

Chapter 54. Property Maintenance

Article III. Registration and Maintenance Requirements

[Adopted 7-19-2016 by Ord. No. 10.16^[1]; amended in its entirety 12-5-2017 by Ord. No. 23.17]

[1] *Editor's Note: This ordinance also repealed former Article III, Maintenance Requirements, adopted 6-21-2016 by Ord. No. 08.16.*

§ 54-27. Findings; purpose and intent.

- A. The Borough of Paulsboro has experienced an increase in vacant and abandoned properties within its borders, due to a variety of reasons, including an increase in mortgage foreclosure, tax foreclosure, and lack of proper property maintenance.
- B. Vacant and abandoned properties are having a detrimental effect on the public health, safety and welfare because:
 - (1) Many structures that are vacant, whether secured or not, are a blight on their neighborhoods due to improper maintenance and their unsightly appearance, causing deterioration and instability in their neighborhoods, and resulting in an adverse impact upon adjacent and nearby properties;
 - (2) Structures that are vacant and not properly secured are dangerous and unsafe in that they are extremely vulnerable to being set on fire by unauthorized persons;
 - (3) Structures that are vacant and not properly secured attract vagrants and criminals and are prime locations to conduct illegal activities, including vandalism, theft, arson and drug use;
 - (4) Structures that are vacant and not properly secured pose dangers to inquisitive minors from unsecured pools; abandoned wells, shafts, excavations; abandoned appliances; any structurally unsound fences or structure, lumber, trash, debris; or vegetation such as poison ivy, oak, or sumac; and
 - (5) Poorly maintained yards, particularly tall grass, can attract rodents, snakes and undesirable insects such as ticks and fleas, creating unsanitary conditions for the community.
- C. The filing of a complaint in foreclosure is often a precursor to a property becoming vacant or abandoned.
- D. Communication between owners of vacant and abandoned buildings and the Borough is essential for effective allocation of public resources and the maintenance of public health, welfare, and safety in regard to such structures. Curtailment and elimination of these blighting conditions are necessary for the protection of the public health, safety and welfare of the community.
- E. Participation in the countywide registration program will also assist the Borough in identifying properties that would be eligible for inclusion on the abandoned properties list created pursuant to § 54-11 of the Borough Code.

§ 54-28. Statutory authority.

This article is being adopted pursuant to N.J.S.A. 40:48-2 generally and pursuant to N.J.S.A. 40:48-2.53; N.J.S.A. 46:10B-51; N.J.S.A. 40:48-2.12a; N.J.S.A. 40:48-2.12e; N.J.S.A. 40:48-2.12f; N.J.S.A. 40:48-2.12s; N.J.S.A. 40:48-2.13;

N.J.S.A. 40:48-1(4); and N.J.S.A. 40:49-5.

§ 54-29. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning.

ACCESSIBLE PROPERTY/STRUCTURE

A property that is accessible through a compromised/breached gate, fence, wall, etc., or a structure that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

APPLICABLE CODES

Includes, but shall not be limited to, Paulsboro's Zoning Code, Paulsboro's Code of Ordinances, Paulsboro Code, and the New Jersey Building Code.

CREDITOR

A state-chartered bank, savings bank, savings-and-loan association or credit union, any person required to be licensed under the provisions of the New Jersey Residential Mortgage Lending Act, Sections 1 through 39 of P.L. 2009, c. 53 (N.J.S.A. 17:11C-51 et seq.), and any entity acting on behalf of the creditor named in the debt obligation, including, but not limited to, servicers.

ENFORCEMENT OFFICER

Any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector or building inspector, or other person authorized by the Borough of Paulsboro to enforce the applicable code(s). More than one enforcement officer may be designated by the Borough of Paulsboro.

GRAFFITI

Any drawing, painting or marking of any mark or inscription on public or private real or personal property without the prior written permission of the owner of the property.

NOTICE TO ABATE

The notice required to be provided pursuant to § 54-36B.

OWNER

Any person, legal entity or other party having any ownership interest, whether legal or equitable, in real property. This term shall also apply to any person, legal entity or agent responsible for the construction, maintenance or operation of the property involved.

REGISTERED PROPERTY

Any real property required to be registered pursuant to § 54-32 herein.

REGISTRANT

A person or legal entity who has registered or who is required to register a registered property pursuant to this article.

