#26-56

AN ORDINANCE OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, ADOPTING ARTICLE VI, SECTIONS 313-29 THROUGH 313-35 ENTITLED "DANGEROUS, DAMAGED, AND UNSAFE STRUCTURES AND BUILDINGS; DEMOLITION"

BE IT ORDAINED by the Township Council of the Township of Manchester, County of Ocean, State of New Jersey, as follows:

SECTION 1. Chapter 313 of the Township Code of the Township of Manchester, entitled "Property Maintenance" is hereby amended and supplemented so as to adopt Article VI, entitled "Dangerous, Damaged, and Unsafe Structures and Buildings; Demolition," which shall read as follows:

§ 313-29 Purpose.

For the purposes of this article, the following meaning shall apply:

Building

Any building or structure, or part thereof, whether used for human habitation or otherwise, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. "Building" and "Structure" shall be used interchangeably.

Damaged Structure

Any building or structure, or part thereof, which has been damaged to such an extent that nothing remains but the walls, or parts of the walls, and other supports, shall, regardless of the safety and sturdiness of the remaining walls, or parts thereof, be deemed inimical to the welfare of the Municipality and shall be repaired or demolished in accordance with the provisions of this article.

Dangerous Structure

Any building or structure, or part thereof, which is dangerous to human life or the public welfare or which constitutes a fire hazard shall be removed or demolished in accordance with the provisions of this article.

Owner

The holder or holders of the title in fee simple.

Parties In Interest

All individuals, associations and corporations, lienholders, or other individuals or entities who have interests of record in a building and any who are in actual possession thereof.

Public authority

Any housing authority or any officer who is in charge of any department or branch of the government of the municipality, county or State relating to health, fire, building regulations, or to other activities concerning buildings in the municipality.

Public Demolition Officer

A person designated by the Township Council to investigate, prepare and serve complaints, conduct hearings, and make determinations of whether a building is in such a condition that it requires repair, closing, and/or demolition. The Demolition Officer shall also be empowered with all the rights and powers provided by N.J.S.A.

40:48-2.3 et seq. Notwithstanding any other provisions of law to the contrary, nothing shall prevent a municipality from designating more than one public officer for different purposes as provided by law.

The Public Demolition Officer is granted the following powers:

a. To investigate the building conditions in the municipality in order to determine which buildings therein are unfit for human habitation or occupancy or use;

b. To administer oaths, affirmations, examine witnesses and receive evidence;

c. To enter upon premises for the purpose of making examinations; provided, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

d. To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of the ordinances; and

e. To delegate any of his functions and powers under the ordinance to such officers and agents as he may designate.

Representative

The individual registered with the Municipality as the representative of the property owner. If the property owner is an LLC or a corporation, the registered agent, president or managing partner of same are also representatives of the owner upon whom service may be made.

Structure

Any construction artificially built up or composed of parts joined together in some definite manner. A building or edifice of any kind. “Building” and “Structure” shall be used interchangeably.

Unfit Structure

Any building or structure, or part thereof, which is unfit for human habitation, occupancy, or use due to the conditions set forth herein, shall be deemed inimical to the welfare of the residents of the Municipality and shall be closed, repaired or demolished in accordance with the provisions of this article.

Standards for unfit structures. A Public Demolition Officer may determine that a building is unfit for human habitation, occupancy or use if they find that conditions exist in the building which are dangerous or injurious to the health or safety of the occupants of the building, the occupants of neighboring buildings, or other residents of the Municipality. Such conditions shall include the following without limiting the generality of the foregoing:

A. Defects therein increasing the hazards of accident, fire or other calamities;

B. Dilapidation;

C. Disrepair or structural defects;

D. Lack of adequate light, sanitary facilities or ventilation;

E. Uncleanliness;

F. Failure to comply with the Property Maintenance Code;

G. Failure to comply with the applicable health ordinances, rules and regulations;

H. The building conditions are dangerous or injuries to the health and safety to occupants of the building; or

I. Any other reason concerning the health, safety, and welfare of occupants of the building and/or neighboring properties.

§313-30 Designation of a Public Demolition Officer

The Public Demolition Officer shall be designed by the Township Council or the Township Council's designee and shall act as the public officer authorized to exercise the powers prescribed by these regulations and N.J.S.A. 40:48-2.3 et seq.

§313-31 Petition, Complaint, and Notice of Hearing

A. Whenever a petition is filed with the Public Demolition Officer by a Public authority or at least 5 residents of the Municipality alleging a building or structure is unfit for human habitation or occupancy, the Public Demolition Officer shall perform a preliminary investigation. If the investigation discloses a basis for such charges, the Public Demolition Officer shall prepare and serve a Complaint on the Owner and all Parties in Interest.

The Complaint shall set forth the following:

a. Identify the structure;

b. Location and condition of the structure;

c. Remedy sought;

d. Notice setting forth the date, time, and place of the hearing which shall be held before the Public Demolition Officer;

e. Language indicating that the Owner or Interested Party has the right to file an Answer, appear in person, give testimony, and present evidence to contest the allegations in the Complaint

B. A hearing shall not occur less than 7 days after service of the Complaint nor more than 30 days after service of the Complaint.

