

Approved as to Form and Legality on Basis of Facts Set Forth



Borough Attorney /s/ Robert L. Tarver, Jr.

**BOROUGH OF PENNS GROVE
COUNTY OF SALEM, NEW JERSEY**

ORDINANCE NO. 2021-8

**AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 206, BUILDINGS,
UNFIT AND ABANDONED, OF THE CODE OF THE BOROUGH OF PENNS
GROVE**

WHEREAS, Chapter 206 of the Code of the Borough of Penns Grove involves Buildings, Unfit and Abandoned; and

WHEREAS, the Borough would like to amend this Chapter to give more discretion to the Borough Officials charged with enforcing this Chapter with respect to the issuance of notices and summonses; and

WHEREAS, the Mayor and Council of the Borough of Penns Grove have reviewed the attached revisions to Chapter 206 of the Code of the Borough of Penns Grove and would like to incorporate those revisions into the Code of the Borough of Penns Grove.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Penns Grove, County of Salem, State of New Jersey, that:

1. Article III of Chapter 206, Buildings, Unfit and Abandoned, of the Code of the Borough of Penns Grove, shall be amended as follows:

ARTICLE III

Vacant Property Registration

§ 206-15 - Definitions.

For purposes of this article, the following terms are defined as set forth herein:

MUNICIPAL OFFICER

The Housing Officer and/or the Code Enforcement Officer or such official as may be designated by the Mayor and Council.

[Amended 7-5-2017 by Ord. No. 2017-5]

OWNER

Includes any private title holder, any agent of a private 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 N.J.S.A. 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 Municipal

Officer of the Borough of Penns Grove to have authority to act with respect to the property. This article exempts any municipal, county or state owner of a vacant building or structure.

VACANT PROPERTY

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 has substantially ceased, 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 criteria for abandoned property in N.J.S.A. 55:19-81; 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 owners for sale or rental shall not be deemed a vacant property for purposes of this article.

[Amended 7-5-2017 by Ord. No. 2017-5]

§ 206-16 - Registration required.

[Amended XX-XX-2021 by Ord. No. 2021-X]

A. Effective on April 1, 2015, 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, or upon the issuance of a summons by a Borough Official 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 article. Failure to receive a notice or summons by the municipality shall not constitute grounds for failing to register the property. Borough Officials shall have discretion as to whether to issue a summons or a 10-day notice.

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

C. The registration shall include the information required under this section, the insurance certificate required by § 206-20 of this article, 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 or structure remains a vacant property and shall pay a registration or renewal fee in the amount prescribed in § 206-18 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 prorated for registration statements received less than 10 months prior to that date.

F. Any owner of vacant property who submits plans to the Municipal Officer that completely rehabilitate or restore the property to productive use and occupancy within the twelve-month period following the date of the initial property registration shall be exempt from payment of the registration fee if the Municipal Officer deems the rehabilitation or restoration project may be complete in that twelve-month period but shall comply with all other provisions of this article. 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 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.

G. Where the owner is an entity experienced in rehabilitation or redevelopment of vacant properties, and where the property subject to this article is being held for a project of rehabilitation or redevelopment consistent with municipal plans and ordinances, and where by virtue of financing, marketing 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. The owner shall provide the Municipal Officer with such documentation, which may include plans, financing applications, applications for land use approval or other evidence of progress.

H. 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.

I. 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.

§ 206-17 - Designation of agent and service of notices.

[Amended XX-XX-2021 by Ord. No. 2021-X]

A. 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 Borough 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.

B. An owner who is a natural person may designate himself or herself as agent or as the individual responsible for maintaining the property.

C. By designating an authorized agent under the provision of this section, the owner consents to receive any and all notices or summonses with respect to code violations concerning the registered vacant property and all process in any court proceeding and administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice, summons, 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 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 article shall further be deemed to consent to receive, by posting at the building, any and all notices or summonses with respect to code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

§ 206-18 - Fees.

A. The registration and renewal fee for each building or structure shall be as follows:

(1) Initial registration: \$500 or prorated amount per § 206-16 of this article.

(2) First renewal: \$1000.

(3) Second renewal: \$1500.

(4) Any subsequent renewal: \$100 or 5% of assessed value, whichever is higher.

B. At least 50% of all fee income resulting from the application of this article 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/or promote further productive reuse of properties.

§ 206-19 - Maintenance requirements.

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:

A. Enclose and secure the structure as provided in the applicable code of the Borough of Penns Grove or as set forth in rules and regulations adopted by the Municipal Officer to supplement those codes;

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

C. 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 authorized agent. The sign shall be at least eight inches by 24 inches 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 sidewalk; and

D. 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.

§ 206-20 - Insurance.

A. The owner of any vacant property shall acquire or otherwise maintain liability insurance, in an amount of not less than \$300,000 for buildings designed primarily for one- to four-unit residential use and not less than \$1,000,000 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.

B. 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.

§ 206-21 - Information procedure.

The Borough of Penns Grove shall establish a procedure by which citizens can provide the Municipal Officer with information on unkempt or unregistered properties that may be subject to this article.

§ 206-22 - Violations and penalties.


[Amended XX-XX-2021 by Ord. No. 2021-X]

A. Any person who violates any provision of this article or of the rules and regulations issued hereunder shall be fined not less than \$100 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 article 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 30 days after a building becomes vacant property or within 30 days after assuming ownership of a vacant property, whichever is later, within 10 days of receipt of notice by the municipality, or upon the issuance of a summons, failure to provide correct information on the registration statement, failure to comply with the provisions of § 206-19 or 206-20 of this article, 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 article.


LADAENA THOMAS, MAYOR

ATTEST:


CLERK

3-17-2021
DATED ADOPTED

DO NOT USE SPACE BELOW THIS LINE													
RECORD OF COUNCIL VOTE ON FIRST READING <u>3-2-21</u>													
COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
MARTIN	X						GIORDANO	X					
SCARPACI	X						RAMBO				X		
CARTER	X					X							
MINCEY, PRESIDENT								X				X	
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second													

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE ON FINAL PASSAGE

COUNCIL MEMBER	AYE	NAY	N.V	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
MARTIN							GIORDANO						
SCARPACI							RAMBO						
CARTER													
MINCEY, PRESIDENT													
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second													

This is a Certified True copy of the Original Ordinance on file in the Borough Clerk's Office.

DATE OF ADOPTION:

3/17/2021

Sharon Williams

/s/ Sharon Williams, Borough Clerk