

**ORDINANCE 2016-12 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN,  
AND STATE OF NEW JERSEY, REVISING, AMENDING AND SUPPLEMENTING  
CHAPTER 112 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED  
“Buildings, Unfit”**

**WHEREAS**, Chapter 112 of the Code of the Township of Berlin, entitled “Buildings, Unfit,” regulates, buildings unfit for human habitation within the Township of Berlin; and

**WHEREAS**, it has been determined that Ch. 112 as written and the statutory demolition procedures are in conflict; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law; and

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and the Township Council of the Township of Berlin, as follows:

**SECTION 1:** Chapter 112, entitled “Buildings, Unfit,” Section 1, entitled “Definitions,” is hereby amended, revised and/or supplemented by deleting the term and definition of “Public Officer” and adding the following new definitions:

**ENFORCING OFFICER**

The municipal employee designated by the Governing Body as the person with authority to exercise the enforcement powers prescribed by this Chapter.

**HEARING OFFICER**

The municipal employee designated by the Governing Body as the person with authority to conduct hearings and to make determinations as a result thereof as prescribed by this Chapter.

**SECTION 2:** Chapter 112, entitled “Buildings, Unfit,” Section 3, entitled "Designation of enforcing officer," is hereby amended, revised and/or supplemented to read as follows:

**§112-3 Designation of enforcing officer and hearing officer**

- A. The Property Maintenance Official shall serve as the enforcing officer for purposes of enforcing the provisions of this Chapter.
- B. The Township Engineer shall serve as the hearing officer for purposes of conducting demolition hearings and making decisions thereon as provided for in this Chapter.

**SECTION 3:** Chapter 112, entitled “Buildings, Unfit,” Section 4, entitled "Complaint of unfit conditions; hearings," is hereby deleted in its entirety and replaced with a new Section 4 to read as follows

**§112-4 Complaint of unfit conditions; hearings**

Whenever a petition is filed with the enforcing officer by a public authority or by at least five residents of the Township of Berlin charging that any building is unfit for human habitation or occupancy or use, or whenever it appears to the enforcing officer (on his own motion) that any building is unfit for human habitation, the enforcing officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such building a complaint stating the charges in that respect and containing a notice that a hearing will be held before the hearing officer at a place therein fixed not less than seven days nor more than 30 days after the serving of said complaint. The owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

**SECTION 4:** Chapter 112, entitled “Buildings, Unfit,” Section 5, entitled "Order by public officer," is hereby deleted in its entirety and replaced with the following new language:

**§112-5 Order to abate**

If, after issuance of the complaint and notice thereof and the hearing thereon required by Section 112-4, the hearing officer determines that the building under consideration is unfit for human habitation, occupancy or use, he or she shall state in writing his or her findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof and any parties in interest an order:

- A. Requiring the repair, alteration or improvement of the said building to be made by the owner, within a reasonable time as shall be set forth in the order or, at the option of the owner, to vacate or have said building vacated and closed within the times set forth in the order.
- 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.

**SECTION 5:** Chapter 112, entitled “Buildings, Unfit,” Section 9, entitled "Method of determining fitness," is hereby amended, revised and/or supplemented by deleting the term "public officer" and replacing it with the term "hearing officer" each time it appears.

**SECTION 6:** Chapter 112, entitled “Buildings, Unfit,” Section 10, entitled "Service of complaints and orders," is hereby amended, revised and/or supplemented by deleting the term "public officer" and replacing it with the term "enforcing officer" each time it appears.

**SECTION 7:** Chapter 112, entitled “Buildings, Unfit,” Section 11, entitled "Powers of public officer," is hereby deleted in its entirety and replaced with a new Section 11 to read as follows:

**§112-11 Powers of enforcing officer**

The enforcing officer is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this Chapter, including the following powers in addition to any others granted by statute:

- A. To investigate the building conditions in the Township of Berlin in order to determine which buildings therein are unfit for human habitation or occupancy or use;
- B. 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; and
- C. To appoint and fix the duties of such agents and/or employees as he deems necessary to carry out the purposes of this Chapter.

**SECTION 8:** Chapter 112, entitled “Buildings, Unfit,” Section 12, entitled "Adoption of State Housing Code," is hereby amended, revised and/or supplemented by renumbering same to a new Section 13.

**SECTION 9:** Chapter 112, entitled “Buildings, Unfit,” is hereby amended, revised and/or supplemented by adding a new Section 12, entitled "Powers of hearing officer," to read as follows:

**§112-12 Powers of hearing officer**

The Hearing Officer is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this Chapter, including the power to administer oaths and affirmations, examine witnesses and receive evidence.

**SECTION 10:** Except as set forth in Sections 1 through 9 above, the balance of Chapter 112 shall not be affected by this Ordinance.

**SECTION 11:** All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 12:** If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

**SECTION 13:** This Ordinance shall take effect twenty (20) days after final adoption and publication as required by law.

Notice is hereby given that the foregoing Ordinance was introduced and passed upon first reading at a meeting of the Mayor and Council of the Township of Berlin, Camden County, New Jersey on June 13, 2016 and the same was ordered published pursuant to statute. Said ordinance will be further considered for final adoption at a meeting of the Mayor and Council of the Township of Berlin on July 11, 2016 at 5:30 p.m. at the Berlin Township Municipal Hall, 135 Route 73 South, West Berlin, NJ.

Catherine Underwood  
Township Clerk