STREET ADDRESS

The address at which the person resides or the legal entity maintains an office, which shall include a street name or rural delivery route in addition to any postal office box number which may be provided.

VACANT

Any building or structure that is not legally occupied.

§ 54-30. Applicability.

This article shall be considered cumulative and not superseding or subject to any other law or provision for same but rather be an additional remedy available to Paulsboro above and beyond any other state, county or local provisions for same.

§ 54-31. Establishment of registry.

Paulsboro shall create a registration program cataloging each registered property within Paulsboro containing the information required by this article.

§ 54-32. Registration of real property.

- A. Registration. The following real property located in the Borough shall be registered annually with the Borough Clerk:
- (1) Residential real property in which a summons and complaint has been filed in foreclosure by a creditor, whether or not vacant;
 - (2) Real property in which is non-owner-occupied commercial property and which is vacant; and
 - (3) Real property which is non-owner-occupied residential property and which is:
 - (a) Vacant; or
 - (b) Occupied, but not registered as a rental property pursuant to § 59B-5.
- B. Initial registration.
- (1) Property required to be registered pursuant to § 54-32A(1) shall be required to be registered by the creditor within 10 days of the service of the summons and complaint in an action to foreclose, or if a summons and complaint has already been served as of the effective date of this article and the property has not previously registered as registered property, registration shall occur within 10 days of the effective date of this article.
 - (2) Property required to be registered pursuant to § 54-32A(2) shall be required to be registered by the owner within 10 days from the date the property becomes vacant, or if the property is vacant as of the effective date of this article and has not previously registered as registered property, registration shall occur within 10 days of the effective date of this article.
 - (3) Property required to be registered pursuant to § 54-32A(3) shall be required to be registered by the owner as follows:
 - (a) Within 10 days of the effective date of this article, if the property is occupied by a nonowner as of the effective date of this article;
 - (b) Within 10 days of the date that the property becomes vacant; or
 - (c) Within 10 days of the date that the property ceases to be owner-occupied.
- C. Annual registration. The registration term shall commence on the date of filing of the initial registration or the new registration and shall be valid for a calendar year, at which time it shall expire and a new registration shall be required. Properties subject to the registration requirements shall remain under the annual registration requirement and the security and maintenance standards of this Chapter 54, Article III, as long as they meet the conditions requiring registration.
- D. Contents of registration. Registration pursuant to this article shall be on forms which shall be provided for that purpose and which shall be obtained from the Borough Clerk, or through website registration, and shall contain the following information:
- (1) For persons:
 - (a) The street address, lot and block number of the registered property;
 - (b) The full name and street address at which the owner resides; and
 - (c) The owner's telephone number, facsimile number and e-mail address.

- (2) For legal entities who are not creditors:
 - (a) The street address, lot and block number of the registered property;
 - (b) The full name and street address at which the owner maintains an office;
 - (c) The owner's telephone number, facsimile number and e-mail address; and
 - (d) The name, telephone number, facsimile number and e-mail address of an in-state representative of the legal entity who is responsible for receiving complaints of property maintenance and code violations and/or who is responsible for the security and maintenance of the registered property.
 - (3) For in-state creditors:
 - (a) The street address, lot and block number of the registered property;
 - (b) The full name and street address at which the creditor maintains an office;
 - (c) The creditor's telephone number, facsimile number and e-mail address;
 - (d) The name, telephone number, facsimile number and e-mail address of a representative of the creditor who is responsible for receiving complaints of property maintenance and code violations and/or who is responsible for the security and maintenance of the property;
 - (e) The full name and contact information of an individual located within the state who is authorized to accept service on behalf of the creditor; and
 - (f) A statement of whether the property is vacant or not, and if not vacant, the name or names of the persons legally occupying the property.
 - (4) For out-of-state creditors:
 - (a) The street address, lot and block number of the registered property;
 - (b) The full name and street address at which the creditor maintains an office;
 - (c) The creditor's telephone number, facsimile number and e-mail address;
 - (d) The name, telephone number, facsimile number and e-mail address of a representative of the creditor who is responsible for receiving complaints of property maintenance and code violations and/or who is responsible for the security and maintenance of the property;
 - (e) The full name and contact information of an individual located within the state who is authorized to accept service on behalf of the creditor;
 - (f) The full name and contact information of an in-state representative or agent appointed by the creditor who shall be responsible for the care, maintenance, security, and upkeep of the exterior of the property if it becomes vacant; and
 - (g) A statement of whether the property is vacant or not, and if not vacant, the name or names of the persons legally occupying the property.
- E. Registration fee. At the time of the initial registration and at each annual registration, a nonrefundable registration fee in the amount of \$400 per property shall accompany the initial and each annual registration form or website registration. All registration fees must be paid directly from the registrant. Third-party registration fees are not allowed without the consent of the Borough Clerk. The registration fees paid hereunder shall be for the purposes of covering the cost of registering the properties through the countywide registration program, as well as costs incurred for periodic inspections and administrative costs associated with ensuring compliance with the property maintenance and security requirements mandated under this article.
- F. Amended registration. If at any time the information contained in the initial registration and/or annual registration is no longer valid or has changed, the property owner shall file a new registration containing the

