

ORDINANCE 2017-06

ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 508: PROPERTY, VACANT AND ABANDONED

offered the following ordinance and moved its introduction:

WHEREAS, the Borough of Red Bank is desirous of maintaining and providing the residents of Red Bank with a safe, pleasant environment, and to that end, structures that are abandoned or vacant detract from this goal and create an attractive nuisance for a neighborhood; and

WHEREAS, in many cases the owners or other responsible parties of these structures are neglectful of them, do not maintain or secure them to a recognized adequate community standard or municipal maintenance code, or restore them to productive use; and

WHEREAS, vacant and abandoned structures cause severe harm to the health, safety, and general welfare of the community, including diminution of neighboring property values, increased risk of fire, and potential increases in criminal activity and public health risks; and

WHEREAS, the Borough of Red Bank incurs disproportionate costs in order to address the problems of vacant and abandoned structures, including but not limited to code enforcement violations, excessive police calls, fire calls, property maintenance calls, and property inspections; and

WHEREAS, it is in the public interest for the Borough of Red Bank to establish minimum standards of accountability for 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 Red Bank; and

WHEREAS, it is in the public interest for the Borough of Red Bank to impose a fee in conjunction with a registration ordinance, which is in addition to other fees or costs that are imposed or required by the Borough of Red Bank for any maintenance or other reason for vacant and abandoned structures, in light of the disproportionate costs imposed on the Borough by the presence of these structures within the Borough.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Red Bank that Chapter 508 of the Revised General Ordinances of the Borough of Red Bank, Monmouth County is hereby be replaced in its entirety as follows:

Chapter 508

Maintenance of Vacant Properties, Structures Registration Requirements and Fees

508.1 Definitions

“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 or any other entity determined by the Borough to have authority to act with respect to the property.

“Vacant Property” shall mean any building or structure intended for or having an existing commercial, industrial, mixed-use, single or multifamily residential use, and which is not legally occupied or at which substantially all lawful commercial, business, construction operations or residential occupancy has ceased, or said structure is in such condition that it cannot legally be occupied without repair, renovation, or rehabilitation; provided, however, that any property that contains all building systems or components 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 property" in accordance with the meaning of such term in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., which shall include commercial, industrial, single or multifamily, or mixed-use residential structures are deemed to be vacant property for the purposes of this section. However, the owner or owner's agent shall maintain and secure the property even if the property, building, or structure has been placed for sale or rental until such time as the property, building, or structure is sold or rented and occupied.

508.2 Registration Requirements.

Effective April 1, 2017, the owner of any vacant property as defined herein shall, within sixty (60) calendar days after the building becomes vacant property or within thirty (30) calendar days after assuming ownership of a vacant property, whichever is later; or within ten (10) calendar days of receipt of notice by the Borough, file a registration statement for such vacant property with the Borough Clerk, or any other designated Borough Representative, on forms provided by the Borough for such purposes. Failure to receive notice by the Borough 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 Borough shall be registered separately.
- b. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of a person 21 years or older, designated by the owner or owners as 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 email (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 valid until December 31st of the year in which it is filed. For initial registrations filed after April 1st, the Initial Registration fee prescribed in Section 508.5 of this Ordinance shall be prorated *per diem* (on a 365-day-per-year basis) through December 31st of the year in which the initial registration is filed. 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 Section 508.5 of this Ordinance for each vacant property registered.
- d. After the initial registration, the registration statement shall be renewed annually by January 1st of each year. Regardless of when the initial registration was filed during the preceding year, the first annual renewal on the following January 1st shall be considered the "First Renewal" and the owner shall pay the First Renewal fee, and all subsequent renewal fees thereafter, in the amounts prescribed in Section 508.5 of this Ordinance.
- e. The owner shall notify the Borough Clerk or any other designated Borough Representative 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.
- f. The registration statement shall be deemed an official record and business record in any administrative enforcement proceeding or court proceeding instituted by the Borough against the owner, owners, or other party or parties responsible for the building or structure.

508.3 Access to Vacant Properties.

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

508.4 Responsible Owner or Agent.

- a. An owner who meets the requirements of this Ordinance 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 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 Borough 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 and/or property.

