

**AN ORDINANCE OF THE TOWNSHIP OF GREENWICH
AMENDING CHAPTER 520 PROPERTY MAINTENANCE
TO ADDRESS VACANT, ABANDON AND FORECLOSED
PROPERTIES**

ORDINANCE NO. 11 - 2014

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF
GREENWICH AS FOLLOWS:**

Section 1. Purpose

The purpose of this Ordinance is to establish a program for identifying and registering vacant, abandoned, and foreclosed properties; to establish the responsibilities of owners of vacant, abandoned, and foreclosed properties; and to ensure that vacant, abandoned and foreclosed properties are maintained in compliance with applicable Township, County, State and Federal codes.

This Ordinance establishes responsibilities of owners of the vacant, abandoned and foreclosed properties and structures and provides for administration and enforcement of standards related to such properties and structures. This Ordinance incorporates the International Property Maintenance Code and all applicable Federal, State and Local building and fire codes. This Ordinance shall apply to all vacant, abandoned and foreclosed property and structures within the Township of Greenwich.

Section 2. Amendment

Chapter 520, Property Maintenance, Article II. Vacant, Abandoned and Foreclosed Properties.

§ 520-4. Definitions.

For the purposes of this ordinance and unless otherwise expressly stated, the following words and phrases are defined as follows:

Abandoned Vacant Property: means vacant property as defined in this Ordinance that has been vacant for thirty (30) days or more and meets any of the following criteria:

- a. Provides a location for loitering, vagrancy, unauthorized entry or other criminal activity;
- b. Has one or more broken windows, or two or more windows boarded up, for more than 30 days;
- c. Has utilities disconnected or not in use;
- d. Is not maintained in accordance with applicable codes, including without limitation, New Jersey Residential and Building Codes, International Property Maintenance Code and Fire Prevention Code.
- e. Has taxes in arrears for a period of time exceeding 365 days; or
- f. Is only partially completed, is not fit for human occupancy and has no active building permits on the property that will result in restoration of the premises to a safe and habitable condition.

Borrower: means a borrower under a mortgage, who grants a lien or interest in property as security for the payment of a debt.

Building: means a structure with a roof supported by columns or walls to serve as shelter or enclosure.

Evidence of Vacancy: means any condition that on its own or combined with other conditions present would lead a reasonable person to believe the property is vacant. Such conditions include, but are not limited to, overgrown and/or dead vegetation; accumulation of newspapers, circulars, flyers and or mail; past due utility notices and/or disconnected utilities; accumulation of trash, junk/and or debris; broken or boarded up windows; abandoned vehicles , auto parts or materials; the absence of window coverings, such as curtains, blinds and or shutters; the absence of furnishings and or personal items consistent with habitation or occupation; and statements by neighbors, passersby, delivery agents or government employees that the property is vacant.

Foreclosure: means the process by which a mortgage is enforced against a parcel of real property.

Lender: means a person, firm, or corporation holding a mortgage on a property.

Mortgage: means a recorded lien or interest in real property to secure payment of a loan.

Owner: means an individual, partnership, association, corporation, company, title holder,

fiduciary, or other legal entity having a legal or equitable title or any interest in any real property.

Possessory Lender: means a person, firm or corporation or other legal entity that has foreclosed a mortgage on a property but may not have legal or equitable title.

Safety and Maintenance Inspection: means a visual inspection to check compliance with requirements as set forth in the International Property Maintenance Code, for sanitary maintenance, life safety, and other hazards and code violations. Such inspections will be done in accordance with a checklist maintained by the Township Construction Office.

Structure: means anything constructed or erected the use of which requires location on or attachment to the ground and includes buildings.

Vacant Property: means an unimproved lot or parcel of real property that is not currently used or occupied and an improved lot or parcel of real property with at least one building or structure that is not currently used or occupied.

§ 520-5. Registration of vacant and abandoned vacant property.

- (a) An owner of a vacant property in the Township of Greenwich shall be responsible for registering that property with the Construction Office/Code Enforcement Official by complying with the affidavit, registration, and inspection fee requirements in the Ordinance. In the event the owner shall fail or refuse to register the property, the lender or possessory lender shall be responsible for compliance with this provision.
- (b) Abandoned, vacant or foreclosed property shall be registered within 30 calendar days of the vacancy or 30 calendar days after assuming ownership of the vacant property, whichever is later. Failure to receive notice by the Township shall not constitute grounds for failing to register the property.

