

First Reading 8/14/17

Final Reading 9/11/17

ORDINANCE 2017-17

AN ORDINANCE AMENDING BOROUGH CODE CHAPTER 258 – Property Maintenance

Article III - Vacant Properties

NOW, THEREFORE BE IT ORDAINED AND ENACTED, by the Mayor and Borough Council of the Borough of South River, County of Middlesex, State of New Jersey as follows:

SECTION I. Borough Code Ch. 258 – Property Maintenance, Article III be and is hereby repealed and replaced with the following:

CHAPTER 258 – Property Maintenance

Article III - Vacant Properties

(a) Definitions.

1. *Owner* shall include any private title holder, any agent of a private title holder having authority to act with respect to an abandoned or vacant property, any foreclosing entity that has filed a notice with the municipal clerk pursuant to the provisions of C.46:10B-51 (P.L. 2008, c.127, Sec.17 as amended by P.L. 200, c.296), or any other entity determined by the Code Enforcement Officer to have authority to act with respect to the property.
2. *Vacant Property* shall mean any building used or to be used for a commercial or residential use, 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 re-occupied without repair or rehabilitation; provided however, that any property that contains all building systems in working order and is being actively marketed by its owner for sale or rental, shall not be deemed vacant. Properties that meet the aforementioned criteria and are subject to a summons and complaint in an action for foreclosure shall be deemed vacant property in accordance with P.L. 2014, c. 35. Property deemed to be “abandoned property” in accordance with the meaning of such term in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq., shall also be deemed to be vacant property for the purposes of this section.

(b) General Requirements.

1. Sixty (60) days after the effective date of this Ordinance or thirty (30) days after a building or lot becomes vacant as defined within this Chapter, the owner shall

file a registration statement for each such vacant property with the Code Enforcement Officer on forms provided by the Code Enforcement Officer for such purposes. The registration shall remain valid for one (1) year. The owner shall be required to renew the registration annually as long as the building or lot continues to be vacant as defined herein and shall pay a registration or renewal fee in the amount prescribed within this chapter.

2. The owner shall notify the Code Enforcement Officer within thirty (30) days of any change in the registration information by filing an amended registration statement on a form provided by the Code Enforcement Officer for such purpose.
3. 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 Borough of South River against the owner or owners of the property.

(c) Registration Requirements for Vacant Properties.

1. The owner of vacant property shall provide the following information to the Code Enforcement Officer or his designee on the registration form or form(s) prescribed by the Code Enforcement Officer:
 - i. Name, address, email address and contact telephone number of the owner; the owner's address must include a street address; a post office box is not acceptable;
 - ii. Name, address, email address and contact telephone number of any local agent(s) or representative for the building or lot;
 - iii. Name, address, email address and contact telephone number of the person assigned to the property for the security and maintenance of the building or lot;
 - iv. Common address and tax assessor's block and lot designation of the building or lot;
 - v. The date on which the building became vacant;
 - vi. Proof of utility (gas, electric, water) connections or disconnections; and
 - vii. Any other information reasonably required by the Township to ensure the safety of all persons and to prevent neglect.
2. Any government entity that owns vacant property will be exempt from the provisions of this chapter. For purposes of this chapter, the holder of a FHA mortgage, HUD mortgage, or any other federally insured mortgage shall not be considered a government entity and shall not be exempt from the provisions of this chapter. The owner of any property that is acquired by the owner through

the foreclosure of a FHA mortgage, HUD mortgage or any other federally insured mortgage shall also not be exempt from the provisions of this chapter.

3. By designating an authorized 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 vacant property by service of the notice of 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 of a change of an authorized agent or until the owner files a new annual registration statement.
4. The owner is required to update the form within thirty (30) days of a change of any information contained within the form.
5. 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 Borough of South River against the owner or owners of the vacant property.
6. The Code Enforcement Officer may identify abandoned properties through his/her routine inspection process as well as through notification by residents, or other community groups that a property may be eligible for inclusion on the registry. Notice will be served upon, or sent by mail, to the owner and will be deemed received by the owner, upon personal delivery; or five (5) days after service by first class mail.

(d) Vacant Property Inspection.

After filing a registration statement or a renewal of a registration statement and upon reasonable notice, the owner of any vacant property shall provide access to the Borough of South River to conduct an exterior and interior inspection of the building to determine compliance with the municipal code, during the period covered by the initial registration or any subsequent renewal.

(e) Requirements for Owners of Vacant Properties.

1. The owner of any vacant property, and any person maintaining, operating or collecting rent for any such property shall, within thirty (30) days:
 - a. Enclose and secure the building against unauthorized entry in accordance with the applicable provisions of the Code of the Borough of South River

and as per the specifications established by the Department of Housing and Urban Development (HUD) for securing abandoned and/or vacant properties.

