

TOWNSHIP OF LUMBERTON

ORDINANCE 2016-06

**AN ORDINANCE REGULATING THE REGISTRATION
AND MAINTENANCE OF VACANT AND
ABANDONED PROPERTIES**

WHEREAS, the Township of the Lumberton, like many municipalities, contains structures which are vacant or abandoned; 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, the State enacted Public Law 2014, c.35 as a means to assist municipalities in abating these health and safety problems by allowing the adoption of local ordinances which require out-of-state creditors to take responsibility for care, maintenance, security and upkeep on vacant and abandoned properties; and

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

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

WHEREAS, the Township is authorized to establish significant fines against creditors and their agents for failure to adhere to the ordinance and its due process requirements.

NOW, THEREFORE BE IT ORDAINED AND ENACTED, by the Township Committee of the Township of Lumberton, County of Burlington, State of New Jersey, that the Township Code is hereby amended and supplemented to create a new Chapter 84, entitled “Abandoned Property Registration and Maintenance” to read as follows:

Abandoned Property Registration and Maintenance

§ 84-1 DEFINITIONS. As used in this section, the following words shall have the following meanings:

OWNER- shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions c. 46:10B-51 (P.L. 2008, c. 127, Sec. 17 as amended by P. L. 2009, c. 296 and P.L. 2012, c.70, and P.L. 2014, c.35), or any other entity determined by the Township to have authority to act with respect to the property.

VACANT PROPERTY- shall mean any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential 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. 55:19-80; provided, however, that any property where all building systems are in working order, where the building and grounds are maintained in good order and 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.

§ 84-2 REGISTRATION REQUIREMENTS.

Effective July 1, 2016, or thirty days after adoption, whichever shall occur sooner, 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 from the municipality, file a registration statement for such vacant property with the Township Code Enforcement Officer on forms provided by the Township for such purposes. The Owner of any property which meets the definition of vacant property at the time of the effectiveness of this Ordinance, shall have thirty days to register the property. Any failure to provide notice by the municipality shall not constitute grounds for failing to register the property. A creditor serving a summons and complaint in an action to foreclose on a mortgage on residential property in the Township shall, within 10 days of serving the summons and complaint, notify the Township Clerk that an action has been filed on a property and contain the contact information and submit to the registration requirements detailed herein.

- 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 email address (if applicable) of a person 21 years or older, designated by the Owner as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such Owner in connection with the enforcement of any applicable code.
- c. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of the firm and the actual name(s) of the firm's 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 shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.
- d. The registration shall remain valid for one year from the date of registration except for the initial registration which shall be valid through December 31 of the year in which it was filed. The Owner shall be required to renew the registration annually as long as the building remains a vacant property and shall pay a registration or renewal fee in the amount prescribed in this ordinance for each vacant property registered.
- e. 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.
- f. The owner shall notify the Clerk within 15 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Clerk for such purpose. The Owner shall have a continuing obligation to maintain true and accurate registration information with the Township.
- g. 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 of the building.

§ 84-3 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 codes upon reasonable notice to the property owner or the designated agent. Such inspections shall be carried out on weekdays during the hours between 9:00 am and 4:00 pm or at such other time as may be mutually agreed upon between the Owner and the Township.

§ 84-4 RESPONSIBLE OWNER OR AGENT.

- a. An Owner who meets the requirements of this section 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 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 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 property under the provisions of this Article shall 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, including, but not limited to, enforcement of this section.

§ 84-5 FEE SCHEDULE.

The annual registration fee for each building shall be two hundred fifty dollars (\$250.00). The payment of the renewal fee shall not abate the outstanding violation.

§ 84-6 REQUIREMENTS OF OWNERS OF VACANT PROPERTY.

In addition to the registration of the property pursuant to this section, the Owner of any building that has become vacant property and any person maintaining or operating or collecting rent for any such building that has become vacant shall within thirty (30) days of the inception of any vacancy:

- (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 and the person responsible for the 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 protected from the weather by plastic covering and be of a size and placed in such a location so as to be visible and legible to a person standing at the front door of the main building, 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 complete; 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.
- (6) Maintain liability insurance on the property in an amount not less than \$500,000 per incident.

§ 84-7 ENFORCEMENT AND VIOLATIONS.

- a. This Article may be enforced by the Zoning Officer, Code Enforcement Officer, Construction Code Official and all sworn law enforcement officers.
- b. Any person who violates any provision of this Article or of the rules and regulations pertaining to the care, maintenance, security or upkeep of the property subject to a fine of \$1,500 for each day of the violation. . 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 constitute a lien on the property. Any fines imposed pursuant to this paragraph shall commence 31 calendar days following receipt of notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.
- c. For purposes of this section, failure to file a registration statement a creditor subject to the registration requirements found by the municipal court of the municipality or by any other court of competent jurisdiction, to be in violation of the requirement to appoint and register an agent shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on a creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10 day period set forth in N.J.S.A. 46:10B-51 and this ordinance for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served.
- d. Not less than 20 percent of any money collected pursuant to this Ordinance shall be utilized by the Township for municipal code enforcement purposes.

REPEALER, SEVERABILITY AND EFFECTIVE DATE.

Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares their intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

LUMBERTON TOWNSHIP COMMITTEE

ACTION ON INTRODUCTION: April 26, 2016

Motion made by: Committeeman Jackson

Motion seconded by: Committeeman Conway

VOTE:

Committeeman Conway:	<u>Yes</u>	No	Abstain	Not Present
Committeeman Dinneen:	<u>Yes</u>	No	Abstain	Not Present
Committeeman Jackson:	<u>Yes</u>	No	Abstain	Not Present
Committeeman Mansdoerfer:	<u>Yes</u>	No	Abstain	Not Present
Mayor Earlen:	<u>Yes</u>	No	Abstain	Not Present


ACTION ON ADOPTION (after public hearing) May 10, 2016

Motion made by: Committee member Conway
Motion seconded by: Deputy Mayor Dinneen

VOTE:

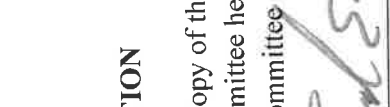
Committee member Conway:	<u>Yes</u>	No	Abstain	Not Present
Committee member Dinneen:	<u>Yes</u>	No	Abstain	Not Present
Committee member Jackson:	<u>Yes</u>	No	Abstain	Not Present
Committee member Mansdoerfer:	<u>Yes</u>	No	Abstain	Not Present
Mayor Earlen:	<u>Yes</u>	No	Abstain	<u>Not Present</u>


Sean Earlen, Mayor

Attest: 
Brandon E. Umba
Township Administrator/Acting Municipal Clerk

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true copy of the ordinance that was introduced after first reading at a meeting of the Lumberton Township Committee held on April 26, 2016 and adopted after a public hearing at a meeting of the Lumberton Township Committee held on May 10, 2016.


Brandon E. Umba
Township Administrator/Acting Municipal Clerk

Introduced: April 26, 2016
Published: April 28, 2016
Adopted: May 10, 2016
Published: May 13, 2016