

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 8-2015

**AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN
AMENDING AND SUPPLEMENTING CHAPTER 103 OF THE TOWNSHIP CODE
AND ESTABLISHING REGULATIONS GOVERNING
ABANDONED AND VACANT PROPERTIES**

WHEREAS, the Township Council of the Township of Moorestown (“Township”) has determined that abandoned properties create a wide range of problems otherwise diminishing the quality of life for residents and business operators in the vicinity of those areas; and

WHEREAS, such properties and the conditions that accompany them have the potential to diminish the property values of neighboring properties and have a negative impact on the quality of life of adjacent property owners, increasing the risk of property damages through trespass and vandalism, and discouraging neighborhood stability and revitalization; and

WHEREAS, the continued presence of abandoned properties, which are considered nuisances in view of their negative effects on nearby properties and the residents or users of those properties acts as a barrier to the Township’s continued orderly development and revitalization; and

WHEREAS, the Township has incurred disproportionate costs to combat the problems presented by vacant and abandoned structures, including but not limited to excessive police calls and property inspections; 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 on the Township by the presence of these structures; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township Council is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety, and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law; and

WHEREAS, the state Legislature has provided a number of means to address the problem of abandoned properties, and the Township Council has determined that it is appropriate to incorporate those means and to have available the full range of options and procedures for addressing this problem; and

WHEREAS, the Township Council wishes to adopt regulations concerning these issues and to provide for enforcement and penalty measures.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey that the following provisions of the Code of the Township of Moorestown are amended as follows:

Section 1: The title of Chapter 103 shall be amended as follows:

Chapter 103. Property Maintenance

Section 2: Section 103-1 “Purpose” shall be amended as follows:

The purpose of this article is designed to protect the public safety, health and general welfare of the residents of Moorestown by establishing minimum standards governing appearance, condition and occupancy of residential and nonresidential premises; to avoid, prevent and eliminate the maintenance or creation of hazards to the public; to prevent the creation, continuation, extension or aggregation of blight; to prevent and eliminate conditions on property which constitute nuisances and potential dangers to the life, health or safety of persons on or near the premises on which such conditions exist; to establish minimum standards governing the maintenance and condition of land and premises within the Township; to fix responsibility and duties upon owners, lessees, lending institutions, mortgage holders, operators and occupants of property; and to provide for enforcement, administration and for penalties. The Township further finds that the reduction of litter upon public or private property is an important concern and is necessary to implement its own requirements, as well as the requirements of the New Jersey Department of Environmental Protection's Clean Communities Program.

Section 3: Section 103-2 “Definitions” shall be amended to include the following:

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 N.J.A.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 by its owner for sale or rental, shall not be deemed a vacant property for purposes of this ordinance.

Section 4: Following Section 103-2, the following Section 103-3 shall be inserted as follows:

Vacant Properties

1. Registration.

Effective immediately, 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 Township Clerk on forms provided by the Township Clerk for such purposes. Failure to receive 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 the official records of the municipality shall be registered separately.
- b. The registration statement shall include the name, street address, telephone number, and e-mail address (if applicable) of a person 18 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; and the name, street address, telephone number, and e-mail 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.
- c. The registration shall remain valid for one year from the date of registration except for the initial registration time which shall be pro-rated through December 31. 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 4 of this ordinance, for each vacant property registered. 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 4 of this ordinance, for each vacant property registered.
- d. 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 two (2) months prior to that date.

- e. The owner shall notify the Clerk within 30 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Clerk for such purpose.
- f. The registration statement shall be deemed prima facie proof of the statement therein contained in any administrative enforcement or court proceeding instituted by the Township against the owner or owners of the building.

2. 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 designated agent. Such inspections shall be carried out on weekdays during the hours of 9:00 am and 4:00 pm, or such other time as may be mutually agreed upon between the owner and the Township.

3. 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 enforcement code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the Township of Moorestown 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 within the Township of Moorestown 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. Fee Schedule.

