An Ordinance to Amend and Supplement Chapter 6, Building, Article 2, Property Maintenance, Amending Registration Requirements and Levying a Registration Fee on Owners and Creditors of Vacant Properties

MC 2014-35

Deletions are ~~striked out~~

Additions are in ***bold italics***.

WHEREAS, the City of Plainfield have many structures that are vacant in whole or large part; and

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

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

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLAINFIELD:

Sec. 6:2-5A-7. Registration ***vacant and abandoned property*** required.

(a) The Public Officer shall maintain a register of all dwelling units of vacant housing in the City of Plainfield, except for such units exempt from registration under Subsection (b) (1) below.

(b) Registration; promulgation of rules.

(1) Except for the governments of the United States and the State of New Jersey and theirinstrumentalities, the owner or owners, ***a creditor serving a summons and complaint in an action to foreclose on a mortgage on residential or commercial property*** of each vacant building or structure in the City of Plainfield shall register it within thirty (30) days after the later of the date it becomes vacant or the date on which regulations are promulgated pursuant to this Chapter.

~~(2) The Mayor shall promulgate regulations to provide procedures for registration of vacant buildings and structures and the submission of all needed information with respect thereto, including the names and addresses, of all persons who have a present interest in the property and the facts and conditions of the vacancy.~~

~~(3) If any present interest in any vacant building or structure is transferred, a new registration of such unit shall be required within thirty (30) days after the transfer.~~

~~(4) If the name or address of any person required for registration changes, but the change is not related to the transfer of any present interest in any vacant building or structure, housing, the change shall be reported in writing within thirty (30) days.~~

~~(c) Each period of registration shall be for twelve (12) months.~~

~~(d) Any person who violates any of the registration requirements of this Section shall upon conviction thereof, be subject to a fine of One Hundred Dollars ($100.00).~~

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

"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 C.46:10B-51 (P.L.2008, c.127, Sec.17 as amended by P.L.2009, c.296), a creditor serving a summons and complaint in an action to foreclose on a mortgage on residential or commercial property, or any other entity determined by the city of Plainfield to have authority to act with respect to the property. "Vacant Property" shall mean any building or structure which is not legally occupied or at which all lawful business or construction operations or residential occupancy have substantially ceased, and which is in such condition that it cannot legally be re-occupied without repair or rehabilitation, including but not limited to any property meeting the definition of vacant 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, 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.

(3) 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, whichever is later; or within 10 days of receipt of notice by the municipality, file a registration statement for such vacant property with the Director of Inspections on forms provided by the Director of Inspections for such purposes. 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. The registration shall include the information required under section (5) of this ordinance, the insurance certificate required under section (8) of this ordinance, as well as any additional information that the Director of Inspections may reasonably require.

d. 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 (6) for each vacant property registered.

e. The Director of Inspections may establish, for purposes of efficient administration, that all registrations shall be renewed by a single date in each year, which date shall be established by the Director of Inspections in which case the initial registration fee shall be pro-rated for registration statements received less than 10 months prior to that date.

f.

i. 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 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 twelve month period, the owner shall be liable for any fee waived. The Director of Inspections may extend the waiver of the registration fee for not more than one additional year in response to a written request by the property owner where the Director of Inspections finds that compelling conditions outside the

owner's control made it impossible for the owner to restore the property within the initial twelve month period.

ii. Where the owner is an entity experienced in rehabilitation or redevelopment of vacant properties, and where the property subject to this ordinance is being held for a project of rehabilitation or redevelopment consistent with municipal plans and ordinances, and where by virtue of financing, market or other conditions that project may require more than one year for realization, the Director of Inspections may extend the waiver of the registration fee on an annual basis without limitation upon written request by the owner as long as the Director of Inspections finds that the owner is making reasonable progress toward completion of the project.

g. The owner shall notify the Division of Inspections within 30 days of any change in the registration information by filing an amended registration statement on a form provided by the Director of Inspections for such purpose.

h. 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 the building.

(4) 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 conductexterior and interior inspections of the building to determine compliance with municipal codes, on reasonable notice to the property owner or the designated agent.

