

ORDINANCE 1011

AMENDING ORDINANCE NO. 1002 APPROVING THE ACQUISITION OF CERTAIN LAND BY THE BOROUGH OF BARRINGTON FROM SOUTHOAKS LLC, AND AUTHORIZING THE LITIGATION NECESSARY TO IMPLEMENT SAID ACQUISITION

WHEREAS, the Borough of Barrington (hereinafter "Barrington") is a municipal entity organized under the laws of the State of New Jersey and located in Camden County; and

WHEREAS, by Resolution adopted on July 11, 2000 and pursuant to the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:20-1 et seq. ("Local Redevelopment and Housing Law"), set forth at N.J.S.A. 40A:12A-6(a), the Borough Council of the Borough of Barrington ("Borough") directed the Planning Board of the Borough of Barrington ("Planning Board") to conduct a preliminary investigation to determine whether an area comprising the Economic Redevelopment - Phase I and II, inclusive of Lots 12.01 and 13.01 in Block 57 on the Official Tax Map of the Borough (hereinafter designated as the "Economic Redevelopment - Phase I and II Project Area") as an area in need of redevelopment in accordance with the criteria set forth in the Local Redevelopment and Housing Law; and

WHEREAS, the Planning Board conducted a preliminary investigation in accordance with the guidelines set forth in the Local Redevelopment and Housing Law at N.J.S.A. 40A:12A-6, and held a public hearing on this matter; and

WHEREAS, by Resolution adopted on June 25, 2001, and pursuant to N.J.S.A. 40A:12A-6(b)(5), the Planning Board recommended to the Borough Council that the Barrington Economic Redevelopment - Phase I and II Project Area be determined to be an area in need of redevelopment (the "Redevelopment Area"); and

WHEREAS, by Resolution adopted July 10, 2001, the Borough Council approved the Planning Board's recommendation that the area comprising the stated Economic Redevelopment - Phase I and II was determined to be an area in need of redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-6; and

WHEREAS, by Ordinance adopted August 14, 2001, the Borough Council adopted the Redevelopment Plan of the Borough of Barrington ("Redevelopment Plan") for the Redevelopment Area, based on the report containing the recommendation of the Planning Board following the Planning Board's review of the Redevelopment Plan; and

WHEREAS, Southoaks LLC is the owner of real property located at 312 White Horse Pike, more fully described as Lots 12.01 and 13.01 in Block 57 on the Official Tax Map of the Borough of Barrington, which is within the boundaries of the stated Economic Redevelopment - Phase I and II area; and

WHEREAS, Barrington has determined that it is necessary to acquire for highway purposes a portion of the land and premises located at 312 White Horse Pike, more fully described as Lots 12.01 and 13.01 in Block 57 on the Official Tax Map of the Borough of Barrington, hereinafter described in Exhibit "A" to this Ordinance, in order to create an extension of a municipal road known as Bell Avenue; and

WHEREAS, the Southoaks LLC ("Southoaks") is the owner of real property located at 312 White Horse Pike, more fully described as Lots 12.01 and 13.01 in Block 57 on the Official Tax Map of the Borough of Barrington; and

WHEREAS, Barrington has made a bona fide offer to purchase a portion of the above referenced property from Southoaks for consideration in the amount of One Hundred, Ten Thousand (\$110,000.00) Dollars; and

WHEREAS, this bona fide offer to purchase a portion of this property made by Barrington has been rejected by Southoaks; and

WHEREAS, Barrington wishes to assert its rights of eminent domain and commence a condemnation action to acquire the described portion of this property from Southoaks; and

WHEREAS, the acquisition of the described portion of this property by Barrington is consistent with and in furtherance of the above-mentioned public purposes; and

WHEREAS, it is the intention of the Mayor and Borough Council of the Borough of Barrington to authorize the proper municipal officials to prosecute this litigation and execute the appropriate documents on behalf of the Borough of Barrington in furtherance of this property acquisition.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Barrington, County of Camden, State of New Jersey that, pursuant to and in furtherance of the authority granted to the municipality under the Eminent Domain Act, N.J.S.A. 20:3-1 et seq., the acquisition of the described portion of the real property located at 312 White Horse Pike, in the Borough of Barrington, more fully described as Lots 12.01 and 13.01 in Block 57 on the Official Tax Map of the Borough of Barrington, from the Southoaks LLC be and hereby is approved; and

