SENATE, No. 124

STATE OF NEW JERSEY

INTRODUCED MARCH 9, 1942

By Mr. PASCOE

Referred to Committee on Municipalities

AN ACT authorizing municipalities to adopt ordinances relating to the repair, closing and demolition of dwellings unfit for human habitation; and providing for the remedies and procedure in connection with action taken under such ordinances.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Unfit dwellings in municipalities; exercise of police power authorized.
2 It is hereby found and declared that the existence and occupation of dwell-
3 ings in municipalities of this State which are unfit for human habitation are
4 inimical to the welfare and dangerous and injurious to the health and safety
5 of the people of this State, and that a public necessity exists for the repair,
6 closing or demolition of such dwellings. Whenever any municipality of this
7 State finds that there exists in such municipality dwellings which are unfit
8 for human habitation due to dilapidation, defects increasing the hazards of
9 fire, accidents or other calamities, lack of ventilation, light or sanitary
10 facilities, or due to other conditions rendering such dwellings unsafe or in-
11 sanitary, or dangerous or detrimental to the health or safety or otherwise
12 inimical to the welfare of the residents of such municipality, power is hereby
13 conferred upon such municipality to exercise its police powers to repair,
14 close or demolish the aforesaid dwellings in the manner herein provided.

1 2. Definitions. The following terms whenever used or referred to in this
2 act shall have the following respective meanings for the purposes of this act,
3 unless a different meaning clearly appears from the context:
4 (a) "Governing body" shall mean the council, board of commissioners,
5 trustees, committee, or other legislative body, charged with governing a
6 municipality.
7 (b) "Public officer" shall mean the officer or officers who are authorized
8 by ordinances adopted hereunder to exercise the powers prescribed by such
9 ordinances and by this act.
10 (c) "Public authority" shall mean any housing authority or any officer
11 who is in charge of any department or branch of the government of the mu-
12 nicipality, county or State relating to health, fire, building regulations, or to
13 other activities concerning dwellings in the municipality.
14 (d) "Owner" shall mean the holder of the title in fee simple.
15 (e) "Parties in interest" shall mean all individuals, associations and
16 corporations who have interests of record in a dwelling and any who are in
17 possession thereof.
18 (f) "Dwelling" shall mean any building, or structure, or part thereof,
19 used and occupied for human habitation or intended to be so used, and
20 includes any outhouses and appurtenances belonging thereto or usually
21 enjoyed therewith.

1 3. Ordinance authorized as to repair, closing and demolition; order of
2 public officer. Upon the adoption of a resolution finding that dwelling con-
3 ditions of the character described in section one hereof exist within a mu-
4 nicipality, the governing body of such municipality is hereby authorized to
5 adopt an ordinance relating to dwellings within such municipality which
6 are unfit for human habitation. Such ordinance shall include the following
7 provisions:
8 (a) That a public officer be designated or appointed to exercise the pow-
9 ers prescribed by the ordinance.

10 (b) That whenever a petition is filed with the public officer by a public
11 authority or by at least five residents of the municipality charging that
12 any dwelling is unfit for human habitation or whenever it appears to the
13 public officer (on his own motion) that any dwelling is unfit for
14–15 human habitation, the public officer shall, if his preliminary inves-
16 tigation discloses a basis for such charges, issue and cause to be
17 served upon the owner of and parties in interest in such dwelling a
18 complaint stating the charges in that respect and containing a notice that
19 a hearing will be held before the public officer (or his designated agent) at
20 a place therein fixed not less than ten days nor more than thirty days
21 after the serving of said complaint; and that the owner and parties in in-
22 terest shall be given the right to file an answer to the complaint and to ap-
23 pear in person, or otherwise, and give testimony at the place and time fixed
24 in the complaints; and that the rules of evidence prevailing in courts of law
25 or equity shall not be controlling in hearings before the public officer.

