



BOROUGH OF LAWNSIDE

ORDINANCE NO. 04-2020

**AN ORDINANCE GOVERNING THE MAINTENANCE OF VACANT PROPERTIES IN THE
BOROUGH OF LAWNSIDE AMENDING REGISTRATION REQUIREMENTS AND LEVYING
A REGISTRATION FEE UPON OWNERS OF VACANT PROPERTIES**

WHEREAS, the Borough of Lawnside contains numerous structures that are vacant in whole or large part;
and

WHEREAS, in many cases the owners and /or other 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 structures may cause severe harm to the health, safety
and general welfare of the community, including diminution of neighboring property values, increase risk of fire,
and potential increases in criminal activity and public health risks; and

WHEREAS, the Borough of Lawnside incurs disproportionate costs in order to deal with the problems of
vacant 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 of Lawnside to amend minimum standards of
accountability on the owners or other responsible parties of vacant structures in order to protect the health,
safety and general welfare of the residents of the Borough of Lawnside; and

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

131-1. Definitions.

A. **"Evidence of Vacancy"** shall mean any condition that on its own, or combined with other conditions
present, would lead a reasonable person to believe that the property is vacant. Such conditions may include,
but are not limited to: overgrown or neglected vegetation; disconnected utility services; accumulation of junk,
trash or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal
items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the
accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents
or government agents; and/or the presence of boards over doors, windows or other openings in violation of
applicable code.

B. **"Owner"** shall mean every person, entity or Mortgagee who alone or severally with others has legal title
to any vacant property as defined by this Ordinance; has legal care, charge or control of any such property; is in
possession or control of any such property; and/or is vested with possession or control of any such property.
The Property Manager shall not be considered the owner.

- C. **"Authorized Agent"** shall mean any party designated by the owner as responsible for inspecting, maintaining and securing the property as required by this ordinance. This person must maintain an office in the state of New Jersey or reside within the state of New Jersey.
- D. **"Registrable Property"** shall mean any property that is vacant for more than thirty (30) days or any cancellation of utilities or services, whichever occurs first.
- E. **"Retail Space"** shall mean any real property that is owned or leased, occupied or intended to be occupied or otherwise used by a lease, or its owner, in its trade or business of selling tangible goods or services to the public or otherwise.
- F. **"Vacant Property"** shall mean any parcel of land in the Borough that contains any building used or to be used as a residential, retail, commercial or industrial structure that is not lawfully occupied and not subject to foreclosure.

131-2. General Requirements.

- A. 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, file a registration statement for each such vacant property with the Borough Clerk in the manner provided for such purposes. The registration shall remain valid for one year from the date of registration. The owner shall renew the registration annually as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed under the fee schedule.
- B. Any owner of any building that meets the definition of vacant property, upon passage of this Ordinance, shall file a registration statement for that property. The registration statement shall include the information required under Registration Statement Requirement, of this Ordinance, as well as any additional information that the Borough Clerk may reasonably require.
- C. If the property is sold or transferred, the new owner is subject to all the terms of this Ordinance. Within thirty (30) days of the transfer, the new owner shall register the vacant property or update the existing registration. The previous owner(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that owner's involvement with the vacant property.
- D. 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 for such purpose.
- E. Properties subject to this Ordinance shall remain subject to the annual registration requirement, and the inspection, security and maintenance standards of this ordinance as long as the property is vacant.
- F. 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.

131-3. Borough 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 to conduct an exterior and interior inspection of the building to determine compliance with the Borough municipal 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 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 securing the property, if different.

C. An owner who is a natural person and who meets the requirements of this Ordinance 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 this notice or process of 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 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 Ordinance.

131-4. Fee Schedule.

The initial registration fee for each building shall be \$500. The fee for the renewal is \$1,500, and the fee for the second renewal is \$3,000. The fee for any subsequent renewal beyond the second renewal is \$5,000.

A. Vacant property registration fee schedule:

| | |
|------------------------|---------|
| Initial registration | \$500 |
| First renewal | \$1,500 |
| Second renewal | \$3,000 |
| Any subsequent renewal | \$5,000 |

B. If the Vacant property is not registered, or either the registration fee or the Annual Registration fee is not paid within thirty (30) days of when the registration or Annual Registration is required pursuant to this section, a late fee shall be equivalent to ten percent (10%) of the Annual Registration fee shall be charged for every thirty (30) day period, or portion thereof, the property is not registered and shall be due and payable with the registration. This section shall apply to the initial registration and registrations required by subsequent owners of the vacant property. The late fee may be waived for extenuating circumstances.

131-5. 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;

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- A. Ensure that the grounds of the premises, including yards, fences, structures, sidewalks, siding and driveways are well maintained and kept free from trash or debris; and
- 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 the 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"x24"; and
- C. Secure the building from unauthorized entry and maintain the sign intact until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete.

131-6. Violations and Penalties.

- A. Any owner who is not in full compliance with this Ordinance or who otherwise violates any provision of this Ordinance or the rules and regulations issued hereunder shall be subject to a fine of 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 Ordinance shall be recovered from the owner and shall be a lien on the property.
- B. For purposes of this section, the failure to provide accurate information upon the registration statement and the failure to timely file the registration statement, shall be deemed to be violations of this Ordinance.

131-7. Additional Requirements.

- A. Nothing in this Ordinance is intended to nor shall be read to conflict or prevent the Borough from taking action against buildings found to be unfit for human habitations or unsafe structures as provided in applicable provisions of the Code of the Borough of Lawnside. 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 ordinance; and
- B. This Ordinance shall take effect upon final passage and publication and in accordance with the laws of the State of New Jersey; and
- C. The provisions of this Ordinance are severable. To the extent any clause, phrase, sentence, paragraph, or provision of this Ordinance shall be declared invalid, illegal or unconstitutional, the remaining provisions shall continue in full force and effect; and
- D. Any funds collected as vacant property registration fees in excess of the funds necessary to operate and enforce the provisions of this ordinance shall be set aside in a dedicated fund for the purpose of property rehabilitation with the Borough of Lawnside at the discretion of the governing body.

STATEMENT

This Ordinance authorizes the Borough to govern the maintenance of vacant properties in the Borough of Lawnside, establishes registration requirements and levies a registration fee upon owners of vacant properties.

FIRST READING: October 7, 2020

SECOND READING & PUBLIC HEARING: November 4, 2020

ADOPTED: November 4, 2020

BOROUGH OF LAWNSIDE



MARSHAREE A. WRIGHT
ACTING BOROUGH CLERK


MARY ANN WARDLOW
MAYOR