

**THE BOROUGH OF RIVERTON
BURLINGTON COUNTY**

ORDINANCE NO. 2013 -3

AN ORDINANCE OF THE BOROUGH OF RIVERTON AMENDING THE RIVERTON BOROUGH CODE IN ORDER TO ESTABLISH PROVISIONS GOVERNING THE MAINTENANCE OF VACANT AND ABANDONED PROPERTIES IN THE BOROUGH AND ESTABLISHING REGISTRATION FEES FOR VACANT AND ABANDONED PROPERTIES

WHEREAS, the Borough of Riverton (the “Borough”) contains several structures which are vacant in whole or large part; and

WHEREAS, in many cases, the owners or responsible parties of these structures are neglectful of them, are not maintaining or securing them to an adequate standard, or restoring them to productive use; 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, increased risk of fire, and potential increases in criminal activity and public health risks; and

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

WHEREAS, it is in the public interest for the Borough 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 Borough; and

WHEREAS, it is in the public interest for the Borough to impose a fee in conjunction with registration of vacant and abandoned structures in light of the disproportionate costs imposed on the Borough by the presence of these structures.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the

Borough of Riverton, in the County of Burlington and State of New Jersey that the Borough Code is hereby amended as follows:

Section 1. Definitions.

OWNER

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) or any other entity determined by the Borough of Riverton to have authority to act with respect to the property.

VACANT AND ABANDONED PROPERTY

Any building used or to be used as a residence or business which is not legally occupied or at which substantially all lawful construction or business operations or residential occupancy has ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation and at least two of the following conditions exist:

- (1) Overgrown or neglected vegetation, including, but not limited to brush weeds, dead or dying trees;
- (2) Infestation of insects, vermin, rats or other pests;
- (3) The accumulation of newspapers, circulars, flyers or mail on the property;
- (4) Disconnected gas, electric or water utility services to the property;
- (5) The accumulation of hazardous, noxious or unhealthy substances or materials on the property;
- (6) The accumulation of junk, litter, trash or debris on the property;
- (7) The absence of window treatments such as blinds, curtains or shutters;
- (8) The absence of furnishings and personal items;
- (9) Statements by neighbors, delivery persons or government employees indicating that the residence is vacant and abandoned;
- (10) Windows or entrances to the property that are boarded up or closed off, or multiple window panes that are damaged, broken and unrepaired;
- (11) Doors to the property that are smashed through, broken off, unhinged or continuously unlocked;
- (12) A risk to the health, safety or welfare of the public or any adjoining or adjacent property owners, that exists due to acts of vandalism loitering, criminal conduct or the physical destruction or deterioration of the property;
- (13) An uncorrected violation of a municipal building, housing or similar code during the preceding year, or an order by municipal authorities declaring the

- property to be unfit for occupancy and to remain vacant and unoccupied;
- (14) The mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
 - (15) A written statement issued by a mortgagor expressing the clear intent of all mortgagors to abandon the property; or
 - (16) Any other reasonable indicia of abandonment.

Section 2. General Requirements.

- A. Effective April 1, 2013, , the owner of any vacant property as defined herein shall within sixty (60) days after the building becomes vacant property or within thirty (30) days after assuming ownership of the vacant property, whichever is later, file a registration statement for each such vacant property with the Riverton Borough Clerk on forms provided by the Borough Clerk for such purposes. The registration shall remain valid until the end of the calendar year. The owner shall be required to renew the registration annually, no later than January 31st as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed in Section 4 of this Article for each vacant property registered.
- B. Any owner of any building that meets the definition of vacant property prior to April 1, 2013 shall file a registration statement for that property on or before April 30, 2013. The registration statement shall include the information required under Section III of this Article, as well as any additional information that the Borough Clerk may reasonably require.
- C. The owner shall notify the Borough Clerk within thirty (30) 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.
- D. 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.

Section 3. Registration Statement Requirements; Property Inspection.