26 (c) That if, after such notice and hearing, the public officer determines
27 that the dwelling under consideration is unfit for human habitation he shall
28 state in writing his findings of fact in support of such determination and
29 shall issue and cause to be served upon the owner thereof and parties in
30 interest an order:

31 (1) if the repair, alteration or improvement of the said dwelling
32 can be made at a reasonable cost in relation to the value of the dwell-
33 ing (the ordinance of the municipality may fix a certain percentage
34 of such cost as being reasonable for such purpose), requiring the
35 owner (to the extent and within the time specified in the order) to re-
36 pair, alter or improve the said dwelling to render it fit for human
37 habitation or, at the option of the owner, to vacate and close the dwell-
38 ing as a human habitation; or,

39 (2) if the repair, alteration or improvement of the said dwelling
40 cannot be made at a reasonable cost in relation to the value of the
41 dwelling (the ordinance of the municipality may fix a certain percent-

42 age of such cost as being reasonable for such purpose), requiring the
43 owner (within the time specified in the order) to remove or demolish
44 such dwelling.

45 (d) That, if the owner fails to comply with an order to repair, alter or
46 improve or, at the option of the owner, to vacate and close the dwelling,
47 the public officer may cause such dwelling to be repaired, altered or im-
48 proved, or to be vacated and closed; that the public officer may cause to be
49 posted on the main entrance of any dwelling so closed, a placard with the
50 following words: "This building is unfit for human habitation; the use or
51 occupation of this building for human habitation is prohibited and unlaw-
52 ful."

53 (e) That, if the owner fails to comply with an order to remove or de-
54 molish the dwelling, the public officer may cause such dwelling to be re-
55 moved or demolished.

56 (f) That the amount of such cost of such repairs, alterations or im-
57 provements, or vacating and closing, or removal or demolition shall be a
58 municipal lien against the real property upon which such cost was incurred.
59 If the dwelling is removed or demolished by the public officer, he shall
60 sell the materials of such dwelling and shall credit the proceeds of such sale
61 against the cost of the removal or demolition and any balance remaining
62 shall be deposited in the Court of Chancery by the public officer, shall be
63 secured in such manner as may be directed by such court, and shall be dis-
64 bursed by such court to the persons found to be entitled thereto by final
65 order or decree of such court; *provided, however,* that nothing in this sec-
66 tion shall be construed to impair or limit in any way the power of the mu-
67 nicipality to define and declare nuisances and to cause their removal or
68 abatement, by summary proceedings or otherwise.

1 4. Standards. An ordinance adopted by a municipality under this act
2 shall provide that the public officer may determine that a dwelling is unfit
3 for human habitation if he finds that conditions exist in such dwelling
4 which are dangerous or injurious to the health or safety of the occupants

5 of such dwelling, the occupants of neighboring dwellings or other residents
6 or such municipality; such conditions may include the following (without
7 limiting the generality of the foregoing): defects therein increasing the
8 hazards of fire, accident, or other calamities; lack of adequate ventilation,
9 light, or sanitary facilities; dilapidation; disrepair, structural defects; un-
10 cleanliness; such ordinance may provide additional standards to guide the
11 public officer, or his agents, in determining the fitness of a dwelling for
12 human habitation.

1 5. Service of complaints and orders. Complaints or orders issued by a
2 public officer pursuant to an ordinance adopted under this act shall be served
3 upon persons either personally or by registered mail, but if the where-
4 abouts of such persons is unknown and the same cannot be ascertained by the
5 public officer in the exercise of [illegible], and the [illegible]
6 shall make an affidavit to that effect, then the serving of such complaint or
7 order upon such persons may be made by publ[illegible] same once each
8 week for two successive weeks in a newspaper printed and published in the
9 municipality, or, in the absence of such newspaper, in one printed and pub-
10 lished in the county and circulating in the municipality in which the dwell-
11 ings are located. A copy of such complaint or order shall be posted in a
12 conspicuous place on premises affected by the complaint or order. A copy
13 of such complaint or order shall be duly recorded or lodged for record with
14 the county recording officer of the county in which the dwelling is located.

1 6. Remedies. Any person affected by an order issued by the public
2 officer may petition to the Court of Chancery for an injunction restraining
3 the public officer from carrying out the provisions of the order, and the court
4 may, upon such petition, issue a temporary injunction restraining the public
5 officer pending the final disposition of the cause; *provided, however,* that
6 within sixty days after the posting and service of the order of the public
[illegible] officer, such person shall present such petition to the court. Hearings shall
[illegible] court on such petitions within twenty days, or as soon there-
[illegible] be given preference over other matters on the

10 court's calendar. The court shall hear and determine the issues raised and
11 shall enter such final order or decree as law and justice may require. Costs
12 shall be in the discretion of the court. The remedies herein provided shall
13 be exclusive remedies and no person affected by an order of the public
14 officer shall be entitled to recover any damages for action taken pursuant
15 to any order of the public officer, or because of noncompliance by such per-
16 son with any order of the public officer.

