

**TOWNSHIP OF WATERFORD
COUNTY OF CAMDEN
STATE OF NEW JERSEY**

ORDINANCE # 2015-18

**AN ORDINANCE OF THE TOWNSHIP OF WATERFORD GOVERNING THE
MAINTENANCE OF VACANT AND ABANDONED PROPERTIES,
ESTABLISHING REGISTRATION REQUIREMENTS AND LEVYING A
REGISTRATION FEE ON OWNERS OF VACANT PROPERTIES**

WHEREAS, the Township of Waterford (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 structures to productive use; and

WHEREAS, many of these structures are in violation of state and local housing and property maintenance codes; 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 of Waterford 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, it is in the public interest to establish minimum standards of accountability for 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 of Waterford; and

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

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Committee of the Township of Waterford, County of Camden, State of New Jersey as follows:

SECTION 1. MAINTENANCE OF VACANT / ABANDONED PROPERTIES

1.1 DEFINITIONS.

“MUNICIPAL OFFICER” shall mean the Township Code Enforcement Officer or such official that may be designated to act for the Code Enforcement Officer.

“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 that has filed a notice with the municipal clerk pursuant to the provisions 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” 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 or 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.

1.2 REGISTRATION REQUIREMENTS.

Effective December 15, 2015, 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 Clerk on forms provided by the Township for such purposes. Any failure to provide notice by the municipality shall not constitute grounds for failing to register the property.

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 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.

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 Section 1.5 of 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 Township Clerk within 30 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Township Clerk for such purpose.

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 or owners of the building.

h. Any owner of vacant property who plans to restore the property to productive use and occupancy during the twelve month period following the date of the initial registration of the property shall file a detailed statement and shall be exempt from payment of the registration fee, but shall comply with all other provisions of this Ordinance. In the event that the property has not been restored to productive use and occupancy at the end of the twelve month period, the owner shall be liable for any fee waived. The municipal officer may extend the waiver of the registration fee for not more than one additional year in response to a written request by the property owner where the municipal officer finds that compelling conditions outside the owner's control made it impossible for the owner to restore the property within the initial twelve month period.

i. Where the owner is an entity experienced in rehabilitation or redevelopment of vacant properties, and where the property subject to this Ordinance is being held for a project of rehabilitation or redevelopment consistent with municipal plans and ordinances, and where by virtue of financing, market or other conditions that project may require more than one year for realization, the municipal officer may extend the waiver of the registration fee on an annual basis without limitation upon written request by the owner as long as the municipal officer finds that the owner is making reasonable progress toward completion of the project. The owner shall provide municipal officer with such documentation, which may include plans, financing applications, applications for land use approval or other evidence of progress.

1.3 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.

1.4 RESPONSIBLE OWNER OR AGENT.

a. An owner who meets the requirements of this Article 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.

1.5 FEE SCHEDULE.

The initial registration fee for each building shall be five-hundred dollars (\$500.00). The fee for the first renewal is one-thousand-five hundred dollars (\$1,500.00), and the fee for the second renewal is three -thousand dollars (\$3,000.00). The fee for any subsequent renewal beyond the second renewal is five-thousand dollars (\$5,000.00).

Vacant Property Registration Fee Schedule

Initial Registration \$ 500.00

First Renewal \$1,500.00

Second renewal \$3,000.00

Subsequent renewal \$5,000.00

At least 80 percent of the fee income shall be used to carry out the purpose of this Ordinance with respect to vacant properties including, but not limited to, code enforcement, abatement of nuisance conditions and other activities related to rehabilitation and enforcement.

1.6 REQUIREMENTS OF OWNERS OF VACANT PROPERTY

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 for the purpose of service of process (if designated pursuant to subsection 1.2(b) 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 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) The owner of any vacant property shall acquire or otherwise maintain liability insurance, in an amount of not less than \$100,000.00 for buildings designed primarily for one to four unit residential use and not less than \$500,000.00 for any other buildings, including, but not limited to, buildings designed for multifamily, manufacturing, storage or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building. Any insurance policy acquired or renewed after the building has become vacant shall provide for written notice to the municipal officer within 30 days of any lapse, cancellation or change in coverage. The owner shall attach evidence of the insurance to the owner's registration statement. Any registration statement submitted that does not include such evidence shall not be deemed to be valid.

1.7 VIOLATIONS.

- a. Any person who violates any provision of this Article or of the rules and regulations issued hereunder 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 constitute 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, or failure to comply with the provisions of such provisions contained herein shall be deemed to be violations of this ordinance.

SECTION 2.

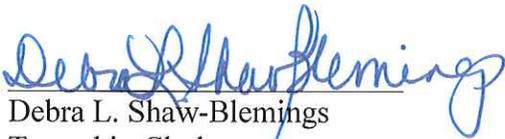
Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

SECTION 3.

All ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only. This ordinance shall take effect twenty (20) days after passage and publication, as required by law.

SECTION 4.

This Ordinance shall take after its adoption and publication as may be required by law.

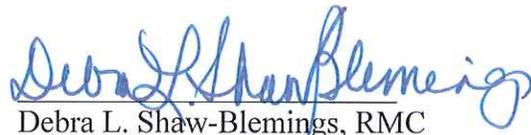

Debra L. Shaw-Blemings
Township Clerk


William A. Richardson, Jr.
Mayor

Introduced: October 14, 2015
Hearing: October 28, 2015
Adopted: October 28, 2015

Certified to be a true copy of an Ordinance adopted by the Mayor and Township Committee of the Township of Waterford at a regular meeting held on October 28, 2015.

Date:


Debra L. Shaw-Blemings, RMC
Township Clerk