

ORDINANCE 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.

C. The registration shall remain valid for one (1) year from the date of registration, except for the initial registration time, which shall be pro-rated through December 31. The owner shall be required to renew the registration annually as long as the building remains a vacant property and shall pay a registration or renewal fee in the amount prescribed in Section 95-21 of this Ordinance, for each vacant property registered.

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 Dollars (\$1,000.00).
- C. The fee for a second renewal is One Thousand Five Hundred Dollars (\$1,500.00).
- D. The fee for any subsequent renewal beyond the second renewal is Two Thousand Dollars (\$2,000.00).

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) days thereof:

- A. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Borough Code, or as set forth in the rules and regulations supplementing those codes; and
- B. Post a sign affixed to 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 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 repaid 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*
ROBERT KLAUS, MAYOR

ATTEST:

Terry Shannon

TERRY SHANNON, BOROUGH CLERK

**Introduced: November 12, 2013
Adopted: December 17, 2013**