

CITY OF VINELAND

ORDINANCE NO. 2016- 20

ORDINANCE SETTING FORTH THE REQUIREMENTS FOR  
THE ISSUANCE OF DEMOLITION PERMITS FOR  
RESIDENTIAL AND NON RESIDENTIAL STRUCTURES

WHEREAS, as a result of the numerous redevelopment projects throughout the City, and Code Enforcement efforts, many old and dilapidated buildings are being considered for demolition; and

WHEREAS, regulations need to be created and followed to protect the public health, safety and welfare of the residents of surrounding buildings to be demolished; and

WHEREAS, the City Council finds it to be in the best interest of the City to create regulations to be followed for the demolition of residential and nonresidential structures; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland that the demolition Regulations hereinafter set forth shall be followed in order to receive a demolition permit.

**ARTICLE 1 . Demolition of Structures.**

Section 1. Permit required.

A. The demolition of any structure or building within the City of Vineland shall require a permit pursuant to N.J.A.C. 5: 23- 2.17, or other applicable regulation which shall be issued by the Construction Official. For purposes of this Article, the term demolition shall be defined as the removal, destruction or demolition of any building and or structure. For purposes of this Article, structure shall not include a structure of a non-permanent nature but shall include all structures defined in the State Uniform Construction Code such as in- ground pools and underground storage tanks (UST). The demolition of residential UST's and /or in-ground pools shall only be required to comply with Section 2A, Section 6 and Section 7 hereof but shall be required to comply with any other applicable Statute and/or Code Section.

Section 2. Requirements for the Issuance of a Demolition Permit.

A. A person, firm or entity seeking a permit to demolish a building or structure in accordance with this Article shall first apply for such permit, at the office of Licenses and Inspections, and shall complete an application on the form provided by the Construction Official. The application shall require the following information:

1. Name and address of the Owner of the building or structure.
2. Name and address of the person, firm or entity performing the demolition.
3. A copy of the Certificate of Liability Insurance of the person, firm or entity performing the demolition which shall be in the amount of not less than \$300,000 per occurrence.

B. Submission with the application of the following information and/or documents.

1. Written consent of the Owner of the building or structure, and any mortgagees who may hold a mortgage on the property, buildings or structures.
2. Proof that all municipal taxes on the property are paid or satisfied and current.
3. Posting of Surety in the form of cash, certified check, a revocable letter of credit or a surety bond issued by a surety company authorized to do business in the State of New Jersey in an amount of \$10,000 for the demolition of 1 or 2 family homes and accessory buildings over 900 sq. ft. of floor space. Surety for the demolition of accessory buildings fewer than 900 sq. ft. of floor space shall not be required. Surety in the amount of \$50,000 shall be posted for all other building or structures. The purpose of surety is to assure that the terms and obligations contained in this Article, including the completion of the demolition, adequate topsoil and seeding, where applicable and final rodent extermination, are completed a proper workmanlike manner.

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4. A certificate of extermination from a recognized or acceptable licensed extermination contractor, indicating that the building or structure to be demolished is rodent and vermin exterminated within one week prior to the demolition.
5. Statements from all utilities servicing the property that they have been disconnected from the building or structure at the street line.
6. Proof satisfactory to the Construction Official and Fire Marshall, indicating that the building or structure to be demolished has been inspected not more than 24 hours prior to demolition and that all flammable, explosive, toxic, or other hazardous materials have been removed from buildings or structures, and the surrounding property upon which the building or structure to be demolished is located and that the building is vacant of persons.
7. Proof satisfactory to the Construction Official that provisions have been made to remove all debris and fill any below grade level excavation with clean fill.
8. Proof of compliance with Chapter 620 Sections 620-17 through Sections 620-19 inclusive of the Code of the City of Vineland from the Recycling Coordinator.

C. Notices.

Upon receipt of an approved application for demolition and not less than 7 days from the date scheduled for the demolition, the owner of the buildings, structures or property, or their representative, shall notify each owner of adjoining lots of the following:

1. Date of the approval of the permit.
2. Contact information of the owner of the building, structure or property and person or entity performing the demolition, including the name, address and contact phone number.
3. Estimated date of demolition.