(5)

a. 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; and the name, street address and a telephone of the firm or individual 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 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 in the County of Union] or reside within the state of New Jersey [or in the County of Union].

b. An owner who is a natural person and who meets the requirements of this ordinance with respect to the location of his or her residence or workplace may designate him or herself as agent or as the individual responsible for maintaining the property.

c. 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 Director of Inspections

in writing of a change of authorized agent or until the owner files a new annual registration statement.

d. Any owner who fails to register a vacant property under the provisions of this ordinance shall further be deemed to consent to receive, by posting at the building, any and *d. Any owner who fails to register a vacant property under the provisions of this ordinance shall further be deemed to consent to receive, by posting at the building, any and* *all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.*

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

Initial registration	*$500.00 or prorated amount per Sec. 2(d) of this ordinance*
First renewal	*$1,500.00*
Second renewal	*$3,000.00*
Any subsequent renewal	*$5,000.00*

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

(1) Enclose and secure the structure as provided in the applicable codes of the Cityof Plainfield, or as set forth in rules and regulations adopted by the City to supplement those codes.

(2) Ensure that the grounds of the structure, including yards, fences, sidewalks,

walkways and driveways are well-maintained and free from trash or debris.

(3) Post a sign affixed 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. 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 inches x 24 inches in dimension, shall include the words "to report problems with this building, call...", and shall be placed in a location where it is clearly 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.

(8) The owner of any vacant property shall acquire or otherwise maintain liability insurance, in an amount of not less than $300,000.00 for buildings designed primarily for use as residential units and not less than $1,000,000.00 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. Any insurance policy acquired or renewed after the building has become vacant shall provide for written notice to the Director of Inspections within 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.

(9) The Director of Public Works and/or the Director of Inspections may issue rules and regulations for the administration of the provisions of this ordinance.

(10) a. 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 and not more than $2,000.00 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 days after a building becomes vacant property or within 30 days after assuming ownership of a vacant property, whichever is later; or within 10 days of receipt of notice by the municipality, failure to provide correct information on the registration statement, failure to comply with the provisions of sections (6) or (7) of this ordinance, or such other matters as may be established by the rules and regulations of the Director of Public Works and/or Director of Inspections shall be deemed to be violations of this ordinance.

Sec. 6:2-6. Amendments.

(a) Subsection 4.17, Penalties, of Section 4, Administrative Provisions, of the Property Maintenance Code of the City of Plainfield is amended and supplemented as follows:

Section 4.17 Penalties.

Fines. A violation of any section or subsection of this Code shall be punishable by a fine not to exceed ~~One Thousand Dollars ($1,000.00)~~ ***Two Thousand Dollars ($2,000.00)*** for each violation committed hereunder. Each violation of a section or subsection of this Code shall constitute a separate and distinct violation independent of any other section or subsection.

BE IT, FURTHER ENACTED, by the Council of the City of Plainfield, that:

1. Severability. If any provision of this Ordinance shall be held invalid, or contrary to the law, then such provision of the Ordinance shall be deemed separable from the remaining provisions of this Ordinance and shall not affect the validity of the other provisions of the Ordinance.

2. Effective Date. This Ordinance shall take effect twenty (20) days following action or inaction by the Mayor, as provided by law or on an override of a mayoral veto by the council, whichever is applicable in accordance with law, unless a resolution is adopted pursuant to N.J.S.A. 69A-181(b) declaring an emergency and providing that this ordinance shall take effect at an earlier date.

3. Publication. A notice of the action shall be published in the official newspaper authorized to publish legal notice for the City as required by law.

FIRST READING	NOVEMBER 10, 2014
SECOND READING & FINAL PASSAGE	DECEMBER 08, 2014
ADOPTED BY THE CITY COUNCIL	DECEMBER 08, 2014
APPROVED BY THE MAYOR	DECEMBER 11, 2014
ATTESTED BY THE CITY CLERK	DECEMBER 11, 2014

CITY OF PLAINFIELD

Department of Public Works & Urban Development

Division of Inspections
515 Watchung Avenue
Plainfield, NJ 07060

Office 908-753-3386
Fax 908-226-2580

REGISTRATION OF VACANT/BOARDED STRUCTURE

Pursuant to Section 6:2-5A-7 of the City of Plainfield Property Maintenance Code, you are required to register your vacant structure with the City of Plainfield. Please complete the following information and return to the City of Plainfield, Division of Inspections, 515 Watchung Avenue, Plainfield, New Jersey 07060

BLOCK _____ LOT_____

Date of Application: _____

Address of Property: _____

Owner(s) Name: _____

Owner Address: _____

Contact Number: _____

Any parties in interest: _____

Date of Registration: _____

Initial Registration	**$500 or prorated amount per Sec. 2(d) of this Ordinance**
First Renewal	**$1,500.00**
Second Renewal	**$3,000.00**
Any subsequent Renewal	**$5,000.00**

Plans for the Building

_____

_____

_____

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FOR OFFICE USE ONLY

Date application received by the office: _____