

ORDINANCE NO. 05-FY2015

AN ORDINANCE GOVERNING THE MAINTENANCE OF VACANT PROPERTIES IN THE
BOROUGH OF LAWSIDE ESTABLISHING REGISTRATION REQUIREMENTS AND LEVYING
A REGISTRATION FEE UPON OWNERS OF VACANT PROPERTIES

WHEREAS, the Borough of Lawnside contains numerous structures that are vacant in whole or large part;
and

WHEREAS, in many cases the owners and /or other 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 may cause severe harm to the
health, safety and general welfare of the community, including diminution of neighboring property values, increase
risk of fire, and potential increases in criminal activity and public health risks; and

WHEREAS, the Borough of Lawnside 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 Borough of Lawnside 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 Borough of Lawnside; and

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

Definitions:

a. "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.S.A. 46:10B-1, et seq., or any
other entity determined by the Borough of Lawnside to have authority to act with respect to the property.

b. "Vacant Property" shall mean 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 re-occupied without repair or rehabilitation; provided, however,
that any property that contains all building systems in working order and is being actively marketed by its owner
for sale or rental, shall not be deemed vacant. Property determined to be "abandoned properly" 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.

General Requirements.

a. The owner of any vacant property, as defined herein, shall within 60 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 with the Borough of Lawnside Inspections Department on forms provided by that department for such purposes. The registration shall remain valid for one year from the date of registration. The owner shall be renew the registration annually as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed under the fee schedule.

b. Any owner of any building that meets the definition of vacant property, upon passage of this section, shall file a registration statement for that property. The registration statement shall include the information required under Registration Statement Requirement, of this Chapter, as well as any additional information that the Inspections Department may reasonably require.

c. The owner shall notify the Inspection Department within 30 days of any change in the registration information by filing an amended registration statement on a form provided by the Inspections Department 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 Borough against the owner or owners of the building.

Borough Registration Statement Requirements; Property Inspection.

a. After filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide access to the Borough to conduct an exterior and interior inspection of the building to determine compliance with the Borough municipal code, following reasonable notice, during the period covered by the initial registration or any subsequent renewal.

b. 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. This person must maintain an office in the state of New Jersey or reside within the state of New Jersey. The statement shall also include the name of the person responsible for maintaining and securing the property, if different.

c. 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.

d. 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 this notice or process of 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 Inspections Department 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.

Fee Schedule.

The initial registration fee for each building shall be \$250. The fee for the renewal is \$500, and the fee for the second renewal is \$750. The fee for any subsequent renewal beyond the second renewal is \$1,000.

Vacant property registration fee schedule:

Initial registration	\$250
First renewal	\$500
Second renewal	\$750
Any subsequent renewal	\$1,000

Requirements for Owners of Vacant Property.

The owner of any residential 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 Borough of Lawnside; and
- 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 is different from the owner holding title or authorized agent. The sign shall be of a size and placed 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"x24"; and
- 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.

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 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. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this chapter shall be recovered from the owner and shall be a lien on the property.
- b. For purposes of this section, the failure to provide accurate information upon the registration statement and the failure to timely file the registration statement, shall be deemed to be violations of this ordinance.

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Nothing in this Ordinance is intended to nor shall be read to conflict or prevent the Borough 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 Borough of Lawnside. 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.

This Ordinance shall take effect upon final passage and publication and in accordance with the laws of the State of New Jersey.

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

STATEMENT

This Ordinance authorizes the Borough to govern the maintenance of vacant properties in the Borough of Lawnside, establishes registration requirements and levies a registration fee upon owners of vacant residential properties.

FIRST READING: September 2, 2015

SECOND READING: October 7, 2015

ADOPTED:

SYLVIA A. VASON
BOROUGH CLERK

MARY ANN WARDLOW
MAYOR