1 7. Additional powers of public officer. An ordinance adopted by the gov-
2 erning body of the municipality may authorize the public officer to exercise
3 such powers as may be necessary or convenient to carry out and effectuate
4 the purposes and provisions of this act, including the following powers in
5 addition to others herein granted; (a) to investigate the dwelling conditions
6 in the municipality in order to determine which dwellings therein are unfit
7 for human habitation; (b) to administer oaths, affirmations, examine wit-
8 nesses and receive evidence; (c) to enter upon premises for the purpose of
9 making examinations; *provided,* that such entries shall be made in such
10 manner as to cause the least possible inconvenience to the persons in pos-
11 session; (d) to appoint and fix the duties of such officers, agents and em-
12 ployees as he deems necessary to carry out the purposes of the ordinances;
13 and (e) to delegate any of his functions and powers under the ordinance to
14 such officers and agents as he may designate.

1 8. Administration of ordinance. The governing body of any municipal-
2 ity adopting an ordinance under this act shall as soon as possible thereafter
3 prepare an estimate of the annual expenses or costs to provide the equip-
4 ment, personnel and supplies necessary for periodic examinations and in-
5 vestigations of the dwellings in such municipality for the purpose of de-
6 termining the fitness of such dwellings for human habitation, and for the
7 enforcement and administration of its ordinances adopted under this act;
8 and any such municipality is authorized to make such appropriations from
9 its revenues as it may deem necessary for this purpose and may accept and
10 apply grants or donations to assist it in carrying out the provisions of such
11 ordinances.

1 9. Supplemental nature of act. Nothing in this act shall be construed to
2 abrogate or impair the powers of the courts or of any department of any
3 municipality to enforce any provisions of its charter or its ordinances or
4 regulations, nor to prevent or punish violations thereof; and the powers
5 conferred by this act shall be in addition and supplemental to the powers
6 conferred by any other law.

1 10. Severability. Notwithstanding any other evidence of legislative in-
2 tent, it is hereby declared to be the controlling legislative intent that if any
3 provision of this act, or the application thereof to any person or circum-
4 stances, is held invalid, the remainder of the act and the application of such
5 provision to persons or circumstances other than those to which it is held
6 invalid, shall not be affected thereby.

1 11. Effective date. This act shall take effect immediately.

STATEMENT

The purpose of this bill is expressed in its title.

[OFFICIAL COPY REPRINT]

SENATE, No. 124

STATE OF NEW JERSEY

INTRODUCED MARCH 9, 1942

By Mr. PASCOE

Referred to Committee on Municipalities

AN ACT authorizing municipalities to adopt ordinances relating to the repair, closing and demolition of dwellings unfit for human habitation; and providing for the remedies and procedure in connection with action taken under such ordinances.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Unfit dwellings in municipalities; exercise of police power authorized. It is hereby found and declared that the existence and occupation of dwellings in municipalities of this State which are unfit for human habitation are inimical to the welfare and dangerous and injurious to the health and safety of the people of this State, and that a public necessity exists for the repair, closing or demolition of such dwellings. Whenever any municipality of this State finds that there exists in such municipality dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or insanitary, or dangerous or detrimental to the health or safety or otherwise inimical to the welfare of the residents of such municipality, power is hereby conferred upon such municipality to exercise its police powers to repair, close or demolish the aforesaid dwellings in the manner herein provided.