C. Complaints or Orders shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the Public Demolition Officer in the exercise of reasonable diligence, and the Public Demolition Officer shall make an affidavit to that effect, then the serving of such Complaint or Order upon such persons may be made by publishing the same once in a newspaper printed and published in the municipality, or, in the absence of such newspaper, in one printed and published in the county and circulating in the municipality in which the buildings are located. A copy of such Complaint or Order shall be posted in a conspicuous place on premises affected by the Complaint or Order. A copy of such Complaint or Order shall be duly recorded or lodged for record with the county recording officer of the county in which the building is located. Newspaper notice may be supplemented by online publication where permitted by Statute.

§313-32 Hearing, Findings, and Order

A. The Public Demolition Officer shall conduct a hearing in accordance with §313-30 and N.J.S.A. 40:28-2.5. If after Notice and conducting the hearing, the Public Demolition Officer determines the building is unfit for human habitation or occupancy or use, the Public Demolition Officer shall issue their findings in writing. The findings must set forth the facts supporting the determination and shall be served upon the Owner and Parties in Interest.

B. In addition to the findings, the Public Demolition Officer shall issue an Order:

a. Requiring the repair, alteration or improvement of the said building to be made by the Owner, within a reasonable time, which time shall be set forth in the Order or at the option of the owner to Vacate or have the said building vacated and closed within the time set forth in the order; and

b. If the building is in such a condition as to make it dangerous to the health and safety of persons on or near the premises, and the Owner fails to repair, alter or improve the said building within the time specified in the Order, then the Owner shall be required to remove or demolish the said building within a reasonable time as specified in the said order of removal.

C. If the Owner fails to comply with the Order, the Public Demolition Officer must post on the main entrance of the building a placard which states:

> "This building is unfit for human habitation or occupancy or use; the use or occupation of this building is prohibited and unlawful."

D. No sooner than 30 days after the placard is posted, the Public Demolition Officer may remove or demolish the building. Alternatively, the Public Demolition Officer may request the Township Council contract for the removal or demolition of the building after advertisement for and biding in accordance with the Local Public Contacts Law, N.J.S.A. 40A:11 et seq.

E. Any person aggrieved by an Order issued by a Public Demolition Officer, within 30 days after the posting and service of such order, bring an action for injunctive relief to restrain the public officer from carrying out the provisions of the order and for any other appropriate relief. The court may proceed in the action in a summary manner or otherwise. The remedy herein provided shall be exclusive, and no person affected by an Order of the public officer shall be entitled to recover any damages for action taken pursuant thereto, or because of noncompliance by any person with any Order of the Public Demolition Officer.

§313-33 Municipal Lien

The amount of

1. the cost of the filing of legal papers, expert witnesses' fees, search fees and advertising charges, incurred in the course of any proceeding taken under this act determined in favor of the municipality, and
2. such cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition, if any, or the amount of the balance thereof remaining after deduction of the sum, if any, realized from the sale of materials derived from such building or from any contract for removal or demolition thereof, shall be a municipal lien against the real property upon which such cost was incurred. If the building is removed or demolished by the public officer, he shall sell the materials of such building. There shall be credited against the cost of the removal or demolition thereof, including the clearance and, if necessary, leveling of the site, the proceeds of any sale of such materials or any sum derived from any contract for the removal or demolition of the building. If there are no such credits or if the sum total of such costs exceeds the total of such credits, a detailed statement of the aforesaid costs and the amount so due shall be filed with the municipal tax assessor or other custodian of the records of tax liens and a copy thereof shall be forthwith forwarded to the owner by registered mail. If the total of the credits exceed such costs, the balance remaining shall be deposited in the Superior Court by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed according to the order or judgment of the court to the persons found to be entitled thereto by final order or judgment of such court.

Any owner or party in interest may, within 30 days from the date of the filing of the lien certificate, proceed in a summary manner in the Superior Court to contest the reasonableness of the amount or the accuracy of the costs set forth in the municipal lien certificate.

§313-34 Summary Court Proceeding

A. If an actual and immediate danger to life is posed by the threatened collapse of any fire damaged or other structurally unsafe building, the Public Demolition Officer may, after taking such measures as may be necessary to make such building temporarily safe, seek a judgment in summary proceedings for the demolition thereof.

§313-35 Other Laws Not Affected

Nothing in this article shall be interpreted to impair or limit in any way the power of the Municipality to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise, nor is anything in this article intended to limit the authority of the enforcing agency or Construction Official under the State Uniform Construction Code Act or any rules or regulations adopted thereunder.

SECTION 2. SEVERABILITY. Where any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect after final approval and publication according to law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Council of the Township of Manchester on first reading at a meeting held on the 9th day of November 2026 at 6:00 p.m. The Ordinance will be considered for second and final reading at a meeting of the Township Council which is scheduled for the 23rd day of November 2026 at 6:00 p.m. or as soon thereafter as the matter may be reached, at the Municipal Building located at 1 Colonial Drive, Manchester, New Jersey 08759, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance. Ordinance will be in effect 20 days from the date of publication.

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TERI GIERCYK, RMC/CMC
Municipal Clerk

POSTED ON WEBSITE 11/10/2026 TLG