The initial registration fee for each building shall be \$500.00. The fee for the first renewal is \$1,500.00, and the fee for the second renewal is \$3,000.00. The fee for any subsequent renewal beyond the second renewal is \$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

5. 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 days thereof:

- a. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Township of Moorestown Code, or as set forth in the rules and regulations supplementing those codes; and
- b. Secure the building from unauthorized; and
- c. 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
- d. Continue to maintain the structure in a secure and closed condition and keep the grounds in a clean and well-maintained condition.

6. Violations.

- a. Any person who violates any provisions of this section of the rules and regulations issued hereunder shall be fined not less than \$100.00 and not more than \$1000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this section 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 or 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 5: Following Section 103-4, the following Section 103-5 shall be inserted as follows:

Abandoned Properties

1. Public Officer designated.

The Public Officer, charged with the responsibility for identifying abandoned properties and giving notice as set forth in N.J.S.A. 55:19-82, shall be that officer designated by the Manager pursuant to N.J.S.A. 55:19-80. The abandoned properties so identified shall include any properties found unfit for occupancy.

2. Duties of Public Officer.

- a. The Public Officer shall identify all properties within the municipality which are deemed abandoned pursuant to N.J.S.A. 55:19-78 et seq.
- b. Each item of abandoned property shall be identified by tax block and lot number, the name of the owner of record (if known), and the street address of the lot.
- c. Upon identification of abandoned property, the Public Officer shall create and maintain a list of such property to be called the "Abandoned Property List." Properties may be added to the list at any time or deleted from the list at any time the Public Officer finds that the property no longer meets the definition of an abandoned property. An interested party may request that a property be included on the abandoned property list following the procedure set forth in N.J.S.A. 55:19-105.
- d. An abandoned property shall not be included on the Abandoned Property List if rehabilitation is being performed in a timely manner, as evidenced by building permits issued and diligent pursuit of the rehabilitation work authorized by those permits. A property on which an entity other than the municipality has purchased or taken assignment from the municipality of a tax sale certificate, which has been placed on the Abandoned Property List, may be removed from the list in accordance with the provisions of N.J.S.A. 55:19-103. Notwithstanding the foregoing, a property deemed unfit shall be subject to an order setting forth a specific time within which the repair, alteration or improvement of such unfit structure shall be made.

3. Additional duties of Public Officer; notice.

The Public Officer, within 10 days of the establishment of the abandoned property list, or any additions thereto, shall send a notice, by certified mail, return receipt requested, and by regular mail, to the owner of record of every property included on the list and shall cause the list to be published in the official newspaper of the municipality, which publication shall constitute public notice. The published and mailed notices shall identify the property determined to be abandoned, setting forth the owner of record (if known), the tax lot and block number, and street address. The Public Officer, in consultation with the Tax Collector, shall also send out a notice by regular mail to any mortgagee, servicing

organization, or property tax processing organization that receives a duplicate copy of the tax bill pursuant to Subsection d of N.J.S.A. 54:4-64. When the owner of record is not known for a particular property and cannot be ascertained by the exercise of reasonable diligence by the Tax Collector, notice shall not be mailed but instead shall be posted on the property in the manner provided in N.J.S.A. 40:48-2.7. The mailed notice shall indicate the factual basis for the Public Officer's finding that the property is abandoned property as that term is defined in N.J.S.A. 55:19-81, and the rules and regulations promulgated thereunder, specifying the information relied upon in making such finding. In all cases, a copy of the mailed or posted notice shall also be filed by the public officer in the office of the Burlington County Clerk. This filing shall have the same force and effect as a notice of lis pendens under N.J.S.A. 2A:15-6.

The Public Officer shall seek reimbursement for the postage costs and search fees associated with providing notice in accordance with Subsection A of this section from the authority (as defined in N.J.S.A. 40:48-2.4), or its subsidiaries, in accordance with procedures and rules promulgated by the Department of Community Affairs.

