

ORDINANCE NO. 2210-14

AN ORDINANCE OF THE CITY OF WOODBURY AMENDING THE CODE OF THE CITY OF WOODBURY CREATING SECTION “VACANT PROPERTIES” ESTABLISHING REGISTRATION REQUIREMENTS, REGISTRATION FEES, INSPECTION, MAINTENANCE AND INSURANCE REQUIREMENTS OF VACANT PROPERTIES

WHEREAS, the City of Woodbury contains structures that are vacant in whole or large part; and

WHEREAS, in many cases the owners or other responsible parties of these structures (banks, lien holders) are neglectful of them, and 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 State and local housing and property maintenance codes; and

WHEREAS, it has been established that vacant structures cause severe harm to the health, safety and general welfare of the community, including diminution of neighboring property values, loss of property tax revenues, accumulation of trash and debris, overgrowth of grass, weeds, and other vegetation that is inhabited by insects and rodents, increased risk of fire, and potential increases in criminal activity and public health risk; and

WHEREAS, the City of Woodbury incurs disproportionate costs in order to deal with the problems of vacant structures, including but not limited to police calls, fire calls, public works calls, property inspections and related tasks associated with these calls; and

WHEREAS, it is in the public interest for the City of Woodbury to establish standards of accountability on the owners or other responsible parties (to include banks and lien holders) of vacant structures in order to protect the health, safety and general welfare of the residents of the City of Woodbury; and

WHEREAS, it is in the public interest for the City of Woodbury to impose a fee in conjunction with a registration ordinance for vacant structures in light of the disproportionate costs imposed on the City by the presence of these structures and as a last resort, demolish and take title by adverse possession/ eminent domain;

NOW, THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Woodbury, Gloucester County and State of New Jersey, that the Code of the City of Woodbury is hereby amended to create a Section “Vacant Properties” as set forth below:

SECTION 1. Definitions

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

OWNER - shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity that has filed a notice with the municipal clerk pursuant to the provisions of C.46:10B-51 (P.L.2008, c.127, Sec.17 as amended by P.L.2009, c.296), or any other entity determined by the City of Woodbury to have authority to act with respect to the property.

PUBLIC AUTHORITY/OFFICER – As stated in 65-1 under Chapter 65 Unfit Buildings

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.55:19-80; 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 a vacant property for purposes of this ordinance.

ABANDONED PROPERTY – pursuant to N.J.S.A. 55:19-81 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 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 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 (C.55:19-82). A property which contains both residential and non-residential space may be considered abandoned pursuant to P.L. 2003, c. 210 (C.55:19-78 et al.) 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 public officer and the property meets the criteria of either subsection a. or subsection d. of this section.

SECTION 2. Registration Requirements.

The owner of any vacant property as defined herein shall:

1. Within 30 calendar days after the building becomes vacant property or
2. Within 30 calendar days after assuming ownership of the vacant property, whichever is later; or

3. Within 10 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 City 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 of age 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 proceeding 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 address (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 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.
 - c. The registration shall remain valid for one year from the date of registration in the amount prescribed in SECTION 8 for each vacant property registered.
 - d. If registration is not paid within six (6) months of notification, a lien will be placed on the property for the amount prescribed in SECTION 8 and will double if not paid by the end of the year.
 - e. The owner shall notify the Code Enforcement Office within 30 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the City 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 City against the owner or owners of the building.
 - g. The owner shall maintain insurance in accordance with §265-28(e).
 - h. The registration statement may include any additional information that the Public Officer may reasonably require.
 - i. If after one year, there is no progress taken to address the code violations at the vacant property, taxes are unpaid for an entire year and the water and sewer charges are also delinquent for one year, the City will start condemnation proceedings to

either demolish the structure and or take title to the property to satisfy the City's losses.

SECTION 3. Restoration of Vacant Property.

Any owner of vacant property who plans to restore the property to productive use and occupancy during the twelve month period following the date of the initial registration of the property shall file a sufficiently detailed statement of the owner's plans for restoration of the property with the registration statement along with a timeline schedule. Any owner who within the initial registration period completes restoration of the property whereby the property no longer is defined as a vacant property may request a 50% refund of the vacant property registration fee from the Code Enforcement Office upon presentation of a Certificate of Occupancy who shall forward the request to the Public Officer for approval.

SECTION 4. Access to Vacant Properties.

The owner of any vacant property registered under this Article shall provide access to the City 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 9:00am and 4:00pm, or such other time as may be mutually agreed upon between the owner and the City.

SECTION 5. 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 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 City of Woodbury 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 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 notice at the last known address of the owner of the property on record with the City of Woodbury 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 subject to the provisions stated in SECTION 2i.

SECTION 6. Vacant Property Owner Requirements.

The owner of any structure that has become vacant property, and any person responsible for maintaining any such building that has become vacant shall, within 30 calendar days of the structure becoming vacant or within 30 calendar days of the owner 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 City of Woodbury 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
- c. Post a sign affixed and protected from the elements, to the 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. The sign shall meet the requirements pursuant to §370-65 Signs.
- 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 of any vacant 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. Said insurance shall provide a rider for payment of all demolition costs should the vacant building become abandoned and require the City of Woodbury to demolish the building. Any insurance policy acquired or renewed after the building has become vacant shall provide for written notice to the City of Woodbury Public Officer within 30 calendar days of any lapse, cancellation or change in coverage. The owner shall attach evidence of the insurance to the owner's registration statement. Any registration statement submitted that does not include such evidence shall be deemed to be an invalid registration. Insurance must name City of Woodbury as party or payee for demolition costs should the City deem demolition is required.

SECTION 7. Public Officer Issued Rules and Regulations

The Public Officer may issue rules and regulations for the administration of the provisions of this ordinance. Such administratively promulgated rules and regulations shall be in writing and shall be provided to the owners of properties registered under this Article or their designated agents within 30 calendar days of their effective date.

SECTION 8. Fees.

The registration for each building shall be as follows:

- Initial registration: \$1000.
- If not paid within six (6) months of notification by the City of Woodbury the registration payment will double to \$2000.

SECTION 9. Violations.

- a. Any person who violates any provision of this Article or of the rules and regulations issued hereunder shall be fined not less than \$500.00 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.
- 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, failure to comply with the provisions of Sections 2, 4 and 6 of this Chapter, or such provisions contained herein shall be deemed to be violations of this ordinance.

SECTION 10. Severability

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.

SECTION 11. Repealer

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed. This ordinance shall take effect upon its final passage and publication according to law.

SECTION 12. Effective Date

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

THE FOREGOING was introduced by the City Council of the City of Woodbury at a regular meeting held on July 22, 2014. This Ordinance will be considered for adoption at final reading and public hearing to be held on August 12, 2014 at 7:30 p.m. or at such time as may be determined and announced, in City Hall, Council Chambers, 33 Delaware Street, Woodbury, New Jersey, at which time and place all persons interested will be given the opportunity to be heard concerning said Ordinance. During the time prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the City Clerk's Office to the members of the general public who may request same.

CITY OF WOODBURY

By: _____
WILLIAM FLEMING, JR.,
Council President

ATTEST:

ROY A. DUFFIELD, Clerk

Approved:

WILLIAM J. VOLK, Mayor