

Ord.#30-2018 An Ordinance of the Township of Mount Olive, County of Morris, State of New Jersey, Amending Chapter 302, Property Maintenance, of the Township Code to Add Article III Entitled, "Vacant and Abandoned Properties".

CLERK:

Delivered to Mayor:

Date: 11/21/2018

Time: 10:00am

Signed: _____

Township Clerk
Michelle Masser

MAYOR:

Action by Mayor:

Approved: ☒

Date: 11/21/18

Vetoed: ☐

Date: _____

(Reasons for which Mayor has withheld approval of Ordinance, item or part Thereof.)

Signed: _____

Mayor

CLERK:

Returned: 11/21/18

Date: _____

Not returned with in (10) days

Time: 10:20

Date: _____

Signed: _____

Township Clerk

ORD.#30-2018

AN ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 302, PROPERTY MAINTENANCE, OF THE TOWNSHIP CODE TO ADD ARTICLE III ENTITLED, "VACANT AND ABANDONED PROPERTIES"

WHEREAS, the Administration finds that vacant and abandoned properties can lead to neighborhood decline and become attractive nuisances, causing the Township to incur significant and disproportionate costs in the form of staff time for code enforcement actions seeking to maintain and ensure the acceptable condition of these properties; and

WHEREAS, the Administration also finds that such properties attract crime, monopolize police and fire resources, depreciate property values, reduce property tax revenue, and degrade the quality of life for residents, while providing minimal rateables for the Township; and

WHEREAS, a National Vacant Properties Campaign study in Virginia concluded that of all the economic and demographic variables tested, vacant and abandoned properties had the highest correlation of incidents of crime, and that such properties are an increasing expense to a municipality with every year a property remains vacant or abandoned as such properties produce minimal tax rateables and require significant time, attention and funds from departments for nuisance abatement, crime, fire prevention and an overall decrease in neighboring property values; and

WHEREAS, Township taxpayers who properly maintain their homes and properties should not be forced to subsidize vacant or abandoned properties and, accordingly, a registration fee should be assessed to cover such costs; and

WHEREAS, the Mayor and Council of the Township of Mount Olive have determined that it is necessary to take steps to monitor such properties and protect Township residents.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Mount Olive, in the County of Morris and State of New Jersey, as follows:

SECTION 1. Chapter 302, Property Maintenance, of the Code of the Township of Mount Olive is hereby amended to add Article III entitled "Vacant and Abandoned Properties," providing as follows:

§ 302-45. Definitions.

As used in this section, the following terms shall have the meanings indicated:

ABANDONED PROPERTY

As defined in accordance with the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., shall mean the following:

(1) Except as provided in N.J.S.A. 55:19-83, any property that has not been legally occupied for a period of six months and which meets any one of the following additional criteria as noted in N.J.S.A. 55:19-81 may be deemed to be an abandoned property upon a determination by the Construction Code Official, Zoning Officer, or Health Officer that:

- (a) The property is in need of rehabilitation in the reasonable judgment of the Construction Code Official, Zoning Officer, , or Health 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 Construction Code Official, Zoning Officer, or Health Officer pursuant to this section;
- (c) At least one installment of property tax remains unpaid and delinquent on that property in accordance with N.J.S.A. 54:4-1 et seq. as of the date of a determination by the Construction Code Official, Zoning Officer, or Health Officer pursuant to this section; or
- (d) The property has been determined to be a nuisance by the Construction Code Official, Zoning Officer, or Health Officer in accordance with N.J.S.A. 55:19-82.

(2) A property which contains both residential and non-residential space may be considered abandoned pursuant to N.J.S.A. 55:19-78 et seq. so long as two-thirds or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six months at the time of the determination of abandonment by the Construction Code Official, Zoning Officer, or Health Officer and the property meets the criteria of either (1)(a) or (1)(d) of this definition.

(3) Property determined 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 abandoned property for the purposes of this section.