4. Criteria for the determination of abandonment.

- a. Any property that has not been legally occupied for a period of six months and meets any one of the following criteria, as determined by the Public Officer, may be deemed abandoned: (1) the property is in need of rehabilitation in the judgment of the Public Officer and no rehabilitation has taken place during the six-month period; (2) construction was initiated on the property and then discontinued for a period of at least six months leaving the building unsuitable for occupancy; (3) at least one installment of real property tax remains unpaid or delinquent; or (4) the property has been determined to be a nuisance
 - i. pursuant to N.J.S.A. 55:19-82.
- b. A property which contains both residential and non-residential space may be considered abandoned so long as two-thirds or more of the net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six months and otherwise meets the criteria of either Subsection above.
- c. Notwithstanding the foregoing, a property shall not be placed on the Abandoned Property List if an entity other than the municipality has purchased a tax sale certificate with respect to the same and the owner of the certificate has continued to (1) pay all municipal taxes and liens on the property in the year when due and (2) the owner of the certificate has taken action to initiate foreclosure proceedings within six months after the property is eligible for such action and diligently pursue the same. In addition, a property used on a seasonal basis shall not be deemed abandoned unless it meets two of the additional criteria set forth in Subsection A, above.

5. Options for enforcement by the Municipality.

The Public Officer may, as appropriate and in the discretion of the Public Officer, proceed to obtain repair, alteration, improvement, or demolition of a property on the Abandoned Property List, including those deemed unfit for occupancy, pursuant to either the provisions authorized by N.J.S.A. 40:48-2.3 et seq. as implemented by this Chapter of this Code or as authorized by N.J.S.A. 55:19-54 through 59 and N.J.S.A. 55:19-78 through 107 as set forth below. Pursuant to the provisions of N.J.S.A. 55:19-82, a property determined by the Public Officer to be a nuisance under the provisions of subsection 82 of the statute shall be subject to the notice provisions of this Chapter.

6. Remedies available under the “Abandoned Properties Rehabilitation Act”

The Public Officer shall have all of the powers available to the municipality, its agents, servants and employees, under the Abandoned Properties Rehabilitation Act (N.J.S.A. 55:19-78 et seq.). Specifically, the Public Officer may:

- a. When the owner or party in the interest has failed to submit or initiate a rehabilitation plan, bring a summary action in Superior Court to transfer possession and control of the property to the municipality for the development of such a plan. Upon being granted possession and control, in addition to adopting a rehabilitation plan, the municipality may commence and maintain further actions to (1) conserve, protect or dispose of the property (2) recover costs and expenses of the rehabilitation; and (3) if owner does not apply for reinstatement of control as provided for by N.J.S.A. 55:19-92, sell the property as directed by the court.
- b. After filing a notice of intent to take control of the property pursuant to N.J.S.A. 55:19-86, enter onto the property as provided for in subsection “c” of this section of the statute in order to inspect, secure, stabilize, or repair the property for purposes of preparing a rehabilitation plan.
- c. Upon a proper showing to the court, seek to obtain title to the property or sell same with the proceeds of such transaction to be distributed, in the following priority, for (1) the costs and expenses of sale; (2) other government liens; (3) repayment to the municipality for any borrowing or indebtedness granted priority lien status pursuant to N.J.S.A. 55:19-98; (4) a reasonable development fee to the municipality consistent with the standards established by the Department of Community Affairs or N.J. Housing and Mortgage Finance Agency for rehabilitation programs; (5) other valid liens and security interests in accordance with their priority; and (6) the owner.
- d. With approval of the court, place a lien on the property to cover the costs of proceeding under the Chapter and N.J.S.A. 55:19-78 et seq.

7. Additional powers available to the municipality.

In addition to those powers set forth above, the municipality may proceed to tax sale on the property pursuant to N.J.S.A. 55:19-56, designate a qualified rehabilitation entity to act on behalf of the municipality in rehabilitating the property, borrow funds to facilitate the powers given to the municipality in rehabilitating the property, borrow funds to facilitate the powers given to the municipality under the law and seek priority lien status for such borrowings. The purpose of this section is to provide the municipality with all powers granted to it by the legislature under N.J.S.A. 40:48-2.3 et seq., N.J.S.A. 55:19-54 et seq., and N.J.S.A. 55:19-78 et seq. which are incorporated herein and made a part hereof.

