

**ORD-1745-24**  
**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**HAZLET, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY**  
**ESTABLISHING CHAPTER 471, A VACANT PROPERTY AND/OR**  
**FORECLOSURE REGISTRATION ORDINANCE PURSUANT TO**  
**P.L 2021 C.444**

**WHEREAS**, in January 2022, Governor Murphy signed Assembly Bill A2877 into law as P.L. 2021 c444 which permitted all municipalities to revise and/or establish a Vacant/Abandoned Property Ordinances and Fee Schedules; and,

**WHEREAS**, the Township Committee recognizes that the Township of Hazlet contains structures that are vacant and/or abandoned in whole or in large part; and,

**WHEREAS**, in many cases the owner or other responsible parties of these vacant and/or abandoned structures are neglectful of them, and are failing to maintain them or secure them to adequate standards, or restore them 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, loss of property tax revenues, accumulations of debris, increased risk of fire, and potential increases in criminal activity and public health risk; and

**WHEREAS**, the Township of Hazlet incurs disproportionate costs in order to deal with the problems of vacant and abandoned structures, including but not limited to, police and fire calls, and property inspection; and

**WHEREAS**, the Township Committee determined it is in the public interest for the Township of Hazlet 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 of Hazlet; and

**WHEREAS**, the Township Committee determined it is in the public interest for the Township of Hazlet to impose a fee in conjunction with a registration ordinance for vacant and abandoned structures in light of the disproportionate costs imposed on the Township by the presence of these structures.

**NOW, BE IT ORDAINED** by the Township Committee of the Township of Hazlet in the County of Monmouth, in the State of New Jersey, as follows:

**CHAPTER 471 – VACANT PROPERTY REGISTRATION**

**§471-1 Findings.**

Pursuant to P.L. 2021 c.444 all municipalities are permitted to revise and/or establish a Vacant/ Abandoned Property Ordinances and Fee Schedules. Further, the Township Committee determined that it is in the public interest for the Township of Hazlet to establish minimum standards of accountability, including an applicable fee schedule, 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 of Hazlet.

#### **§471-2 Definitions.**

As used in this article, the following terms have the meanings set forth:

#### **OWNER**

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 N.J.S.A. 46:10B-51, and any amendments or supplements thereto; or any other entity determined by the Township of Hazlet to have authority with respect to the property.

#### **VACANT PROPERTY**

Any building or structure to be used as a residence or commercial or industrial facility 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 be legally reoccupied without repair or rehabilitation, including but not limited to any property that constitutes abandoned property pursuant to N.J.S.A. 55:19-80 et seq.; 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.

#### **§478-3 Registration Requirements**

- A. The owner of any vacant property, or his or her authorized agent, shall file a registration statement for that property with the Division of Code Enforcement on forms promulgated by the Division of this purpose.
- B. The registration statement must be filed no later than 30 days after the property becomes vacant, or the assumption of ownership of vacant property, whichever is later; or no later than 10 days after receiving written notice from the Township. Failure to receive notice from the Township does not constitute grounds for failure to register.
- C. Each vacant property having a separate block and lot number as designated in official records of the Township must be separately registered.
- D. The registration statement must include the following:
  - (1) 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 action.

- (2) Name, street address, telephone number, and email address (if applicable) of the entity, and the names of the individual principals thereof, if any, responsible for managing and maintaining the property.
- E. The registration is effective for the calendar year in which issued and must be renewed annually on or before January 31.
- F. The owner, or his or her authorized agent, must file an amended registration statement on forms provided for this purpose no later than 30 days following any change of information.
- G. The owner or authorized agent must certify to the truth of all information provided on the registration statement. False or misleading information on the registration statement constitutes a violation of this article.

#### **§471 Access to Vacant Properties**

The owner, or authorized agent thereof, of vacant property registered under this article must provide the Township with access thereto for the purpose of conducting interior and exterior inspections to determine compliance with all applicable laws, regulations, codes, and ordinances. The Township shall provide the owner or authorized agent with reasonable notice of such inspections, which will be carried out during regular business hours, or at such other times as circumstances warrant or as agreed to by the parties.