NUISANCE PROPERTY

As defined in accordance with the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., shall mean the following:

- (1) The property has been found to be unfit for human habitation, occupancy or use pursuant to section 1 of P.L.1942, c. 112 (C.40:48-2.3);
- (2) The condition of the property materially increases the risk of fire to the property and adjacent properties;
- (3) The property is subject to unauthorized entry leading to potential health and safety hazards; the owner has failed to take reasonable and necessary measures to secure the property; or the municipality has secured the property in order to prevent such hazards after the owner has failed to do so;
- (4) The presence of vermin or the accumulation of debris, uncut vegetation or physical deterioration of the structure or grounds have created potential health and safety hazards and the owner has failed to take reasonable and necessary measures to remove the hazards; or
- (5) The dilapidated appearance or other condition of the property materially affects the welfare, including the economic welfare, of the residents of the area in close proximity to the property, and the owner has failed to take reasonable and necessary measures to remedy the conditions.
- (6) A public officer who shall be the Construction Code Official, Zoning Officer, or Health Officer who determines a property to be a nuisance pursuant to subsections b. through e. of this section shall follow the notification procedures set forth in P.L.1942, c. 112 (C.40:48-2.3 et seq.).

OWNER

In addition to all entities as defined under § 302-28, an 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 of N.J.S.A. 46:10B-51 or any other entity determined by the Township to act with respect to the property.

VACANT PROPERTY

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 for a period of at least three (3) months, and any commercial property that has not been legally occupied or at which substantially all lawful construction operations have ceased for a period of at least three (3) months, and which exhibits evidence of vacancy such that a

reasonable person would believe that the property is vacant. Any property that contains all building systems in working order, is being maintained on a regular basis, has not been cited by the Township for any violation of municipal ordinance within such time and is being actively marketed by its owner for sale or rental shall not be deemed vacant.

§ 302-46. Ordinance not applicable to properties which meet the criteria pursuant to N.J.S.A., 55:19-83, Property deemed not abandoned; criteria; certification of abandonment provided upon request

Pursuant to N.J.S.A 5:19-83, a property will not be deemed vacant or abandoned, and not placed on an abandoned property list if:

- a. If an entity other than the municipality has purchased or taken assignment from the municipality of a tax sale certificate on a property that has not been legally occupied for a period of six months, that property shall not be placed on the abandoned property list pursuant to section 36 of P.L.1996, c.62 (C.55:19-55) if (1) the owner of the certificate has continued to pay all municipal taxes and liens on the property in the tax year when due; and (2) the owner of the certificate takes action to initiate foreclosure proceedings within six months after the property is eligible for foreclosure pursuant to either subsection a. or subsection b. of R.S.54:5-86, as appropriate, and diligently pursues foreclosure proceedings in a timely fashion thereafter.
- b. A property which is used on a seasonal basis shall be deemed to be abandoned only if the property meets any two of the additional criteria set forth in section 4 of P.L.2003, c.210 (C.55:19-81).
- c. A determination that a property is abandoned property under the provisions of P.L.2003, c. 210 (C.55:19-78 et al.) shall not constitute a finding that the use of the property has been abandoned for purposes of municipal zoning or land use regulation.
- d. Upon the request of a purchaser or assignee of a tax sale certificate seeking to bar the right of redemption on an abandoned property pursuant to subsection b. of R.S.54:5-86, the public officer or the tax collector shall, in a timely fashion, provide the requester with a certification that the property fulfills the definition of abandoned according to the criteria set forth in sections 4 and 5 of P.L.2003, c.210 (C.55:19-81 and C.55:19-82).

§ 302-47. General requirements.

- (1) The owner of any vacant property herein shall, within 30 days after the building becomes vacant or within 30 days after assuming ownership of the property, whichever is later, file a registration statement for each such vacant property with the Township on forms provided by the Township for such purposes. The

registration shall remain valid until the end of the calendar year. The owner shall be required to renew the registration annually, no later than January 31, as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed in § 302-48 of this Article for each property registered. The initial and renewal fees shall be prorated and or credited accordingly upon legal occupancy.

(2) Any owner of any building that meets the definition of “vacant property” or “abandoned property” prior to adoption date, shall file a registration statement for that property on or before adoption date plus 60 days. The registration statement shall include the information required under § 302-47 of this Article, as well as any additional information that the Construction Code Official, Zoning Officer, or Health Officer may reasonably require.

(3) The owner shall notify the Township within 30 days of any change in the registration information by filing an amended registration statement on a form provided by the Township for such purpose.

(4) The registration statement shall be deemed prima facie proof of the statement therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township against the owner or owners of the building.

