

**TOWNSHIP OF KNOWLTON**  
**WARREN COUNTY, NEW JERSEY**  
**ORDINANCE #2018-04**

**AN ORDINANCE TO ESTABLISH STANDARDS FOR THE REGISTRATION AND MAINTENANCE OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES**

**WHEREAS**, mortgage foreclosures often result in the abandonment and neglect of residential properties; and

**WHEREAS**, P.L. 2014, c. 35, authorizes municipalities to adopt ordinances for the purpose of regulating the care, maintenance, security and upkeep of the exterior of vacant and abandoned residential properties for which a creditor has filed an action to foreclose; and

**WHEREAS**, it is in the public interest for the Township of Knowlton to establish a mechanism to identify and track vacant and abandoned residential properties in the Township which are in foreclosure, to establish standards for the maintenance of those properties and to enforce those standards of maintenance;

**WHEREAS**, the Township Committee has received evidence there are abandoned and vacant buildings and structures in the Township which are hurting property values, the existence of which are interfering with the marketing and sale of neighboring or nearby real estate and the existence of such buildings and structures can become a gathering place for vandals, the growth of noxious weeds and the development of vermin and other pests; and

**WHEREAS**, the Township Committee wishes to identify, regulate and encourage owners of such vacant or abandon buildings, structures and properties to address the community problems that results from their derelict condition and to take steps to correct, update, make safe and to eliminate those conditions which harm the community in order that the public good may be advanced.

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

**Section 1**

A new section § \_\_\_\_\_. is to be added to the Code of the Township of Knowlton entitled "Registration and Maintenance of Vacant and Abandoned Properties" as follows:

A. Definitions. As used in this section, 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., shall mean the following:

- (1) Except as provided in Section 6 of P.L. 2003, c. 210 (N.J.S.A. 55:19-83), any property that has not been legally occupied for a period of at least 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 zoning 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 as of the date of a determination by the zoning officer pursuant to this section; or
  - (d) The property has been determined to be a nuisance by the zoning officer in accordance with Section 5 of P.L. 2003, c. 210 (N.J.S.A. 55:19-82).
- (2) A property which contains both residential and non-residential space may be considered abandoned pursuant to P.L. 2003, c. 210 (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 public officer and the property meets the criteria of either Subsection (1)(a) or Subsection (1)(d) of this Subsection A.

#### **EVIDENCE OF VACANCY —**

- (1) Any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is or has been vacant for three or more months. Such evidence would include, but is not limited to, evidence of the existence of two or more of the following conditions at a property: overgrown or dead vegetation; accumulation of newspapers, circulars, flyers or mail; past-due utility notices or disconnected utilities; accumulation of trash, junk or debris; the absence of furnishings or personal items consistent with residential habitation; infestation by insects, vermin, rats or other pests; windows or entrances that are boarded up or closed off; multiple window panes that are damaged, broken or unrepaired; doors that are smashed, broken, unhinged or continuously unlocked; or any uncorrected violations of a municipal building, housing or similar code existing for three months or more without reasonable efforts being made by the owner to remedy.
- (2) 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 vacant property for the purposes of this section.

**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 C.46:10B-51 (P.L. 2008, c. 127, § 17), or any other entity determined by the Township of Knowlton to have authority to act with respect to the property.

**VACANT PROPERTY** -Any structure, or building used or to be used as a residence for which there is Evidence of Vacancy and 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 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 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 property or within 30 days after assuming ownership of the vacant property, whichever is later; or within ten (10) calendar days of receipt of notice from the Township, and annually thereafter, file a registration statement for each such vacant property with the Township Clerk on forms provided by the Office the Clerk 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 Subsection D of this section for each vacant property registered. Any failure to receive notice from the Township shall not constitute grounds for failing to register the aforesaid properties.
- (2) Any owner of any building that meets the definition of "abandoned" or "vacant property" shall file a registration statement for that property on or before September 1 of the current year. The registration statement shall include the information required under Subsection C of this section, as well as any additional information that the Clerk may reasonably require.
- (3) The owner shall notify the Clerk within 30 days of any change in the registration information by filing an amended registration statement on a form provided by the Clerk for such purpose.
- (4) The registration statement shall be deemed prima facie proof of the statement therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township of Knowlton 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 Township of

Knowlton Code Enforcement 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 certificate of occupancy inspection as provided in the applicable provisions of the Code of the Township of Knowlton.