AND BE IT FURTHER ORDAINED that Robert Klaus, Mayor of the Borough of Barrington, Timothy J. Higgins, Esquire, Borough Attorney for the Borough of Barrington and Terry Shannon, Borough Clerk of the Borough of Barrington be and hereby are authorized to execute the appropriate documents to implement said acquisition on behalf of the Borough of Barrington; and

AND BE IT FURTHER ORDAINED that the Timothy J. Higgins, Esquire, Borough Solicitor of the Borough of Barrington, be and hereby is authorized to prepare and file in the Superior Court any and all documents to implement said acquisition on behalf of the Borough of Barrington.

AND BE IT FURTHER ORDAINED that this Ordinance specifically amends Ordinance #1002 of the Borough of Barrington, adopted by the Borough Council of the Borough of Barrington on May 14, 2013.

AND BE IT FURTHER ORDAINED that this Ordinance ratifies all actions previously taken in this case including, but not limited to, all aspects of the condemnation action filed in the Superior Court of New Jersey, Law Division, Camden County, under Docket No. L-2215-13.

THE BOROUGH OF BARRINGTON

BY: _____
ROBERT KLAUS, MAYOR

ATTEST:

TERRY SHANNON, BOROUGH CLERK

The foregoing Ordinance was introduced by the Mayor and Borough Council at the regular meeting held on October 8, 2013. This Ordinance will be considered for adoption on final reading and public hearing to be held on _____, 2013 at 6:00 p.m. in the Council Meeting Room, Barrington Municipal Building, 229 Trenton Avenue, Barrington, New Jersey.

The purpose of this Ordinance is to approve an acquisition of certain land by the Borough of Barrington from Southoaks LLC located at 312 White Horse Pike, Barrington, New Jersey. A copy of this Ordinance is available at no charge to the general public between the hours of 9:00 AM to 4:30 PM, Monday through Friday (Legal Holidays excluded), at the Office of the Borough Clerk, Barrington Municipal Building, 229 Trenton Avenue, Barrington, New Jersey.

ORDINANCE 1012

**GRANTING RENEWED CONSENT AND PERMISSION TO SOUTH JERSEY
GAS COMPANY TO USE THE PUBLIC STREETS TO FURNISH GAS FOR
LIGHT, HEAT AND POWER IN BARRINGTON**

WHEREAS, South Jersey Gas Company, a corporation of the State of New Jersey, provides natural gas service to Barrington pursuant to the municipal consent first granted to South Jersey Gas Company in Ordinance 125 adopted October 9, 1962; and

WHEREAS, South Jersey Gas Company now seeks, pursuant to NJSA 48:3-15, the consent of Barrington to renew Section #2 of Ordinance 125, applicable to the use of the streets in Barrington by adopting the following Ordinance;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Barrington, County of Camden, State of New Jersey as follows:

Section 1. That exclusive consent and permission is hereby renewed and granted to South Jersey Gas Company to lay and construct its pipes and mains and related appurtenances and facilities within the streets, alleys, squares and public places within Barrington in the manner prescribed by NJSA 48:9-21, and subject to reasonable regulations imposed by ordinance or resolution with respect to the opening of streets and public places, subject to approval of such consent and permission by the Board of Public Utilities.

Section 2. This consent is granted for the entire geographical area of Barrington serviced by South Jersey Gas and shall remain in effect for a period of fifty (50) years from the date of final adoption of this Ordinance.

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by and Court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 4. This Ordinance shall take effect immediately upon posting, publication, and final passage in the manner prescribed by law.

THE BOROUGH OF BARRINGTON

ADOPTED: November 12, 2013

BY: _____
Robert Klaus, Mayor

ATTEST: _____
Terry Shannon, Clerk/RMC

ORDINANCE NO. 1015

**ADDING ARTICLE III, MAINTENANCE OF VACANT PROPERTIES, TO
CHAPTER 95, PROPERTY MAINTENANCE, IN THE CODE OF THE
BOROUGH OF BARRINGTON**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Barrington, County of Camden, and State of New Jersey, that Article III, Maintenance of Vacant Properties, is hereby added to Chapter 95, Property Maintenance, in the Code of the Borough of Barrington as follows:

**Article III.
Maintenance of Vacant Properties**

ARTICLE I. ARTICLE III. SECTION 95-17 Definitions.

