

TOWNSHIP OF MAURICE RIVER

ORDINANCE NO. 651

**AN ORDINANCE OF THE TOWNSHIP OF MAURICE RIVER,
CUMBERLAND COUNTY, GOVERNING THE MAINTENANCE
OF ABANDONED PROPERTY, ESTABLISHING
REQUIREMENTS FOR REGISTRATION AND
REQUIRING A REGISTRATION FEE ON OWNERS OF
ABANDONED PROPERTIES**

WHEREAS, the Township of Maurice River, in the County of Cumberland, in the State of New Jersey, (hereafter referred to as "Township") contains numerous structures that are abandoned; and

WHEREAS, in many cases the owners or other responsible parties of these structures have neglected them, are not maintaining or securing said properties to an adequate standard, or have not restored them to productive use; and

WHEREAS, abandoned structures pose a risk to 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 risk; and

WHEREAS, the Township of Maurice River incurs disproportionate costs as compared to occupied structures in order to resolve the problems of abandoned structures, including but not limited to fire calls and property inspections; and

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

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

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, THAT THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MAURICE TOWNSHIP, COUNTY OF CUMBERLAND, STATE OF NEW JERSEY, DOES HEREBY ENACT THIS ORDINANCE AS FOLLOWS:

DEFINITIONS

- A. "OWNER" shall include the title holder, any agent of the title holder having authority to act with respect to an abandoned property, any foreclosing entity subject to the provisions of C.46:10B-51(P.L. 2008, c.127, Sec. 17), or any other entity having a legal interest or right or authority to act with respect to the property.
- B. "ABANDONED PROPERTY" shall be defined as follows:
 - 1. Any property, either residential or commercial that has not been legally occupied for a period of six

(6) months and which meets any one of the following additional criteria:

1. The property is in need of rehabilitation in the reasonable judgment of the construction official and no rehabilitation has taken place during that six-month period;
2. 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 official;
3. At least one installment of property tax remains unpaid and delinquent on the property in accordance with chapter 4 of Title 54 of the Revised Statutes of New Jersey as of the date of a determination by the construction official; or
4. The property has been determined to be a nuisance by the construction official in accordance with section 5 of P.L. 2003, c.210 (C.55:19-82)

C. Notwithstanding the above definition of "abandoned property", a property with active electrical service shall not be considered abandoned. Additionally, any property which is maintained to at least the standards set forth in Maurice River Township's Maintenance Ordinance shall not be considered as an abandoned property.

D. A property which contains both residential and non-residential space may be considered abandoned so long as two-thirds or more of the total net square footage of the building was previously 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 official and the property meets the criteria of either subsection 1 or subsection 4 above.

E. "NUISANCE PROPERTY" A property may be determined to be a nuisance by the construction official or zoning officer if:

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 and vacancy 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.

A public 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.)

GENERAL REQUIREMENTS:

a) Effective January 1, 2017, the owner of any abandoned property as defined herein shall within 30 days after the building becomes abandoned property or within 15 days after assuming ownership of the abandoned property, whichever is later, file a registration form for each such abandoned property with the Municipal Clerk on forms provided by the Municipal Clerk for such purposes. The registration shall remain valid for the calendar year January 1 through December 31 of each year. The owner shall be required to renew the registration annually as long as the building remains abandoned property and the owner shall pay a registration or renewal fee.

b) Any owner of any building that meets the definition of abandoned property as of January 1, 2017 shall file a registration form for the property on or before January 31, 2017 and by January 31 of each year thereafter. The registration form shall include such information as set forth on the prescribed Registration form.

c) The owner shall notify the Municipal Clerk within 30 days of any change in the registration information by filing an amended registration form on a prescribed form provided by the Clerk for such purpose.

d) The registration form 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.

REGISTRATION FORM REQUIREMENTS, PROPERTY INSPECTION

After filing a registration form or a renewal of a registration form, the owner of any abandoned property shall provide access to the Township to conduct an exterior or interior inspection of the building to determine compliance with the municipal code, following reasonable notice, during the period covered by the initial registration or any subsequent renewal.

a) The registration form 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 of any applicable code. This person must maintain an office in the state of New Jersey or reside within the state of New Jersey. The statement shall also include the name of the person responsible for maintaining and securing the property, if different.

b) An owner who is a natural person and who meets the requirements of this ordinance as to location of residence or office may designate him or herself as agent.

c) 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 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 his 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 Municipal Clerk of a change of authorized agent and in no way releases the owner from any requirement of this ordinance.

FEE SCHEDULE

The initial registration fee for each property shall be \$500.00 for one (1) year. Said fee shall be prorated for the initial year of registration. All annual registration for abandoned properties together with the appropriate fee shall be due and payable by January 31 of each year. All fees will be processed through the Municipal Clerk's Office. The fee for the first annual renewal is \$1,000.00 and the fee for the second annual renewal is \$2,000.00. The fee for any subsequent annual renewal beyond the second renewal is \$3,000.00.

REQUIREMENTS FOR OWNERS OF ABANDONED PROPERTY

The owner of any building that has become an abandoned property, and any person maintaining, operating or collecting rent for any such buildings that becomes abandoned shall, within 30 days:

a) Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the code of the Township of Maurice River, or as set forth in any applicable rules and regulations; and

b) Post a sign affixed to the building indicating the name, the address and the telephone number of the owner, the owner's authorized agent for the purpose of service of process (if designated pursuant to Registration Form Requirements; Property Inspection.) and the person responsible for day-to-day supervision and management of the building, if such person is different from the owner holding the 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 nearest, but shall be no smaller than 18"X24", and

c) Secure the building from unauthorized entry and maintain the sign until the building is legally occupied or demolished or until repair or rehabilitation of the building is complete.

ADMINISTRATION

The Municipal Clerk and the Code Enforcement Officer shall be responsible for the administration of the provisions of this ordinance.

VIOLATIONS AND PENALTIES

a. Any owner who is not in full compliance with this ordinance or who otherwise violates any provision of this ordinance or of the rules and regulations issued hereunder shall be subject to a fine of not less than \$100.00 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 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 form in time, failure to provide correct information on the registration form, failure to comply with the provisions under the Requirements for Owners of Abandoned Property, shall be deemed to be violations of this ordinance.

Nothing in this Ordinance is intended to conflict with or prevent the Township from taking action against buildings found to be unfit for human habitations or unsafe structures as provided in applicable provisions of the Code of the Township of Maurice River. Further, any action taken under any such code provision other than the demolition of a structure shall not relieve the owner from its obligations under this ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Township Committee of the Township of Maurice River, County of Cumberland, State of New Jersey, does hereby enact this ordinance as follows:

This Ordinance authorizes the Township to govern the maintenance of abandoned properties in the Township of Maurice River, establishes registration requirements and levies a registration fee on owners of abandoned properties.

BE IT FURTHER ORDAINED AND ENACTED by the Township Committee of the Township of Maurice River, County of Cumberland and State of New Jersey, this Ordinance shall take affect immediately upon the adoption and publication of notice of adoption as prescribed by law.

ATTEST:

K. Louann Karrer,
Deputy Clerk

PATRICIA GROSS, MAYOR

J. ROY OLIVER, DEPUTY MAYOR

KEN WHILDIN, COMMITTEEPERSON

First Reading: April 20, 2017 (Amendment)
Publication: April 26, 2017 & May 3, 2017 (By Summary)
Public Hearing: May 18, 2017
Adoption: May 18, 2017
Publication of
Notice of Adoption: May 24, 2017