

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL
ORDINANCES OF THE CITY OF NEW BRUNSWICK
TITLE 15, "BUILDINGS AND CONSTRUCTION"**

BE IT ORDAINED by the City Council of the City of New Brunswick:

SECTION I

Property Maintenance Code Title 15, entitled "Buildings and Construction" shall be amended to add a new Chapter 15.70, entitled "***Vacant Property Registration Ordinance.***"

SECTION II

15.70.010 Findings and Declarations

WHEREAS, the City of New Brunswick contains structures that are vacant in whole or large part, and

WHEREAS, in many cases the owners or other responsible parties of these structures are neglectful of them, and are failing to maintain them or secure them to adequate standards, or restore them to productive use; and

WHEREAS, many of these structures are in violation of state and local housing and property maintenance codes; 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, loss of property tax revenues, accumulations of debris, increased risk of fire, and potential increases in criminal activity and public health risk; and

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

WHEREAS, it is in the public interest for the City of New Brunswick 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 City of New Brunswick; and

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

15.70.020 Definitions

(1) For the purposes of this Ordinance, the following terms are defined as set forth herein:

"Municipal Officer" means the person designated by the Mayor of the City of New Brunswick, pursuant to section *N.J.S.A. 40:48-2.4*, or any officer of the City of New Brunswick qualified to carry out the responsibilities set forth under the provisions of this Ordinance and as designated by the Mayor.

"Owner" shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, or any foreclosing entity that has filed a notice with the municipal clerk pursuant to the provisions of *N.J.S.A. 46:10B-51* (New Jersey Creditor Responsibility Law) or any other entity determined by the public officer of the City of New Brunswick to have authority to act with respect to the property.

"Vacant Property" shall mean any building or structure that is not at present legally occupied or at which all lawful business or construction operations or residential or other occupancy have substantially ceased, and which is in such condition that cannot legally be re-occupied without repair or rehabilitation, including but not limited to any property meeting the definition of abandoned property in *N.J.S.A. 55:19-54, 55:19-79, 55:19-80 and 55:19-81*; provided, however, that any habitable property where all the building systems are in sound working order, where the building and the grounds are maintained in good condition, and which is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property for purposes of this ordinance.

15.70.030 General Requirements

(A) Effective June 1, 2017, the owner of any vacant property as defined herein shall, within sixty (60) days after the building becomes vacant, or within thirty (30) days after assuming ownership of the

vacant property, whichever is later; or within ten (10) days of receipt of the notice by the City of New Brunswick, file a registration statement for each such vacant property with the Municipal Officer on forms provided for that purpose by the Division of Inspections/Housing Bureau along with any fee required by this Ordinance. Failure to receive notice by the municipality shall not constitute grounds for failing to register the property.

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

(C) Any owner of any building that meets the definition of vacant property prior to June 1, 2017 shall file a registration statement on or before June 30, 2017. The registration statement shall include the information required under Section 15.70.040 of this Ordinance, as well as any additional information that the Municipal Officer may reasonably require.

(D) The owner shall notify the Municipal Officer within thirty (30) days of any change in the registration information by filing an amended registration statement on a form provided by the Division of Inspections/Housing Bureau for such purpose.

(E) 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 City against the owner or owners of a building.

15.70.040 Registration Statement Requirements

(A) The registration statement shall include the following: (i) the name, street address, e-mail address and telephone number of a natural person 18 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; and (ii) the name, street address, e-mail address and telephone number of the firm or individual responsible for maintaining the property, as well as any additional information that the Municipal Officer may reasonably require. The individual or a 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.

(B) An owner who is a natural person and who maintains offices in the State of New Jersey or resides within the State of New Jersey may designate him or herself as agent or as the individual responsible for maintaining the property.

(C) 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 remains vacant property and shall pay a registration or renewal fee in the amount prescribed in Section 15.70.080 for each vacant property so registered.

(D) The Municipal Officer may establish for purposes of efficient administration of this Ordinance that all registrations be renewed by June 1st of each year, which date shall be established by the Municipal Officer, in which case, the initial registration fee shall be pro-rated for registration statements received less than ten (10) months prior to that date.

15.70.050 Requirement for Inspection by City Official

Upon reasonable notice to the property owner or the designated agent, 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 city to conduct exterior and interior inspections of the building to determine compliance with City of New Brunswick Property Maintenance Codes.

15.70.060 Restoration, Rehabilitation and Redevelopment of Vacant Property

(A) Any owner of vacant property who plans to restore the property to productive use and occupancy during the 12-month period following the date of the initial registration of the property shall file a detailed statement of the owner's plans for restoration of the property with the registration statement and shall be exempt from payment of the registration fee, but shall comply with all other provisions of this Ordinance. In the event that the property has not been restored to productive use and occupancy at the end of the 12-month period, the owner shall be liable for any fee waived.

