

**COUNTY OF BURLINGTON
TOWNSHIP OF NORTH HANOVER
ORDINANCE 2017- 09**

**AN ORDINANCE OF THE TOWNSHIP OF NORTH HANOVER, BURLINGTON COUNTY
AMENDING THE CODE OF THE TOWNSHIP OF NORTH HANOVER BY ADDING NEW
SECTION ENTITLED “MAINTENANCE OF VACANT PROPERTIES IN THE TOWNSHIP
AND ESTABLISHING REGISTRATION FEES FOR VACANT PROPERTIES”**

WHEREAS, the Township of North Hanover (the “Township”) contains structures which are vacant in whole or large part; 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 maintenance; and

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

WHEREAS, it is in the public interest of the Township to impose a fee in conjunction with registration of vacant and abandoned structures to offset costs incurred by the presence of these structures.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of North Hanover in the County of Burlington, State of New Jersey that the Township Code of North Hanover be and is hereby amended as follows:

Section 1. Maintenance of Vacant Properties in the Township and Establishing Registration Fees for Vacant Properties.

(1) For purposes of this Ordinance, the following terms are defined as set forth herein:

MUNICIPAL OFFICER – shall mean the person who shall be designated by the Township Committee as the Municipal Officer as described in this ordinance.

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 C.46:10B-51 (P.L. 2008, c. 127, Sec. 17 as amended by P.L. 2009, c. 296), 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, 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, or where the building is in habitable condition, and where the building is being actively marketed in good faith and using best efforts by its owner for sale or rental, shall not be deemed a vacant property for purposes of this ordinance. Actively marketing the property for sale or rental shall require efforts beyond the placing of a sign in or on the property advertising that the property is for sale or rent.

(2) a. As of the effective date of this ordinance, 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 by the municipality, file a registration statement for such vacant property with the municipal officer on forms provided by the Township for such purposes. Failure to receive notice by the municipality shall not constitute grounds for failing to register the property.

b. Each property having a separate block and lot number as designated in official records of the municipality shall be registered separately.

c. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of a 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; and 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 say, 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. 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. The owner must renew the registration annually by January 1st of each year.

e. The owner shall notify the municipal officer within 30 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the municipal officer for such purpose.

f. 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.

(3) The owner of any vacant property registered under this ordinance 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.

a. An owner who meets the requirements of this ordinance with respect to the location of his/her residence or workplace in the State of New Jersey may designate himself/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 purpose 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 further 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 with 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.

(4) a. The registration and annual renewal fee for each building shall be as follows:

Vacant Property Registration Fee Schedule

Initial Registration	\$500.00
First Renewal	\$1,500.00
Second Renewal	\$3,000.00
Subsequent Renewal	\$5,000.00

b. At least 20% of all fee income resulting from the application of this ordinance shall be used for the sole purpose of carrying out municipal activities with respect to vacant and distressed properties, including, but not limited to, code enforcement, abatement of nuisance conditions, stabilization, rehabilitation, and other activities designed to minimize blight and further productive reuse of properties.

(5) 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 30 days thereof:

a. Enclose and secure the building to the satisfaction of the Municipal Officer 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

b. Post a sign affixed to the building indicating the name, address and telephone number of the owner or the owner's authorized agent, for the purpose of service of process, 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 no smaller than 18" x 24"

and shall include the words “To report problems with this building, call...”, and placed in such a location, so as to be legible from the nearest public street or sidewalk, whichever is nearer; and

c. Secure the building to the satisfaction of the Municipal Officer 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

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

e. 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

f. 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 of North Hanover for the delivery of circulars and advertisements to the property; and

g. Make provision for the maintenance of the lawn and yard, including regular grass cutting as required by the applicable provisions of the Code of the Township of North Hanover; and

h. 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 debris, loose litter, and grass and weed growth; and

i. Continue to maintain the structure in a secure and closed condition to the satisfaction of the Municipal Officer, 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) Violations.

a. Any person who violates any provision of this article shall be fined not less than \$500.00 and not more than \$1,000.00 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 statement within 30 calendar days after a building becomes vacant property or within 30 calendar days after assuming ownership of a vacant property, whichever is later; or within 10 calendar days of receipt of notice by the municipality, and failure to provide correct information on the registration statement, failure to comply with the provisions of Sections 2 through 6 of this ordinance, or such other provisions contained herein shall be deemed to be violations of this ordinance.

Section 2. All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflict.

Section 3. If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not effect the remaining provisions of this ordinance. The governing body of the Township of North Hanover declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 4. The ordinance shall take effect immediately upon passage and publication according to law.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Deputy Mayor DeBaecke		X	X			
Committeeman Doyle			X			
Committeeman Kocubinski			X			
Committeeman O'Donnell	X		X			
Mayor DeLorenzo			X			

NOTICE

This Ordinance published herewith was introduced and passed upon first reading at the regular meeting of the Township Committee of the Township of North Hanover held on July 20, 2017. It will be further considered for final passage after a public hearing to be held on August 3, 2017 at the Municipal Building, 41 Schoolhouse Road, Jacobstown, NJ at 7:00 p.m. or as soon thereafter as the matter may be heard, at which time and place any persons desire to be heard upon the same will be given an opportunity to be heard. Copies are available free of charge at the Municipal Clerk's Office prior to the public hearing.

Mary Picariello, RMC/CMR/CTC
Township Clerk

NOTICE

The ordinance read by title upon second reading herewith has been adopted at the meeting of the Mayor and Township Committee of North Hanover Township, held on August 3, 2017 and the 20 day period of limitation within which a suit, action or validity of such ordinance can be commenced, has begun to run from the date of the publication of this notice.

Mary Picariello, RMC/CMR/CTC
Township Clerk

Vote to Adopt Ordinance 2017-09:

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Deputy Mayor DeBaecke	X		X			
Committeeman Doyle						X
Committeeman Kocubinski		X	X			
Committeeman O'Donnell			X			

Mayor DeLorenzo			X			
-----------------	--	--	---	--	--	--