

19-4 REMOVAL OF GRASS, WEEDS, BRUSH AND OTHER IMPEDIMENTS.

19-4.1 Duties of Owners and Tenants; Removal Required; Time Limits.

No owner, tenant or occupant, or any agent, servant, representative or employee of such owner, tenant or occupant, of any occupied or unoccupied lot or land, or part or parts thereof, in the Borough of Pitman, shall permit or maintain thereon:

- a. Any brush, weeds, dead or dying trees, where they constitute a safety hazard, stumps, roots, obnoxious growths, filth, garbage, trash, debris or junk; or
- b. For a period of more than one (1) month, any motor vehicle in nonoperative condition; or
- c. Refuse or debris resulting from construction activities or the demolishing of a building or buildings for a period of more than one (1) month after completion of the construction or demolition.
- d. Grass or weeds of a height of more than eight inches (8").

(1967 Code § 4-7.1; Ord. No. 14-2014)

19-4.2 Notice of Violation.

Upon complaint of any resident, or any officer or employee of the Borough, of any violation of this section, or upon his own motion, the Health Officer Construction Official Building or Subcode Official, as the case may be, or his designated agent, shall make an investigation of the conditions indicated in the complaint and report thereon in writing to the Borough Council. If the conditions outlined in the report are found to exist, the Council shall instruct the Borough Clerk to notify in writing, either personally or by registered mail, the owner, tenant or person in possession of such lot or land where the violation is in effect, to remove or remedy such violation within ten (10) days after receipt of notice. (1967 Code § 4-7.2)

19-4.3 Cost of Removal or Abatement of Violations.

If the owner, tenant or person in charge to whom notice of violation of this section is sent, neglects or refuses to abate or remedy the violation within ten (10) days after notice thereof, the Health Officer, Construction Official or Building Subcode Official, or their designated agent, shall cause the violation to be abated and remedied and certify the cost thereof to the Borough Council which, after examination of the certificate and determination of its accuracy, shall cause the cost thereon to be charged against the lot or land on which the violation exists. The amount so charged shall become a lien upon the lot or land and shall be added to and become and form part of the taxes next to be assessed and levied upon the lot or land, the amount to bear interest at the same rate as taxes and to be collected and enforced by the same officers responsible for the collection of taxes and the same manner as taxes. (1967 Code § 4-7.3)

19-4.4 Violations and Penalties.

The remedy provided for in subsection 19-4.3 shall be in addition to the penalty provided by Chapter I, Section 1-5 and such other remedies as are provided for by N.J.S.A. 40:48-2.13, et seq. (1967 Code § 4-7.4; New)

19-5 REGISTRATION AND MAINTENANCE OF VACANT AND ABANDONED PROPERTIES.

Editor's Note: Prior ordinance history: Ordinance No. 12-2013.

19-5.1 Definitions.

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

Abandoned Property – pursuant to N.J.S.A. 55:19-81, an abandoned property is defined as follows:

Any property 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 Enforcement Officer that:

- a. The property is in need of rehabilitation in the reasonable judgment of the Enforcement 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 Enforcement 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 of the date of the determination by the Enforcement Officer pursuant to this section;
- d. Any building or structure which is not legally occupied or at which all lawful business or construction operations or renovation work or residential occupancy has substantially ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation, and/or the property has been determined to be a nuisance by the Enforcement Officer in accordance with N.J.S.A. 55:19-82. A property which contains both residential and non-residential space may be considered abandoned pursuant to N.J.S.A. 55:19-78, et seq. so long as two-thirds 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 Enforcement Officer and the property meets the criteria of either subsection a. or subsection d. of this section.

Creditor shall mean any Creditor (including out-of-State Creditors) including but not limited to, service companies, lenders in a mortgage agreement and any agent, servant or employee of the mortgagee, or any successor in interest and/or assignee of the mortgagee's rights, interests or obligations under a mortgage or mortgage note.