- A. After filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide access to the Borough Code Enforcement Official to conduct an exterior and interior inspection of the building to determine compliance with the Borough Code, following reasonable notice, during the period

covered by the initial registration or any subsequent renewal.

- B. The registration statement shall include the name, street address and telephone number of a natural person twenty-one (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. This person must maintain an office in the State of New Jersey or reside within the State of New Jersey. The statement shall also include the name of the person responsible for maintaining and security of the property, if different.
- C. An owner who is a natural person and who meet the requirements of this Article as to location of residence or office may designate him or herself as agent.
- D. 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 owners notifies the Borough Clerk of a change of authorized agent or until the owner files a new annual registration statement. The designation of an authorized agent in no way releases the owner from any requirement of this Article.

Section 4. Fee Schedule.

The initial registration fee for each building shall be two hundred fifty (\$250.00) dollars. The fee for the first renewal is five hundred (\$500.00) dollars. The fee for any subsequent renewal is seven hundred fifty (\$750.00) dollars.

Vacant and Abandoned Property Registration Fee Schedule

Initial registration	<u>\$ 250.00</u>
First renewal	<u>\$ 500.00</u>
Any subsequent renewal	<u>\$ 750.00</u>

Section 5. Requirements for Owners of Vacant and Abandoned Property.

The owner of any building that has become vacant and abandoned property, and any person maintaining, operating or collecting rent for any such building that has become

vacant shall, within thirty (30) days thereof:

(1) Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Borough Code, or as set forth in rules and regulations supplementing those codes; and

(2) Post a sign affixed to the inside of 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 3 of this Article), and the person responsible for 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 15" x. 17"; and

(3) 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.

(4) The owner of any vacant building shall acquire and otherwise maintain liability insurance by procuring a vacancy policy in an amount of not less than three hundred thousand (\$300,000.00) for buildings designed primarily for use as residential units and not less than one million dollars (\$1,000,000.00) for any other building including, but not limited to buildings designed for manufacturing, industrial, storage or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building.

(5) 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.

Section 6. Administration.

The Borough Mayor and Council may issue rules and regulations for the administration of the provisions of this Article.

Section 7. Violations and Penalties.

A. Any owner who is not in full compliance with this Article or who otherwise violates any provision of this Article or of the rules and regulations issued hereunder shall be subject to a fine of not less than five hundred (\$500.00) dollars and not more than one thousand (\$1,000.00) dollars 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 Article, failure to file a registration statement in time, failure to provide correct information on the registration statement, failure to comply with the provisions of Section 5 of this Article, or such other matters as may be established by the rules and regulations of the Borough Council shall be deemed to be violation of this Article.

Section 8. Compliance with Other Provisions.

Nothing in this Article is intended to nor shall be read to conflict or prevent the Borough from taking action against buildings found to be unfit for human habitation or unsafe structures as provided in applicable provisions of the code of the Borough of Riverton and/or the Uniform Construction Code. Further, any action taken under any such code provision other than the demolition of a structure shall not relieve an owner from its obligations under this Article.

II. BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

III. BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

IV. BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance within applicable law.

ATTEST:

BOROUGH OF RIVERTON

By: _____
Mary Longbottom
Borough Clerk

By: _____
William C. Brown, Jr.
Mayor

CERTIFICATE OF CLERK

I, Mary Longbottom, Municipal Clerk of the Borough of Riverton, County of

Burlington and State of New Jersey, do hereby **CERTIFY** that the foregoing to be a true and correct copy of an Ordinance introduced and passed by the Borough Council at a meeting of said Council held February 13, 2013 and said Ordinance was finally adopted at a regular meeting of the Borough Council held March 13, 2013 after a public hearing.

Mary Longbottom, RMC
Municipal Clerk

RECORDED VOTE	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
AZELBY	_____	_____	_____	_____
CREIGHTON	_____	_____	_____	_____
CAIRNS-WELLS	_____	_____	_____	_____
CORBI	_____	_____	_____	_____
KINZLER	_____	_____	_____	_____
MYERS	_____	_____	_____	_____
MAYOR (TIE)	_____	_____	_____	_____