

**TOWNSHIP OF DOWNE
CUMBERLAND COUNTY, NEW JERSEY**

ORDINANCE NO. 2016-8

**AN ORDINANCE FOR THE TOWNSHIP OF DOWNE AMENDING PROPERTY MAINTENANCE TERMS
REGARDING MAINTENANCE OF VACANT AND ABANDONED PROPERTIES**

WHEREAS, the Township of Downe (the "Downe") contains structures which are vacant and/or abandoned in whole or large part; and

WHEREAS, in many cases, the owners or responsible parties of these structures are neglectful of them, are not maintaining or securing them to an adequate standard or restoring them to productive use; and

WHEREAS, it has been established that vacant and abandoned structures cause severe harm to the health, safety and general welfare of the community, including diminution of neighboring property values, increased risk of fire and potential increases in criminal activity and public health risks; and

WHEREAS, the Township incurs disproportionate costs in order to deal with the problems of vacant and abandoned structures, including but not limited to, excessive police calls, fire calls and property inspections; and

WHEREAS, it is in the public interest for the Township to establish minimum standards of accountability on the owners or other responsible parties of vacant and abandoned structures in order to protect the health, safety and general welfare of the residents of the Township; and

WHEREAS, it is in the public interest of the Township to impose a fee in conjunction with registration of vacant and abandoned structures in light of the disproportionate costs imposed on the Township by the presence of these structures.

MAINTENANCE OF VACANT/ABANDONED PROPERTIES

1. Definitions

"*Owner*" - Shall include the title holder, any agent of the title holder having authority to act with respect to a vacant/abandoned property, any foreclosing entity subject to the provisions of C.46:10B-51 (P.L. 2008, c. 127, Sec. 17 as amended by P.L. 2009, c. 296), or any other entity determined by the Township of Downe to have authority to act with respect to the property.

"*Vacant Property*" - Any building used or to be used as a residence, commercial or industrial structure which is not legally occupied or at which substantially all lawful construction operations or occupancy has ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation, including but not limited to any property meeting the definition of abandoned property in N.J.S.A. 55:19-54, 55:19-78, 55:19-70, 55:19-80 and 55:19-81; provided, however, that any property where all building systems are in working order, where the building and grounds are maintained in good order, or where the building is in habitable condition, and where the building is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property for purposes of this Ordinance.

"*Abandoned Property*" - Pursuant to N.J.S.A. 55:19-81 is defined as follows:

Any property that has not been legally occupied for a period of six months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the public officer that:

- a) The property is in need of rehabilitation in the reasonable judgment of the public officer, and no rehabilitation has taken place during that six month period;

- b) Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of a determination by the public officer pursuant to this section;
- c) At least one installment of property tax remains unpaid and delinquent on that property in accordance with Chapter 4 of Title 54 of the revised statutes of the date of the determination by the public officer pursuant to this section; or
- d) The property has been determined to be a nuisance by the public officer in accordance with Section 5 of P.L. 2003, c. 210 (C.55:19-82). A property which contains both residential and non-residential space may be considered abandoned pursuant to P.L. 2003, c. 210 (C.55:19-78 et al) so long as two-thirds or more of the total net square footage of the building was previously legally occupied as residential or commercial space and none of the residential or commercial space has been legally occupied for at least six months at the time of the determination of abandonment by the public officer and the property meets the criteria of either subsection a. or subsection d. of this section.

2. Registration Requirements

Effective July 15, 2016, the owner of any vacant property as defined herein shall, within 30 calendar days after the building becomes vacant property or within 30 calendar days after assuming ownership of the vacant property, whichever is later; or within 10 calendar days of receipt of notice by the municipality, file a registration statement for such vacant property with the Property Maintenance Inspector on forms provided by the Township for such purposes. Failure to receive notice by the municipality shall not constitute grounds for failing to register the property.

- a) Each property having a separate block and lot number as designated in official records of the municipality shall be registered separately.
- b) The registration statement shall include the name, street address, telephone number, and e-mail address (if applicable) of a person 21 years or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any Court proceeding or administrative enforcement proceedings on behalf of such owner or owners in connection with the enforcement of any applicable code; and the name, street address, telephone number, and e-mail (if applicable) of the firm and the actual name(s) of the firms individual principal(s) responsible for maintaining the property. The individual or representative of the firm responsible for maintaining the property shall be available by telephone or in person on a 24 hour per day, seven day per week basis. The two entities may be the same or different persons. Both entities show on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.
- c) The registration shall remain valid for one year from the date of registration except for the initial registration which shall be pro-rated through December 31st. The owner shall be required to renew the registration annually as long as the building remains a vacant and/or abandoned property and shall pay a registration or renewal fee in the amount prescribed in Section 5 of this Ordinance, for each vacant property registered.
- d) The annual renewal shall be completed by January 1st each year. The initial registration fee shall be pro-rated for registration statements received less than 10 months prior to that date.
- e) The owner shall notify the Property Maintenance Inspector within 30 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Property Maintenance Inspector for such purpose.
- f) The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or Court

proceeding instituted by the Township against the owner or owners of the building.