Enforcement Officer shall mean the Borough's Code Enforcement Officer.

Initiation of the Foreclosure Process shall mean any of the following actions taken by a lienholder or mortgage holder or mortgagee:

- a. Taking possession of the property;
- b. Delivering a Creditor's or mortgagee's Notice of Intention to Foreclose to the Borrower;
- c. Commencing a foreclosure action in the Superior Court of New Jersey or filing a Lis Pendens.

Owner shall include the title holder, any agent of the title holder having authority to act with respect to a vacant and/or abandoned property, any foreclosing entity that has filed a notice with the Municipal Clerk pursuant to the provisions of N.J.S.A. 46:10B-51, or any other entity determined by the Borough of Pitman 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 renovation work or 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 abandoned property in N.J.S.A. 55:19-81. or any two (2) of the conditions defined in N.J.S.A. 2A:50-73 exist; 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 a habitable condition, and where the building is being actively marketed by its owner or Creditor for sale or rental, shall not be deemed a vacant property for purposes of this section.

19-5.2 Registration Requirements.

The owner and/or Creditor of any abandoned or vacant property as defined herein shall:

- a. Within 30 calendar days after the building becomes vacant property; or
- b. Within 30 calendar days after assuming ownership of the vacant property, whichever is later; or
- c. Within 30 calendar days of receipt of notice by the municipality, file a registration statement for such vacant property with the Code Enforcement Office on forms provided by the Borough for such purposes in the manner set forth below. Failure to receive notice by the municipality shall not constitute grounds for failing to register the property.

1. Each property having a separate block and lot number as designated in official records of the municipality shall be registered separately.

2. The registration statement shall include the name, street address, telephone number, and e-mail address of a person 21 years of age or older, designated by the owner or Creditor or owners or Creditors as the authorized agent for receiving notices of Borough Code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owner or owners or Creditors in connection with the enforcement of any applicable code; and the name, street address, telephone number, and e-mail address of the firm and the actual name(s) of the firm's individual principal(s) 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 reside within the State of New Jersey.

3. The registration shall remain valid for one year from the date of registration, except the initial registration, for the fee prescribed in subsection 19-5.7 for each vacant property registered.

4. If the registration fee is not paid within thirty (30) days of notification, a lien will be placed on the property for the amount prescribed in subsection 19-5.7.

5. The owner or Creditor shall notify the Enforcement 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 Borough for such purpose.

6. 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, owners or Creditor of the building.

7. The owner and/or Creditor shall maintain insurance in accordance with subsection 19-5.5e. below.

8. The registration statement may include any additional information that the Enforcement Officer may reasonably require.

9. If after thirty (30) calendar days, there is no progress taken to address the Borough Code violations at the vacant property; taxes are unpaid for one (1) quarter and the water and sewer charges, if applicable, are also delinquent for one (1) quarter, the Borough may commence condemnation proceedings to either demolish the structure and or take title to the property to satisfy the Borough's liens and expenses.

(Ord. No. 24-2014)

19-5.3 Access to Vacant Properties.

The owner and/or Creditor of any vacant property registered under this Chapter 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 Creditor or the designated agent. Such inspections shall

be carried out on weekdays during the hours of 9:00 a.m. and 4:00 p.m., or such other time as may be mutually agreed upon between the owner or Creditor and the Borough. (Ord. No. 24-2014)

19-5.4 Responsible Owner or Creditor or Agent.

a. An owner or Creditor who meets the requirements of this Chapter 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 or Creditor consents to receive any and all notices of Borough Code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce Borough Code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner or Creditor 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 or Creditor notifies the Borough of Pitman in writing of a change of authorized agent or until the owner or Creditor files a new annual registration statement.

c. Any owner or Creditor who fails to register a vacant property under the provisions of this Chapter 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 or Creditor of the property of record with the Borough of Pitman by regular and certified mail, any and all notices of Borough Code violations and all process in an administrative proceeding brought to enforce Borough Code provisions concerning the building and subject to the provisions stated in subsection 19-5.2.