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, Sec 17 as amended by P.L. 2009, c.296), or any other entity determined by the Borough of Barrington to have authority 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 six (6) consecutive months, 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; 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 Ordinance.

ARTICLE II. ARTICLE III. SECTION 95-18 Registration Requirements.

Effective April 1, 2014, the owner of any vacant property as defined herein shall, within thirty (30) calendar days after the building becomes vacant property or within thirty (30) calendar days after assuming ownership of the vacant property, whichever is later; or within ten (10) calendar days of receipt of notice by the municipality, file a registration statement for such vacant property with the Property Maintenance Inspector on forms provided by the Borough of Barrington for such purposes. Failure to receive notice by the municipality shall not constitute grounds for failure to register the property.

A. Each property having a separate block and lot number as designated in official records of the municipality shall be registered separately.

B. 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 proceeding 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 address (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 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.

D. The annual renewal shall be completed by January 1st each year. The initial registration fee shall be pro-rated for registration statements received less than ten (10) months prior to that date.

E. The owner shall notify the Borough Clerk within thirty (30) calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Borough Clerk for such purpose.

F. 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 Borough against the owner or owners of the building.

ARTICLE III. ARTICLE III. SECTION 95-19 Access to Vacant Properties.

The owner of any vacant property registered under this Article shall provide access to the Borough 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 8:30 a.m. and 4:30 p.m., or such other time as may be mutually agreed upon between the owner and the Borough.

ARTICLE IV. ARTICLE III. SECTION 95-20 Responsible Owner or Agent.

A. An owner who meets the requirements of this Article with respect to the location of his or her residence or workplace in the State of New Jersey may designate him or herself as agent or as the individual responsible for maintaining the property.

B. 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 Borough in writing of a change of authorized agent or until the owner files a new annual registration statement.

C. Any owner who fails to register vacant property under the provisions of this Article 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 Borough of Barrington 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.

ARTICLE V. ARTICLE III. SECTION 95-21 Fee Schedule.

A. The initial registration fee for each building shall be Five Hundred Dollars (\$500.00).

B. The fee for the first renewal is One Thousand Five Hundred Dollars (\$1,500.00).

C. The fee for a second renewal is Three Thousand Dollars (\$3,000.00).

D. The fee for any subsequent renewal beyond the second renewal is Five Thousand Dollars (\$5,000.00).

ARTICLE VI. ARTICLE III. SECTION 95-22 Requirements of Owners of Vacant Property

The owner of any building that has become vacant property, and any person maintaining or operating or collecting rent for any such building that has become vacant, shall, within thirty (30)

of the owner, the owner's authorized agent for the purpose of service of process (if designated pursuant to Section 95-21 of this Article), 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 eight (8) inches by ten (10) inches; and

C. Secure the building from unauthorized entry and maintain the sign until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete; and

D. Ensure that the exterior grounds of the structure, including yards, fences, sidewalks, walkways, right-of-ways, 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; and

E. Continue to 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, demolished, or until repair and/or rehabilitation of the building is complete.

ARTICLE VII. ARTICLE III. SECTION 95-23 Violations; Penalties.

A. Any person who violates any provision of this article shall, upon conviction in the Municipal Court of the Borough of Barrington, or such other court having jurisdiction, be liable to a fine not exceeding \$1,250, or imprisonment for a term not exceeding 90 days, or community service for a term not exceeding 90 days, or all of the above. Each day that a violation occurs shall be deemed a separate and distinct violation, subject to the penalty provisions of this article.

B. For purposes of this section, failure to file a registration statement within thirty (30) calendar days after a building becomes vacant property or within thirty (30) calendar days after assuming ownership of a vacant property, whichever is later, or within ten (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 provisions of such provisions contained herein shall be deemed to be violations of this Ordinance.

ARTICLE VIII.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE IX.

This Ordinance shall take effect upon passage and publication according to law.

THE BOROUGH OF BARRINGTON

BY: _____
Robert Klaus, Mayor

ATTEST: _____
Terry Shannon, Municipal Clerk

The foregoing ordinance was introduced by Mayor and Council at a meeting held on November 12, 2013. This Ordinance will be considered for adoption on final reading and public hearing to be held on December 17, 2013 at 6:00 p.m in the Council Meeting Room, Barrington Borough Hall, 229 Trenton Avenue, Barrington, New Jersey.