508.5 Fee Schedule.

For each single-family residential property, initial registration shall be required in accordance with Section 508.2 of this Ordinance, but there shall be no initial registration fee. The fee for the first renewal registration of a single-family residential property shall be fifty dollars (\$50.00) dollars, and the fee for the second renewal registration of a single-family residential property shall be one-hundred dollars (\$100.00). The fee for any subsequent renewal registration of a single-family residential property beyond the second renewal shall be two-hundred dollars (\$200.00).

For all properties other than single-family residential properties, the initial registration fee for each property shall be five-hundred dollars (\$500.00). The fee for the first renewal shall be one-thousand (\$1,000.00) dollars, and the fee for the second renewal shall be one-thousand-five-hundred dollars (\$1,500.00). The fee for any subsequent renewal beyond the second renewal shall be two-thousand dollars (\$2,000.00).

Vacant Property Registration Fee Schedule

Single-Family Residential Properties

Initial Registration	No Fee
First Renewal	\$50.00
Second Renewal	\$100.00
Subsequent Renewal	\$200.00

All Other Properties

Initial Registration	\$500.00
First Renewal	\$1,000.00
Second Renewal	\$1,500.00
Subsequent Renewal	\$2,000.00

508.6 Requirements of Owners of Vacant/Abandoned Properties.

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

- a. Enclose and secure the building against unauthorized entry as provided in the applicable codes of the State of New Jersey and the Borough, 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 (8) inches by ten (10) inches. The sign shall be professionally made and printed (no hand written signs will be permitted); and

- c. 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 gross and weed growth; and
- 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.

508.7 Administration

The Borough may issue rules and regulations for the administration of the provisions of this Ordinance as it deems necessary.

508.8 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 of the rules and regulations issued hereunder shall be in addition to the payment of the prescribed licensing fee subject to a fine of not less than \$200.00 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 recoverable from the owner and shall be a lien on the property and all such legal fees associated with any reasonable cost recoverable from the owner as well.
- b. For purposes of this section, failure to file a registration statement in time, failure to provide correct information on the registration statement, failure to comply with the provisions of Section 508.2 through and including Section 508.6 this Ordinance, or such other matters as may be established by the rules and regulations of the Borough shall be deemed to be violations of this Ordinance.
- c. Nothing in this Ordinance is intended to nor shall be read to conflict or prevent the Borough from taking action against owners of building or structures found to be unfit for human habitation or are unsafe structures as provided in applicable provisions of the Borough Code, including but not limited to provisions of the State or Borough Building or Property Maintenance codes. Further, any action taken under any such code provision other than the demolition of a structure shall not relieve an owner from its obligations under this Ordinance.
- d. This Ordinance shall take effect immediately upon final passage and publication and in accordance with the laws of the State of New Jersey.

Seconded by

and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Yngstrom	()	()	()	()
Councilman Zipprich	()	()	()	()
Councilwoman Horgan	()	()	()	()
Councilwoman Schwabenbauer	()	()	()	()
Councilman Taylor	()	()	()	()
Councilman Whelan	()	()	()	()

Dated: February 22, 2017

**BOROUGH OF RED BANK
REGISTRATION FORM FOR ABANDONED/VACANT PROPERTIES**

Block # _____ Lot # _____

1. _____
Address of Property

2. _____
Property Owner Telephone #

3. _____
Property Owner's Address City State Zip Code

E-Mail Address

4. _____
Name of Agent (if different than Owner) Telephone #

Address City State Zip Code

E-Mail Address

5. Property Description: Total Units: _____ Commercial Units: _____

a. Number of stories: _____

b. Date Property Acquired: _____

c. Does the Owner intend to restore property to productive use and occupancy?

:
Yes No

What is the anticipated date of the above: _____

d. Is Property currently:

i. Enclosed and secured from authorized entry? Yes No

ii. Type of securement: _____

iii. Sign affixed to building indicating the name, address, and telephone number of the Owner and the Owner's authorized agent?

Yes No

iv. Who will maintain the building and sign in a secure and closed condition?

I certify that the forgoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to the fine(s) indicated in Section 508.8 under Violations and Penalties, which will be in addition to other fees indicated in the Ordinance.

Owner's Signature

Date