

## Chapter 122

### VACANT PROPERTY REGISTRATION AND MAINTENANCE

#### GENERAL REFERENCES

<b>Building, housing and maintenance — See Ch. 121.</b>	<b>property</b>	<b>Tax liens on fire-damaged properties — See Ch. 178, Art. I.</b>
<b>Fire prevention — See Ch. 157.</b>		<b>Land use — See Ch. 188.</b>

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#### § 122-1. Definitions.

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

**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 that has filed a notice with the Municipal Clerk pursuant to the provisions of N.J.S.A. 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 Hillside to have authority to act with respect to the property.

**PUBLIC OFFICER** — The Construction Code Official, or his designee as approved by resolution of the Township Council, is hereby designated as the Public Officer of the municipality and shall exercise the powers prescribed by this chapter.

**VACANT PROPERTY** — Any building or structure which is not legally occupied or at which all lawful business or construction operations or renovation work or residential occupancy have substantially ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation, including but not limited to any property meeting the definition of abandoned property in N.J.S.A. 55:19-80; provided, however, that any property where all building systems are in working order, where the building and grounds are maintained in good order, or where the building is in a habitable condition, and where the building is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property for purposes of this chapter.

#### § 122-2. Registration requirements.

Effective July 1, 2013, 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, file a registration statement for such vacant property with the Code Enforcement Office on forms provided by the Township for such purposes. Failure to receive notice by the municipality shall not constitute grounds for failing to register the property.

- 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 e-mail address (if applicable) of a 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; and the name, street address, telephone number, and e-mail address (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the property. The individual or a representative of the firm responsible for maintaining the property shall be available by telephone or in person on a twenty-four-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 one year from the date of registration except for the initial registration time which shall be prorated through December 31, 2013. 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 § 122-8 for each vacant property registered.
- D. The annual renewal shall be completed by January 30 each year. The initial registration fee shall be prorated.
- E. The owner shall notify the Code Enforcement Office within 30 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Township for such purpose.
- 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 Township against the owner or owners of the building.
- G. The owner shall maintain insurance in accordance with § 122-6E.
- H. The registration statement may include any additional information that the Public Officer may reasonably require.

### **§ 122-3. Restoration.**

Any owner of vacant property who plans to restore the property to productive use and occupancy during the twelve-month period following the date of the initial registration of the property shall file a sufficiently detailed statement of the owner's plans for restoration of the property with the registration statement. Any owner who within the initial registration period

completes restoration of the property whereby the property no longer is defined as a vacant property may request a refund of the vacant property registration fee from the Code Enforcement Office upon presentation of a certificate of occupancy who shall forward the request to the Public Officer for approval.

**§ 122-4. Access.**

The owner of any vacant property registered under this chapter 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 a.m. and 4:00 p.m., or such other time as may be mutually agreed upon between the owner and the Township.

**§ 122-5. Responsible owner or agent.**

- A. An owner who meets the requirements of this chapter with respect to the location of his or her residence or workplace in the State of New Jersey may designate himself or herself as agent or as the individual responsible for maintaining the property.
- B. 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 owner notifies the Township of Hillside 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 a vacant property under the provisions of this chapter shall further be deemed to consent to receive, by posting on the building, in plain view, and by service of notice at the last known address of the owner of the property on record with the Township of Hillside by regular and certified mail, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

**§ 122-6. Owner requirements.**

In addition to any and all other provisions of the Township Code pertaining to the maintenance of land and structures, 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 30 calendar days of the structure becoming vacant or within 30 calendar days of the owner taking title to the property, do the following:

- A. Board and secure the structure and all unattached accessory structures, garages or similar structures as provided for in the applicable codes of the Township of Hillside or as set forth in rules and regulations promulgated by the Construction Code Official.
- B. Ensure that the exterior grounds of the structure, including yards, fences, sidewalks, walkways, rights-of-way, alleys, retaining walls, attached or unattached accessory structures and driveways, are well maintained and free from trash, debris, loose litter, and grass and weed overgrowth.
- C. Post a sign, affixed and protected from the elements, to the structure indicating 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. The sign shall include the words "No Trespassing" and "to report problems with this building, call...," shall be of sufficient size and shall be placed in a location where it is clearly visible from the nearest public street or sidewalk, whichever is nearer. The sign shall meet the requirements of the Township Code.
- D. Continue to 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, demolished, or until repair and/or rehabilitation of the building is complete.
- E. The owner of any vacant property shall acquire and otherwise maintain liability insurance, in an amount of not less than \$300,000 for buildings designed primarily for residential use, and not less than \$1,000,000 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 or property subject to the provisions of this chapter. Said insurance shall provide a rider for payment of all demolition costs should the vacant building become abandoned and require the Township of Hillside to demolish the building. Any insurance policy acquired or renewed after the building has become vacant shall provide for written notice to the Township of Hillside Public Officer within 30 calendar 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 be deemed to be an invalid registration. Insurance must name the Township of Hillside as party or payee for demolition costs should the Township deem demolition is required.

#### **§ 122-7. Rules and regulations issued by Public Officer.**

The Public Officer may issue rules and regulations for the administration of the provisions of this chapter. Such administratively promulgated rules

and regulations shall be in writing and shall be provided to the owners of properties registered under this chapter or their designated agents within 30 calendar days of their effective date.

**§ 122-8. Fees.**

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

- A. Initial registration: \$250.
- B. First renewal: \$500.
- C. Any subsequent renewal: \$1,000.

**§ 122-9. Violations and penalties.**

- A. Any person who violates any provision of this chapter or of the rules and regulations issued hereunder shall be fined not less than \$100 and not more than \$1,000 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. For purposes of this section, 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 Township, and failure to provide correct information on the registration statement, failure to comply with the provisions of section § 122-6 of this chapter, or such provisions contained herein shall be deemed to be violations of this chapter.