

Borough of Matawan

Public Notice of Pending Ordinance 20-07

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Governing Body of the Borough of Matawan, in the County of Monmouth, State of New Jersey, on June 3, 2020. It will be further considered for final passage, after public hearing thereon, at a meeting of the Governing Body to be held at the Borough of Matawan, Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey 07747 on June 16, 2020 at 7:00 o'clock PM.

Due to current NJS Executive Orders, it has yet to be determined if the Public Hearing will be conducted on-site or by remote video access. Please visit the Borough's website at www.matawanborough.com or contact Karen Wynne, Borough Clerk of the Borough of Matawan, at (732) 566-3898 ext. 602 or karen.wynne@matawanborough.com, during the regular business hours of 8:30 (AM) to 4:30 (PM) for further information.

During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's Office for the members of the general public who shall request the same or on the Borough of Matawan website at www.matawanborough.com.

Karen Wynne, RMC
Municipal Clerk

ORDINANCE 20-07
AMENDING ORDINANCE 13-17
ORDINANCE TO AMEND THE CODE OF THE
BOROUGH OF MATAWAN
CHAPTER XV – PROPERTY MAINTENANCE
ARTICLE I – SECTION 15-2
MAINTENANCE OF VACANT PROPERTIES, STRUCTURES
REGISTRATION REQUIREMENTS AND FEES

WHEREAS, the Borough of Matawan is desirous of maintaining and providing the residents of Matawan with a safe, pleasant environment, and to that end structures that are abandoned or vacant distract from this goal create an attractive nuisance for a neighborhood; and

WHEREAS, in many cases the owners or other responsible parties of these structures are neglectful of them, do not maintain or secure them to a recognized adequate community standard or municipal maintenance code, or restore them to productive use; and

WHEREAS, vacant and abandoned structures cause severe harm to 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, the Borough of Matawan incurs disproportionate costs in order to address the problems of vacant and abandoned structures, including but not limited to code enforcement violations, excessive police calls, fire calls, property maintenance calls, and property inspections; and

WHEREAS, it is in the public interest for the Borough of Matawan to establish minimum standards of accountability for the owners or other responsible parties of vacant and abandoned structures in order to protect the health, safety, and general welfare of the residents of the Borough of Matawan; and

WHEREAS, it is in the public interest for the Borough of Matawan to impose a fee in conjunction with a registration ordinance fee, which is in addition to others fees or costs that are imposed or required by the Borough of Matawan for any maintenance or other reason for vacant and abandoned structures in light of the disproportionate costs imposed on the Borough by the presence of these structures within the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Borough of Matawan that:

15-2 Maintenance of Vacant Properties, Structures Registration Requirements and Fees

15-2.1 Definitions

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 subject to the provisions of, or any other entity determined by the Borough of Matawan to have authority to act with respect to the property.

Vacant property shall mean any building or structure intended for or having an existing commercial, industrial, mixed-use, single or multifamily residential use, and which is not legally occupied or at which substantially all lawful commercial, business, construction operations or residential occupancy has ceased, or said structure is in such condition that it cannot legally be occupied without repair, renovation, or rehabilitation; provided, however, that any property that contains all building systems or components in working order and is being actively marketed by its owner for sale or rental, shall not be deemed vacant. Property determined to be "abandoned property" in accordance with the meaning of such term in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., which shall include commercial, industrial, single or multifamily, or mixed-use residential structures are deemed to be vacant property for the purposes of this section. However, the owner or owner's agent shall maintain and secure the property even if the property, building, or structure has been placed for sale or rental until such time as the property, building, or structure is sold or rented and occupied.

15-2.2 General Requirements

- a. Effective upon the adoption of this Ordinance, the owner of any vacant property or structure as defined herein shall within sixty (60) days after the building or structure becomes vacant property or within thirty (30) days after assuming ownership of the vacant property or structure, whichever is later, file a registration statement for each such vacant property or structure with the Property Maintenance Officer or any other designated Borough Representative on forms provided by the Borough of Matawan for such purposes. The registration shall remain valid for one (1) year from the date of registration. The owner shall be required to renew the registration annually as long as the building or structure remains vacant property and shall pay a registration or renewal fee in the amount prescribed in Section 15-2.4 of this Ordinance for each vacant property registered.