§ 520-6. Registration affidavit.

Owners, lenders and/or possessory lenders who are required to register property pursuant to this Ordinance shall do so by submitting a copy of a driver's license (individual owners only) and an affidavit containing the information specified in this section. The affidavit may be provided by an agent provided the agent's written authorization from the owner, lender, or possessory lender is submitted with the affidavit. The affidavit shall include the following:

- (a) Each property having a separate block and lot number as designated in official records of the Township shall be registered separately.
- (b) The name of the owner of the property.

- (c) A mailing address where mail may be sent that will be acknowledged as received by the owner. Owner shall be responsible to provide updated addresses as necessary. If certified mail/return receipt request is sent to the address and the mail is returned marked “refused” or “unclaimed” or if ordinary mail is sent to the address is returned for whatever reason, then such occurrence shall be *prima facie* proof that the owner has failed to comply with this requirement.
- (d) The name of an individual or legal entity responsible for the care and control of the property. Such individual may be the owner or may be someone other than the owner with whom the owner has contracted.
- (e) A current address, telephone number, facsimile number and email address where communications may be sent that will be acknowledged as received by the individual responsible for the care and control of the property. If certified mail return receipt requested is sent to the address and the mail is returned marked “refused” or “unclaimed”, or if ordinary mail sent to the address is returned for whatever reason, then such occurrence shall be *prime facie* proof that the owner has failed to comply with this requirement.

§ 520-7. Registration, inspection and other fees.

All fees applicable to this Ordinance shall be set and revised as necessary by Resolution of the Mayor and Council. The initial Registration fee is hereby set at \$500.00 and shall be payable on an annual basis. Registration and inspection fees shall be paid at the time of submitting the registration affidavit. There shall also be a fee for the filing of any additional or new owner’s affidavit, with such fee being set by Resolution of the Mayor and Council. For properties that are not registered within the required time frame, an additional fee for the added cost of the Township’s expenses in having to determine ownership, which may include, but are not limited to, title searches and professional fees, shall be assessed and immediately payable. The payment of all fees under this Ordinance is secured by a lien against the property, which may be placed on the tax roll for collection in the same manner and subject to the same interest and penalties applicable to delinquent special assessments and municipal liens.

§ 520-8. Requirement to keep Information Current.

If at any time the information contained in the affidavit is no longer valid, the property owner, lender or possessory lender has ten (10) days to file a new affidavit containing current information. There shall be no fee to update a registered owner’s current information.

§ 520-9. Safety and Maintenance Inspections.

- (a) If vacant, abandoned or foreclosed property includes vacant or unoccupied buildings, the owner of that property is responsible for immediately obtaining and paying for the Township's "Safety and Maintenance Inspection" (as defined herein) of the building and property, obtaining necessary permits, making required repairs and obtaining inspections from the Township annually thereafter until the building is lawfully occupied to ensure the buildings are safe, secured and well maintained. The owner shall demonstrate that all water, sewer, electrical, gas, HVAC and plumbing systems, exterior finishes and walls, concrete surfaces, accessory buildings and structures, swimming pools and spas, roofing, structural systems, foundation and drainage systems, gutters, doors, windows, driveways and sidewalks are sound, operational or properly disconnected.
- (b) If, at the time of the Safety and Maintenance Inspection, the inspector deems that the electrical, plumbing or mechanical systems pose health or safety hazards and require additional inspection by the registered code official in that discipline, the owner shall be responsible to obtain and pay for that requested inspection.
- (c) If an owner fails or refuses to complete the inspections required by subsection (a) of this Section, the possessory lender shall be obligated to complete the inspection upon foreclosure of the property. Additionally, any lender who holds a mortgage on the property located within Greenwich Township shall obtain and pay for the inspection pursuant to subsection (a) of this Section to the extent permitted by law or under the mortgage, of the property that is the security for the mortgage, upon default by the borrower, within five (5) days after either the filing of a complaint for foreclosure (if foreclosure is by judicial action) or publishing a notice of foreclosure (if foreclosure is by advertisement.)

§ 520-10. Maintenance and Security Requirements.

All owners, possessory lenders, and lenders (to the extent permitted by law or the terms of a mortgage), are responsible for compliance with the requirements of this Section which apply to all vacant properties from the time of vacancy, including the time between vacancy and when registration is required.

