

TOWNSHIP OF MAPLEWOOD



ORDINANCE

2891-18

**AN ORDINANCE
TO REQUIRE THE REGISTRATION
OF VACANT RESIDENTIAL PROPERTIES
WITHIN THE TOWNSHIP OF MAPLEWOOD**

"Interpretive Statement"

This ordinance will require any vacant residential properties within the Township of Maplewood to be registered with the Maplewood Building Department.

WHEREAS, the Code Enforcement Committee of the Township of Maplewood (ATownship@) has recommended the adoption of an ordinance dealing with abandoned and vacant residential properties; and

WHEREAS, vacant and abandoned residential properties create an unsightly and potentially dangerous situation within Township; and

WHEREAS, the registration of abandoned and vacant residential properties will provide the Building Department with needed information concerning the ownership and condition of the vacant and abandoned residential properties.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey that:

FIRST: Definitions.

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

OWNER - Includes 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 Public Law 2008, c. 127, Section 17 (N.J.S.A. 46:10B-51), any debtor in possession of the property, or any other entity determined by the Township to have authority 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, and which is in such condition that it cannot legally be reoccupied 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. 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 vacant property for the purposes of this article. Each block and lot shall be a separate property.

Registration required; period of validity; general regulations.

- A. The owner of any vacant property as defined herein shall, within 30 days after the building becomes vacant property or within 30 days after assuming ownership of the vacant property, or within 10 calendar days after receipt of notice from the Township, whichever is later, file a registration statement for each such vacant property with the Building Department on forms provided by the Township for such purposes. The registration shall remain valid for six months from the date of registration. The owner shall be required to renew the registration every six months as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed herein for each vacant property registered. Upon a change of ownership, a new registration statement must be filed within 30 days of closing.
- B. Any owner of any building that meets the definition of "vacant property" prior to the effective date of this article shall file a registration statement for that property on or before the effective date of this article. The registration statement shall include the information required in this article, as well as any additional information that the Building Department may reasonably require.
- C. The owner shall notify the Building Department within 10 days of any change in the registration information by filing an amended registration statement on a form provided by the Building Department for such purposes.
- D. 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.

Registration statement requirements; property inspection.

After filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide access to the Township to conduct an exterior and 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 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. 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 article as to location of residence or office may designate himself 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 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 Building Department of a change of 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 article.

Registration fees.

The fees for initial registration and renewals are:

- A. Initial registration: \$500.
- B. First renewal: \$1,500.
- C. Second renewal: \$3,000.
- D. Subsequent renewals: \$5,000.

Requirements for owners of vacant property.

The owner of any vacant property, and any person maintaining, operating or collecting rent for any vacant property, shall, within 30 days:

- A. Enclose and secure the premises against unauthorized entry as provided in the applicable provisions of the municipal code.
- B. Post a sign affixed to the premises 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 premises, if such person is different from the owner holding title or the 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 18 inches by 24 inches; and
- C. Maintenance.

Maintain the vacant property for the entire period of vacancy in accordance with all applicable local and state property maintenance codes or ordinances, building codes, health codes and fire codes pertaining to the exterior condition and appearance of the building, the safety and structural integrity of the building, the outdoor portion of the property, the condition and safety of accessory structures on the property, and any conditions on the property which constitute a hazard or adversely affect the health and safety of persons who may have contact with the vacant property.

- (1) Promptly repair all broken windows, doors and other openings and unsafe conditions. Boarding up of open and broken windows and doors is prohibited, except as a temporary measure for no longer than 45 consecutive days, which period may be extended at the discretion of the Fire Official. Boards or coverings must be installed and painted in accordance with Township specifications.
- (2). Provide access to the vacant property promptly upon reasonable notice, to permit municipal employees, or inspectors acting on behalf of the Township, to conduct exterior and interior inspections to determine compliance with municipal and other applicable codes. Owners of vacant properties are deemed to consent to immediate access to the vacant property in order to inspect and/or correct any conditions that create a danger to the public health, safety and welfare.

Administration.

The Building Department may issue rules and regulations for the administration of the provisions of this article.

Violations and penalties.

Any owner who is not in full compliance with this article or who otherwise violates any provision of this article or of the rules and regulations issued hereunder shall be subject to a fine as follows:

First Offense	\$ 500.00
Second Offense	\$1,000.00
Third and Subsequent offense	\$1,500.00

Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this article 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 in accordance with above, failure to provide correct information on the registration statement, or failure to comply with any provisions of this article shall be deemed to be violations of this article.

Effect on other laws; interpretation of provisions.

Nothing in this article is intended to or 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 of Maplewood, or imposing a lien for costs on any property to the full extent permitted by law. Further, any action taken under any such code provision other than the demolition of a structure shall relieve an owner from its obligations under this article.

SECOND: Severability

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

THIRD: Repeal of Prior Ordinances

Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any such inconsistencies.

FOURTH: Effective Date

This Ordinance shall take effect after final passage and publication and as provided by law.

PUBLIC NOTICE is hereby given that the foregoing proposed Ordinance was introduced introduced and read by title at a meeting of the Township Committee of the Township of Maplewood, held on February 6, 2018, and that the Township Committee met again on February 20, 2018, at the Municipal Building, 574 Valley Street, Maplewood, New Jersey, at which time and

and place the Township Committee held a hearing and proceeded to consider the said Ordinance on
on final reading and final passage.

ELIZABETH J. FRITZEN, R.M.C.
Township Clerk