1 2. Definitions. The following terms whenever used or referred to in this
2 act shall have the following respective meanings for the purposes of this act,
3 unless a different meaning clearly appears from the context:
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5 trustees, committee, or other legislative body, charged with governing a
6 municipality.
7 (b) "Public officer" shall mean the officer or officers who are authorized
8 by ordinances adopted hereunder to exercise the powers prescribed by such
9 ordinances and by this act.
10 (c) "Public authority" shall mean any housing authority or any officer
11 who is in charge of any department or branch of the government of the mu-
12 nicipality, county or State relating to health, fire, building regulations, or to
13 other activities concerning dwellings in the municipality.
14 (d) "Owner" shall mean the holder of the title in fee simple.
15 (e) "Parties in interest" shall mean all individuals, associations and
16 corporations who have interests of record in a dwelling and any who are in
17 possession thereof.
18 (f) "Dwelling" shall mean any building, or structure, or part thereof,
19 used and occupied for human habitation or intended to be so used, and
20 includes any outhouses, and appurtenances belonging thereto or usually
21 enjoyed therewith.
1 3. Ordinance authorized as to repair, closing and demolition; order of
2 public officer. Upon the adoption of a resolution finding that dwelling con-
3 ditions of the character described in section one hereof exist within a mu-
4 nicipality, the governing body of such municipality is hereby authorized to
5 adopt an ordinance relating to dwellings within such municipality which
6 are unfit for human habitation. Such ordinance shall include the following
7 provisions:
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9 ers prescribed by the ordinance.

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11 authority or by at least five residents of the municipality charging that
12 any dwelling is unfit for human habitation or whenever it appears to the
13 public officer (on his own motion) that any dwelling is unfit for
14-15 human habitation, the public officer shall, if his preliminary inves-
16 tigation discloses a basis for such charges, issue and cause to be
17 served upon the owner of and parties in interest in such dwelling a
18 complaint stating the charges in that respect and containing a notice that
19 a hearing will be held before the public officer (or his designated agent) at
20 a place therein fixed not less than ten days nor more than thirty days
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22 terest shall be given the right to file an answer to the complaint and to ap-
23 pear in person, or otherwise, and give testimony at the place and time fixed
24 in the complaints; and that the rules of evidence prevailing in courts of law
25 or equity shall not be controlling in hearings before the public officer.

26 (c) That if, after such notice and hearing, the public officer determines
27 that the dwelling under consideration is unfit for human habitation he shall
28 state in writing his findings of fact in support of such determination and
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34 of such cost as being reasonable for such purpose), requiring the
35 owner (to the extent and within the time specified in the order) to re-
36 pair, alter or improve the said dwelling to render it fit for human
37 habitation or, at the option of the owner, to vacate and close the dwell-
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42 age of such cost as being reasonable for such purpose), requiring the
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48 proved, or to be vacated and closed; that the public officer may cause to be
49 posted on the main entrance of any dwelling so closed, a placard with the
50 following words: "This building is unfit for human habitation; the use or
51 occupation of this building for human habitation is prohibited and unlaw-
52 ful."

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55 moved or demolished.

56 (f) That the amount of such cost of such repairs, alterations or im-
57 provements, or vacating and closing, or removal or demolition shall be a
58 municipal lien against the real property upon which such cost was incurred.
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60 sell the materials of such dwelling and shall credit the proceeds of such sale
61 against the cost of the removal or demolition and any balance remaining
62 shall be deposited in the Court of Chancery by the public officer, shall be
63 secured in such manner as may be directed by such court, and shall be dis-
64 bursed by such court to the persons found to be entitled thereto by final
65 order or decree of such court; *provided, however,* that nothing in this sec-
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67 nicipality to define and declare nuisances and to cause their removal or
68 abatement, by summary proceedings or otherwise.

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2 shall provide that the public officer may determine that a dwelling is unfit
3 for human habitation if he finds that conditions exist in such dwelling
4 which are dangerous or injurious to the health or safety of the occupants

5 of such dwelling, the occupants of neighboring dwellings or other residents
6 or such municipality; such conditions may include the following (without
7 limiting the generality of the foregoing): defects therein increasing the
8 hazards of fire, accident, or other calamities; lack of adequate ventilation,
9 light, or sanitary facilities; dilapidation; disrepair, structural defects; un-
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4 abouts of such persons is unknown and the same cannot be ascertained by the
5 public officer in the exercise of reasonable diligence, and the public officer
6 shall make an affidavit to that effect, then the serving of such complaint or
7 order upon such persons may be made by publishing the same once each
8 week for two successive weeks in a newspaper printed and published in the
9 municipality, or, in the absence of such newspaper, in one printed and pub-
10 lished in the county and circulating in the municipality in which the dwell-
11 ings are located. A copy of such complaint or order shall be posted in a
12 conspicuous place on premises affected by the complaint or order. A copy
13 of such complaint or order shall be duly recorded or lodged for record with
14 the county recording officer of the county in which the dwelling is located.

