

ORDINANCE NO. 2014:09

**AN ORDINANCE PROVIDING FOR VACANT/ABANDONED PROPERTIES IN THE TOWNSHIP OF PENNSAUKEN**

**WHEREAS**, THE Township of Pennsauken (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

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

**VACANT PROPERTY REGISTRATION**

This Ordinance authorizes the Township of Pennsauken to govern the maintenance of vacant property in the Township of Pennsauken, establishing registration requirements and levying a registration fee on owners of vacant properties.

**ARTICLE I.**

This ordinance governs the maintenance of vacant properties in the Township of Pennsauken amending registration requirements and amending registration fees for owners of vacant properties.

**ARTICLE II. Definitions**

“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 provision of C.46:10B-51 (P.L.2008, c. 127, sect. 17) or any other entity determined by the Township of Pennsauken

“Vacant Property” shall mean any building used or to be used which is not legally occupied or at which substantially all lawful construction operations or occupancy has ceased, provided, however, that any property that contains all building systems in working order, is fully compliant with our property maintenance codes 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 ordinance.

**ARTICLE III.**

- A. Effective July 1, 2014, 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, whichever is later, file a registration statement for each

such vacant property within the Construction/Code Enforcement Officer or his designee on forms provided by the Construction/Code Enforcement Officer or his designee for such purposes. The registration shall remain valid for one year beginning at the date of registration. The owner shall be required to renew the registration annually as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed in this Chapter for each vacant property registered.

- B. Any owner of any building that meets the definition of vacant property prior to July 1, 2014, shall file a registration statement for that property on or before July 30, 2014. The registration statement shall include the information required under this Chapter, as well as any additional information that the Construction /Code Enforcement Officer or his designee may reasonably require.
- C. The owner shall notify the Construction/Code Enforcement Officer or his designee within 30 days of any change in the registration information by filing an amended registration statement on a form provided by the Construction/Code Enforcement Officer or his designee for such purpose.
- 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.

**ARTICLE IV. 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, email 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. The statement shall also include the name, street address, email address and telephone number 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 vacant property and all process in any court proceeding or administrative enforcement proceeding 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 purposed of this section until the owner notifies the Construction /Code Enforcement Officer or his designee 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 ordinance.

**ARTICLE V. Fee Schedule**

The registration fee for each building shall be \$500.00 per year, \$1,000.00 for the second year, and \$1,500.00 for the third year and each year thereafter.

**ARTICLE VI. Requirements for Owners of Vacant Property**

The owner of any building that has become vacant property, and any person maintaining, operating or collecting rent for any such building that has become vacant 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 Pennsauken
- B. 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 and the person responsible for 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 place 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" X 24".
- C. 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.
- D. Post the property with No Trespassing signs or a nature sufficient to give notice to any person entering upon the property that is against the law to enter the property without permission of the owner.

#### **ARTICLE VII. Administration**

Construction /Code Enforcement Officer or his designee may issue rules and regulations for the administration of the provision of this ordinance.

#### **ARTICLE VIII 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 \$500.00 and not more than \$1,000.00 for each offense. Fines assessed under this chapter shall be recoverable from the owner and shall be a lien on the property.
- B. For purpose 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 this Chapter, or such other matters as may be established by the rules and regulations of the Construction /Code Enforcement Officer or his designee, shall be deemed to be violations of this ordinance.

#### **ARTICLE IX.**

Nothing in this Ordinance is intended nor shall be read to conflict 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 Pennsauken. 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 ordinance.

#### **ARTICLE X.**

This Ordinance shall take effect July 1, 2014

#### **ARTICLE XI.**

The provisions of this Ordinance are severable. To the extent any clause, phrase, sentence, paragraph, or provision of this Ordinance shall continue in full force and effect.

#### **ARTICLE XII.**

Any funds collected as vacant property registration fees in excess of the funds necessary to operate and enforce the provisions of this Chapter would be for the purpose of property rehabilitation within the Township of Pennsauken at the discretion of the Governing Body.

**BE IT FURTHER ORDAINED** that if any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

**BE IT FURTHER ORDAINED** this Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

Introduced: May 21, 2014

Second Reading: June 18, 2014

Adopted: June 18, 2014