

ORDINANCE

20-47

1st Reading AUG 06 2020
Public Hearing September 17, 2020
2nd Reading & Passage September 17, 2020
Withdrawn _____ Lost _____

No. _____
Date to Mayor 09/21/2020
Date Returned SEP 24 2020
Date Resubmitted to Council _____

Approved as to Form and Legality

JOHN MORELLI CITY ATTORNEY

Factual content certified by

BENJAMIN DELISLE, DIRECTOR
DEPARTMENT OF HOUSING AND ECONOMIC DEVELOPMENT

Councilman /woman _____ presents the following Ordinance:

"ADOPT-A-LOT PROGRAM"

ORDINANCE AMENDING CHAPTER 54: "CITY OWNED PROPERTY" OF THE CODE OF THE CITY OF TRENTON TO CREATE AN "ADOPT-A-LOT" PROGRAM

WHEREAS, the City of Trenton currently owns and maintains more than 1,500 vacant properties that need care, maintenance, and improvements; and

WHEREAS, the City government and residents alike share a vested interest in the maintenance, beautification, and care of such lots; and

WHEREAS, various residents and community groups have expressed interest in participating in an "Adopt-a-Lot" program; and

WHEREAS, allowing residents to safely and legally care for such lots will benefit the public by improving the condition of the lots and the neighborhoods in which they are located and by beautifying the properties, reducing blight, increasing neighborhood cohesiveness, and promoting the sustainability goals of the City; and

WHEREAS, the City desires to create the Adopt-a-Lot program for the purpose of permitting temporary licensing of such lots to allow individuals and groups to participate in approved care and maintenance activities which benefit the public; and

NOW, THEREFORE, LET IT BE ORDAINED by the City Council of the City of Trenton that Chapter 54: "City Owned Property" of the Code of the City of Trenton is hereby amended as follows, with all material being newly added and thus now indicated by **bold and underlined type**:

§54-3: "Adopt-a-Lot" Program.

A. Petition to participate.

The Department of Housing and Economic Development of the City of Trenton ("Department") shall administer the "Adopt-a-Lot" Program. Any person, notwithstanding age, may petition to participate in the program. Minor applicants must have a sponsoring individual over the age of 18 co-sign their applications.

B. Application requirements.

The application for participation in this program shall be created by the Department and shall set forth the requirements for applying for and participating in the program.

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- (1) Any individual, organization, or group ("Applicant" or "Adopter") shall complete an online application identifying the particular lot for which they desire to become responsible and shall identify the names and addresses of all participants, either on an individual or group basis.
- (2) The applicant shall identify a plan for the continuous care, maintenance, and use of the lot.
- (3) Applicants must have paid all real estate taxes due on all properties owned, if any, in the City of Trenton and have no outstanding violations on those properties.
- (4) Applicants may own or rent property with an occupied residential or commercial structure immediately adjacent to the desired lot.
- (5) Applicants must hold the City harmless and indemnify the City from liability for activities performed in connection with the Program.
- (6) There shall be no application fee for the Adopt-a-Lot program.

C. Application review.

The application shall be reviewed by the Department of Housing and Economic Development of the City of Trenton and, at the discretion of the Director or a designee, forwarded to any other appropriate Departments or Divisions of this City for review and comment as to the feasibility and compatibility of the individual, organization, or group participating in the cleanup and care program. Approval of applications shall be at the sole discretion of the Director or a designee.

D. Installation of signs.

If a lot is adopted after the procedures have been followed, as set forth herein, an appropriate sign or signs may be erected by the City in a prominent place displaying the fact that this lot has been adopted under this program and has qualified as a lot appropriately cared for and maintained by the Adopter.

E. Participants not deemed City employees; City held harmless.

No individual, organization, or group who performs any work or services under this program shall be deemed to be an employee of the City of Trenton, but merely volunteers, and the City shall be held harmless from any negligent or careless acts of the individual, organization, or group in the performance of any functions under the program.

F. Equipment and personnel not supplied by City.

The City shall not be obligated to supply any tools, equipment, supplies, or personnel for this program. Any and all tools, equipment or supplies shall be furnished by the Adopter.

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G. Guidelines to the Adopt-a-Lot program.