1 6. Remedies. Any person affected by an order issued by the public
2 officer may petition to the Court of Chancery for an injunction restraining
3 the public officer from carrying out the provisions of the order, and the court
4 may, upon such petition, issue a temporary injunction restraining the public
5 officer pending the final disposition of the cause; *provided, however,* that
6 within sixty days after the posting and service of the order of the public
7 officer, such person shall present such petition to the court. Hearings shall
8 be had by the court on such petitions within twenty days, or as soon there-
9 after as possible, and shall be given preference over other matters on the

10 court's calendar. The court shall hear and determine the issues raised and
11 shall enter such final order or decree as law and justice may require. Costs
12 shall be in the discretion of the court. The remedies herein provided shall
13 be exclusive remedies and no person affected by an order of the public
14 officer shall be entitled to recover any damages for action taken pursuant
15 to any order of the public officer, or because of noncompliance by such per-
16 son with any order of the public officer.

1 7. Additional powers of public officer. An ordinance adopted by the gov-
2 erning body of the municipality may authorize the public officer to exercise
3 such powers as may be necessary or convenient to carry out and effectuate
4 the purposes and provisions of this act, including the following powers in
5 addition to others herein granted; (a) to investigate the dwelling conditions
6 in the municipality in order to determine which dwellings therein are unfit
7 for human habitation; (b) to administer oaths, affirmations, examine wit-
8 nesses and receive evidence; (c) to enter upon premises for the purpose of
9 making examinations; *provided,* that such entries shall be made in such
10 manner as to cause the least possible inconvenience to the persons in pos-
11 session; (d) to appoint and fix the duties of such officers, agents and em-
12 ployees as he deems necessary to carry out the purposes of the ordinances;
13 and (e) to delegate any of his functions and powers under the ordinance to
14 such officers and agents as he may designate.

1 8. Administration of ordinance. The governing body of any municipal-
2 ity adopting an ordinance under this act shall as soon as possible thereafter
3 prepare an estimate of the annual expenses or costs to provide the equip-
4 ment, personnel and supplies necessary for periodic examinations and in-
5 vestigations of the dwellings in such municipality for the purpose of de-
6 termining the fitness of such dwellings for human habitation, and for the
7 enforcement and administration of its ordinances adopted under this act;
8 and any such municipality is authorized to make such appropriations from
9 its revenues as it may deem necessary for this purpose and may accept and
10 apply grants or donations to assist it in carrying out the provisions of such
11 ordinances.

1 9. Supplemental nature of act. Nothing in this act shall be construed to
2 abrogate or impair the powers of the courts or of any department of any
3 municipality to enforce any provisions of its charter or its ordinances or
4 regulations, nor to prevent or punish violations thereof; and the powers
5 conferred by this act shall be in addition and supplemental to the powers
6 conferred by any other law.

1 10. Severability. Notwithstanding any other evidence of legislative in-
2 tent, it is hereby declared to be the controlling legislative intent that if any
3 provision of this act, or the application thereof to any person or circum-
4 stances, is held invalid, the remainder of the act and the application of such
5 provision to persons or circumstances other than those to which it is held
6 invalid, shall not be affected thereby.

1 11. Effective date. This act shall take effect immediately.

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6 closing or demolition of such dwellings. Whenever any municipality of this
7 State finds that there exists in such municipality dwellings which are unfit
8 for human habitation due to dilapidation, defects increasing the hazards of
9 fire, accidents or other calamities, lack of ventilation, light or sanitary
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5 trustees, committee, or other legislative body, charged with governing a
5½ municipality; *provided,* that in cities of the second class having a board of
6 fire and police commissioners, the governing body shall mean such board of
6½ fire and police commissioners.
7 (b) "Public officer" shall mean the officer or officers who are authorized
8 by ordinances adopted hereunder to exercise the powers prescribed by such
9 ordinances and by this act.
10 (c) "Public authority" shall mean any housing authority or any officer
11 who is in charge of any department or branch of the government of the mu-
12 nicipality, county or State relating to health, fire, building regulations, or to
13 other activities concerning dwellings in the municipality.
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3 ditions of the character described in section one hereof exist within a mu-
4 nicipality, the governing body of such municipality is hereby authorized to
5 adopt an ordinance relating to dwellings within such municipality which
6 are unfit for human habitation. Such ordinance shall include the following
7 provisions:
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9 ers prescribed by the ordinance.