#### **§471 Responsible Owner or Agent**

- A. The owner must appoint an authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement action. The owner may serve in this capacity or may designate a third party to do so.
- B. By designating an authorized agent as provided hereunder, the owner consents to receive, by service of process on the authorized agent, any and all notices of code violations, and service of process in any court proceeding or administrative enforcement action, concerning the registered vacant property.
- C. The authorized agent designated pursuant to this subsection and identified on the registration statement pursuant to § 471-3(D)(1) & (2) is hereby deemed to continue in that capacity until the filing of an amended registration statement designating a replacement.
- D. Owners who fail to register vacant properties pursuant to this article are hereby deemed to have consented to receive any and all notices of code violations and process in any court proceeding or administrative enforcement actions served in the following manner:
  - (1) by plain view posting on the structure; and (2) by service of notice, via regular and certified mail, at the owners' last known address on record with the Township.
- E. Out-of-state creditors must include the full name and contact information of the in-state representative or agent, and any other person or entity retained by the creditor or representative of the creditor in the notice provided pursuant to N.J.S.A. 46:10B-51.

- F. Any creditor serving a summons and complaint in an action to foreclose on a mortgage on commercial property within the Township shall, within 10-days of serving the summons and complaint, notify the Township Clerk and the Code Enforcement Officer that a summons and complaint in an action to foreclose on a mortgage has been filed against the subject property.

#### **§471 Fee Schedule**

- A. Registration of vacant properties under this section is subject to the following fees:
  - 1. Initial registration: \$1,000.
  - 2. First renewal: \$2,000.
  - 3. Second renewal: \$3,000.
  - 4. Third and subsequent renewals: \$5,000.
- B. At least twenty (20%) percent of all income resulting from the application of this chapter 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.

#### **§471 Standards of Maintenance**

The owner, or authorized agent thereof, and any person or entity maintaining, operating, or collecting rent for any structure that has become vacant as defined in this article, must, within thirty (30) days thereof, undertake all of the following measures:

- A. Enclose and secure as provided by the applicable sections of the Code of the Township of Hazlet or as set forth in rules and regulations adopted by the municipal officer to implement those codes.
- B. Ensure that the grounds of the structure, including yards, fences, sidewalks, walks, and driveways, are well-maintained and kept free from trash or debris.
- C. Post a sign affixed to the structure with the name, address, and telephone number of the owner and the owner's authorized agent for the purpose of service of process; and the name, address, and telephone number of the entity responsible for maintenance of the property, which may be the same as the owner or authorized agent. If the structure is set back from the street, the sign may be posted on a well-secured post or stake in the front yard of the property. The sign shall be at least eighteen (18) inches by twenty-four (24) inches in dimension, shall include the following language: "To report a problem with this building, call (contact information for owner or agent)" and shall be placed in a location where it is clearly visible and legible from the nearest public street or sidewalk, whichever is nearer; and
- D. 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 or demolished, or until repair or rehabilitation of the building is complete.

- E. Fines and penalties imposed under this article for failing to properly register are recoverable from the owner and, if not paid, will be enforced and recorded as a judgment against the property. To the extent the Township must perform work to maintain and secure a registered property, such costs shall be imposed as a lien against the property.

**§471-2 Enforcement**

- A. The Division of Code Enforcement is hereby charged with the enforcement of this article, with the assistance, as circumstances warrant, of other Township agencies within their respective jurisdictions.
- B. Any person or entity violating this article shall be subject to the maximum fines and penalties established under N.J.S.A. 40:49-5 and N.J.S.A. 40:69A-29, and any subsequent amendments to those statutes, or as otherwise prescribed by law.
- C. Each day that a violation continues constitutes a separate and distinct offense.
- D. Fines and penalties imposed under this article are recoverable from the owner and, if not paid, may be imposed as a lien against the property.
- E. No less than 20% of any money collected by the Township pursuant to this article shall be earmarked for code enforcement purposes.
- F. For purposes of this section, failure to file a registration statement within thirty (30) calendar days after a building becomes vacant property or within thirty (30) calendar days after assuming ownership of a vacant property, whichever is later, or within ten (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 hereby shall be deemed to be violations of this section.

**BE IT FURTHER ORDAINED** that the Municipal Clerk shall publish this ordinance in an official newspaper of the municipality at least one week prior to the hearing on the adoption of this ordinance; and

**BE IT FURTHER ORDAINED** that this ordinance shall become effective after second reading and publication as required by law.

PUBLIC NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that at a meeting of the Township Committee of Hazlet Township held on the 23<sup>rd</sup> day of April, 2024, the above-entitled ordinance was adopted on final passage and becomes effective with the publication of this notice.

ATTEST:     Mary L. Lynch  
                  Municipal Clerk