

**ORDINANCE # RO-16-18**

**AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO REPEAL AND REPLACE CHAPTER 148, PROPERTY MAINTENANCE, SECTION 148-8, "VACANT AND ABANDONED PROPERTIES" AND REPEAL CHAPTER 148-9, "VIOLATIONS AND PENALTIES" OF THE TOWNSHIP CODE IN ITS ENTIRETY**

**WHEREAS**, the Township finds that vacant and abandoned properties can lead to neighborhood decline and become attractive nuisances, causing the Township to incur significant and disproportionate costs in the form of staff time for code enforcement actions seeking to maintain and ensure the acceptable condition of these properties; and

**WHEREAS**, the Township also finds that such properties attract crime, monopolize police and fire resources, depreciate property values, reduce property tax revenue, and degrade the quality of life for residents; and

**WHEREAS**, a National Vacant Properties Campaign study in Virginia concluded that of all the economic and demographic variables tested, vacant and abandoned properties had the highest correlation of incidents of crime, and that such properties are an increasing expense to a municipality with every year a property remains vacant or abandoned as such properties produce minimal tax rateables and require significant time, attention and funds from departments for nuisance abatement, crime and fire prevention and cause an overall decrease in neighboring property values; and

**WHEREAS**, Township taxpayers who properly maintain their homes and properties should not be forced to subsidize vacant or abandoned properties and, accordingly, a registration fee should be assessed to cover such costs; and

**WHEREAS**, the Township Committee of the Township of Washington has determined that it is necessary to take steps to monitor such properties and protect Township residents.

**NOW THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Washington, in the County of Morris and State of New Jersey, as follows:

**SECTION 1**, Chapter 148, Property Maintenance, Section 8, "Vacant and abandoned properties" is hereby repealed and replaced, shall be entitled "Vacant and abandoned properties," and shall read as follows:

**§ 148-8. Vacant and abandoned properties.**

**A. Definitions.** As used in this ordinance, the following terms shall have the meanings indicated:

**ABANDONED PROPERTY**

As defined in accordance with the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., and shall mean the following:

(1) Except as provided in N.J.S.A. 55:19-83, any property that has not been legally occupied for a period of six months and which meets any one of the following additional criteria as noted in N.J.S.A. 55:19-81 may be deemed to be an abandoned property upon a determination by the Construction Official and/or Zoning Officer that:

(a) The property is in need of rehabilitation in the reasonable judgment of the Construction Official and/or the Zoning Official, 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 Construction Official and/or Zoning Official pursuant to this section;

- (c) At least one installment of property tax remains unpaid and delinquent on that property in accordance with N.J.S.A. 54:4-1 et seq. as of the date of a determination by the Construction Official and/or Zoning Official pursuant to this section; or
  - (d) The property has been determined to be a nuisance by the Construction Official and/or Zoning Official in accordance with N.J.S.A. 55:19-82.
- (2) A property which contains both residential and non-residential space may be considered abandoned pursuant to N.J.S.A. 55:19-78 et seq. so long as two-thirds or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six months at the time of the determination of abandonment by the Construction Official and/or the Zoning Officer and the property meets the criteria of either (1)(a) or (1)(d) of this definition.
- (3) 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. shall also be deemed to be abandoned property for the purposes of this ordinance.

### **NUISANCE PROPERTY**

As defined in accordance with the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., and shall mean the following:

- (1) The property has been found to be unfit for human habitation, occupancy or use pursuant to section 1 of P.L.1942, c. 112 (C.40:48-2.3);
- (2) The condition of the property materially increases the risk of fire to the property and adjacent properties;
- (3) The property is subject to unauthorized entry leading to potential health and safety hazards; the owner has failed to take reasonable and necessary measures to secure the property; or the municipality has secured the property in order to prevent such hazards after the owner has failed to do so;
- (4) The presence of vermin or the accumulation of debris, uncut vegetation or physical deterioration of the structure or grounds have created potential health and safety hazards and the owner has failed to take reasonable and necessary measures to remove the hazards; or
- (5) The dilapidated appearance or other condition of the property materially affects the welfare, including the economic welfare, of the residents of the area in close proximity to the property, and the owner has failed to take reasonable and necessary measures to remedy the conditions.
- (6) A Construction Official, Zoning Official and/or Property Maintenance Official who determines a property to be a nuisance pursuant to subsections (1) through (5) of this section shall follow the notification procedures set forth in P.L.1942, c. 112 (C.40:48-2.3 et seq.).

Meeting any condition noted in subsections (1) through (5) of this section shall constitute a nuisance property.