(B) Where the owner is a designated redeveloper as defined under the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, and where the property subject to this Ordinance is being held for a project of rehabilitation, redevelopment consistent with municipal plans and ordinances, or is for a redevelopment plan approved by the City, and by virtue of financing, market or other conditions of that project, may require more than one year for realization, the owner may make application to the City Housing and Property Maintenance Appeals Board for extension and continued waiver of the fee upon written

request by the owner. The owner shall provide the Municipal Office and the Board with such documentation, which may include plans, financing applications, applications for land use approval or other evidence of progress. The owner shall be subject to all other provisions of this Ordinance during any period of extension.

15.70.070 Designation of Agent to Receive Notice of Legal Process

(A) 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 processing 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 Municipal Officer in writing of a change of authorized agent or until the owner files a new annual registration statement.

15.70.080 Registration and Renewal Fee Schedule

(A) The registration and renewal fee for each building shall be as follows:

Initial Registration	\$1,000
First Renewal	\$2,000
Second Renewal	\$3,000
Any Subsequent Renewal	\$3,000

(B) At least eighty (80%) percent of all income resulting from the application of this Ordinance 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 further productive reuse of properties.

15.70.090 Requirement to Secure Vacant Property

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 thirty (30) days of the structure becoming vacant or thirty (30) days of the owner taking title to the property:

1. Enclose and secure the structure as provided by the applicable sections of the New Brunswick Property Maintenance Code, PM 108.2 and PM 308, et seq., of the City of New Brunswick or as set forth in rules and regulations adopted by the Municipal Officer to implement those codes.
2. Ensure that the grounds of the structure, including yards, fences, sidewalks, walks, and driveways, are well-maintained and kept free from trash or debris.
3. 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 owner or authorized agent. If the structure is set back from the street, the sign may be posted on a well-secured post or stake in the front yard of the property. The sign shall be at least 18' x 24' in dimension, shall include the following language: "To report a problem with this building, call (contact information for owner or agent)" and shall be placed in a location where it is clearly visible and legible from the nearest public street or sidewalk, whichever is nearer; and
4. 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.

15.70.100 Requirement to Maintain Liability Insurance

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 multi-family, manufacturing, storage, or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building. Any insurance policy acquired or renewed after the building has become vacant shall provide for written notice to the Municipal Officer within thirty (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.

15.70.110 Authority of Municipal Officer to Issue Regulations

The Municipal Officer may issue rules and regulations for the administration of the provisions of this Ordinance.

15.70.120 Penalties for Violation of Ordinance

(A) Except as otherwise provided herein, any person who violates any provision of this Ordinance or of the rules and regulations issued hereunder shall be fined not less than \$500.00 nor more than \$2,500.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense.

(B) For the purposes of this section, failure to file a registration statement within thirty (30) days after assuming ownership of a vacant property, or within ten (10) days of receipt of notice of the requirement to comply with this Ordinance from the municipality, whichever is later; failure to provide correct information on the registration statement; failure to comply with the provisions of sections 15.70.090 or 15.70.100 of this Ordinance all shall be deemed to be a violation of this Ordinance.

(C) An out-of-state creditor subject to this Ordinance found to be in violation of the requirement to appoint an in-state representative or agent shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed upon a creditor for the failure to appoint an in-state representative or agent shall commence on the day after the 10-day period set forth in N.J.S.A. 46:10B-51(a) for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

(D) A owner subject to this Ordinance found to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to this Ordinance shall be subject to a fine of not less than \$500 nor more than \$2,500 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence thirty-one (31) days following the receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence eleven (11) days following receipt of this notice.

SECTION III

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction such finding shall not affect the remaining provisions hereof.

SECTION IV

REPEALER:

All Ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION V

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING:

DATED: March 15, 2017

COUNCIL PRESIDENT

ADOPTED ON SECOND READING

DATED:

COUNCIL PRESIDENT

COUNCIL MEMBER	Y	N	AB	AB	NV	N	NV	AB
ANDERSON, V.P.	M							
EGAN	X	X						
FISCHBACH	X							
FIRST READING VOTE ON MARCH 15, 2017 M=MOVED S=SECOND NV=NO VOTE AB=ABSENT								

ATTEST:

CITY CLERK

APPROVAL OF THE MAYOR ON THIS DAY OF , 2017.

MAYOR

APPROVALS:

CITY ADMINISTRATOR



CITY ATTORNEY

TKS/kc