- (a) Property shall be kept free from weeds, overgrown grass, dry brush and dead vegetation in accordance with Township Ordinances, as well trash, junk, debris, building materials, and accumulation of newspaper, circulars, flyers, notices (except those required by federal, state or local law), and discarded items. This subsection shall be broadly construed to include all items that lend to the appearance that the property is abandoned.
- (b) Property shall be maintained free from graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the surface.

- (c) All front, side and rear yards shall be properly maintained, including landscaping. Maintenance includes, but is not limited to, regular watering, irrigation, cutting, pruning and mowing of required grasses and landscaping and removal of trimmings.
- (d) Pools, spas and other water features shall be kept drained and kept dry and free from debris. Properties with pools and/or spas must comply with the minimum security fencing and barrier requirements of applicable construction, building and property maintenance codes and ordinances.
- (e) Property shall be maintained in a secure manner so as not to be accessible to unauthorized persons. Secure manner includes, but is not limited to, the closure and locking of windows, doors, gates, and any other openings of such size that may allow a child to access the interior of the property and/or structures. Broken windows must be repaired or replaced within thirty (30) days. Boarding up of open or broken windows is prohibited except as a temporary measure.
- (f) Owners shall inspect or cause the inspection of vacant property on a regular basis to verify compliance with this Section and other applicable laws. If the property is owned by a person other than an individual and/or the lender or possessory lender is located more than thirty (30) miles away, a local property management company shall be contracted to perform weekly inspections to verify that the requirements of this Section and any other applicable laws are being met. The property shall be posted with name and twenty-four hour contact telephone number of a property management company located within thirty (30) miles of the subject property. The posting shall be no less than 18"x 24" and shall be of a 72-point Arial font and shall contain, along with the name and twenty-four hour contact number, the words:

“THIS PROPERTY MANAGED BY AND TO REPORT PROBLEMS OR CONCERNS CALL.” The posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street or secured to the exterior of the building structure facing the street to the front of the property so that is visible from the street, or if no such area exists, on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the property, but not readily accessible to vandals. The local property management company shall inspect the property on a regular basis to determine if the property is in compliance with the requirements of this Section.

§ 520-11. Fire Damage Property.

If a building is fire damaged, the owner or possessory lender has ninety (90) days from the date of the fire to apply for a permit to start construction or demolition. An additional ninety (90) day extension may be granted in the sole discretion of the Township official provided the owner or possessory lender can demonstrate substantial progress towards completing repairs.

Failure to do so will result in the property being deemed vacant and/or abandoned and subject to the requirements of this Ordinance.

§ 520-12. Right of Entry.

If the owner, lender or possessory lender has failed to secure the property, and it has been secured by the Township, the Township or its contracted agent, may re-enter the structure to conduct necessary inspections to assure compliance with the requirements of the this code and to determine if there are emergency or hazardous health and safety conditions in existence.

§ 520-13. Re-occupancy and/or sale of the property.

A vacant, abandoned, or foreclosed property shall not be occupied and/or sold until all violations have been corrected in accordance with the violation or correction notices issued and a certificate of occupancy has been issued by the Township Construction Office. All mechanical, electrical, plumbing and structural systems shall be certified by a licensed contractor as being in good repair, the provisions of the International Property Maintenance Code, or its successor, complied with and all blight removed. In addition, a certificate of occupancy shall not be issued until all outstanding costs, assessments, and liens owed to the Township have been paid in full.

§ 520-14. Violations and penalties.

- (a) Any person or entity that violates any provision of this Ordinance or the rules and regulations issued hereunder shall be fined not less than \$100.00 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 also be a lien on the property.
- (b) For the purpose of this section, failure to file a registration affidavit 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 Township, and failure to provide correct information on the registration affidavit, or failure to comply with the provisions of this Ordinance, or such provisions contained herein shall be deemed to be violations of this Ordinance.

§ 520-15. Repealing of conflicting provisions.

All Resolutions, Ordinances, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

§ 520-16. Severability.

Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this Ordinance are hereby declared to be severable.

Section 4. Effective This Ordinance shall take effect twenty (20) days after adoption and publication as required by law.

Introduced at a regular meeting of the Mayor and Council of the Township of Greenwich held on the 21st day of July, 2014 and passed upon a second reading of the Mayor and Council held on the 18th of August, 2014.

ATTEST:

TOWNSHIP OF GREENWICH

LORI L. BIERMANN,
Municipal Clerk

GEORGE W. SHIVERY, JR.,
Mayor