

**AN ORDINANCE ESTABLISHING CHAPTER 14, SECTION 21 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(REGISTRATION OF VACANT PROPERTY)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 14 of the Revised General Ordinances of the Township of West Orange be and are hereby amended and supplemented as follows:

I. PURPOSE

The purpose of this section is to enable the Township to regulate the safety, maintenance, security and upkeep of vacant and/or abandoned property and to establish a registry for the monitoring of vacant and/or abandoned property.

III. CHAPTER 14, SECTIONS 21 SHALL BE AND HEREBY IS ESTABLISHED AS FOLLOWS:

14-21 REGISTRATION OF VACANT PROPERTIES

14-21.1 Definitions

FORECLOSING CREDITOR: Shall mean and have the same definition as set forth in Chapter 14, Section 20.2 of the Revised General Ordinances of the Township of West Orange.

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 (Public Law 2008), any debtor in possession of the property, lienholder or mortgage holder, or any other entity determined by the Township to have authority to act with respect to the property.

REGISTRANT: Any person, owner, foreclosing creditor or entity who files a registration statement in accordance with this Chapter.

RESIDENCE- Any building in which at least 2/3 of the usable area which has been, is or may be used as a residence, home or dwelling.

STRUCTURE- Any construction, production, or piece of work artificially built or composed of parts purposefully joined together.

VACANT PROPERTY-

A. Any residence or structure that meets the following criteria shall be deemed vacant:

- (1) The residence and/or structure is not legally occupied, or in which all lawful construction operations requiring a permit have substantially ceased.

- (2) Is in such condition that it cannot legally be reoccupied without repair, permit, or rehabilitation.
- B. Any property meeting the following conditions shall not be deemed vacant:
 - (1) All building systems are in working order;
 - (2) Grounds are maintained in good condition;
 - (3) The property is not in violation of any applicable laws, regulations or ordinances; and
 - (4) Legal residential occupancy has resumed, or the property is being publicly marketed by its owner for sale or rental.
- C. Each block and lot shall be considered separate property.

14-21.2 Registration Required; Period of Validity; General Regulations

- A. The registrant and/or owner of any vacant property as defined herein shall, within 60 days after the building becomes vacant property or within sixty (60) days after assuming ownership of the vacant property, or within 14 calendar days after receipt of notice from the Township, whichever is earlier, file a registration statement for each such vacant property on forms or manner provided by the Township for such purposes. The registration shall remain valid for six months from the date of registration. The registrant shall be required to renew the registration every six months as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed by Resolution at the approval of the Township Council for each vacant property registered.
- B. Any owner of any building, structure or property that meets the definition of “vacant property” prior to the effective date of this article shall file a registration statement for that property in accord with Section A.
- C. The registrant shall notify the Zoning Official within 10 days of any change in the registration information including but not limited to change in ownership by filing an amended registration statement on a form provided by the Zoning Official for such purposes.
- 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 Township against the owner or owners of the building.
- E. Any owner of vacant property who intends to restore the property to occupancy following the initial registration shall file a detailed plan for restoration of the property to habitable condition on a form issued by the Zoning Official together with an amended registration statement.

- (1) During the restoration period, the owner shall be exempt for a period of 12 months from payment of the vacant property registration fee(s) as long as the property is being actively restored but shall comply with all other laws, regulations and municipal ordinances. Exception will terminate if the restoration activity ceases.
- (2) In the event the property has not been approved for occupancy at the end of the twelve-month period, the owner shall be liable for any fees waived. The Fire Chief, Zoning Official, and/or their designee may extend the waiver of the registration fee for not more than one additional twelve-month period in response to a written request, prior to the expiration of the initial twelve-month period, by the property owner where the Fire Chief, Zoning Official, and/or their designee finds compelling conditions existed outside the owner's control which inhibited the owner from restoring the property within the initial twelve-month period.

14-21.3 Registration Statement Requirements; Property Inspection

- A. After filing a registration statement or a renewal of a registration statement, the owner or registrant of any vacant property shall provide access to the Township 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.
- 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 article as to the location of residence or office may designate himself 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 owner notifies the Code Enforcement Office 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.

14-21.4 Registration Fees

Registration fees shall be set forth by Resolution and shall be structured such that each renewal is an increased registration fee from the initial registration fee.

14-21.5 Requirements for Owners of Vacant Property.

The registrant of any vacant property, and/or any person or entity maintaining, operating or collecting rent for any such building that has become vacant, shall, within sixty (60) days from vacancy:

- A. Secure the building against unauthorized entry for the pendency of vacancy.
- 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 structure, if such person is different from the owner holding title or the 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, and the sign shall remain in place for the pendency of vacancy.
- C. Maintain the vacant property for the entire period of vacancy in accordance with all applicable local and state property maintenance codes, ordinances or regulations, building codes, health codes and fire codes pertaining to the exterior condition and appearance of the building, the safety and structural integrity of the building, the outdoor portion of the property, the condition and safety of accessory structures on the property, and any conditions on the property which constitute a hazard or adversely affect the health and safety of persons who may have contact with the vacant property.
- D. Promptly repair all broken windows, doors and other openings and unsafe conditions. Boarding up of open and broken windows and doors is prohibited, except as a temporary measure for no longer than 45 consecutive days, which period may be extended at the discretion of the Fire Chief or his Designee. Boards or coverings must be installed and painted in accordance with Township specifications.

14-21.6 Effect on other laws, Interpretation of Provisions; Violations and Penalties

- A. Nothing in this article is intended to or shall be read to prevent the Township 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 Township of West Orange, or imposing a lien for costs on any property to the full extent permitted by law, or pursuing any other remedy provided in law. 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.
- B. Violations and Penalties: Any registrant who is not in full compliance with this article or who otherwise violates any provision of this article or the rules and regulations issued hereunder shall be subject to a fine pursuant to Township Code § 1-5-1 *et seq.*

IV. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

V. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

VI. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

SUSAN MCCARTNEY, MAYOR

**TAMMY WILLIAMS,
COUNCIL PRESIDENT**

**KAREN J. CARNEVALE, R.M.C.
MUNICIPAL CLERK**

INTRODUCED: June 13, 2023

ADOPTED: June 27, 2023

Legislative History

The purpose of this ordinance is to supplement and amend the Township Code to include a requirement that vacant property owners register their property so that the Township can better monitor the same to clean, maintain, and keep safe residents and neighboring property owners to vacant properties.