8. Additional notice required.

Notice of violations of property maintenance, building or other property codes for and any property declared vacant and abandoned pursuant to this section shall be given to a foreclosing creditor pursuant to the applicable notice procedures as required by P.L. 2014, c. 35.

9. Creditor responsibility.

Pursuant to the provisions of the Public Laws of 2014, Chapter 35, a creditor filing a summons and complaint to foreclose a lien on a residential property that is vacant and abandoned, whether the filing of the summons and complaint is made before or after the determination that the property is vacant and abandoned, shall be responsible for the care, maintenance, security, and upkeep of the exterior of the residential property. This obligation applies whether the determination that the property is vacant and abandoned is made by the Public Officer pursuant to the provisions of this section of the Code of the Township of Moorestown, pursuant to the provisions of N.J.S.A. 2A:50-73 or otherwise.

10. Notice to creditor; time to correct violations.

If the public officer, or other authorized municipal official, determines that a creditor obligated to care, maintain, secure and keep up a vacant and abandoned property has failed to do so in violation of the provisions of this section, the public officer or other authorized municipal official shall issue a notice of violation to the creditor that has filed a summons and complaint to foreclose on the property in question. The notice shall require the person or entity to correct the violation within thirty (30) days of receipt of the notice, or within ten (10) days of receipt of the notice if the violation presents an imminent threat to public health and safety. The issuance of this notice shall constitute evidence that a property is "vacant and abandoned" for purposes of N.J.S.A. 2A:50-73.

11. Designated representative of out-of-State creditor; violation.

An out-of-State creditor shall include the full name and contact information of the in-State representative or agent in the notice required to be provided to the municipal clerk

pursuant to paragraph one of N.J.S.A. 46:10B-51. An out-of-State creditor found by a court of competent jurisdiction to have violated this provision shall be subject to a fine of \$2,500.00 for each day of the violation commencing on the day after the 10 day period set forth in paragraph one of N.J.S.A. 46:10b-51 with respect to notifying the municipal clerk that an action to foreclose on the property has been filed.

12. Violations and penalties.

Any person, firm, corporation or entity violating any provision of this Chapter shall, upon conviction, be punishable as provided for in this Section of this Code. A creditor required to care, maintain, secure and keep up a property under this Chapter cited in a notice issued shall be subject to a fine of \$1,500.00 for each day of the violation.

Section 5: Effective Date. This ordinance shall take effect upon its final passage, adoption, and publication on the earliest date permitted by law.

Section 6: Severability. If any section, paragraph, sentence, clause, phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 7: Short Title. This ordinance may be cited as Ordinance No. 8-2015.

CERTIFICATION

I hereby certify that Ordinance No. 8-2015 was introduced and adopted on first reading by the Township Council at a meeting held on April 13, 2015. This ordinance was duly adopted by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey at a meeting of the Township Council held on April 27, 2015.

	VOTE :
NEWCOMER	YES
GARWOOD	YES
DELGADO	YES
JORDAN	YES
NAPOLITANO	YES

Vicki Conover
Acting Township Clerk

VACANT PROPERTY REGISTRATION

OWNER NAME: _____

BLOCK: _____ **LOT:** _____

STREET ADDRESS OF PROPERTY: _____

OWNER ADDRESS: _____

OWNER EMAIL: _____

OWNER TELEPHONE NUMBERS: _____

AGENT AUTHORIZED TO RECEIVE NOTICES OF CODE VIOLATIONS & COURT PROCEEDINGS:

NAME: _____

ADDRESS: _____

EMAIL: _____

RESPONSIBLE PARTY FOR MAINTAINING PROPERTY (Must be located in NJ)

NAME: _____

ADDRESS: _____

TELEPHONE #: _____

EMAIL: _____

SIGNATURE OF OWNER: _____

DATE: _____

FEES:

Initial Registration Fee for 2015: \$500.00

First Renewal – January 1st: \$1,500.00

Second Renewal – January 1st: \$3,000.00

Subsequent Renewal – January 1st: \$5,000.00

RETURN TO: Township Clerk, Moorestown Township, 111 West Second Street, Moorestown, New Jersey 08057