

DELAWARE TOWNSHIP
ORDINANCE #2012-15

AN ORDINANCE OF THE TOWNSHIP OF DELAWARE, HUNTERDON COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING THE “REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF DELAWARE” TO ESTABLISH CERTAIN STANDARDS WITH RESPECT TO MAINTENANCE OF VACATED PROPERTIES. #2012-15

BE IT ORDAINED by the Township Committee of the Township of Delaware in Hunterdon County, New Jersey as follows:

Section 1. Maintenance Standards Established For Vacated Properties. The Revised General Ordinances of the Township of Delaware are amended and supplemented by the addition of a new Section 3-11 to read as follows:

3-11 MAINTENANCE OF VACATED PROPERTIES.

3-11.1 Findings and Purpose. The Township of Delaware, in the instance of properties which have been vacated, has found evidence of unsafe, unsanitary, undesirable and unhealthy conditions that present a danger to the public health, safety and welfare of residents particularly in instances where upkeep on properties is no longer being performed, including: grass cutting, removal of dead and dying trees, branches and vegetation, removing litter and/or debris, and like maintenance.

The purpose of this section is to protect the health, safety and welfare of residents by establishing minimum standards with respect to the maintenance of property which has been vacated and to assign responsibilities and duties to property owners or those persons or entities having a title interest in property which is not being maintained.

3-11.2 Definitions. As used in this section:

a. “Building” shall mean any structure having a roof supported by columns or walls and intended for shelter, housing or enclosure of persons, or animals or personal property.

b. "Exterior premises" shall mean those portions of a building or structure which are exposed to public view or are visible from an adjoining or adjacent lot, including outside surfaces and appurtenances thereto and the open land space of any premises outside any building or structure erected thereon.

c. "Nuisances and hazards" shall mean dead and diseased trees and other natural growth which, by reason of rotting or deteriorating conditions or storm damage, are or may be dangerous to persons or property in the vicinity thereof; the presence of grass or weeds on properties that present a danger to health, safety and welfare due to overgrowth or sight line obstruction for motorists or pedestrians and/or the presence of litter or debris.

d. "Owner" shall mean any person or persons, entity or entities, who have legal or equitable title to any real property or part thereof, with or without accompanying actual possession thereof, or shall have charge, care or control of any real property or part thereof, as owner or the agent of the owner, or fiduciary, including but not limited to fiduciaries, trustees, testamentary heirs, receivers, administrators and guardians, or creditors having responsibility for the property pursuant to N.J.S.A. 46:10B-51.

e. "Vacated property" shall mean a building that has been vacated of human occupancy by the record holder of title or a tenant and not re-occupied, or is empty, including, without limitation, a newly constructed building or building under construction that has never been occupied, a building that is not occupied by the record holder of title or a tenant and is subject to foreclosure, and a building that is subject to probate or estate administration that has not been re-occupied.

3-11.3 Maintenance of Properties Which Have Been Vacated. Vacated properties shall be maintained in accordance with the following standards:

a. The front, rear and side yards shall be kept free of litter and all areas of the exterior premises shall be kept free of nuisances and hazards to ensure the safety of persons or pets.

b. The exterior premises shall be maintained free of nuisances and hazards, including in particular weeds or lawn growth in excess of eight (8) inches except that this requirement shall not apply to farmland assessed properties or areas of natural growth that are not ordinarily maintained, such as: conservation easements, areas containing wetlands, or marshes or densely wooded areas.

3-11.4 Enforcement.

a. The Delaware Township Zoning Officer shall have responsibility for enforcement of this section.

b. Whenever the Zoning Officer determines that there is or has been a violation of any provision of this section, he or she shall give notice of such violation to the owner of the subject property. Such notice shall be in writing and shall include a concise statement of the reason for issuance. Such notice shall be deemed properly and sufficiently served if sent by registered or certified mail to the last known address of the person, persons or entity upon which the same is

served, as shown by the current tax records of the Township of Delaware or, in the case of a property subject to foreclosure for which the Township has received notice pursuant to P.L. 2009, c. 296 (N.J.S.A. 46:10B-51), the creditor or the registered agent for any creditor and/or title holder. Copies of notices may also be posted by the Zoning Officer on the front door of a property where a violation is identified. The notice shall state that unless the violation is abated, removed or cured within ten (10) days of the date of issuance, a summons may be issued for such violation. The Zoning Officer may, at the time the notice is issued, extend the time period for compliance stated in the notice for a period of seven (7) calendar days if the cessation of, or cure of the condition violated, cannot reasonably be accomplished within the ten (10) day period under the this section.

c. In the event the violation is not abated, removed, cured or otherwise remediated within the ten (10) day time period or such other extended periods as permitted in this section, a summons may then be issued against the person, persons or entity so notified.

3-11.5 Violations and Penalties. Any person violating or failing to comply with any of the provisions of this section, shall, upon conviction thereof, be punished by a fine of not less than \$500 nor more than \$1,000 for each notice of violation, as determined in the discretion of the Municipal Court Judge. Each day a violation continues beyond the ten (10) day time period, or any extension thereof, shall constitute a separate violation.

Section 2. Repealer. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate and independent provision and shall not affect the validity of the remaining portions hereof.

Section 4. Codification. This ordinance may be renumbered for codification purposes.

Section 5. Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

ATTEST:

Judith A. Allen, RMC
Township Clerk
August 13, 2012
Published 8/16/12

Roger Locandro, Mayor

PLEASE TAKE NOTICE that the Delaware Township Committee approved the above ordinance on first reading at its Regular Meeting held on August 13, 2012. It will be considered on second reading for final adoption and will have a public hearing at a Regular Meeting beginning at 8:00 p.m. on September 10, 2012 at the Delaware Township Municipal Bldg., 570 Rosemont Ringoes Rd. (County Rt. 604), Sergeantsville, NJ. At that time an opportunity will be given for all interested citizens to be heard.