

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE VIII OF THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE TO ESTABLISH THE DIVISION OF CODE ENFORCEMENT WITHIN THE DEPARTMENT OF MUNICIPAL SERVICES

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality may adopt and enforce ordinances as it may deem necessary and proper for the good government, order and protection of persons and property, the preservation of the public health, safety, and welfare of the municipality and its inhabitants; and,

WHEREAS, while the City of Bayonne has a property maintenance code, as adopted by ordinance, it does not possess an organized enforcement mechanism to implement these standards; and,

WHEREAS, the Municipal Council and City Administration have found that a lack of an effective, organized enforcement mechanism has caused interdepartmental confusion and a continued erosion of public trust in the City's ability to effectively address community concerns; and,

WHEREAS, the effective enforcement of property maintenance standards helps address unsafe structures, overgrown vegetation, pest infestations, debris accumulation, and other conditions that may endanger residents, erode neighborhood character, and reduce property value; and,

WHEREAS, consistent enforcement prevents blight and encourages clean, safe, and attractive neighborhoods where residents and property owners can take pride in their community; and,

WHEREAS, well-maintained properties help stabilize or increase surrounding property values, while neglected properties can have the opposite effect; and,

WHEREAS, meaningful, consistent enforcement ensures that all property owners are held to the same standards, preventing situations where responsible owners bear the consequences of neighboring neglect; and,

WHEREAS, a visible enforcement program motivates property owners to maintain their properties proactively, reducing the need for formal enforcement actions as time goes on; and,

WHEREAS, consistent, impartial enforcement demonstrates that the municipality is responsive to resident concerns and committed to maintaining community standards; and,

WHEREAS, in consideration of the foregoing recitals, and the overwhelming public sentiment with respect thereto, the Municipal Council of the City of Bayonne finds it necessary and appropriate to establish a Division of Code Enforcement within the Department of Municipal Services and to task this Division with the organized enforcement of the City's property maintenance standards.

NOW THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Bayonne, County of Hudson, State of New Jersey, as follows:

SECTION 1. Amendments to Chapter 2, Article VIII

Chapter 2, Article VIII (Department of Municipal Services) is hereby amended to add the following:

§ 2-8.5 Division of Code Enforcement.

Within the Department of Municipal Services there shall be a Division of Code Enforcement, the head of which shall be the Supervising Code Enforcement Officer. Under the oversight of the Director of Municipal Services, the Supervising Code Enforcement Officer shall oversee all personnel and operations of the Division.

The primary responsibility of the Division shall be the enforcement of the property maintenance code, Chapter 17, as may be amended from time to time. This shall include progressive enforcement of the code, including prosecution of the same in municipal court, or other courts or boards of competent jurisdiction.

The Supervising Code Enforcement Officer and all other enforcement personnel within the Division shall have the express authority to enforce the provisions of Chapter 17 unless otherwise precluded as a matter of law.

While the Division shall not enforce the local or state health code, New Jersey Uniform Construction Code, New Jersey Uniform Fire Code, or any other code for which a license, registration, or certificate is required by state law, it shall be explicitly understood that all personnel of the Division shall work collaboratively with licensed personnel to ensure compliance with all applicable laws and regulations.

The Division shall be staffed with personnel in a manner that supports both proactive and reactive enforcement of the property maintenance code. The Division, through the Supervising Code Enforcement Officer, shall submit a monthly report of operations including, at a minimum, the number of reactive inspections made, the number of warnings issued, the number of summonses issued, and an accounting of the nature of the violations being cited. The form of the monthly report shall be prescribed by the Director of Municipal Services.

SECTION 2. Repealer

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, which shall remain in full force and effect.

SECTION 4. Effective Date

This Ordinance shall take effect upon final passage, approval, and publication, and filing as required by law.