The Notice shall be given personally or by certified mail, serving a copy thereof on the adjoining property owners as reflected in the current records of the Tax Assessor. An affidavit of proof of service shall be filed with the Construction Official not less than 3 days prior to demolition.

Section 3. Actions required by an applicant or persons, firms or entities owning a building or structure demolished in accordance here with.

A. During the demolition process, the person, firm or entity performing the demolition shall keep the site sufficiently wet so as to keep dust exposure to a minimum.

B. In the event of the demolition of the structure or structures of primary use for the property, all signage, impervious materials and accessory structures or buildings remaining on the premises shall comply with applicable Land Use Regulations of the City of Vineland.

C. Within 10 business days subsequent to the completion of the demolition all debris shall be removed and the owner or applicant shall cause to be filed with the Recycling Coordinator, a municipal recycling tonnage report and accompanying documentation in accordance with Chapter 620 Sections 620-20 and 620-21 of the Code of the City of Vineland.

D. Within 10 business days subsequent to the completion of the demolition, materials shall be removed from the site and any excavation resulting shall be filled with clean fill and covered with top soil. As soon as practical, considering the season and weather, grass shall be seeded thereon. Notwithstanding the terms of this Subsection C, top soil and seeding shall not be required should there be a Redeveloper's Agreement executed, which terms shall take precedence.

E. A certificate of continued extermination of rodents and vermin within a perimeter of 50 feet from the demolition site or perimeter of the property boundary lines, whichever is closer to the demolition site. The extermination shall continue until all debris and recyclable materials have been removed and the property covered with topsoil.

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Section 4. Disposition and Security

Upon the issuance of a Certification of Completion within the terms of this Article, recommendation of the Construction Official and upon the adoption of a Resolution by City Council approving the same, surety shall be released.

Section 5. Exceptions for Emergencies and Demolition by the City.

In the event of emergencies where there is a present danger to persons or property due to the condition of a structure or building, the Construction Official shall have the authority to order the demolition provided said official is satisfied that a bona fide emergency exists and that the structure or building to be demolished has been disconnected from all utility services as required by this Article and that no hazards exist within the building which would render it dangerous to demolish. The City shall be exempt from the requirements of obtaining a permit under this Article for the demolition of any building or structure, but shall comply with all safety requirements of this Article.

Section 6. Violations and Penalties

Any person, firm or entity demolishing a building or structure or causing the demolition of any building or structure within the City of Vineland without first having obtained a permit therefor or having demolished a building or structure and failing to remove the debris and/or recyclable materials in accordance herewith, shall be deemed in violation of this Article. In the event of such violation, the Construction Official shall cause a Summons and/or Complaint to be issued returnable in the Vineland Municipal Court or any other Court of competent jurisdiction, charging violations of this Article. The penalty for a violation of this Article shall be fined not more than \$1,000.00, no more than 30 days in jail, or both. Each day that such an offense continues shall be considered a separate offense. Any fines penalties associated with a violation of this Article shall be in addition to any other fines and penalties for violations of other sections of the Code of the City of Vineland, State Statutes or Federal Regulations.

Section 7. Incorporation of State Uniform Construction Code.

A. All provisions of the State Uniform Construction code relating to the demolition process are hereby incorporated into this Article by reference.

B. Should any conflict or inconsistency arise between the provisions of this Article and the minimum provisions mandated by the State Uniform Construction Code adopted by the City of Vineland, then the more stringent provisions of this Article, to the extent not prohibited by the State Uniform Construction Code or Statute shall govern.

BE IT FURTHER ORDAINED that should any portion of this Ordinance be deemed unenforceable by a court of competent jurisdiction, that portion so determined to be unenforceable, shall be void and the balance hereof shall remain in full force and effect.

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This Ordinance shall take effect upon adoption and publication according to law.

Passed first reading: July 12, 2016

Passed final reading:

Approved by the Mayor:

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Mayor rb

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President of Council arf

ATTEST:

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City Clerk kp