(Ord. No. 24-2014)

19-5.5 Vacant Property Owner or Creditor Requirements.

The owner or Creditor of any structure that has become vacant and/or abandoned property, and any person responsible for maintaining any such building that has become vacant and/or abandoned shall, within thirty (30) calendar days of the structure becoming vacant and/or abandoned, or within thirty (30) calendar days of the owner or Creditor taking title to the property, do the following:

a. Board and secure the structure and all unattached accessory structures, garages or similar structures as provided for in the applicable codes of the Borough of Pitman or as set forth in rules and regulations promulgated by the Construction Code Official.

b. Ensure that the exterior grounds of the structure, including yards, fences, 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 overgrowth and in compliance with this Chapter XIX.

c. Post a sign affixed and protected from the elements, to the structure indicating the name, address and telephone number of the owner or Creditor and the owner's or Creditor'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 Creditor or authorized agent. The sign shall include the words "No Trespassing" and "to report problems with this building, call...", shall be 8½" x 11" in size, and shall be placed in a location where it is clearly visible from the nearest public street or sidewalk, whichever is nearer.

d. 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.

e. The owner or Creditor of any vacant and/or abandoned property shall acquire and otherwise maintain liability insurance, in an amount of not less than \$300,000.00 for buildings designed primarily for residential use, 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 or property subject to the provisions of the ordinance. Any insurance policy acquired or renewed after the building has become vacant shall provide for written notice to the Borough of Pitman Enforcement Officer within thirty (30) calendar days of any lapse, cancellation or change in coverage. The owner or Creditor shall attach evidence of the insurance to the owner's or Creditor's registration statement. Any registration statement submitted that does not include such evidence shall be deemed to be an invalid registration.

f. Correct any violation of this Chapter, including but not limited to the provision of care, maintenance, security and upkeep of the exterior of the property, within thirty (30) days of receipt of the violation notice from the Enforcement Officer; or within ten (10) days of receipt of the violation notice if the violation presents an eminent threat to public health and safety. The issuance of a notice pursuant to this Chapter shall constitute proof that a property is "vacant and abandoned" for the purposes of N.J.S.A. 2A:50-73.

(Ord. No. 24-2014)

19-5.6 Enforcement Officer May Issue Rules and Regulations.

The Enforcement Officer may issue additional rules and regulations for the administration of the provisions of this section. Such administratively promulgated rules and regulations shall be in writing and shall be provided to the owners or Creditor of properties registered under this Chapter or their designated agents within thirty (30) calendar days of their effective date. (Ord. No. 24-2014)

19-5.7 Fees.

a. The registration fee for each building shall be as follows:

1. Initial registration fee: \$500.00. (January 31 - September 30)
\$250.00. (October 1 - December 31)

2. If not paid within six (6) months of notification by the Borough of Pitman, the registration fee shall increase to \$1,000.00.

b. The renewal fee for each building shall be due on or before January 31 of each year as follows:

1. First renewal fee: \$1,000.00.
2. Second and subsequent renewal fee: \$2,000.00.

(Ord. No. 24-2014)

19-5.8 Violations and Penalties.

a. Any owner or in-State Creditor who violates any provision of this Chapter or of the rules and regulations issued hereunder shall be subject to a fine of \$1,500.00 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 or Creditor and shall be a lien on the property as described in N.J.S.A. 55:19-100.

b. An out-of-State Creditor who violates any provision of this Chapter or of the Rules and Regulations issued hereunder shall be subject to a fine of \$2,500.00 for each day a separate violation of this Chapter exists. Fines assessed under this Chapter shall be recoverable from the owner or Creditor and shall be a lien on the property as described in N.J.S.A. 55:19-100.

(Ord. No. 24-2014)

19-6 REGISTRATION AND MAINTENANCE OF ABANDONED AND FORECLOSED PROPERTY.

19-6.1 Preamble; Purpose and Intent.