### **OWNER**

An 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 subject to the provisions of N.J.S.A. 46:10B-51 or any other entity determined by the Township to act with respect to the property.

## VACANT PROPERTY

Any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased for a period of at least three (3) months, and any commercial property that has not been legally occupied or at which substantially all lawful construction operations have ceased for a period of at least three (3) months, and which exhibits evidence of vacancy such that a reasonable person would believe that the property is vacant. Any property that contains all building systems in working order, is being maintained on a regular basis, has not been cited by the Township for any violation of municipal ordinance within such time and is being actively marketed by its owner for sale or rental shall not be deemed vacant.

### **B. General requirements.**

- (1) The owner of any vacant or abandoned property as defined herein shall, within 30 days after the building becomes vacant or within 30 days after assuming ownership of the property, whichever is later, file a registration statement for each such vacant property with the Township on forms provided by the Township 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 property and shall pay a registration or renewal fee in the amount prescribed in paragraph D. "Fee Schedule" of this Article for each property registered. The initial and renewal fees shall be prorated and or credited accordingly upon legal occupancy.
- (2) Any owner of any building that meets the definition of "vacant property" or "abandoned property" prior to adoption date, shall file a registration statement for that property on or before adoption date plus 60 days. The registration statement shall include the information required under paragraph C "Registration statement requirements; property inspection" of this ordinance, as well as any additional information that the Construction Official and/or Zoning Official may reasonably require.
- (3) The owner shall notify the Township within 30 days of any change in the registration information by filing an amended registration statement on a form provided by the Township for such purpose.
- (4) 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.

### **C. Registration statement requirements; property inspection.**

- (1) After filing a registration statement or a renewal of a registration statement, the owner of any vacant or abandoned property shall provide access to the Construction Official and or Zoning Official, if requested, following reasonable notice, during the period covered by the initial registration or any subsequent renewal. If an inspection is required of the interior of the property due to complaints or other cause, the fee for such inspection shall be the same as that for a Continued Certificate of Occupancy inspection as provided in the applicable provisions of the Township Code.
- (2) The registration statement shall include the name, street address, and telephone number of a natural person 18 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. The designated agent must have a contact number that will be available 24 hours per day on an emergency basis. The statement shall also include the name of the person responsible for maintaining and securing the property, if different from the designated agent.

(3) An owner who is a natural person and who meets the requirements of this section as to availability with a contact number on a twenty-four-hour emergency basis may designate himself or herself as agent.

(4) 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 or 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 purpose of this section until the owner notifies the Township of a change of the 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 section.

**D. Fee schedule.**

The initial registration fee for each building shall be \$500. The fee for the first renewal is \$750. The fee for any subsequent renewal is \$1,000. After five years, the registration fee shall be \$5,000. Initial fee shall be prorated according to the month of registration and renewal fees shall be credited when a property becomes legally occupied during a renewal period.

**Vacant and Abandoned Property Registration Fee Schedule**

| <b>Registration</b>                     | <b>Fee</b> |
|---|------------|
| Initial registration                    | \$500      |
| First renewal                           | \$750      |
| Any subsequent renewal up to five years | \$1,000    |
| After five years                        | \$5,000    |

**E. Requirements for owners of vacant and/or abandoned property.**

The owner of any building that has become vacant and/or abandoned property, and any person maintaining, operating or collecting rent for any such building that has become vacant and/or abandoned, shall, immediately:

- (1) With the exception of vacant or abandoned single family dwellings, post a sign, affixed to the inside of the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process (if designated pursuant to paragraph C "Registration statement requirements; property inspection of this ordinance), and the person responsible for the 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 15 inches by 17 inches; and
- (2) Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Township Code and maintain the sign required by this section until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete; and
- (3) Make provision for the maintenance of the lawn and yard, including regular grass cutting as required by the applicable provisions of the Township Code; and
- (4) Make provision for the cessation of the delivery of mail, newspapers and circulars to the property, including having the property listed on the exclusion list maintained by the Township for the delivery of circulars and advertisements to the property; and
- (5) Make provision for the winterizing of the property by the cessation of water service to the property and the draining of water lines; other than buildings with a fire sprinkler system, and

- (6) Make provision for the cessation of electric or gas utility services to the property; other than buildings with a fire sprinkler system, and
- (7) Make provision for the regular maintenance of the exterior of the property.

**F. Administration.**

The Township Committee shall issue rules and regulations for the administration of the provisions of this section.

(1) 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 subject to a fine of not less than \$500 and not more than \$1,000 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this ordinance shall be governed by Section 1-3, General Penalty, be recoverable from the owner and may be pursued by judgment, and once docketed, as a lien on the property.

