johnson motioned to adjourn the meeting, Councilman Hassler seconded. Motion carried unanimously. The council meeting ended at 9:15pm.

Respectfully submitted:

Approved: April 4, 2016

*Kathleen L. Keen*  
Kathleen L. Keen, RMC City Clerk