

14-05
**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE,
COUNTY OF CAMDEN AND STATE OF NEW JERSEY
AMENDING CHAPTER 60B, PROPERTY MAINTENANCE,
IN THE CODE OF THE BOROUGH OF MERCHANTVILLE**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey, that Chapter 60B, Property Maintenance, in the Code of the Borough of Merchantville, is amended as follows:

ARTICLE II. ARTICLE I. SECTION 60B-7. Alternate service of notice.

In the event that personal service cannot be made, or in the event that service by certified mail is not accepted, service shall be accomplished by posting said notice in a conspicuous place on the premises, or by electronic mail to an e-mail address provided by the property owner, operator or occupant, with a “Read Receipt Request” provided.

ARTICLE III. ARTICLE III. SECTION 60B-17. Definitions.

The following definition is added in the Code of the Borough of Merchantville. All other definitions contained in Section 60B-17 of this Article are retained in their entirety:

OPERATOR: Any person, persons or entity who is not the owner, who has charge, care and control of a premises or part thereof, with or without the knowledge, consent or authority of the owner. Operator shall also include a creditor, as defined in P.L.2014, c.5, that has served a notice of intention to foreclose on a mortgage on a residential property pursuant to P.L.1960B, c.244, and that property has become vacant after the filing of this intention to foreclose.

ARTICLE IV. ARTICLE III. SECTION 60B-18. Registration requirements.

Effective September 1, 2013, the owner and/or operator 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 Property Maintenance Inspector on forms provided by the Borough of Merchantville for such purposes. Failure to receive notice by the municipality shall not constitute grounds for failure 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 or older, designated by the owner and/or operator or owner and/or operators 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 owners and/or operators 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 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. The owner and/or operator 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 Section 60B-21 of this article, for each vacant property registered.

D. The annual renewal shall be completed by January 1 each year. The initial registration fee shall be prorated for registration statements received less than 10 months prior to that date.

E. The owner and/or operator shall notify the Borough Clerk within 30 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Borough Clerk 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 Borough against the owners and/or operators of the building.

ARTICLE V. ARTICLE III. SECTION 60B-19. Access to vacant properties.

The owner and/or operator of any vacant property registered under this article shall provide access to the Borough to conduct exterior and interior inspections of the building to determine compliance with municipal codes, upon reasonable notice to the property owner and/or operator or

the designated agent. Such inspections shall be carried out on weekdays during the hours of 8:00 a.m. and 4:00 p.m., or such other time as may be mutually agreed upon between the owner and/or operator and the Borough.

ARTICLE VI. ARTICLE III. SECTION 60B-22. Requirements of owners and/or operators of vacant properties.

The owner and/or operator of any building that has become vacant property, and any person maintaining or operating or collecting rent for any such building that has become vacant, shall, within 30 days thereof:

A. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Borough Code or as set forth in the rules and regulations supplementing those codes; and

B. Post a sign affixed to the building indicating the name, address and telephone number of the owner and/or operator, the owner and/or operator's authorized agent for the purpose of service of process (if designated pursuant to § 60B-20 of this article), and the person responsible for the day-to-day supervision and management of the building, if such person is different from the owner and/or operator 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 eight inches by 10 inches; 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;

D. 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 growth; and

E. 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 or is demolished or until repaid and/or rehabilitation of the building is complete.

F. If the owner of a residential property vacates or abandons any property on which a foreclosure proceeding has been initiated, or if a residential property becomes vacant at any point subsequent to the operator's filing the summons and complaint in an action to foreclose on a mortgage against the subject property, but prior to vesting of title in the operator or any other third party, and the property is found to be a nuisance and/or in violation of any of the provisions of this Article, the Code Enforcement Officer shall notify the operator, which shall have the responsibility to abate the nuisance and/or correct the violation in the same manner and to the same extent as the title owner of the property, to such standard or specification as may be required by State law or this Article. The Borough shall include a description of the conditions that gave rise to the violation with the notice of violation, and shall provide a period of not less than 30 days from the operator's receipt of the notice for the operator to remedy the violation. If the operator fails to remedy the violation

within that time period, the Borough may impose penalties allowed for such violations pursuant to Section 60B-23 of this Article.

ARTICLE VII. ARTICLE III. SECTION 60B-23. Violations; penalties.

A. Any owner, operator or occupant who or which shall violate any of the provisions of this Article shall, upon conviction thereof, be liable for penalties or any combination thereof as set forth in Chapter 1-9 of the Code of the Borough of Merchantville, in the discretion of the Judge of the Municipal Court before whom such violation is heard and conviction made, but in no event shall the fine be less than \$250.00. Each day that a violation occurs shall be deemed a separate and distinct violation, subject to the penalty provisions of this Chapter.

B. For purposes of this Article, 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 municipality, and failure to provide correct information on the registration statement, or failure to comply with the provisions of such provisions contained herein shall be deemed to be violations of this Article.

ARTICLE VIII.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE IX.

This Ordinance shall take effect upon passage and publication according to law.

THE BOROUGH OF MERCHANTVILLE

BY: _____
FRANK M. NORTH, MAYOR

ATTEST:

DENISE BROUSE, BOROUGH CLERK

The foregoing ordinance was introduced by Mayor and Council at a meeting held on July 14, 2014. This Ordinance will be considered for adoption on final reading and public hearing to be held on August 11, 2014 at 7:30 p.m in the Council Meeting Room, Merchantville Borough Hall, 1 West Maple Avenue, Merchantville, New Jersey.

The purpose of this Ordinance is to make certain amendments to the Property Maintenance Code of the Borough of Merchantville. A copy of this Ordinance is available at no charge to the general public between the hours of 8:30 AM to 4:30 PM, Monday through Thursday (Legal Holidays excluded), and between the hours of 8:30 AM to 12:00 PM on Friday (Legal Holidays excluded), at the Office of the Borough Clerk, Merchantville Borough Hall, 1 West Maple Avenue, Merchantville, New Jersey.