§ 302-48. Registration statement requirements; property inspection.

(1) After filing a registration statement or a renewal of a registration statement, the owner of any vacant or abandoned property shall provide access to the Construction Code Official, Zoning Officer, or Health Officer if requested, following reasonable notice, during the period covered by the initial registration or any subsequent renewal. If an inspection is required of the interior of the property due to complaints or other cause, the fee for such inspection shall be the same as that for a Continued Certificate of Occupancy inspection as provided in the applicable provisions of the Township Code.

(2) The registration statement shall include the name, street address, and telephone number of a natural person 21 years of age 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 proceeding, on behalf of such owner or owners in connection with the enforcement of any applicable code. The designated agent must have a contact number that will be available 24 hours per day on an emergency basis. The statement shall also include the name of the person responsible for maintaining and securing the property, if different from the designated agent.

(3) An owner who is a natural person and who meets the requirements of this section as to availability with a contact number on a twenty-four-hour emergency basis may designate himself or herself as agent.

(4) 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 or abandoned 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 purpose of this section until the owner notifies the Township of a change of the authorized agent, or until the owner files a new annual registration statement. The designation of an authorized agent in no way releases the owner from any requirement of this section.

§ 302-49. Fee schedule.

The initial registration fee for each building shall be \$250. The fee for the first renewal is \$500. The fee for any subsequent renewal is \$1,000. After five years, the registration fee shall be \$5,000. Initial fee shall be prorated according to the month of registration and renewal fees shall be credited when a property becomes legally occupied during a renewal period.

Vacant and Abandoned Property Registration Fee Schedule

Registration	Fee
Initial registration	\$250
First renewal	\$500
Any subsequent renewal up to five years	\$1,000
After five years	\$5,000

§ 302-50. Requirements for owners of vacant and abandoned property.

The owner of any building, that has become vacant and abandoned property, and any person maintaining, operating or collecting rent for any such building that has become vacant and/or abandoned, shall, immediately:

(1) With the exception of vacant or abandoned single family dwellings, post a sign, affixed to the inside of 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 § 302-47 of this Article), 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 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 15 inches by 17 inches; and

(2) Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Township Code and maintain the sign required by this Section until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete; and

(3) Make provision for the maintenance of the lawn and yard, including regular grass cutting as required by the applicable provisions of the Township Code; and

(4) Make provision for the cessation of the delivery of mail, newspapers and circulars to the property, including having the property listed on the exclusion list maintained by the Township for the delivery of circulars and advertisements to the property; and

(5) Make provision for the winterizing of the property by the cessation of water service to the property and the draining of water lines; other than buildings with a fire sprinkler system, and

(6) Make provision for the cessation of electric or gas utility services to the property; other than buildings with a fire sprinkler system, and

(7) Make provision for the regular maintenance of the exterior of the property.

§ 302-51. Administration.

(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 \$500 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, failure to comply with the provisions of § 302-49 of this Article, or such other matters as may be established by the rules and regulations of the Township shall be deemed to be a violation of this section.

§ 302-52. Compliance with other provisions.

Nothing in this section is intended to nor shall be read to conflict or prevent the Township from taking action against buildings found to be unfit for human habitation or unsafe structures as provided in applicable provisions of the Code of the Township and/or the Uniform Construction Code. Further, any action taken under any such code provision other than the demolition of a structure shall not relieve an owner from its obligations under this section.

SECTION 2. This Ordinance may be renumbered for purposes of codification.

SECTION 3. All ordinances or parts of ordinances of the Township of Mount Olive that are inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

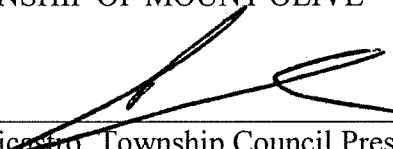
SECTION 5. This Ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

Introduced: 10/30/2018

Adopted: 11/20/2018

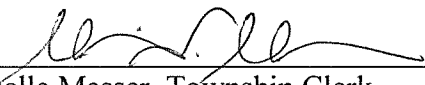
Effective Date: 12/14/2018

TOWNSHIP OF MOUNT OLIVE



Joe Nicastro, Township Council President

ATTEST: 11/20/2018



Michelle Masser, Township Clerk