

## ORDINANCE #6-15

### AMENDING CHAPTER XII, SECTION 19 (ABANDONED PROPERTIES) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT, TO REQUIRE PROPERTY OWNERS TO REGISTER ABANDONED PROPERTIES

**WHEREAS**, the Borough of Keyport recognizes the negative impact that abandoned properties can have upon the health, safety and general welfare of the community, including diminution of neighboring property values, increased risk of fire, and potential increases in criminal activity and public health risk; and

**WHEREAS**, by Ordinance #10-10, codified at Chapter XII, Section 19 of the Revised General Ordinances of the Borough of Keyport, the Borough has adopted a comprehensive process to address the problem of abandoned properties; and

**WHEREAS**, for purposes of Chapter XII, Section 19, an “abandoned property” is generally defined as any property that has not been legally occupied for a period of six (6) months and:

1. the property is in need of rehabilitation in the reasonable judgment of the Construction Code Official, and no rehabilitation has taken place during that six (6) month period;
2. construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six (6) months;
3. at least one (1) installment of property tax remains unpaid and delinquent on the property; OR
4. the property has been determined to be a nuisance by the Construction Code Official.

**WHEREAS**, the Construction Code Official is required to establish and maintain a list of abandoned properties, referred to as the “abandoned property list”; and

**WHEREAS**, to enhance the Borough’s ability to regulate abandoned properties, it is in the public interest for the Borough to require the owners of property of the abandoned property list to register their abandoned property with the Construction Code Official on an annual basis; and

**WHEREAS**, it is in the public interest for the Borough to impose a fee in conjunction with such registration in light of the costs imposed on the Borough in regulating abandoned properties.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Keyport as follows:

**Section 1.** Section 19.3 of Chapter XII of the Revised General Code of the Borough of Keyport is hereby amended to read as follows:

#### **12-19.3 Inventory of Abandoned Property.**

- a. No change.
- b. No change.
- c. (1) The Public Officer shall establish the abandoned property list or any additions thereto by publication in the official newspaper of the Borough, which publication shall constitute public notice, and, within ten (10) days after publication, shall send a notice by certified mail, return receipt requested, and by regular mail to the owner of record of every property included on the list. The

published and mailed notices shall identify property determined to be abandoned, setting forth the owner of record, if known, the tax lot and block number and street address. The Public Officer, in consultation with the Tax Collector, shall also send out a notice by regular mail to any mortgagee, servicing organization, or property tax processing organization that receives a duplicate copy of the tax bill. When the owner of record is not known for a particular property and cannot be ascertained by the exercise of reasonable diligence by the Tax Collector, notice shall not be mailed but instead shall be posted on the property. The mailed notice shall indicate the factual basis for the Public Officer's finding that the property is abandoned property and specifying the information relied upon in making such finding. In all cases, a copy of the mailed or posted notice shall also be filed by the Public Officer in the Monmouth County Clerk's Office. The notice shall be indexed by the name of the property owner as defendant and the Borough as plaintiff, as though an action had been commenced by the Borough against the owner.

(2) Any published, mailed and posted notices under this Section 12-19.3 shall further advise of the need for the subject properties to be registered in accordance with Section 12-19.3A below.

**Section 2.** Chapter XII of the Revised General Code of the Borough of Keyport is hereby amended add Section 12-19.3A, which shall read as follows:

**12-19.3A Registration of Abandoned Properties.**

a. Generally. Effective April 1, 2015, the owner of any property included by the Public Officer on the abandoned property list created pursuant to Section 12-19.3(a) above shall, within 45 days of notice being published, mailed or posted in accordance with Section 12-19.3(c) above, file a registration statement for each such abandoned property with the Public Officer on forms provided by that Public Officer for such purposes.

(1) Any owner of any property included on the abandoned property list as of the effective date of this Ordinance shall file such a registration statement on or before April 1, 2015.

b. Duration; Renewal. The registration shall remain valid through the end of the calendar year. An owner shall be required to renew the registration on or before January 1 of each successive calendar year for so as long as the property remains on the abandoned property list and shall pay a registration or renewal fee in the amount prescribed in subsection (d) below.

c. Registration Statement. 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 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 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.

(1) 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.

(2) 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 Public Officer 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.

d. Registration Fee. The registration fee schedule for any property included on the abandoned property list is as follows:

	Annual Fee	Late Registration Fee
Initial registration	\$300	\$600
First renewal	\$600	\$1,200
Second and any subsequent renewal	\$1,200	\$2,400

Any owner who registered a vacant property more than forty-five (45) days after the date by which the owner is required to register the vacant property shall pay a late registration fee of an amount set forth above.

e. Updated Information. The owner shall notify the Public Officer within thirty (30) days of any change in the registration information by filing an amended registration statement on a form provided by the Public Officer for such purpose.

f. Placards.

(1) Abandoned properties formerly having commercial or industrial use shall prominently display at the main entrance a placard at least 2' x 2' in size containing the name of the owner, any agent, a current phone number for the owner or agent, the presence of any known hazardous materials, and any such other information as the Public Officer deems necessary.

(2) Abandoned residential properties shall prominently display at or near the main entrance a placard at least 8.5" x 11" in size containing the name of the owner, any agent, a current phone number for the owner or agent, and any such other information as the Public Officer deems necessary.

(3) In addition to the foregoing, all abandoned properties shall prominently display at or near the main/front entrance a placard obtained from the Fire Official containing such information as the Fire Official deems necessary.

(4) All placards shall be readily visible from the outside the entryway of the main structure upon the abandoned property, and shall be placed either inside the main structure (e.g., attached to the interior side of an exterior window next to the entryway) or outside the main structure and be of, or covered in, a waterproof and moisture proof material (e.g. laminated and attached to the door of the entryway). All information set forth in the placards must remain readily visible and legible at all times.

g. Admissibility. 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 of an abandoned property.

h. Inspections. After filing a registration statement or a renewal of a registration statement, the owner of any abandoned 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. For any inspection subsequent to the annual inspection, there shall be a fee of \$100 per inspection.

i. Violations and Penalties. Any owner who is not in full compliance with the terms and provisions of this Ordinance, or who furnishes false or incorrect information,

or who fails to update such information in a timely manner shall be in violation of this ordinance and shall, in addition to the late fees set forth in Section 12-19.3A(f) above, be subject to the general penalty provisions set forth in Section 1-5 (General Penalty) of this Code.

**Section 3.** Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**Section 4.** The Borough Clerk is hereby directed, upon adoption of the Ordinance after public hearing thereon, to publish notice of the passage thereof.

**Section 5.** This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduced: February 17, 2015

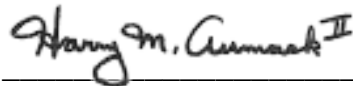
Public Hearing: March 3, 2015

Adopted: March 3, 2015



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Valerie T. Heilweil, RMC  
Borough Clerk  
Borough of Keyport



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Harry M. Aumack, II, Mayor  
Borough of Keyport