

**TOWNSHIP COUNCIL OF MOUNT HOLLY TOWNSHIP
BURLINGTON COUNTY, NEW JERSEY**

ORDINANCE NO. 2016 – 10

**AN ORDINANCE OF THE TOWNSHIP OF MOUNT HOLLY
AMENDING CHAPTERS 140 (HISTORIC DISTRICT – VACANT
BUILDINGS) AND 213 (VACANT AND ABANDONED PROPERTIES) OF
THE CODE OF THE TOWNSHIP OF MOUNT HOLLY**

WHEREAS, the Township of Mount Holly contains several structures which are vacant in whole or large part; and

WHEREAS, in many cases, the owners or responsible parties of these structures are neglectful of them, not maintaining or securing them to an adequate standard and/or not restoring them to productive use; and

WHEREAS, it has been established that 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 and safety risks; and

WHEREAS, the Township of Mount Holly incurs disproportionate costs in order to deal with the problems of vacant and abandoned structures, including but not limited to, excessive police calls, fire calls, and property inspections; and

WHEREAS, it is in the public interest for the Township of Mount Holly to establish minimum standards of accountability on 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 Township of Mount Holly; and

WHEREAS, the presence of these structures within the Township imposes a great cost on the Township and it is in the public interest for the Township of Mount Holly to impose a fee in conjunction with the registration of vacant and abandoned structures in an attempt to offset the disproportionate costs; and

WHEREAS, the provisions of the Public Laws of 2014, Chapter 35, the legislature has now empowered the Township to further impose these requirements on a creditor to be responsible for the care, maintenance, security, and upkeep of the exterior of the residential property.

NOW THEREFORE BE IT ORDAINED by the Council of the Township of Mount Holly, in the County of Burlington and State of New Jersey that the Township Code is hereby amended as follows (all additions to the previous ordinance are underlined, any deletions are crossed out):

§140-1 through §140-8 is stricken.

§213-1. Definitions

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

OWNER

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 subject to the provisions of N.J.S.A. 46:10B-51 (P.L. 2008, c.127, Section 17) or any other entity determined by the Township of Mount Holly to have authority to act with respect to the property.

VACANT AND ABANDONED PROPERTY

Vacant and Abandoned Property shall be defined as:

A. Any building used or to be used as a residence or business which is not legally occupied or at which substantially all lawful construction or business operations or residential occupancy has ceased, including but not limited to any property meeting the definition of abandoned property in N.J.S.A. 55:19-78 et seq.; and

B. Which is in such condition that it cannot legally be reoccupied without repair or rehabilitation;
and

C. At least two of the following conditions exist:

1. Overgrown or neglected vegetation, including, but not limited to, brush, weeds, or dead or dying trees;
2. Infestation of insects, vermin, rats or other pests;
3. The accumulation of newspapers, circulars, flyers or mail on the property;
4. Disconnected gas, electric or water utility services to the property;
5. The accumulation of hazardous, noxious or unhealthy substances or materials on the property;
6. The accumulation of junk, litter, trash or debris on the property;
7. The absence of window treatments such as blinds, curtains or shutters;
8. The absence of furnishings and personal items;
9. Statements by neighbors, delivery persons or government employees indicating that the residence is vacant and abandoned;
10. Windows or entrances to the property that are boarded up or closed off, or multiple window panes that are damaged, broken and unrepaired;
11. Doors to the property that are smashed through, broken off, unhinged or continuously unlocked;
12. A risk to the health, safety or welfare of the public or any adjoining or adjacent property owners that exists due to acts of vandalism, loitering, criminal conduct or the physical destruction or deterioration of the property;
13. An uncorrected violation of a municipal building, housing or similar code during the

preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;

13. The mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;

14. A written statement issued by a mortgagor expressing the clear intent of all mortgagors to abandon the property; or

15. Any other reasonable indicia of abandonment.

D. However, that any property where all building systems are in working order, where the building and grounds are maintained in good order, and 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 and abandoned property for purposes of this ordinance.

E. Residential properties that meet the aforementioned criteria and are subject to a summons and complaint in an action for foreclosure shall be deemed vacant and abandoned property in accordance to P.L. 2014, c. 35.

§ 213-2 Registration statement.

A.

Effective April 1, 2013, the owner of any vacant and abandoned property as defined herein shall, within 60 days after the building becomes vacant and abandoned property or within 30 days after assuming ownership of the vacant and abandoned property, whichever is later, file a registration statement for each such vacant and abandoned property with the Township Code Enforcement Official on forms provided by the Township Code Enforcement Official for such purposes. The registration shall remain valid until the end of the calendar year. The owner shall be required to renew the registration annually, no later than January 31, as long as the building remains vacant and abandoned property and shall pay a registration or renewal fee in the amount prescribed in § 213-4 of this chapter for each vacant and abandoned property registered.

