

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE #2017- 06

AN ORDINANCE GOVERNING THE REGISTRATION OF VACANT PROPERTIES IN  
THE TOWNSHIP OF LOWER

**WHEREAS**, the Township of Lower contains structures that are vacant in whole or large part; and

**WHEREAS**, in many cases, the owners of, or parties responsible for, these structures neglect them, do not adequately maintain or secure them, and do not take steps to restore them to public use; and

**WHEREAS**, vacant and abandoned structures harm the health, safety and general welfare of the community by diminishing property values and increasing the risk of fire, criminal activity and threats to the public health; and

**WHEREAS**, the Township incurs disproportionate costs to deal with the problems of vacant and abandoned structures; and

**WHEREAS**, to protect its residents, it is in the public interest to establish minimum standards of accountability for owners of, and parties responsible for, vacant and abandoned structures; and

**WHEREAS**, it is accordingly in the public interest for the Township to require registration of vacant and abandoned structures and to impose an appropriate fee for that registration.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the new section created below be added to the Code of the Township of Lower:

**CHAPTER 505, PROPERTY MAINTENANCE – VACANT PROPERTIES**

**SECTION 1. 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 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 Township of Lower to have authority to act with respect to the property.

**VACANT PROPERTY** - any real property located in Lower Township, whether vacant or occupied, that is the subject of a foreclosure judgement; or is in default on a mortgage; or has had a lis pendens filed against it by a lender holding a mortgage on the property; or is subject to any ongoing foreclosure action by a lender; or is subject to an application for a tax deed or pending tax assessor's lien sale; or has been transferred to a lender under a deed in lieu of foreclosure; or that meets the definition of abandoned property under N.J.S.A. 2A:50-73, N.J.S.A. 55:19-80 et seq. or any other New Jersey statute defining "vacant" or "abandoned" property. The designation of a property as "vacant" shall continue until the property is sold or transferred to a new owner, the foreclosure action has been dismissed and any default on the mortgage has been cured.

**SECTION 2. REGISTRATION REQUIREMENTS**

Effective immediately, the owner of any vacant property as defined herein shall, within 30 calendar days after the building becomes vacant property, or within 30 calendar days after assuming ownership of the vacant property, whichever is later; or within 10 calendar days of receipt of notice by the municipality (failure to receive notice by the municipality shall not constitute grounds for failing to register the property), file a registration statement for such vacant property with the Township Clerk's Office on forms provided by the Township or its Contractor.

The owners of property that is vacant on the effective date of this ordinance shall have 30 days to register that property as set forth herein:

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 email 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 email address (if applicable) of the firm and the actual name(s) of the firms-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 twelve (12) months from the date of registration. 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 5 of this ordinance, for each vacant property registered.

d. The annual renewal shall be completed within 15 days of the prior year's registration form's expiration date. A notice and invoice will be sent 30 days in advance of the renewal due date.

e. The owner shall notify the Township Clerk's Office within 30 days of any change in the registration information by filing an amended registration statement.

f. The registration statement shall be deemed prima facie proof of the statements contained therein in any administrative enforcement or court proceeding instituted by the Township against the building owner.

### **SECTION 3. ACCESS TO VACANT PROPERTIES**

The owner of any vacant property registered under this Article shall provide access to the Township 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 9:00 am and 4:00 pm, or such other time as may be mutually agreed upon between the owner and the Township.

### **SECTION 4. RESPONSIBLE OWNER OR AGENT**

a. An owner may designate an agent or individual responsible for maintaining the property.

b. By designating an authorized agent under this Section, the owner agrees that service on the agent of any notices of code violations and all process concerning the registered vacant property constitutes service on the owner. 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 Lower Township 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 this Ordinance shall be deemed to consent to service of notices or process by the posting of same in plain view on the building or by regular and certified mail service at the owner's last known address on record with Lower Township.

### **SECTION 5. FEE SCHEDULE**

The initial registration fee for each building shall be \$500. Registrations must be renewed every year for an additional fee of \$500.

### **SECTION 6. RESPONSIBILITIES OF VACANT PROPERTY OWNERS**

The owner of any building that has become vacant, and any person operating or collecting rent for any such building, shall, within 30 days thereof:

a. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Township Code.

b. Post a sign on the building indicating the name, address and telephone number of the owner and/or the owner's agent for the purpose of service of process, as well as the name, address and phone number of the person responsible for day-to-day management of the building. The sign shall be at least eight inches by 10 inches in size and shall be legible from the nearest street or sidewalk.

c. Secure the building and maintain the same until the building is again legally occupied, demolished, or repair is complete.

d. Ensure that the exterior grounds of the structure are well-maintained and free from trash, debris, litter and grass and weed growth.

### **SECTION 7. VIOLATIONS**

a. Any person who violates any provision of this Article or of the rules and regulations issued hereunder shall be fined not less than \$100.00 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. Failure to file a registration statement within 30 calendar days after a building becomes vacant property or within 30 calendar days after assuming ownership of a vacant property, whichever is later, or within 10 calendar days of receipt of notice by the municipality; 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.

**SECTION 8. SEVERABILITY**

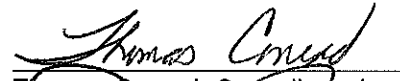
Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and to that end the provisions of this ordinance are hereby declared to be severable.

**SECTION 9. REPEALER.**


All ordinances, or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of their inconsistencies only.

**SECTION 10. EFFECTIVE DATE.**

This ordinance shall take effect twenty (20) days after passage and publication, as required by law.

  
Thomas Conrad, Councilmember

  
David Perry, Councilmember

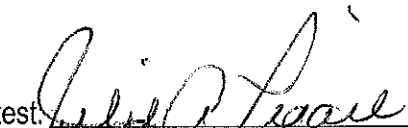
  
Roland Roy, Jr., Councilmember

  
Frank Sippel, Deputy Mayor

  
Erik Simonsen, Mayor

1<sup>st</sup> Reading: 04-12-2017

Adopted: 05-01-2017

Attest:   
Julie A Picard, Township Clerk