corrected information, within 10 days of said change. Any person or legal entity who acquires title to a registered property that continues to meet the requirements for registration under this article shall amend the registration filed by the prior registrant within 10 days of the transfer of title. No registration fee shall be required for an amended registration.

§ 54-33. Maintenance requirements.

A registrant shall maintain his/her/its registered property as follows:

- A. Registered property shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state or local law, discarded personal items, including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is vacant or abandoned. All registrants shall comply with the provisions of §§ 40B-5, 40B-16 and 40B-17 of the Borough Code.
- B. Registered property shall be maintained free of graffiti by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- C. Front, side, and rear yards, including landscaping, of registered property shall be maintained in accordance with §§ 42-3, 42-3.1, and 44-5 of the Borough Code, and the property maintenance standards adopted pursuant to Chapter 54, Article I, of the Borough Code. Maintenance shall include, but not be limited to, the cutting and mowing of required ground cover or landscape and removal of all trimmings.
- D. Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in Chapter 71 of the Borough Code and any other applicable code. Pools and spas shall also be secured so as to restrict unauthorized access to them. All fences required pursuant to § 32-3 and § 71-11 of the Borough Code shall be maintained in accordance with the standards set forth herein.
- E. Fences shall be maintained in a state of good repair, safe and secure condition, with all braces, bolts, nails, supporting frame, fastenings and other components free from deterioration, termite infestation, rot, rust damage or loosening, and able to withstand at all times the wind pressure for which they were designed. Fences shall be maintained in sound structural condition as a whole, including post(s), and shall not lean more than 15° out of vertical alignment.
- F. Snow and ice removal shall be performed in accordance with § 69-36 of the Borough Code.
- G. Registered property shall comply with all other applicable codes.

§ 54-34. Security requirements.

- A. Registered property shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- B. A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. There shall be no unsecured openings in the walls. Broken windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by reglazing of the window. All doors shall be without openings, or such openings shall be securely covered. "Locking" includes measures that require a key, keycard, tool or special knowledge to open or gain access.
- C. Particle board shall not be used as a means of securing any registered property.
- D. Immediate action shall be taken to secure any registered property that becomes an accessible property/structure.

- E. Additional security measures must be taken immediately if signs of vandalism or unauthorized entry begin to appear. Such additional security measures must be reasonably designed to provide adequate and long-term protection against future vandalism and/or unauthorized access and shall include, at minimum, weekly inspections or monitoring to alert the registrant of future vandalism and/or unauthorized access.

§ 54-35. Public nuisance.

All registered property, which is not maintained as required in § 54-33 and/or not secured as required by § 54-34, is hereby declared to be a public nuisance, the abatement of which, pursuant to the police power, is hereby declared to be necessary for the health, welfare and safety of the residents of Paulsboro. In addition, the Enforcement Officer may declare any vacant and/or abandoned real property a nuisance if it meets one or more of the criteria set forth in N.J.S.A. 55:19-82.

§ 54-36. Enforcement; liens; penalties.

- A. Enforcement measures. The provisions of this article shall be enforced by the Enforcement Officer. The Enforcement Officer is hereby authorized to conduct all inspections as may be necessary to ensure compliance. Adherence to this article does not relieve any person, legal entity or agent from any other obligations set forth in any applicable code which may apply to the registered property.
- B. Notice to abate. Where any Enforcement Officer duly designated shall have determined that any registered property is in violation of this article, the Enforcement Officer shall issue a notice to abate directing the registrant to correct the violation and abate the nuisance within the time set forth in the notice to abate. The time for abatement shall not be less than 30 days from the registrant's receipt of the notice to abate, except that if the violation presents an imminent threat to public health and safety, the time for abatement shall be within 10 days of the registrant's receipt of the notice to abate.
- C. Service of notice. Service of the notice to abate shall be made by regular mail and certified mail, return receipt requested to the address set forth in the registration for receipt of complaints of property maintenance and code violations.
- D. Failure to comply. If the registrant fails to comply with the notice to abate within the time set forth in the notice to abate for compliance, the Enforcement Officer shall be permitted to enter upon said lands for the purposes of correcting the violation and abating the nuisance, take the necessary action to ensure compliance with the notice to abate and place a lien on the registered property for the cost of the work performed to benefit the registered property and bring it into compliance.
- E. Additional rights. The Enforcement Officer shall be entitled to take any other action authorized by law to obtain compliance with this Article III. Nothing in this article shall limit the rights of the Enforcement Officer to pursue any other action permitted in the Borough Code or any other law against the registrant for failing to comply with any provision(s) of this article.
- F. Failure to register. Failure of any creditor, person, owner or legal entity to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this article is a violation of the article and shall be subject to enforcement.

§ 54-37. Opposing or obstructing Enforcement Officer; penalty.

Whoever opposes, obstructs, or resists any Enforcement Officer or any person authorized by the enforcement office in the discharge of duties as provided in this article shall be punishable pursuant to N.J.S.A. 2C:29-1 upon conviction by a court of competent jurisdiction.

§ 54-38. Violations and penalties; schedule of civil penalties.

- A. Failure to register. Any person or legal entity who fails to register a registered property as required pursuant to this article, as it may be amended, and/or pay the required registration fee, upon conviction in the Municipal Court of the Borough of Paulsboro, or such other court having jurisdiction, shall be subject to a civil penalty in an amount of \$1,000 for each unregistered registered property.
- B. Failure to appoint an in-state agent. Any out-of-state creditor who shall fail to appoint an in-state representative or agent as required in § 54-32, as it may be amended, upon conviction in the Municipal Court of the Borough of Paulsboro, or such other court having jurisdiction, shall be subject to a civil penalty in an amount of \$2,500 per day of the violation, provided that no such penalty shall commence until the day after the ten-day period provided for the initial registration.
- C. Failure to maintain/secure property. Any registrant who shall fail to comply with a notice to abate, upon conviction in the Municipal Court of the Borough of Paulsboro, or such other court having jurisdiction, shall be subject to a civil penalty in an amount of \$1,500 per day of the violation, provided that no such penalty shall commence until the day after the time for compliance set forth in the notice to abate, except that if the violation involved an imminent risk to the public health, safety and welfare, the penalty may commence 11 days following the receipt of the notice to abate.

§ 54-39. Additional authority.

- A. Emergency abatement. If the Enforcement Officer has reason to believe that a registered property is posing an imminent and serious risk to the public health, safety and welfare for which immediate action is necessary to protect the public health, safety or welfare, the Enforcement Officer may take immediate action to temporarily address the conditions of the property and shall issue a notice to abate as soon as possible thereafter. The Enforcement Officer shall place a lien on the registered property for the costs incurred for the work performed to address the condition of the registered property.
- B. Additional security measures. If the Enforcement Officer has reason to believe that there is evidence of unauthorized entry despite the fact that the registrant has taken measures to secure the registered property, the Enforcement Officer shall have the authority to require the registrant to implement additional security measures to prevent such access, including, but not limited to, securing any and all doors, windows or other openings with a different material than what was used by the registrant, employing an on-site security guard or other measures as may be reasonably required to help prevent unauthorized access. Notice of the need to take additional measures shall be given by way of a notice to abate issued pursuant to § 54-36B.

§ 54-40. Immunity of Enforcement Officer.

The Enforcement Officer shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon real property while in the discharge of duties imposed by this article, pursuant to the New Jersey Tort Claims Act,^[1] and any other applicable law providing for immunity.

[1] *Editor's Note: See N.J.S.A. 59:1-1 et seq.*