- b. Any owner of any building that meets the definition of vacant property prior to the effective date of this Ordinance, shall file a registration statement for that property on or before September 1, 2020. The registration statement shall include the information required under the appropriate Section of this Ordinance as well as any additional information that the Borough may reasonably require.
- c. The owner shall notify the Property Maintenance Officer or any other designated Borough Representative within thirty (30) days of any change in the registration information by filing an amended registration statement on a form provided by the Borough for such purpose. Upon any transfer of title or change of ownership, the new owner of the vacant property shall be assessed an initial registration fee in the amount of \$500.00 as a new owner.
- d. The registration statement shall be deemed an official record and business record in any administrative enforcement proceeding or court proceeding instituted by the Borough of Matawan against the owner, owners, or other responsible parties responsible for the building or structure.

15-2.3 Registration Statement Requirements; Property Inspection

After filing a registration statement or a renewal of a registration statement, the owner of any vacant property or structure shall provide access by the Borough's agent or representative 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.

- a. The registration statement shall include the name, street address and telephone number of a person twenty-one (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. The statement shall also include the name of the person responsible for the maintenance and security of the property, if different.
- b. An owner who is a person who meets the requirements of this Ordinance as to location of residence or office may designate him or herself as agent.
- c. By designating an authorized agent under the provisions of this section the owner or designated agent 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 Borough's agent or representative 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.

15-2.4 Fee Schedule

The initial registration fee for each building shall be five hundred (\$500.00) dollars. The fee for the first renewal is one thousand (\$1,000.00) dollars, and the fee for the second renewal is one thousand five hundred (\$1,500.00) dollars. The fee for any subsequent renewal beyond the second renewal is two thousand (\$2,000.00) dollars.

Vacant Property / Building Registration Fee Schedule

Initial registration	\$ 500.00
First renewal	\$1,000.00
Second renewal	\$1,500.00
Any subsequent renewal	\$2,000.00

15-2.5 Requirements for Owners of Vacant Property

The owner, owners, or the authorized agent of any building that has become or is a vacant property, and any person maintaining, operating or collecting rent for any such building that has become vacant shall, within thirty (30) days:

- a. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the State of New Jersey and the Borough of Matawan, or as set forth in rules and regulations adopted by the Borough of Matawan to supplement those codes; and
- b. Post a permanent laminated or protected sign in a form specified by the Borough agent or representative and 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 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 inches x 24 inches. The sign shall be professional made and printed (no handwritten signs will be permitted); and
- c. Secure the building from unauthorized entry and maintain the sign until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete.

15-2.6 Administration

The Borough of Matawan may issue rules and regulations for the administration of the provisions of this ordinance as it deems necessary.

15-2.7 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 of the rules and regulations issued hereunder shall be in addition to the payment of the prescribed licensing fee subject to a fine of not less than \$200.00 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 chapter shall be recoverable from the owner and shall be a lien on the property and all such legal fees associated with any reasonable cost recoverable from the owner as well.
- b. For purposes of this section, failure to file a registration statement in time, failure to provide correct information on the registration statement, failure to comply with the provisions of Section 15-2.2 through and including Section 15-2.5 this Chapter, or such other matters as may be established by the rules and regulations of the Borough of Matawan shall be deemed to be violations of this ordinance.
- c. Nothing in this Ordinance is intended to nor shall be read to conflict or prevent the Borough of Matawan from taking action against owners of building or structures found to be unfit for human habitation or are unsafe structures as provided in applicable provision of the Code of the Borough of Matawan, including but not limited to provisions of the State or Borough Building or Property Maintenance codes. 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.

- d. This Ordinance shall take effect immediately upon final passage and publication and in accordance with the laws of the State of New Jersey.
- e. The administration of this within Ordinance shall be under the authority of the Property Maintenance Officer of the Borough of Matawan.