

ARTICLE III Adoption of Standards

[Adopted 9-28-2015 by Ord. No. 019-2015]

§ 211-14. Definitions.

As used in this article, the following terms shall have the same meanings indicated:

ABANDONED PROPERTY — Pursuant to N.J.S.A. 55:19-81, an abandoned property is defined as follows: Any property in the Town of Hammonton, including, but not limited to, residential, commercial and/or industrial that has not been legally occupied for a period of six months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the public officer that:

- A. The property is in need of rehabilitation in the reasonable judgment of the public officer, and no rehabilitation has taken place during that six-month period;
- B. Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of a determination by the public officer pursuant to this section;
- C. At least one installment of property tax remains unpaid and delinquent on that property in accordance with Chapter 4 of Title 54 of the Revised Statutes as of the date of the determination by the public officer pursuant to this section; or
- D. The property has been determined to be a nuisance by the public officer in accordance with Section 5 of P.L. 2003, c. 210 (N.J.S.A. 55:19-82). A property which contains both residential and nonresidential space may be considered abandoned pursuant to P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et seq.) so long as 2/3 or more of the total net square footage of the building was previously legally occupied as residential or commercial space and none of the residential or commercial space has been legally occupied for at least six months at the time of the determination of abandonment by the public officer and the property meets the criteria of either Subsection A or Subsection D of this definition.

OWNER — Shall include the title holder, any agent of the title holder having authority to act with respect to a vacant/abandoned property, any foreclosing entity subject to the provisions of N.J.S.A. 46:10B-51 (P.L. 2008, c. 127, Section 17, as amended by P.L. 2009, c. 296), or any other entity determined by the Town of Hammonton to have authority to act with respect to the property.

VACANT PROPERTY — Any building used or to be used as a residence, commercial or industrial structure which is not legally occupied or at which substantially all lawful construction operations or 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. 55:19-54, 55:19-78, 55:19-79, 55:19-80 and 55:19-81; 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 article.

§ 211-15. Registration requirements.

Effective 30 days after adoption of this Ordinance, 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 Code Enforcement Official on forms provided by the town 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 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 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 proceedings 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 (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, which shall be prorated through December 31. The owner shall be required to renew the registration annually as long as the building remains a vacant and/or abandoned property and shall pay a registration or renewal fee in the amount prescribed in § 211-18 of this article for each vacant property registered.

D. The annual renewal shall be completed by January 1 each year. The initial registration fee shall be prorated for registration statements received less than 10 months prior to that date.

E. The owner shall notify the Code Enforcement Official within 30 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Code Enforcement Official 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.

§ 211-16. Access to vacant properties.

The owner of any vacant property registered under this article 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. to 4:00 p.m., or such other time as may be mutually agreed upon between the owner and the Borough.

§ 211-17. 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 himself 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 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/abandoned 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 town 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.

§ 211-18. Fee schedule.

The initial registration fee for each building shall be \$500. The fee for the first renewal is \$1,500, and the fee for the second renewal is \$3,000. The fee for any subsequent renewal beyond the second renewal is \$5,000.

Vacant Property Registration Fee Schedule

Type	Fee
Initial registration	\$500
First renewal	\$1,500
Second renewal	\$3,000
Subsequent renewal	\$5,000

§ 211-19. Requirements of owners of vacant/abandoned properties.

The owner of any building that has become vacant/abandoned property, and any person maintaining or operating or collecting rent for any such building that has become vacant, shall, within 30 days thereof:

A. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Town Code or as set forth in the rules and regulations supplementing those codes; 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 responsible for day-to-day supervision and management of the building, if such 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 eight inches by 10 inches; 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; and

D. Ensure that the exterior grounds of the structure, including yards, fences, sidewalks, walkways, rights-of-way, 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

E. Continue to 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,

demolished, or until repair and/or rehabilitation of the building is complete.

§ 211-20. Violations and penalties.

A. Any person who violates any provision of this article or the rules and regulations issued hereunder shall be fined not less than \$100 and not more than \$1,000 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this article 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 of 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 article.

C. To the extent that the town incurs any costs or expends any funds in the enforcement of this Ordinance, the town shall have the option of assessing the tax bill by adding the sums so expended to the tax bill of the registered property owner or requiring restitution of those expenditures in any court proceeding provided in this subchapter.