

**TOWNSHIP OF SADDLE BROOK  
COUNTY OF BERGEN  
ORDINANCE NO. 1782-25**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 75 OF THE CODE  
OF THE TOWNSHIP OF SADDLE BROOK ENTITLED “BUILDINGS, UNSAFE”.**

**BE IT ENACTED AND ORDAINED**, by the Township Council of the Township of Saddle Brook those portions of the aforesaid set forth below are hereby amended as follows and that those portions of the Ordinance not set forth below shall remain unchanged.

Sec. 75-1 through 75-24 be deleted in its entirety and replaced with the following:

**Sec. 75-1. Findings.**

It is hereby found and declared that the existence or occupation of any building or buildings, or parts thereof, in the Township, which are so old or dilapidated or have become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, or use, are inimical to the welfare and dangerous and injurious to the health and safety of the residents of the Township, and that a public necessity exists for the repair, closing or demolition of such building or buildings, or part thereof.

**Sec. 75-2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**BUILDING** — Any building or structure, or part thereof, whether used for human habitation or otherwise, and includes any accessory buildings, structures and appurtenances belonging thereto or usually enjoyed therewith.

**OWNER** — The holder or holders of the title in fee simple.

**PARTIES-IN-INTEREST** — All individuals, associations or corporations which have interests of record in a building and any of the foregoing who are otherwise in actual possession of a building.

**PUBLIC OFFICER** — The person who is authorized under Sec. 75-4 to exercise the powers set forth under this chapter.

**Sec. 75-3. Buildings unfit for human habitation prohibited; authority of Public Officer.**

Whenever the Public Officer of the Township finds that there exists in the Township any building which is unfit for human habitation, occupancy or use because of dilapidation; defects increasing the hazards of fire, accidents or other calamities; lack of ventilation, light or sanitation facilities; or due to other conditions rendering the building, or part thereof, unsafe or unsanitary, or dangerous or detrimental to the health or safety, or otherwise inimical to the welfare of the residents of the Township, the Public Officer shall exercise the power vested under this chapter and under the Township's police powers to repair, close or demolish, or cause or require the repairing, closing or demolition of such building, or part thereof, in the manner provided.

**Sec. 75-4. Public Officer designated.**

The Township Construction Official is hereby designated and appointed the Public Officer to exercise the powers set forth in this chapter. The Mayor and Council, by resolution, may designate any other person or persons having the qualifications set forth in the State Uniform Building Code to act in the place of the Construction Official.

**Sec. 75-5. Complaint and notice of hearing.**

Whenever a petition is filed with the Public Officer by the Health Department, Fire Official, or any other officer in charge of any department of the municipality relating to health, fire, building regulations or activities concerning buildings in the Township, or by at least five residents of the Township, charging that any building is unfit for human habitation or occupancy, or use, or whenever it appears to the Public Officer that any building is unfit for human habitation or occupancy, or use, the Public Officer shall, if his/her preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties-in-interest in that building a complaint: (a) stating the charges in that respect and containing a notice that a hearing will be held before the Township Administrator or his/her designated agent, at a place therein fixed, not less than 10 days nor more than 30 days after the serving of the complaint; (b) that the owner and parties-in-interest shall have 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; and (c) that the rules of evidence prevailing in the courts shall not be controlling in hearings before the Township Administrator.

**Sec. 75-6. Order to repair, alter or improve.**

If, after notice and hearing, the Township Administrator determines that the building under consideration is unfit for human habitation or occupancy or use, he/she shall state in writing his/her findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof and parties in interest:

- A. An order requiring the repair, alteration or improvement of the 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 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 building within the time specified in the order, then the owner shall be required to remove or demolish the building within a reasonable time as specified in the order of removal.

**Sec. 75-7. Failure to comply; posting of notice.**

If the owner shall fail to comply with the order to repair, alter or improve or, at the option of the owner, to vacate and close the building, the Township Administrator may cause such building to be repaired, altered or improved, or to be vacated and closed; the Township Administrator may cause to be posted on the main entrance of any building so closed a placard with the following words: "This building is unfit for human habitation or occupancy or use; the use or occupation of this building is prohibited and unlawful."

**Sec. 75-8. Removal or demolition of buildings.**

If the owner fails to comply with an order to remove or demolish the building, the Township Administrator may cause such building to be removed or demolished.

#### **Sec. 75-9. Costs a lien against property.**

The amount of such cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition shall be a municipal lien against the real property upon which such cost was incurred. The detailed statement of the costs shall be filed with the custodian of the records of tax liens, and a copy of the detailed statement shall be forwarded to the owner by registered mail. If the building is removed or demolished by the Township Administrator, he/she shall sell the materials of such building and shall credit the proceeds of such sale against the cost of the removal or demolition; any balance remaining shall be deposited into the Superior Court by the Township Administrator, shall be secured in such manner as may be directed by the 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 the court; provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the Township to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. Any owner or party-in-interest, within 60 days from the date of the filing of the lien certificate, may 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.

#### **Sec. 75-10. Standards determined by established codes.**

The Township Administrator may determine that a building is unfit for human habitation or occupancy or use if he/she finds that conditions exist in such building which are dangerous or injurious to the health or safety of the occupants of such building, the occupants of neighboring buildings or other residents of the Township. Such conditions may include the following: defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair, structural defects; uncleanness; failure to have included in the building running water or inside toilet facilities. The Township Administrator, in reaching such determination, shall be guided by, among other things, the standards set by the Building Code, Zoning Ordinance, and Sanitary Code of the Township.

#### **Sec. 75-11. Service of notice; publication; posting; record.**

A complaint or order issued by the Public Officer or Township Administrator pursuant to this chapter shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the Public Officer or Township Administrator in the exercise of reasonable diligence, and the Public Officer or Township Administrator shall make an affidavit to that effect, then the serving of the complaint or order upon such persons may be made by publishing the same once each week for two successive weeks in a newspaper that is distributed or sold in the Township. A copy of the complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of the complaint or order shall be duly recorded for record with the Clerk of the County of Bergen.

#### **Sec. 75-12. Powers of Public Officer.**

The Public Officer or other official designated under this chapter may exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including, but not limited to, the following powers, in addition to the others herein granted:

- A. To investigate the building conditions in the Township in order to determine which buildings 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 inconvenience possible to the persons in possession.
- D. To appoint and fix the duties of such officers, agents and employees as he/she deems necessary to carry out the purposes of this chapter.
- E. To delegate any of his/her functions and powers under this chapter to such officers and agents as he/she may designate.

**Sec. 75-13. Abatement of nuisances in general.**

- A. The Township, upon giving notice to the owner or lessor of the premises, may abate a nuisance, correct a defect, or put the premises in proper condition so as to comply with the requirements of the Township Code or state law applicable thereto and expend Township funds for such purpose.
- B. Any funds expended by the Township to abate the nuisance, correct a defect, or put the premises in proper condition may be charged against the owner or lessor of the property.
- C. The Township, by resolution of the governing body, shall determine what amount of the funds expended by the Township in order to abate the condition, correct the defect, or put the premises in proper condition shall be included as a lien against the premises, and authorize the Township's Tax Office to effectuate the same.
- D. Any lien against the premises shall be collectible by the Township pursuant to the applicable state laws.

Approved:

TOWNSHIP OF SADDLE BROOK

ATTEST:

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Peter Lo Dico, RMC, CMC  
Township Clerk

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David Gierek, Council President

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Robert D. White, Mayor

Introduced: June 19, 2025

Adopted: