

The Wildwood Leader

North Wildwood introduces abandoned property ordinance, park smoking ban

Written by Christopher South

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NORTH WILDWOOD — City Council introduced an ordinance intended to help the city deal with abandoned or vacant buildings in town when it met Tuesday, Feb. 3.

The ordinance, which addresses buildings deemed unfit for habitation, is based on a 1942 state law that allows municipalities to demolish buildings “which are so old, dilapidated or have become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation, or occupancy.”

The law says when a building presents a danger to public health and safety, “power is conferred upon such municipality to exercise its police powers to repair, close or demolish, or cause or require the repairing, closing or demolishing of such building or buildings, or part thereof.” On Aug. 15, 2014, the state Legislature passed a law that would allow municipalities to “adopt an ordinance to regulate the care, maintenance, security and upkeep of vacant and abandoned residential properties on which a summons and complaint in an action to foreclose a mortgage or similar instrument has been filed.”

At the meeting, city administrator Kevin Yecco said the city was pursuing action regarding a home at 110 Delaware Ave., which was damaged during Hurricane Sandy. The foundation of the home was damaged and the bulkhead so compromised it has begun to threaten the roadway, Yecco said.

City solicitor William Kaufmann said the owner of the property had every opportunity to cooperate in the process. According to Kaufmann, the property is in foreclosure. He said the city had gone to significant lengths to communicate with the property owner.

Mayor Patrick Rosenello said the city was looking to demolish the home, rebuild the bulkhead, and put a lien on the property to cover the cost. The cost of the demolition and rebuilding the bulkhead would be recovered when the property is sold. Kaufmann described the location as a valuable property.

Yecco said the Uniform Construction Code allows for the demolition of a building determined to be an imminent hazard, and the ordinance incorporates that notion, plus procedures allowed under state statute. The ordinance says a complaint may be filed by a public officer, a public authority, or by at least five residents of the city of North Wildwood charging that any building is unfit for human habitation, occupancy or use.

The property owner would then have 30 days to answer the complaint. The complaint might require the owner to repair the building, or at the owner's discretion, demolish the building. If the owner fails to perform either repairs or demolition, the public officer could take the action of the city's behalf, and a lien would be placed on the property.

Smoking ban at parks and playgrounds

City Council also introduced an ordinance to prohibit smoking at Bill Henfey Park, Allen Park, and the Oak Avenue and 15th Street playgrounds in North Wildwood.

The ordinance refers to New Jersey's Smoke-Free Air Act, which prohibits smoking in indoor places and "in any area of any building of, or on the grounds of, any public or nonpublic elementary or secondary school, regardless of whether the area is an indoor public place or is outdoors." Municipalities are granted the authority to enact smoking prohibitions "equivalent to, or greater than, those provided under this act."

The ordinance says the City Council interprets the language in the act to prohibit smoking on municipally-owned outdoor places, such as parks and playgrounds, where the public, especially children, gather and congregate. A person found violating the ordinance is subject to a fine of not less than \$250 for the first offense, \$500 for the second offense and \$1,000 for each subsequent offense.

Resident Jeff Marvel, who identified himself as a smoker who does not throw his cigarette butts in the street, suggested the city post signs in the parks and playgrounds telling people to properly dispose of smoking materials.

<http://www.shorenewstoday.com/snt/news/index.php/wildwood-mainmenu/wildwood-leader/61785-north-wildwood-introduces-abandoned-property-ordinance-park-smoking-ban.html>