10 (b) That whenever a petition is filed with the public officer by a public
11 authority or by at least five residents of the municipality charging that
12 any dwelling is unfit for human habitation or whenever it appears to the
13 public officer (on his own motion) that any dwelling is unfit for
14-15 human habitation, the public officer shall, if his preliminary inves-
16 tigation discloses a basis for such charges, issue and cause to be
17 served upon the owner of and parties in interest in such dwelling a
18 complaint stating the charges in that respect and containing a notice that
19 a hearing will be held before the public officer (or his designated agent) at
20 a place therein fixed not less than ten days nor more than thirty days
21 after the serving of said complaint; that the owner and parties in in-
22 terest shall be given the right to file an answer to the complaint and to ap-
23 pear in person, or otherwise, and give testimony at the place and time fixed
24 in the complaints; and that the rules of evidence prevailing in courts of law
25 or equity shall not be controlling in hearings before the public officer.

26 (c) That if, after such notice and hearing, the public officer determines
27 that the dwelling under consideration is unfit for human habitation he shall
28 state in writing his findings of fact in support of such determination and
29 shall issue and cause to be served upon the owner thereof and parties in
30 interest an order:

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32 can be made at a reasonable cost in relation to the value of the dwell-
33 ing (the ordinance of the municipality may fix a certain percentage
34 of such cost as being reasonable for such purpose), requiring the
35 owner (to the extent and within the time specified in the order) to re-
36 pair, alter or improve the said dwelling to render it fit for human
37 habitation or, at the option of the owner, to vacate and close the dwell-
38 ing as a human habitation; or,

39 (2) if the repair, alteration or improvement of the said dwelling
40 cannot be made at a reasonable cost in relation to the value of the
41 dwelling (the ordinance of the municipality may fix a certain percent-

42 age of such cost as being reasonable for such purpose), requiring the
43 owner (within the time specified in the order) to remove or demolish
44 such dwelling.

45 (d) That, if the owner fails to comply with an order to repair, alter or
46 improve or, at the option of the owner, to vacate and close the dwelling,
47 the public officer may cause such dwelling to be repaired, altered or im-
48 proved, or to be vacated and closed; that the public officer may cause to be
49 posted on the main entrance of any dwelling so closed, a placard with the
50 following words: "This building is unfit for human habitation; the use or
51 occupation of this building for human habitation is prohibited and unlaw-
52 ful."

53 (e) That, if the owner fails to comply with an order to remove or de-
54 molish the dwelling, the public officer may cause such dwelling to be re-
55 moved or demolished.

56 (f) That the amount of such cost of such repairs, alterations or im-
57 provements, or vacating and closing, or removal or demolition shall be a
58 municipal lien against the real property upon which such cost was incurred.
59 If the dwelling is removed or demolished by the public officer, he shall
60 sell the materials of such dwelling and shall credit the proceeds of such sale
61 against the cost of the removal or demolition and any balance remaining
62 shall be deposited in the Court of Chancery by the public officer, shall be
63 secured in such manner as may be directed by such court, and shall be dis-
64 bursed by such court to the persons found to be entitled thereto by final
65 order or decree of such court; *provided, however,* that nothing in this sec-
66 tion shall be construed to impair or limit in any way the power of the mu-
67 nicipality to define and declare nuisances and to cause their removal or
68 abatement, by summary proceedings or otherwise.

1 4. Standards. An ordinance adopted by a municipality under this act
2 shall provide that the public officer may determine that a dwelling is unfit
3 for human habitation if he finds that conditions exist in such dwelling
4 which are dangerous or injurious to the health or safety of the occupants

5 of such dwelling, the occupants of neighboring dwellings or other residents
6 or such municipality; such conditions may include the following (without
7 limiting the generality of the foregoing): defects therein increasing the
8 hazards of fire, accident, or other calamities; lack of adequate ventilation,
9 light, or sanitary facilities; dilapidation; disrepair, structural defects; un-
10 cleanliness; such ordinance may provide additional standards to guide the
11 public officer, or his agents, in determining the fitness of a dwelling for
12 human habitation.

