

# Chapter 245: Vacant/Abandoned Properties

## GENERAL REFERENCES

Unit buildings — See Ch. 91.  
Certificates of compliance — See Ch. 97.  
Fees — See Ch. 131.  
Fire prevention — See Ch. 135.  
Land use and development — See Ch. 162.  
Nuisances — See Ch. 181.  
Property maintenance — See Ch. 197.  
Public health nuisances — See Ch. 273.

## Article I: Vacant Property Registration

### § 245-1 Authorization.

This article authorizes the Borough of Somerdale to govern the maintenance of vacant property in the Borough of Somerdale, establishing registration requirements and levying a registration fee on owners of vacant properties.

### § 245-2 Purpose.

This article governs the maintenance of vacant properties in the Borough of Somerdale, amending registration requirements and amending registration fees for owners of vacant properties.

### § 245-3 Definitions.

As used in this article, the following terms shall have the meanings indicated:

#### OWNER

Includes 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 N.J.S.A. 46:10B-51 (P.L. 2008, c. 127, § 17) or any other entity determined by the Borough of Somerdale to have authority to act with respect to the property.

#### VACANT PROPERTY

Any building used or to be used which is not legally occupied or at which substantially all lawful construction operations or occupancy has ceased; provided, however, that any property that contains all building systems in working order, is fully compliant with our property maintenance codes and is being actively marketed by its owner for sale or rental shall not be deemed vacant. Property determined to be "abandoned property" in accordance with the meaning of such term in the Abandoned properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., shall also be deemed to be vacant property for the purposes of this article.

### § 245-4 Registration statements; renewals; fees.

- A. Effective July 1, 2013, the owner of any vacant property, as defined herein, shall, within 60 days after the building becomes vacant property or within 30 days after assuming ownership of the vacant property, whichever is later, file a registration statement for each such vacant property with the Zoning Officer or his designee on forms provided by the Zoning Officer or his designee for such purposes. The registration shall remain valid for one year from July 1

until June 30 of the following year. The owner shall be required to renew the registration annually as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed in this article for each vacant property registered.

- B. Any owner of any building that meets the definition of "vacant property" prior to July 1, 2013, shall file a registration statement for that property on or before July 30, 2013. The registration statement shall include the information required under this article, as well as any additional information that the Zoning Officer or his designee may reasonably require.
- C. The owner shall notify the Zoning Officer or his designee within 30 days of any change in the registration information by filing an amended registration statement on a form provided by the Zoning Officer or his designee 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.

### **§ 245-5 Registration statement requirements; property inspections; authorized agent.**

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 an exterior and interior inspection of the building to determine compliance with the Municipal Code, following reasonable notice, during the period covered by the initial registration or any subsequent renewal.

- A. The registration statement shall include the name, street address, e-mail address and telephone number of a natural person 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, street address, e-mail address and telephone number of the person responsible for maintaining and securing the property, if different.
- B. An owner who is a natural person and who meets the requirements of this article as to location of residence or office may designate himself or herself as agent.
- C. 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 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 Zoning Officer or his designee 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.

### **§ 245-6 Fee schedule.**

The registration fee for each building shall be \$500 per year, \$1,000 for the second year, and \$1,500 for the third year and each year thereafter.

### **§ 245-7 Requirements for owners of vacant property.**

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

- A.

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

- 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 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 18 inches by 24 inches.
- 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.
- D. Post the property with "No Trespassing" signs of a nature sufficient to give notice to any person entering upon the property that it is against the law to enter the property without permission of the owner.

### **§ 245-8 Administration.**

The Zoning Officer or his designee may issue rules and regulations for the administration of the provisions of this article.

### **§ 245-9 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 \$500 and not more than \$1,000 for each 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 in time, failure to provide correct information on the registration statement, and failure to comply with the provisions of this article or such other matters as may be established by the rules and regulations of the Zoning Officer or his designee shall be deemed to be violations of this article.

### **§ 245-10 Effect on other actions and provisions.**

Nothing in this article is intended 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 Somerdale. Further, any action taken under any such Code provision other than the demolition of a structure shall relieve an owner from its obligations under this article.

### **§ 245-11 Effective date.**

This article shall take effect July 1, 2013.

### **§ 245-12 Use of excess funds.**

Any funds collected as vacant property registration fees in excess of the funds necessary to operate and enforce the provisions of this article shall be set aside in a dedicated fund for the purpose of property rehabilitation within the Borough of Somerdale at the discretion of the governing body.