

CITY COUNCIL

The City of Orange Township, New Jersey

DATE December 21, 2010

NUMBER 33-2010

TITLE:

AN ORDINANCE AMENDING ORDINANCE NUMBER 14-2009 GOVERNING THE MAINTENANCE OF VACANT PROPERTIES IN THE CITY OF ORANGE TOWNSHIP. ESTABLISHING REGISTRATION REQUIREMENTS AND LEVYING A REGISTRATION FEE ON OWNERS OF VACANT PROPERTIES

WHEREAS, this ordinance amends ordinance number 14-2009 in its entirety; and

WHEREAS, the City of Orange Township contains many structures that are vacant in whole or large part; and

WHEREAS, in many cases the owners or other responsible parties of these structures are neglectful of them, and are failing to maintain them or secure them to adequate standard, 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 trash and debris, increased risk of fire, and potential increases in criminal activity and public health risk; and

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

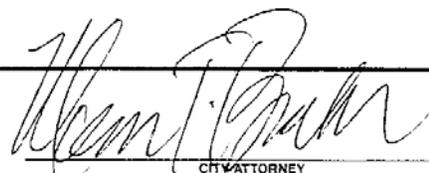
WHEREAS, it is in the public interest for the City of Orange Township to establish minimum standards of accountability on the owners or other responsible parties of vacant and abandoned structures in order to protect the health, safety and general welfare of the residents of the City of Orange Township; and

WHEREAS, it is in the public interest for the City of Orange Township to impose a fee in conjunction with a registration ordinance for vacant and abandoned structures in light of the disproportionate costs imposed on the city by the presence of these structures;

NOW, THEREFORE BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ORANGE TOWNSHIP:

APPROVED AS TO FORM, SUFFICIENCY AND LEGALITY

LEGISLATIVE COUNSEL



CITY ATTORNEY

(1) For purposes of this ordinance, the following terms are defined as set forth herein:

"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 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 City of Orange Township to have authority to act with respect to the property.

"Vacant Property" shall mean any building or structure which is not legally occupied or at which all lawful business or construction operations or residential occupancy have substantially ceased, and which is in such condition that it cannot legally be re-occupied without repair or rehabilitation, including but not limited to any property meeting the definition of vacant 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, and which is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property for purposes of this ordinance.

(2) a. Effective December 21, 2010, 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; or within 10 days of receipt of notice by the municipality, file a registration statement for such vacant property with the Public Officer on forms provided by the Public Officer for such purposes. Failure to receive notice by the municipality shall not constitute grounds for failing to register the property.

b. Each property having a separate tax block and lot number shall be registered separately.

c. The registration shall include the information required under section (4) of this ordinance, the insurance certificate required under section (7) of this ordinance, as well as any additional information that the Public Officer may reasonably require.

d. The registration shall remain valid for one year from 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 section (5) for each vacant property registered.

e. The Public Officer may establish for purposes of efficient administration that all registrations shall be renewed by a single date in each year, which date shall be established by the Public Officer in which case the initial registration fee shall be pro-rated for registration statements received less than 10 months prior to that date.

f. 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 of the owner's plans for restoration of the property with the registration statement and shall be exempt from payment of the registration fee, but shall comply with all other provisions of this ordinance, and shall be subject to the municipal cost reimbursement requirements of Section (5)c of this ordinance. In the event that the property has not be restored to productive use and occupancy at the end of the twelve month period, the owner shall be liable for any fee waived. The Public 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 Public 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.

g. The owner shall notify the Public Officer within 30 days of any change in the registration information by filing an amended registration statement on a form provided by the Public Officer for such purpose.

h. 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 city against the owner or owners of the building.

(3) At any time after filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide access to the city to conduct exterior and interior inspections of the building to determine compliance with municipal codes, on reasonable notice to the property owner or the designated agent.

(4) a. The registration statement shall include the name, street 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; and the name, street address and a telephone of the firm or individual responsible for maintaining the property. The individual or a 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 in the County of Essex or reside within the state of New Jersey [or in the County of Essex].

b. An owner who is a natural person and who meets the requirements of this ordinance with respect to the location of his or her residence or workplace

may designate him or herself as agent or as the individual responsible for maintaining the property.

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 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 Public Officer in writing of a change of authorized agent or until the owner files a new annual registration statement.

d. Any owner who fails to register a vacant property under the provisions of this ordinance shall further be deemed to consent to receive, by posting at the building, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

(5) The registration and renewal fee for each building shall be as follows:

Initial registration	\$250 or prorated amount per Sec. 2(d) of this ordinance
First renewal	\$500
Second renewal	\$1000
Any subsequent renewal	\$2500

(6) The owner of any structure that has become vacant property, and any person responsible for maintaining any such building that has become vacant shall within 30 days of the structure becoming vacant or 30 days of the owner taking title to the property shall:

(1) Enclose and secure the structure as provided in the applicable codes of the City of Orange Township, or as set forth in rules and regulations adopted by Municipal Council to supplement those codes.

(2) Ensure that the grounds of the structure, including yards, fences, sidewalks, Walks and driveways, are well-maintained and free from trash or debris.

(3) Post a sign affixed to the structure indicating 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 18' x 24' in dimension, shall include the words "to report problems with this building, call 973-266-4051, and shall be placed in a location where it is clearly legible from the nearest public street or sidewalk, whichever is nearer; and

(4) 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.

(7) The owner of any vacant property shall acquire or otherwise maintain liability insurance, in an amount of not less than \$300,000.00 for buildings designed primarily for use as residential units and not less than \$1,000,000.00 for any other building, including, but not limited to, buildings designed for manufacturing, industrial, 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 Public 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 a valid registration.

(8) The Public Officer may issue rules and regulations for the administration of the provisions of this ordinance.

(9) a. Any person who violates any provision of this ordinance 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 be a lien on the property.

b. For purposes of this section, failure to file a registration statement within 30 days after a building becomes vacant property or within 30 days after assuming ownership of a vacant property, whichever is later; or within 10 days of receipt of notice by the municipality, failure to provide correct information on the registration statement, failure to comply with the provisions of sections (6) or (7) of this ordinance, or such other matters as may be established by the rules and regulations of the Public Officer shall be deemed to be violations of this ordinance.

BE IT FURTHER ORDAINED, that this ordinance shall take effect after its final passage and publication in accordance with the law.

Adopted: December 21, 2010


Dwight Mitchell
Municipal Clerk


Hon. Hassan Abdul-Rasheed
Council President

Approved:


Eldridge Hawkins, Jr.
Mayor

Statement

Purpose: To ensure the registration and security of all abandoned properties in the City.

Fiscal Impact: Additional revenue from fees collected per the registration process.

ORDINANCE NO. 33- 2010

**REGULAR MEETING-11/15/2010
INTRODUCTION-FIRST READING**

MOTION TO ADOPT: Corbitt

SECOND: Eason

YEAS: Corbitt, Eason, Jones-Bell, Marable, Morton, Williams & Council Pres. Abdul-Rasheed

NAYS: None

ABSTENTIONS: None

ABSENCES: None

**REGULAR MEETING – 12/21/2010
SECOND READING / PUBLIC HEARING DECEMBER 21, 2010**

MOTION TO ADOPT: Corbitt

SECOND: Williams

YEAS: Corbitt, Eason, Jones-Bell, Morton & Williams

NAYS: Marable

ABSTENTIONS: None

ABSENCES: Abdul-Rasheed