3. Access to Vacant Properties

The owner of any vacant property registered under this Article shall provide access to the Township to conduct exterior and interior inspections of the building to determine compliance with municipal does, upon reasonable notice to the property owner or the designated agent. Such inspections shall be carried out on weekdays during the hours of 9:00 a.m. and 4:00 p.m., or such other time as may be mutually agreed upon between the owner and the Township.

4. Responsible Owner or Agent

- a) An owner who meets the requirements of this Article with respect to the location of his or her residence or workplace in the State of New Jersey may designate him or herself as agent or as the individual responsible for maintaining the property.
- b) By designating an authorize agent under the provisions of this section, the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any Court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the Township in writing of a change of authorized agent or until the owner files a new annual registration statement.
- c) Any owner who fails to register vacant/abandoned property under the provisions of this Article shall further be deemed to consent to receive, by posting on the building, in plain view, and by service of notice at the last known address of the owner of the property on record within the Township by regular and certified mail, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

5. Fee Schedule

The initial registration fee for each building shall be five hundred dollars (\$500.00). The fee for the first renewal is one thousand five hundred dollars (\$1,500.00) and the fee for the second renewal is three thousand dollars (\$3,000.00). The fee for any subsequent renewal beyond the second renewal is five thousand dollars (\$5,000.00).

Vacant Property Registration Fee Schedule	
Initial Registration	\$500.00
First Renewal	\$1,500.00
Second Renewal	\$3,000.00
Subsequent Renewal	\$5,000.00

6. Requirements of Owners of Vacant/Abandoned Properties

The owner of any building that has become vacant/abandoned property, and any person maintaining or operating or collecting rent for any such building that has become vacant shall, within thirty (30) days thereof:

- 1. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Township Code, or as set forth in the rules and regulations supplementing those codes; and
- 2. Post a sign affixed to the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process, and the person responsible for day-to-day supervision and management of the building, if such person is different from the owner holding title or

authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than eight (8) inches by ten (10) inches; and

3. Secure the building from unauthorized entry and maintain the sign until the building is again legally occupied or demolished or until repair or rehabilitation of the building is completed; and
4. Ensure that the exterior grounds of the structure, including yards, fences, sidewalks, walkways, right-of-ways, alleys, retaining walls, attached or unattached accessory structures and driveways, are well maintained and free from trash, debris, loose litter, and grass and weed growth; and
5. Continue to maintain the structure in a secure and closed condition, keep the grounds in a clean and well maintained condition and ensure that the sign is visible and intact until the building is again occupied, demolished, or until repair and/or rehabilitation of the building is complete.

7. Violations

- a) Any person who violates any provision of this Article or the rules and regulations issued hereunder shall be fined not less than \$100.00 and not more than \$1,000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this chapter shall be recoverable from the owner and shall be a lien on the property.
- b) For purposes of this section, failure to file a registration statement within 30 calendar days after a building becomes vacant property or within 30 calendar days after assuming ownership of a vacant property, whichever is later, or within 10 calendar days of receipt of notice by the municipality, and failure to provide correct information on the registration statement, or failure to comply with the provisions of such provisions contained herein shall be deemed to be violations of this Ordinance.

SECTION 1 Repealer. All former Ordinances of the Township of Downe which are in conflict with the provisions contained in this Ordinance are hereby repealed upon the adoption of this Ordinance.

SECTION 2 Severability. If any part or parts of this Ordinance are held to be invalid for any reason such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3 This Ordinance shall take effect after final approval and publication as required by law.

DATE: July 11, 2016

BY: _____
Robert Campbell, Mayor

Nadine Lockley, Acting Clerk



TOWNSHIP OF DOWNE
CUMBERLAND COUNTY, NEW JERSEY
RECORD FOR ORDINANCE # 2016-8

Introduce Ordinance on First Reading

Motion: COOK

Second: JORDAN

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Jordan, Sr., L.	X			
Byrne, S.	X			
Cook, D.	X			
Bart, E.				X
Campbell, R.	X			

Introduce Ordinance/First Reading Date: Monday, July 11, 2016

Ordinance Published: July 17, 2016

Ordinance Posted: Tuesday, July 12, 2016

Public Hearing / Second Reading Date: Monday, August 1, 2016

Adopt Ordinance

Motion: JORDAN

Second: COOK

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Jordan, Sr., L.	X			
Byrne, S.				X
Cook, D.	X			
Bart, E.	X			
Campbell, R.	X			

Final Adoption Date: August 1, 2016

Notice of Final Passage Published: August 5, 2016

Notice of Final Passage Posted: August 2, 2016

Date

Nadine Lockley, Acting Clerk