(2) For purposes of this ordinance, failure to file a registration statement in time, failure to provide correct information on the registration statement, failure to comply with the provisions of paragraph E "Requirements for owners of vacant and abandoned property" of this ordinance, or such other matters as may be established by the rules and regulations of the Township shall be deemed to be a violation of this ordinance.

**G. Compliance with other provisions.**

Nothing in this ordinance is intended to nor shall be read to conflict or prevent the Township from taking action against buildings found to be unfit for human habitation or unsafe structures as provided in applicable provisions of the Code of the Township and/or the Uniform Construction Code. 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.


**SECTION 2.** All ordinances of the Township of Washington that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3.** This Ordinance may be renumbered for codification purposes.

**SECTION 4.** If any section, subsection, section, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 5.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

**ATTEST:**

  
Nina DiGregorio, Township Clerk

TOWNSHIP OF WASHINGTON  
COUNTY OF MORRIS  
STATE OF NEW JERSEY

By:   
Kenneth W. Roehrich, Mayor

#RO-16-18

RESOLUTION TO BE READ UPON SECOND READING OF AN ORDINANCE

BE IT RESOLVED by the Township Committee of the Township of Washington that an Ordinance entitled:

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO REPEAL AND REPLACE CHAPTER 148, PROPERTY MAINTENANCE, SECTION 148-8, "VACANT AND ABANDONED PROPERTIES" AND REPEAL CHAPTER 148-9, "VIOLATIONS AND PENALTIES" OF THE TOWNSHIP CODE IN ITS ENTIRETY

be read by title upon second reading and a hearing held thereon.

DATE: NOVEMBER 19, 2018

  
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Nina DiGregorio, Township Clerk

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BE IT RESOLVED by the Township Committee of the Township of Washington that an Ordinance entitled:

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO REPEAL AND REPLACE CHAPTER 148, PROPERTY MAINTENANCE, SECTION 148-8, "VACANT AND ABANDONED PROPERTIES" AND REPEAL CHAPTER 148-9, "VIOLATIONS AND PENALTIES" OF THE TOWNSHIP CODE IN ITS ENTIRETY

be adopted upon final reading and that said Ordinance be published in the Daily Record according to law.

DATE: NOVEMBER 19, 2018

  
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Nina DiGregorio, Township Clerk

#RO-16-18

RESOLUTIONS TO BE READ UPON FIRST READING OF AN ORDINANCE

**BE IT RESOLVED** by the Township Committee of the Township of Washington that an Ordinance entitled:  
**AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO REPEAL AND REPLACE CHAPTER 148, PROPERTY MAINTENANCE, SECTION 148-8, "VACANT AND ABANDONED PROPERTIES" AND REPEAL CHAPTER 148-9, "VIOLATIONS AND PENALTIES" OF THE TOWNSHIP CODE IN ITS ENTIRETY**

be introduced and read by title on first reading by the Township Committee.

DATE: October 15, 2018

  
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Nina DiGregorio, Township Clerk

**BE IT RESOLVED** by the Township Committee of the Township of Washington that an Ordinance entitled:  
**AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO REPEAL AND REPLACE CHAPTER 148, PROPERTY MAINTENANCE, SECTION 148-8, "VACANT AND ABANDONED PROPERTIES" AND REPEAL CHAPTER 148-9, "VIOLATIONS AND PENALTIES" OF THE TOWNSHIP CODE IN ITS ENTIRETY**

be adopted upon first reading.

**BE IT FURTHER RESOLVED** that said Ordinance shall be further considered for final passage at a meeting of the Township Committee on November 19, 2018 at 7:30 P.M. at the Washington Township Municipal Building, 43 Schooley's Mountain Road, Long Valley, New Jersey at which time and place all persons interested shall be given an opportunity to be heard concerning same.

**BE IT FURTHER RESOLVED** that the Clerk be authorized to advertise said Ordinance in full or in summary in the Daily Record according to law.

DATE: October 15, 2018

  
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Nina DiGregorio, Township Clerk

#RO-16-18

PUBLIC NOTICE

Public notice is hereby given that the following ordinance was passed on the first reading at a meeting of the Township Committee of the Township of Washington, Morris County, New Jersey held on October 15, 2018 and that said ordinance will be further considered for final passage by the Township Committee at the Municipal Offices located at 43 Schooley's Mountain Road, Long Valley, New Jersey on November 19, 2018 at 7:30 P.M. at which time and place all persons who may be interested will be given an opportunity to be heard concerning same.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP  
OF WASHINGTON

  
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Nina DiGregorio, Township Clerk

DATED: October 15, 2018