- (1) The City of Trenton will maintain full and continuous legal ownership of the adopted City-owned lots under the Adopt-a-Lot Program. The City's approval of an application or execution of any subsequent agreement shall not be intended or construed as a grant to an Adopter of any ownership interest in the subject City-owned lot(s).
- (2) A license agreement between the Adopter and the City shall be entered into for a term of two (2) years, with optional subsequent renewals of one (1) year duration based on mutual consent from the City of Trenton at the discretion of the Director of Housing and Economic Development or a designee and the Adopter.
- (3) The purpose of the Adopt-a-Lot is solely for the cleaning and beautification of City-owned lots. The Adopter is required to properly keep up with the maintenance of the lot, which means the grass should be cut and the yard kept free of trash, debris, and refuse. Vegetable and/or flower gardens are permitted, provided they are kept nice and neat, watered as necessary, and removed if/when they die at the end of the growing season.
- (4) All Adopt-a-Lots may be issued signage designating the lot(s) as an adopted lot. *(see also Section D)*
- (5) Periodic inspections will be performed by the City to verify an Adopter's compliance with the ordinances, rules, and regulations governing Adopt-a-Lot. If an Adopter is found by the City to be out of compliance, the City reserves the right immediately revoke its Adopt-a-Lot designation.
- (6) An Adopter cannot engage in or do the following activities upon the Adopt-a-Lot:
 - a. Park or store, repair or maintain, cars, trailers, boats, or any other vehicle;
 - b. Plant trees;
 - c. Place or construct any permanent structures on the adopted lot, including but not limited to: pools, car ports or garages, sheds, paving materials (concrete, asphalt, etc.), playground equipment, etc.;
 - d. Place or store debris, construction materials, junk, excessive garden decorations, or personal belongings;
 - e. Create any compost piles;

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- f. Conduct any business transactions, for fee, free or otherwise, of any kind on the adopted lot, including but not limited to: farmer's markets, auto sales or repairs, car washes, parking, dog parks, yard sales, etc.;
 - g. Rent, lease, sublet, sell, or assign the adopted lot to any person or organization;
 - h. Remove the City signage indicating the lot has been adopted;
 - i. Conduct religious services;
 - j. Serve or consume alcoholic beverages or any illicit or banned drugs;
 - k. Allow pets or any other animals to be housed, to roam freely, or to be unleashed . Pet owners must clean up after their animals;
 - l. Make any fire;
- (7) Adopters shall further comply with the following:
- a. Agree that no claim for ownership shall be asserted, either by abandonment by the City or by virtue of adverse possession.
 - b. Fencing may be installed by the Adopter at their option and will be done at the Adopter's expense and must comply with Chapter 315: Zoning and Land Development. Prior to installation, all fencing must be approved by the Director of the Department of Housing and Economic Development or a designee. Any applicable fees for the application or permitting of the installation of fencing shall be waived by the City.
 - c. An adopted lot, at the discretion of the Director of the Department of Housing and Economic Development or a designee, can be removed from the Adopt-a-Lot program at any time.
 - d. For any reason deemed necessary by the City of Trenton at any time, at the discretion of the Director of the Department of Housing and Economic Development or a designee, if the City of Trenton sells the adopted lot(s) and Adopter is not the buyer of the lot(s), Adopter must immediately cease any and all activity on the lot(s).

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- e. Adopted lots shall be closed to the general public for all purposes, including activities or group congregations of any size for any purpose, except as may be specifically permitted to any person or group of persons by permit issued by the Director of the Housing and Economic Development or a designee.
- f. Adopters must comply with all other applicable provisions of the Trenton City Code, with special attention to Chapters 38: Brush, Grass and Weeds, 54: City-Owned Property, 132: Housing Standards, 150: Littering, 167: Noise, 171: Nuisances, 193: Parks and Recreation Areas, 201: Peace and Good Order, 312: Yard Waste.

INTRODUCTION				ADOPTION				INTRODUCTION				ADOPTION				INTRODUCTION				ADOPTION			
AYE	NAY	NV	AB	AYE	NAY	NV	AB	AYE	NAY	NV	AB	AYE	NAY	NV	AB	AYE	NAY	NV	AB	AYE	NAY	NV	AB
BLAKELEY	✓			✓				MUSCHAI	✓			✓				MCBRIDE			✓	✓			
MCDWELL	✓			✓				RODRIGUEZ	✓			✓											
WILSON	✓			✓				VAUGHN	✓			✓											
TARRISON	✓			✓																			
AY - NO VOTE				AB - ABSENT																			

Adopted on first reading at a meeting of the City Council of the City of Trenton, NJ on AUG 06 2020

Adopted on second reading after the public hearing on September 17, 2020

Mayor

Anthony M. DiStefano
President of Council

APPROVED
RESOLVED

Reconsidered by Council - Override Vote

Matthew C. ...

City Clerk