- b. 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 (if designated pursuant to this Chapter) and the person responsible for day-to-day supervision and management of the property, if such person is different from the owner or authorized agent. The sign shall be of a size and placed in such a location so as to be visible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 8" x 10" and shall state "WARNING: THIS BUILDING IS SECURED PURSUANT TO THE CODE OF THE BOROUGH OF SOUTH RIVER. ANYONE ENTERING THIS BUILDING WITHOUT AUTHORIZATION WILL BE SUBJECT TO ARREST"; and
 - c. 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 property is complete.
2. The owner of any vacant property and any person maintaining such a property shall within sixty (60) days:
- a. Register the vacant property of which they are in possession.
 - b. Ensure that all bushes and trees are trimmed and that they do not interfere with neighboring properties.
 - c. Ensure that grass does not exceed eight (8) inches in height and that all grass clippings are removed from the lot when the grass is cut.
 - d. Vacant properties must be clear of all vehicles: cars, boats, campers, etc.
 - e. All sidewalks bordering vacant properties must be maintained and be cleared of snow, ice, tripping hazards, obstructions, garbage, litter and debris.
 - f. The owner or owner's agent shall perform regular weekly inspections of the vacant property to ensure compliance with the requirements of this section.
 - g. No unoccupied or vacant building shall contain any space utilized for the storage of any junk, rubble, waste, furniture, building materials,

flammable liquids or any other materials not intended to be used in the existing building.

- h. The boarding up of doors and windows shall not be permitted except with the permission of the Code Enforcement Officer. When allowed, doors and windows shall be boarded up and covered with no less than one-half-inch exterior plywood or equivalent and be painted the same color as the body of the building. In no case shall boarding up of doors and windows be permitted in excess of six months.
- i. Any yard area (front, side and rear) adjacent to an unoccupied or vacant building shall be cleared and maintained free of trash, solid debris or any other materials that cause litter and accumulate to an unhealthy and blighting proportion.
- j. Any yard area of an unoccupied or vacant building shall not be utilized for the storage of any materials unless said materials are being used on site for the renovation, construction, repair or demolition of said building.
- k. If a vacant building is found to be infested with rodents, insects or vermin, the owner shall immediately upon notice undertake an expedient means of extermination of such nuisances. Such extermination shall be certified by an approved exterminator and proof of the same provided to the Code Enforcement Officer.
- l. If there are any doors or appliances in the structure, all such doors shall be locked or removed in order to deny entry to individuals where the potential for physical harm or death may result if said door should close and prevent the individual's escape.
- m. Every foundation, exterior wall and exterior roof shall be weather tight, watertight and rodent proof, shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.
- n. Every yard shall be properly graded so as to prevent the accumulation of stagnant water.
- o. Any unoccupied or vacant building shall have all utilities, including but not limited to gas, electric, water and sewer, turned off and/or disconnected, with sewer service to be sealed at the trap of said property.

- p. The exterior of the premises and condition of accessory structures shall be maintained so that the appearance of the premises and all buildings thereon shall reflect the level of maintenance in keeping with the standards of the neighborhood in such that the appearance of the premises and structures shall not constitute to a blighting factor for adjoining property owners or an element leading to the progressive deterioration and downgrading of the neighborhood with the accompanying diminution of property value.
3. If the owner of the vacant property fails to comply with any provisions of this section, the Borough of South River shall take the necessary steps to bring the property into compliance with this section. All costs incurred by the Borough in connection with its efforts to bring the property into compliance shall be forwarded to the tax collector for inclusion as a municipal lien on the property.

(f) Fees.

1. The initial registration fee for each vacant property shall be five hundred dollars (\$500.00). The fee for subsequent renewals shall be one thousand dollars (\$1,000.00). The renewal fee for the annual registration shall be due on the yearly anniversary of the initial registration. The registration fee will not be prorated or refunded.
2. During the first twelve (12) months following the adoption of this Article III, the registration fees for vacant property owners shall be waived. This waiver of fees shall not eliminate the need to comply with all other provisions of this Article III.

(g) Violations and Penalties.

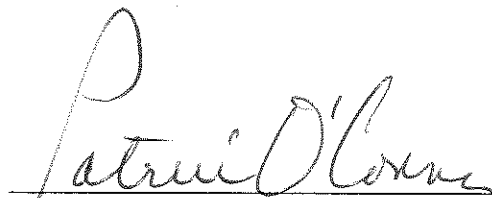
1. Any owner who is not in full compliance with this section or who otherwise violates any provision of this section or of the rules and regulations issued hereunder shall be subject to a fine of not less than \$250 and not more than \$1,000 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this section shall be recoverable from the owner and shall be a lien on the property.
2. For purposes of this section, failure to file a registration statement in time, failure to provide correct information on the registration statement, and/or failure to comply with any other provisions of this Chapter shall be deemed to be a violation hereunder.

SECTION II. The various parts, sections, ~~clauses~~ of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION III. Any ordinances and parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION IV. This Ordinance shall take effect upon final adoption and publication as may be required by law.

Dated: 9/21/17
ATTEST:



PATRICIA O'CONNOR, Registered Municipal Clerk



JOHN M. KRENZEL, MAYOR

CONSTRUCTION OFFICIAL
CODE ENFORCEMENT