Housing

AN ORDINANCE ESTABLISHING SECTION 86D GOVERNING THE MAINTENANCE OF VACANT PROPERTIES IN THE CITY OF GLOUCESTER CITY. ESTABLISHING REGISTRATION REQUIREMENTS AND LEVYING A REGISTRATION FEE ON OWNERS OF VACANT PROPERTIES

#11-2014

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

WHEREAS, in many cases the owners or other responsible parties of these structures are neglectful of them, and are failing to maintain them or secure them to adequate standard, 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 and abandoned 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, accumulations of trash and debris, increased risk of fire, and potential increases in criminal activity and public health risk; and

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

WHEREAS, it is in the public interest for the City of Gloucester City 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 City of Gloucester City; and

WHEREAS, it is in the public interest for the City of Gloucester City to impose a fee in conjunction with a registration ordinance for vacant and abandoned structures in light of the disproportionate costs imposed on the city by the presence of *these structures;*

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF GLOUCESTER CITY:

1. For purposes of this ordinance, the following terms are defined as set forth herein: "Municipal Officer" shall mean the Chief Housing Inspector & Zoning Official or such official within that department as may be designated by the Chief Housing Inspector in writing.
"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 public officer of the City of Gloucester City to have authority to act with respect to the property.

"Vacant Property" shall mean any building or structure which is not at present legally occupied or at which all lawful business or construction operations or residential or other 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 vacant

property in N.J.S.A.55:19-80; provided, however, that any habitable property where all building systems are in sound working order, where the building and grounds are maintained in good condition, and which is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property for purposes of this ordinance.

2. a. Effective upon passage of this Ordinance by the City of Gloucester City, the owner of any vacant 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 10 days of receipt of notice by the municipality, file a registration statement for such vacant property with the municipal officer on forms provided for that purpose by the municipal officer along with any fee required by this ordinance. Failure to receive notice by the municipality shall not constitute grounds for failing to register the property.

b. Each property having a separate tax block and lot number shall be registered separately.

c. The registration shall include the information required under section (4) of this ordinance, the insurance certificate required under section (7) of this ordinance, as well as any additional information that the municipal officer may reasonably require.

d. The registration shall remain valid for one year from the date of registration. The owner shall be required to renew the registration annually as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed in section (5) for each vacant property registered.

e. The municipal officer may establish for purposes of efficient administration that all registrations shall be renewed by a single date in each year, which date shall be established by the municipal officer in which case the initial registration fee shall be pro-rated for registration statements received less than 10 months prior to that date.

f. i. 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 detailed statement of the owner's plans for restoration of the property with the registration statement and shall be exempt from payment of the registration fee, but shall comply with all other provisions of this ordinance. In the event that the property has not been restored to productive use and occupancy at the end of the twelve month period, the owner shall be liable for any fee waived. The Municipal Officer may extend the waiver of the registration fee for not more than one additional year in response to a written request by the property owner where the municipal officer finds that compelling conditions outside the owner's control made it impossible for the owner to restore the property within the initial twelve month period.

ii. Where the owner is an entity experienced in rehabilitation or redevelopment of vacant properties, and where the property subject to this ordinance is being held for a project of rehabilitation or redevelopment consistent with municipal plans and ordinances, and where by virtue of financing, market or other conditions that project may require more than one year for realization, the municipal officer may extend the waiver of the registration fee on an annual basis without limitation upon written

request by the owner as long as the Municipal Officer finds that the owner is making reasonable progress toward completion of the project.

g. The owner shall provide Municipal Officer with such documentation, which may include plans, financing applications, applications for land use approval or other evidence of progress. The owner shall notify the Municipal Officer within 30 days of any change in the registration information by filing an amended registration statement on a form provided by the municipal officer for such purpose.

h. 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.

3. At any time after filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide access to the city to conduct exterior and interior inspections of the building to determine compliance with municipal codes, on reasonable notice to the property owner or the designated agent.