B.

Any owner of any building that meets the definition of vacant and abandoned property prior to April 1, 2013, shall file a registration statement for that property on or before April 30, 2013. The registration statement shall include the information required under § 213-3 of this chapter, as well as any additional information that the Township Code Enforcement Official may reasonably require.

§ 213-3 Registration statement requirements; property inspection; designated agent.

A.

After filing a registration statement or a renewal of a registration statement, the owner of any vacant and abandoned property shall provide access to the Township Code Enforcement Official to conduct an exterior and interior inspection of the building to determine compliance with the Township Code, following reasonable notice, during the period covered by the initial registration or any subsequent renewal.

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D.

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 and abandoned 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 Township Code Enforcement Official of a change of authorized agent or until the owner files a new annual registration statement. The designation of an authorized agent in no way releases the owner from any requirement of this chapter.

§213-4. Fee Schedule

A.

The initial registration fee for each building shall be ~~\$150~~ 500. The fee for the first renewal is ~~\$300~~ 1,500. The fee for ~~any subsequent renewal is \$300.~~ the second renewal is \$3,000 and the fee for any subsequent renewal is \$5,000.

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Vacant and Abandoned Property Registration Fee Schedule

Initial registration	\$150
<u>\$500</u>	
First renewal	\$300
<u>\$1,500</u>	
Second renewal	\$300
<u>\$3,000</u>	
<u>Any subsequent renewal</u>	<u>\$5,000</u>

B.

Any property located within the Historic Preservation District as provided for in § 149-162, shall be excepted from the fee schedule above and shall pay an initial registration fee for each building of \$75. All subsequent renewals shall be \$150.

§ 213-5 Responsibilities of owners of vacant and abandoned property.

The owner of any building that has become vacant and abandoned property, and any person maintaining, operating or collecting rent for any such building that has become vacant and abandoned, shall, within 30 days thereof:

...

D.

The owner of any vacant and abandoned building shall acquire and otherwise maintain liability insurance by procuring a vacancy policy in an amount of not less than \$300,000 for buildings designed primarily for use as residential units and not less than \$1,000,000 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.

...

§213-8. Violations and Penalties

B. In accordance with P.L. 2014, c. 35, if an out-of-state creditor owner that is subject to the requirements of this chapter is found by the Township's municipal Court or by any court of competent jurisdiction to be in violation of the requirement to appoint an authorized agent shall be subject to a fine of two thousand five hundred dollars (\$2,500.00) for each day of the violation. However, any fines imposed on a creditor for failure to appoint an authorized agent shall commence after the ten (1) day period set forth in paragraph (1) of subsection a. of section 17 of P.L. 2008, c. 127 (N.J.S.A. 46:10B-51) for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

C. In accordance with P.L. 2014, c. 35, if an out-of-state creditor owner that is subject to the requirements of this chapter is found by the Township's municipal Court or by any court of competent jurisdiction to be in violation of the requirement to correct a care maintenance, security or upkeep violation cited in a notice issued pursuant to this chapter shall be subject to a fine of one thousand five hundred dollars (\$1,500.00) per day for each day of the violation. Any fines imposed pursuant to this subsection shall commence 31 days following receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence eleven (11) days following receipt of the notice.

D. In accordance with P.L. 2014, c. 35, no less than twenty percent (20%) of any money collected from out-of-state creditor owners under this Article shall be utilized by the City for municipal code enforcement purposes.

§213-9. Notice Requirements to Creditors

In accordance with P.L. 2014, c. 35, if the Public Officer determines that violations of this chapter have occurred on vacant and abandoned residential property for which a summons and complaint in an action for foreclosure has been filed by an owner who is a creditor, the Public Officer shall issue a notice to the creditor to correct the violation within thirty (30) days of receipt of the notice, or within ten (10) days of the receipt of the notice if the violation presents an

imminent threat to public health or safety. The notice shall include a description of the conditions that gave rise to the violation.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause, or provision of this Amendment shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance within applicable law.

On a motion by Mr. DiFolco, seconded by Mr. Brown, the foregoing Ordinance was duly adopted.

Yeas: Brown, DiFolco, Sykes, Thiessen and Jones

Nays:

Recuse:

Abstain:

Absent:

ATTEST:

Nikima S. Muller, RMC/CMC
Township Clerk

Jason W. Jones, Mayor

I hereby Nikima S. Muller, Township Clerk, certify the foregoing to be a true copy of an Ordinance adopted by the Mount Holly Township Council at a meeting held on March 14, 2016.

Nikima S. Muller, Township Clerk

First Reading: February 22, 2016