

BOROUGH OF ALLENDALE
Ordinance 14-09

**AN ORDINANCE TO ESTABLISH CHAPTER 248, "REGISTRATION AND
MAINTENANCE OF VACANT/ABANDONED PROPERTIES"**

248-1 Purpose:

Whereas, contained within the Borough of Allendale are certain structures which are vacant in whole or large part and some of which have been abandoned; and

Whereas, in many cases, the owners or responsible parties of these structures are neglectful of them, are not maintaining them or securing them to an adequate standard for the protection of the public health, safety or welfare, nor are they preparing or restoring those structures to productive use; and

Whereas, it has been established that those vacant and abandoned structures cause a 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 Borough of Allendale incurs disproportionate costs in order to deal with the problems directly related to these vacant and abandoned structures, including but not limited to, excessive police calls, fire calls and property maintenance inspections and violations; and

Whereas, it is in the public interest of the Borough of Allendale for the Borough to establish minimum standards of accountability on the owners or responsible parties of said vacant and abandoned structures in order to protect the health, safety and general welfare of the residents and visitors of the Borough of Allendale; and

Whereas, it is in the public interest for the Borough to impose a fee in conjunction with registration of vacant and/or abandoned structures in light of the disproportionate costs imposed on the Borough by the presence of these structures.

Now, Therefore, Be It Ordained by the Mayor and Council of the Borough of Allendale that Chapter 248 be created to read as follows:

248-2 Definitions.

OWNER - Any 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 Borough of Allendale 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.

248-3 Registration Requirements.

Effective June 1, 2014, the Owner of any vacant property as defined herein shall, within thirty (30) calendar days after the building becomes vacant property or within thirty (30) calendar days after assuming ownership of the vacant property, whichever is later; or within ten (10) calendar days of receipt of notice by the municipality, file a registration statement for such vacant property with the Property Maintenance Officer on forms provided by the Borough for such purposes. Failure to receive notice from the municipality shall not constitute grounds for failing to register the property.

a. Each party 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 twenty-one (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: and the name, street address, telephone number, and email address (if applicable) of the firm and the actual name(s) of the firms individual principal(s) responsible for maintaining the property who shall be available by telephone or in person on a twenty-four (24) hour per day, seven-day (7) 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 registration or renewal fee in the amount prescribed in 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 ten (10) months prior to that date, but not the escrow fee.

e. The Owner shall notify the Property Maintenance Officer within thirty (30) calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Property Maintenance 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 Borough against the Owner or Owners of the building.

248-4 Access to Vacant Properties.

The Owner of any vacant property registered under this Ordinance shall provide access to the Borough 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 of 9:00 a.m. through 4:00 p.m. or such other time as may be mutually agreed upon between the Owner and the Borough.

248-5 Responsible Owner or Agent.

a. An Owner who meets the requirements of this Ordinance 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 Borough of Allendale 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.

248-6 Fee Schedule.

The initial registration fee for each building shall be one hundred dollars (\$100.00). The fee for each subsequent year renewal shall be one hundred dollars (\$100.00). In addition to such registration fee, the Owner shall post an escrow for each and every vacant property according to the annual fee schedule below. Said escrow shall be used for any costs expended by the Borough in maintaining, abating, correcting any nuisance, property maintenance violation, or securing the premises from unauthorized entry and any other matter that the Borough deems appropriate for the public's health, safety and welfare.

248-7 Vacant Property Escrow Schedule

Initial Registration	\$ 500.00 (year of registration)
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First Renewal	\$1,500.00 (2nd calendar year)
Second Renewal	\$3,000.00 (3rd calendar year)
Subsequent Renewal	\$5,000.00 (4th or more calendar years)

The initial escrow shall be deposited at the time of registration, and all subsequent years shall be posted by January 31 of the following year. If at any point the escrow shall become deficient, the Owner shall replenish the escrow account according to year since initial registration. Any unused escrow amount, shall be refunded to the Owner at the time the premises becomes occupied and not subject to the requirements of this Ordinance.

248-8 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 thereof:

1. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Borough Code, or as set forth in the rules and regulations supplementing those codes until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete; and
2. Ensure that the exterior grounds of the structure, including yards, fences, swimming pools, 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

248-9 Rights of the Borough

a. If the Owner is in violation of any terms and conditions of this Ordinance, the Borough shall send notice to the Owner, via certified and regular mail, as identified on the registration, that such violation must be remedied within thirty (30) days. If such violation is not remedied within thirty (30) days of such notice, the Borough shall cause a summons to be issued.

b. In addition to such summons, the Borough shall have the right to expend public funds in order to abate the nuisance, correct or remedy the violation, or secure the premises against unauthorized entry, and such costs shall be paid from the escrow established pursuant to Section 248-6.

c. If the amount of escrow posted shall be insufficient to reimburse the municipality for such costs, then notice shall be given to the Owner, and any unpaid costs after thirty (30) days shall become a lien upon the property in accordance with the provisions of Section 199-19c and applicable law.

d. For the purposes of obnoxious weeds or growth, the cutting of the grass, or removal of snow and ice, the notice provided to the Owner pursuant to Section 'a' above, shall include such notice that unless the Owner shall object, a regular schedule shall be established between the Contractor and the Borough to trim said obnoxious

weeds or growth, to cut the grass, or remove the snow and ice on the property. Said regular schedule of work shall be no more than twice a month.

248-10 Enforcement.

The Property Maintenance Officer shall enforce this Ordinance.

248-11 Violations and Penalties.

a. 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 contained herein shall be deemed to be violations of this ordinance.

b. Any person who violates any provision of this Ordinance or of the rules and regulations issued hereunder shall be fined not less than \$100.00 and not more than \$2,000.00 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.

248-12 SEVERABILITY

If any portion of this ordinance is adjudged unconstitutional or invalid by the Court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this ordinance, but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

248-13 REPEALER

All other ordinances of the Borough, or parts thereof, which are in conflict with this ordinance are hereby repealed to the extent of such conflict.

248-14 EFFECTIVE DATE

This ordinance shall take effect upon passage and publication as required by law.