1 5. Service of complaints and orders. Complaints or orders issued by a
2 public officer pursuant to an ordinance adopted under this act shall be served
3 upon persons either personally or by registered mail, but if the where-
4 abouts of such persons is unknown and the same cannot be ascertained by the
5 public officer in the exercise of reasonable diligence, and the public officer
6 shall make an affidavit to that effect, then the serving of such complaint or
7 order upon such persons may be made by publishing the same once each
8 week for two successive weeks in a newspaper printed and published in the
9 municipality, or, in the absence of such newspaper, in one printed and pub-
10 lished in the county and circulating in the municipality in which the dwell-
11 ings are located. A copy of such complaint or order shall be posted in a
12 conspicuous place on premises affected by the complaint or order. A copy
13 of such complaint or order shall be duly recorded or lodged for record with
14 the county recording officer of the county in which the dwelling is located.

1 6. Remedies. Any person affected by an order issued by the public
2 officer may petition to the Court of Chancery for an injunction restraining
3 the public officer from carrying out the provisions of the order, and the court
4 may, upon such petition, issue a temporary injunction restraining the public
5 officer pending the final disposition of the cause; *provided, however,* that
6 within sixty days after the posting and service of the order of the public
7 officer, such person shall present such petition to the court. Hearings shall
8 be had by the court on such petitions within twenty days, or as soon there-
9 after as possible, and shall be given preference over other matters on the

10 court's calendar. The court shall hear and determine the issues raised and
11 shall enter such final order or decree as law and justice may require. Costs
12 shall be in the discretion of the court. The remedies herein provided shall
13 be exclusive remedies and no person affected by an order of the public
14 officer shall be entitled to recover any damages for action taken pursuant
15 to any order of the public officer, or because of noncompliance by such per-
16 son with any order of the public officer.

1 7. Additional powers of public officer. An ordinance adopted by the gov-
2 erning body of the municipality may authorize the public officer to exercise
3 such powers as may be necessary or convenient to carry out and effectuate
4 the purposes and provisions of this act, including the following powers in
5 addition to others herein granted; (a) to investigate the dwelling conditions
6 in the municipality in order to determine which dwellings therein are unfit
7 for human habitation; (b) to administer oaths, affirmations, examine wit-
8 nesses and receive evidence; (c) to enter upon premises for the purpose of
9 making examinations; *provided,* that such entries shall be made in such
10 manner as to cause the least possible inconvenience to the persons in pos-
11 session; (d) to appoint and fix the duties of such officers, agents and em-
12 ployees as he deems necessary to carry out the purposes of the ordinances;
13 and (e) to delegate any of his functions and powers under the ordinance to
14 such officers and agents as he may designate.

1 8. Administration of ordinance. The governing body of any municipal-
2 ity adopting an ordinance under this act shall as soon as possible thereafter
3 prepare an estimate of the annual expenses or costs to provide the equip-
4 ment, personnel and supplies necessary for periodic examinations and in-
5 vestigations of the dwellings in such municipality for the purpose of de-
6 termining the fitness of such dwellings for human habitation, and for the
7 enforcement and administration of its ordinances adopted under this act;
8 and any such municipality is authorized to make such appropriations from
9 its revenues as it may deem necessary for this purpose and may accept and
10 apply grants or donations to assist it in carrying out the provisions of such
11 ordinances.

1 9. Supplemental nature of act. Nothing in this act shall be construed to
2 abrogate or impair the powers of the courts or of any department of any
3 municipality to enforce any provisions of its charter or its ordinances or
4 regulations, nor to prevent or punish violations thereof; and the powers
5 conferred by this act shall be in addition and supplemental to the powers
6 conferred by any other law.

1 10. Severability. Notwithstanding any other evidence of legislative in-
2 tent, it is hereby declared to be the controlling legislative intent that if any
3 provision of this act, or the application thereof to any person or circum-
4 stances, is held invalid, the remainder of the act and the application of such
5 provision to persons or circumstances other than those to which it is held
6 invalid, shall not be affected thereby.

1 11. Effective date. This act shall take effect immediately.