- (2) The registration statement shall include the name, street address, email address and telephone number of a natural 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. 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 of 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 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 Knowlton 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 \$1,500. The fee for any subsequent renewal is \$3,000. After five years, the registration fee shall be \$5,000.

**Vacant and Abandoned Property Registration Fee Schedule**

<b>Registration</b>	<b>Fee</b>
Initial registration	\$500
First renewal	\$1,500
Any subsequent renewal up to five years	\$3,000
After five years	\$5,000

E. Requirements for 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, shall, immediately:

- (1) 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 Subsection C of this section), 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 Code of the Township of Knowlton and maintain the sign required in Subsection E (1) above 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 Code of the Township of Knowlton; 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 of Knowlton Clerk 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; and
- (6) Make provision for the cessation of electric or gas utility services to the property; and
- (7) Make provision for the regular maintenance of the exterior of the property.

F. Administration

1. Enforcement: The Zoning Officer shall enforce this ordinance
2. Notice to Owner: If the Zoning Officer believes a property is in violation of this ordinance, he/she shall give 30 days written notice to the Owner that the property is considered vacant or abandoned and in said notice shall provide the reasons for this determination. The owner, within said 30 day period, may object to such a determination and may provide such written information establishing the property is not abandoned or vacant. The zoning officer shall make a final determination within 10 business days of the date of the receipt of the written objection from the property owner and serve that determination upon the Owner by regular mail and email, if available.

- G. Appeal: The Owner appeal the determination of the Zoning Officer to the Township Committee within 10 business days of the date of the Zoning Officer's final determination and a hearing shall be scheduled before the Township Committee at which the Owner may present arguments and evidence as to why the property is not either abandoned or vacant. Interested parties may also present evidence. The Township Committee shall issue a written decision within 10 days from the date of the hearing.
- H. Additional Rules: The Township Committee may issue rules and regulations for the administration of the provisions of this section.
- I. Violations and penalties.
- (1) Any owner who is not in full compliance with this section or who otherwise violates any provision of this section or of the rules and regulations issued hereunder shall be subject to a fine of \$1,500.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this section shall be recoverable from the owner and shall be a lien on the property.
- (2) 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 Subsection E of this section, or such other matters as may be established by the rules and regulations of the Committee of the Township of Knowlton shall be deemed to be violation of this section.
- J. Compliance with other provisions. Nothing in this section is intended to nor shall be read to conflict or prevent the Township of Knowlton 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 of Knowlton 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 section.

**I  
REPEAL**

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

**II  
SEVERABILITY**

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

**III  
EFFECTIVE DATE**

This Ordinance shall take effect 20 days after final passage and publication according to law.

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Township of the Township of Knowlton held on May 24, 2018 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a meeting of the Township Committee to be held on July 9, 2018, at 7:00 p.m., or as soon thereafter as the Township Committee may hear this Ordinance at the Knowlton Township Municipal Building; at which time all persons interested may appear for or against the passage of said Ordinance.

Introduction May 24, 2018

Motion: Cuntala

Second: Shipps

Roll Call: Cuntala-- yes , McNinch-- no , Shipps-- yes , Van Horn--no , Starrs--yes

Adoption: July 9, 2018

Motion: Starrs

Second: Cuntala

Roll Call: Cuntala-- yes , McNinch-- no , Shipps-- yes , Van Horn-- absent , Starrs--yes