

TOWNSHIP OF PEMBERTON
ORDINANCE NO. 1-2017

**AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON
AMENDING CHAPTER 145-43 OF THE TOWNSHIP CODE
GOVERNING THE MAINTENANCE OF VACANT
PROPERTIES IN THE TOWNSHIP**

WHEREAS, the Township of Pemberton (the "Township") contains numerous residential, commercial, and industrial structures which are vacant in whole or large part; and

WHEREAS, in many cases the owners and/or responsible parties of these vacant structures are neglectful of them, are not maintaining or securing them to an adequate standard, and/or are not restoring them to productive use; and

WHEREAS, it has been established that 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 risks; and

WHEREAS, the Township incurs disproportionate costs in order to deal with the problems of vacant and abandoned structures, including but not limited to excessive police calls, fire calls and property inspections; and

WHEREAS, it is in the public interest for the Township to establish minimum standards of accountability on all of the owners and/or other responsible parties of all vacant and abandoned residential, commercial, and industrial structures in order to protect the health, safety and general welfare of the residents of the Township; and

WHEREAS, for these reasons, the Township Council previously adopted Ordinance 18-2012 establishing provisions for the registration and maintenance of vacant properties; and

WHEREAS, the Township Council wishes to adopt this ordinance in order to re-assert the intent of the previously adopted Ordinance 18-2012 that all vacant buildings and structures are subject to the registration and fee requirements therein and to clarify the definitions of 'vacant property'.

NOW, THEREFORE, IT IS ORDAINED by the Township Council of the Township of Pemberton, in the County of Burlington and State of New Jersey that Chapter 145 (entitled "Property Maintenance") of the Township Code is hereby amended as follows:

ARTICLE XIV (entitled "Maintenance of Vacant Properties, Registration Requirements and Fees") shall be amended solely as set forth herein:

§ 145-43. Definitions.

As used in this article, the following terms shall have the meanings indicated:

OWNER

The title holder, any agent of the title holder having authority to act with respect to a vacant property, as defined herein, any foreclosing entity subject to the provisions of C.46:10B-51 (P.L. 2008, c.127, Sec. 17), or any other entity determined by the Township of Pemberton to have authority to act with respect to the vacant property.

VACANT PROPERTY

~~Any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation.~~

Vacant property shall mean any of the four (4) definitions below:

- A. Any building or structure used or to be used as a residence at which lawful occupancy has ceased or which is unlawfully occupied; or
- B. Any building or structure used or to be used as a residence at which construction under the Uniform Construction Code was initiated and was discontinued prior to completion, leaving the building unsuitable for occupancy, and at which no construction has taken place for at least six months; or
- C. Any building or structure used or to be used as a business or in a commercial or industrial capacity at which business operations have ceased at two-thirds or more of the net square footage of the building for a period of at least six months; or
- D. Any building or structure used or to be used as both a residence and in a commercial or industrial capacity at which two-thirds or more of the net square footage of the entire building is either unoccupied or at which substantially all business operations have ceased for a period of at least six months.

IT IS FURTHER ORDAINED that since commercial buildings, industrial buildings, and buildings which are used both as residential and commercial or residential and industrial were not previously required to comply with the vacant property registration requirements of Article XIV, Chapter 145 of the Township Code, in order to provide a phase-in period for such property owners to become aware of these requirements, the Township shall not issue any summons to the owners of such properties (as they are defined in subsections C and D of the Vacant Property definition) until the expiration of a six month period beginning on the effective date of this Ordinance; and

IT IS FURTHER ORDAINED that all provisions contained within ARTICLE XIV (entitled "Maintenance of Vacant Properties, Registration Requirements and Fees") not specifically amended herein shall remain in full force and effect; and

IT IS FURTHER ORDAINED that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication

shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

IT IS FURTHER ORDAINED that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

IT IS FURTHER ORDAINED that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

PEMBERTON TOWNSHIP COUNCIL

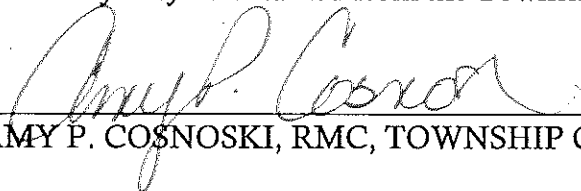
**TOWNSHIP OF PEMBERTON
ORDINANCE NO. 1-2017**

NOTICE OF PUBLIC HEARING

**AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON
AMENDING CHAPTER 145-43 OF THE TOWNSHIP CODE
IN ORDER TO CLARIFY THE DEFINITION OF 'VACANT
PROPERTY' CONSISTENT WITH THE INTENT OF
ORDINANCE 18-2012 WHICH ESTABLISHED PROVISIONS
GOVERNING THE MAINTENANCE OF VACANT
PROPERTIES IN THE TOWNSHIP AND ESTABLISHED
REGISTRATION FEES FOR ALL VACANT PROPERTIES**

The foregoing Ordinance was introduced and passed on first reading by the governing body of Pemberton Township at a meeting held on January 4, 2017 and will be considered for final passage after a public hearing at a meeting of the said governing body to be held on January 18, 2017, at the Pemberton Township Municipal Building, 500 Pemberton-Browns Mills Road, Pemberton, New Jersey, at 6:30 p.m. prevailing time, at which time any interested member of the public may comment on said Ordinance. During the week prior to and up to and including the date of such meeting or further consideration, copies of said Ordinance in its entirety may be obtained from the Township Clerk.

ATTEST:


AMY P. COSNOSKI, RMC, TOWNSHIP CLERK

**TOWNSHIP OF PEMBERTON
NOTICE OF FINAL PASSAGE
ORDINANCE NO. 1 – 2017**

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REGISTRATION FEES FOR ALL VACANT PROPERTIES**

Notice is hereby given that Ordinance No. 1– 2017 as entitled above has been finally adopted on final reading by the governing body of Pemberton Township after a public hearing, at a meeting held on January 18, 2017. Said Ordinance shall take effect in accordance with law.

ATTEST:



AMY P. COSNOSKI, RMC, TOWNSHIP CLERK

ACKNOWLEDGEMENT OF APPROVAL BY MAYOR



David A. Patriarca

DATE 1-20-2017 2017

ATTEST:



AMY P. COSNOSKI, RMC, TOWNSHIP CLERK