

ORDINANCE NO. 2018- *12*

**ORDINANCE OF THE TOWNSHIP OF LACEY, COUNTY OF OCEAN,
STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING
CHAPTER 273 OF THE TOWNSHIP CODE, ENTITLED "PROPERTY
MAINTENANCE," SO AS TO AMEND SECTION II: "ABANDONED
AND VACANT PROPERTIES"**

BE IT ORDAINED by the Mayor and Township Council of the Township of Lacey, County of Ocean, and State of New Jersey, as follows:

SECTION 1. Chapter 273 of the Township Code of the Township of Lacey, entitled "Property Maintenance," so as to add Article III which shall be entitled "Registration of Abandoned and Vacant Properties," and which shall read as follows:

§273-8 Definitions. As used in this section, the following terms shall have the meanings indicated:

OWNER — Shall mean and include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions N.J.S.A. 46:1013-51 (P.L. 2008, C. 127, § 17, as amended by P.L. 2009, c. 296), or any other entity determined by the Township of Lacey to have authority to act with respect to the property.

VACANT/ABANDONED 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 residential 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. 55:19-80 et seq.; 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 section,

§273-9 Registration requirements.

Effective May 1, 2018, 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 Officer on forms provided by the Township for such purposes. 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 (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 twenty-four-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 until December 31 of the year in which the application is made. The owner shall be required to renew the registration annually in the month of January. Deadline for registration renewal shall be January 31 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 Subsection E of this section for each vacant property registered.
- (4) The owner shall notify the Clerk within 30 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Clerk for such purpose.
- (5) 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 Township against the owner or owners of the building.

§273-10 Access to vacant properties.

The owner of any vacant property registered under this section shall provide access to the Township 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 time as may be mutually agreed upon between the owner and the Township.

§273-11. Responsible owner or agent.

- (1) An owner who resides in the State of New Jersey may designate themselves as the agent responsible for maintaining the property.
- (2) An owner who resides out of the State of New Jersey shall designate an agent that resides or is located in the State of New Jersey as the agent responsible for maintaining the property

and receiving any and all notices of code violations concerning the registered property. The agent shall also be designated for service of process for any court proceedings or administrative enforcement proceedings brought to enforce code provisions concerning the registered property.

- (3) Any owner who fails to register vacant/abandoned property under the provisions of this section 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 Township 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.

§273-12. Fees.

The initial registration fee shall be \$750 for the first year, which initial registration shall be prorated to \$375 if qualified after July 1 of the first year. The fee for each renewal thereafter is \$1000.

§273-13. Requirements of owners of vacant 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:

- (1) Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Township Code or as set forth in the rules and regulations supplementing those codes; and
- (2) 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
- (3) Secure the building from unauthorized entry; and
- (4) 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.
- (5) Continue the above measures until the building is again occupied or demolished or until repair and/or rehabilitation of the building is complete.

§273-14. Violations and penalties.

- (1) Any person who violates any provision of this section or the rules and regulations issued hereunder shall be fined no less than \$100 and not more than \$2,000 for each offense. Every day

that a violation continues shall constitute a separate and distinct offense.

(2) 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 provision of such provisions contained herein shall be deemed to be violations of this section.

(3) The provisions of this section shall be enforced by Township enforcing officials, including but not limited to the Code Enforcement Office.

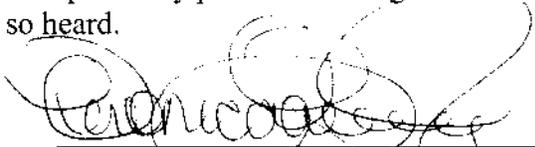
SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Lacey held on the **12th** day of **April, 2018**, and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the **26th** day of **April, 2018**, at 7:00 p.m., at the Municipal Building located on Lacey Road in Forked River, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.


VERONICA LAUREIGH, CMC, AAE
Municipal Clerk, Township of Lacey