

**TOWNSHIP OF RARITAN
COUNTY OF HUNTERDON, NEW JERSEY**

ORDINANCE NO. #15-06

AN ORDINANCE OF THE TOWNSHIP OF RARITAN AMENDING TITLE 15, TITLED "BUILDINGS AND CONSTRUCTION" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF RARITAN TO ADD A NEW CHAPTER 15.07, TITLED "VACANT PROPERTIES" ESTABLISHING REGISTRATION REQUIREMENTS, REGISTRATION FEES, INSPECTION AND MAINTENANCE REQUIREMENTS FOR VACANT OR ABANDONED STRUCTURES.

WHEREAS, within the Township of Raritan there are buildings or structures that are vacant; and

WHEREAS, in many cases the owners or other responsible parties of these buildings or structures are failing to maintain them or secure them to adequate standards, or restore them to productive use; and

WHEREAS, many of these structures are in violation of the Township Housing Code, Chapter 15.08, and applicable law; and

WHEREAS, vacant and unmaintained properties cause harm to the health, safety and general welfare of the community; and

WHEREAS, it is in the public interest for the Township to establish standards of accountability on the owners or other responsible parties of these properties in order to protect the health, safety and general welfare of the residents of the Township; and

WHEREAS, it is in the public interest for the Township to impose a fee in conjunction with the registration of vacant structures.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Raritan, County of Hunterdon and State of New Jersey, that Title 15, titled "Buildings and Construction" of the Revised General Ordinances of the Township of Raritan is hereby amended to add a new Chapter 15.07, titled "Vacant Properties", as follows:

CHAPTER 15.07

VACANT PROPERTIES

§15.07.010 Definitions.

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

Abandoned Building or Structure shall mean any property that has not been legally occupied for a period of at least six (6) months and which meets any one of the following criteria may be deemed to be an abandoned building or structure upon a determination by the Zoning Officer that:

- a. The building or structure is in need of rehabilitation in the reasonable judgment of the Zoning Officer, and no rehabilitation has taken place during that six (6) month period;
- b. Construction that was initiated on the building or structure and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six (6) months as of the date of a determination by the Zoning Officer pursuant to this Chapter;
- c. At least one (1) installment of property tax remains unpaid and delinquent on that property on the date of the determination by the Zoning Officer pursuant to this Chapter; or
- d. The building or structure has been determined to be a nuisance by the Zoning Officer. A property which contains both residential and non-residential space may be considered abandoned as 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 (6) months at the time of the determination of abandonment by the Zoning Officer and the property meets the criteria of either Subsection a. or Subsection d. of this definition for abandoned building or structure.

Zoning Officer shall mean the official who is charged with the administration and enforcement of this Chapter, or any duly authorized representative.

Owner shall include the title holder, any agent of the title holder having authority to act regarding a vacant building or structure, any foreclosing entity that has filed a notice with the Township Clerk pursuant to Chapter 15.06.

Vacant Building or Structure 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, 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 for sale or rental, shall not be deemed vacant for purposes of this Chapter.

§15.07.020 Registration Requirements.

The owner of any vacant building or structure as defined in this Chapter shall:

1. Within thirty (30) calendar days after the building or structure becoming vacant shall file a registration statement for such vacant building or structure with the Township Clerk; or

2. Within thirty (30) calendar days after assuming ownership of a vacant building or structure, file a registration statement for such vacant building or structure with the Township Clerk; or
3. Within ten (10) calendar days of receipt of notice by the Township, file a registration statement for such vacant building or structure with the Clerk on forms provided by the Township for such purposes. Failure to receive notice from the Township shall not constitute grounds for failing to register the building or structure.
 - a. Each property having a separate block and lot number as designated on official records of the Township 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 twenty-one (21) years of age or older, designated by the owner or owners as the authorized agent for receiving notices of violations of the Township Housing Code, Chapter 15.08, and applicable law 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 law, code or ordinance; and the name, street address, telephone number, and e-mail address (if applicable) of the firm and the actual name(s) of the firms 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 twenty-four (24) hour per day, seven (7) 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 (1) year from the date of registration for each vacant building or structure registered.
- d. The owner shall notify the Township Clerk within thirty (30) calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Township for such purpose.
- e. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement or court proceeding instituted by the Township against the owner or owners of the building or structure.
- f. The registration statement may include any additional information that the Township Clerk may reasonably require.