4. a. The registration statement shall include (i) the name, street address, e-mail 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; and (ii) the name, street address, e-mail address and telephone number of the firm or individual 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.

b. An owner who is a natural person and who maintains offices in the state of New Jersey or resides within the state of New Jersey may designate him or herself as agent or as the individual responsible for maintaining the property.

c. 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 municipal officer in writing of a change of authorized agent or until the owner files a new annual registration statement.

d. Any owner who fails to register a vacant property under the provisions of this ordinance shall further be deemed to consent to receive, by posting at the

building, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

5. a. The registration and renewal fee for each building shall be as follows:

Initial registration	$250 or prorated amount per Sec. 2(d) of this ordinance
First renewal	$500
Second renewal	$750
Any subsequent renewal	$1,000

b. At least 80 percent of all fee income resulting from the application of this ordinance shall be deposited in a trust fund that shall be used for the sole purpose of carrying out municipal activities with respect to vacant and distressed properties, including but not limited to code enforcement, abatement of nuisance conditions, stabilization, rehabilitation, and other activities designed to minimize blight and further productive reuse of properties.

6. 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 days of the structure becoming vacant or 30 days of the owner taking title to the property shall:

1) Enclose and secure the structure as provided in the applicable codes of the City of Gloucester City or as set forth in rules and regulations adopted by the municipal officer to supplement those codes.

2) Ensure that the grounds of the structure, including yards, fences, sidewalks, walks and driveways, are well-maintained and kept free from trash or debris.

3) Post a sign affixed to the structure with 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. If the structure is set back from the street the sign may be posted on a well-secured post or stake in the front yard of the property. The sign shall be at least 18' x 24' in dimension, shall include the words "to report problems with this building, call...", and shall be placed in a location where it is clearly legible from the nearest public street or sidewalk, whichever is nearer; and

4) 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 or demolished or until repair or rehabilitation of the building is complete.

7. The owner of any vacant property shall acquire or otherwise maintain liability insurance, in an amount of not less than $300,000.00 for buildings designed primarily for one to four unit residential use and not less than $1,000,000.00 for any other building, including, but not limited to, buildings designed for multifamily, manufacturing, storage or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building. Any insurance policy acquired or renewed after the building has become vacant shall provide for written notice to the Municipal Officer within 30 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 not be deemed to be a valid registration.

8. a. The City of Gloucester City shall establish an on-line registry of all properties registered with the city under this ordinance, which shall include a procedure by which citizens can provide the municipal officer with information on unregistered properties that may be subject to this ordinance through electronic means.

b. The City of Gloucester City may enter into agreements with qualified non-profit entities and neighborhood associations to assist the city to enforce this ordinance, including but not limited to identification of unregistered properties that may be subject to this ordinance, and may provide for payment by the city to such entities of a percentage of the fees collected from the owners of properties identified and registered as a result of the actions of such entities.

9. The Municipal Officer may issue rules and regulations for the administration of the provisions of this Ordinance.

10. a. Any person who violates any provision of this ordinance 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 days after a building becomes vacant property or within 30 days after assuming ownership of a vacant property, whichever is later; or within 10 days of receipt of notice by the municipality, failure to provide correct information on the registration statement, failure to comply with the provisions of sections (6) or (7) of this ordinance, or such other matters as may be established by the rules and regulations of the municipal officer shall be deemed to be violations of this ordinance.

11. Any ordinance that is inconsistent with the above is hereby repealed.

12. This ordinance shall become effective upon publication as provided by law.

Passed on First Reading: May 15, 2014

William P. James, Mayor

PUBLIC MEETING

NOTICE is hereby given that the foregoing ORDINANCE was introduced and passed at a meeting of the Common Council of the City of Gloucester City, County of Camden, New Jersey, held on the 15th day of May, 2014 and will be considered for final passage after a public hearing at a meeting of the Common Council of the City of Gloucester City to be held on the day of 26th day of June, 2014 at 7:30 pm in the evening prevailing time at 313 Monmouth Street, Gloucester City, New Jersey.

Kathleen M. Jentsch, City Clerk

I hereby certify that the foregoing ORDINANCE was approved for final adoption by the Mayor and Common Council of the City of Gloucester City, County of Camden, State of New Jersey at a regularly scheduled meeting held on the

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