§15.07.030 Restoration of Vacant Building or Structure.

Any owner of a vacant building or structure who plans to restore the property to productive use and occupancy during the twelve (12) month period following the date of the initial registration shall file a sufficiently detailed statement of the owner's plans for restoration of the property with the registration statement along with a schedule. Any owner who within the initial registration period completes restoration of the property whereby the property no longer is defined as vacant may request a fifty (50%) percent refund of the registration fee from the Township Clerk upon presentation of a Certificate of Occupancy.

§15.07.040 Access to Vacant Buildings or Structures.

The owner of any vacant building or structure registered under this Chapter consents to and shall provide access to the Township to conduct exterior and interior inspections of the building, structure or property to determine compliance with the Township Housing Code, Chapter 15.08, or applicable law,

upon reasonable notice to the property owner or the designated agent. Such inspections shall be conducted on weekdays during Ordinance #15-06

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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 and the Township.

§15.07.050 Responsible Owner or Agent.

- a. An owner who meets the requirements of this Chapter regarding 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 Chapter the owner consents to receive any and all notices of Township Housing Code, Chapter 15.08, or other applicable law violations concerning the registered property and all process in any administrative enforcement or court proceeding brought to enforce this Chapter regarding the registered building or structure by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this Chapter shall be deemed to consent to the continuation of the agent's designation for the purposes of this Chapter until the owner notifies the Township Clerk 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 a vacant building or structure 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 notice at the last known address of the owner of the property on record with the Township by regular and certified mail, any and all notices under the Township Housing Code, Chapter 15.08, or applicable law violations and all process in an administrative or court proceeding brought to enforce the Housing Code or other applicable law.

§15.07.060 Vacant Building or Structure Owner Requirements.

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

- a. Board and secure the building or structure and all unattached accessory structures, garages or similar structures as provided for by applicable law.
- b. Ensure that the exterior grounds of the building or structure, including yards, fences, sidewalks, walkways, right-of-ways, alleys, retaining walls, swimming pools both above or below ground, attached or unattached accessory structures and driveways, are well-maintained and free from trash, debris, loose litter, grass and weed overgrowth, and snow and ice.
- c. Post a sign affixed and protected from the elements, to the building or 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. The sign shall include the words "No Trespassing" and "to report problems with this building, call...", shall be of sufficient 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 building or 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 or structure is complete.

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§15.07.070 Fees.

The registration for each building or structure shall be as follows:

- a. Initial registration: \$50.00.
- b. If not paid within six (6) months of notification by the Township the registration payment shall increase to \$250.00.

§15.07.080 Violations and Penalties.

- a. Any person who violates any provision of this Chapter shall be fined not greater than \$1,250.00 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 Chapter, failure to file a registration statement within thirty (30) calendar days after a building or structure becoming vacant or within thirty (30) calendar days after assuming ownership of a vacant building or structure, whichever is later; or within ten (10) calendar days of receipt of notice from the Township, and failure to provide correct information on the registration statement, failure to comply with the provisions of §15.07.030 and §15.07.060, or such provisions contained herein shall be deemed to be violations of this Ordinance.

Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this Ordinance are hereby

declared to be severable.

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This Ordinance shall be in full force and effective from and after its adoption and any publication as required by law.

ATTEST:

TOWNSHIP OF RARITAN

By: _____
Rose Sollena, Clerk

By: _____
Craig O'Brien, Mayor

NOTICE OF PENDING ORDINANCE

PLEASE TAKE NOTICE that the foregoing Ordinance was introduced at a Township Committee Meeting by the Township Committee of the Township of Raritan on June 3, 2015, the same was then ordered to be published according to law with a public hearing and a vote scheduled for the meeting of July 21, 2015, beginning at 7:00 p.m. at the Municipal Building, One Municipal Drive, Flemington, New Jersey at which time all interested persons will be heard.

Rose Sollena, RMC/CMC
Township Clerk