

ORDINANCE OF THE TOWNSHIP OF IRVINGTON, NJ

MC 3541

No. \_\_\_\_\_

Effective Date JUL 14 2015

Dated JUN 23 2015

APPROVED AS TO FORM AND LEGALITY ON THE BASIS OF FACTS SET FORTH BY \_\_\_\_\_

*[Signature]*  
Resident Representative Officer

**JONES**

COUNCIL MEMBER \_\_\_\_\_

*presents the following Ordinance*

SECONDED \_\_\_\_\_

**BURGESS**

**AN ORDINANCE TO AMEND CHAPTER 148 (PROPERTY MAINTENANCE)**

**OF THE CODE OF THE TOWNSHIP OF IRVINGTON REQUIRING**

**REGISTRATION OF ALL VACANT PROPERTIES BY OWNERS AND BENEFICIARIES AND ESTABLISHING CERTAIN SECURITY AND MAINTENANCE REQUIREMENTS.**

WHEREAS, the Administration and City Council desire to establish legislation that requires abandoned properties to be properly registered, secured and maintained; and

WHEREAS, such legislation serves to protect the health, safety and welfare of Irvington residents and neighborhoods where such properties exist;

NOW, THEREFORE, BE IT ORDAINED that Chapter 148 (Registration Fee) of the Code of the Township of Irvington is hereby amended and supplemented as follows:

Section 1: Any person, company, corporation or beneficiary, whose property becomes vacant or shows evidence of vacancy is herein to be considered abandoned and shall within ten (10) days of receiving notice of the declaration of vacancy register said property with the Director of the Office of Community Development and Planning or his or her designee.

The registration shall contain the name of any owner including any beneficiary, the direct street address of the owner (No P.O. Boxes), a direct contact name and number and in the case of a corporation or LLC, provide a copy of the Certificate of Formation and a copy of valid Driver's License or Identification for the owner or principal with physical address, the name, address and number for the local property manager, the person responsible for security, maintenance and marketing of the property, if applicable.

An annual registration fee of \$350.00 Dollars shall accompany the registration form submitted. The fee will be required by July 1<sup>st</sup> of each year, and must be received no later than July 10<sup>th</sup> of the year due. Any property that has been validly registered for at least 3 years shall have pay a fee of \$500.00. If the same property remains on the list for 5 years, then fee will be increased to \$750.00 and after 10 years the fee will be increased to \$2000.00.

It is the responsibility of the owner to secure the property registered under this ordinance. Secure means, but is not limited to, the closure and locking of windows, doors (including garage) and any other opening. In the case of windows, such shall be secured by means of re-glazing or boarding of same. The owner should also be responsible for notifying the Township by written notice to the Public Officer of any change in ownership

If the property is owned by a corporation or out of area owner, a local property management company shall be contracted to perform weekly inspections to verify compliance with the ordinance. Out of the area shall mean any owner located at least fifty (50) miles away from subject property. The property, if vacant, shall be posted with a name and twenty-four (24) hour contact number of the local property management company or a twenty-four (24) hour number for the owner. The posting shall be no less than 18 x 24 with words in a prominent font and legible. The words, "Property Managed By and "To Report Problems or Concerns Call... ", shall appear on the posted sign. The posting shall be on the inside of an interior window facing the street or on at least one boarded window facing the street or secured on the exterior of the building facing the street where such can be read from the street. The posting of such on a visible stake in front of the property is acceptable.

**Section II: Enforcement Authority**

Inspectors under the authority of the Director shall have the authority to issue a summons for any violations found under this ordinance. The Township Police Department is also authorized herein to issue appropriate summonses.

**Section III: Additional Authority**

In addition, the Director of the Office of Community Development and Planning or his or her designee shall have the authority to require the owner/beneficiary to implement additional maintenance and/or security measures, including requiring a specific type of material for closure purposes, requiring additional lighting, the providing of security guard protection if such building is located in an industrial area or isolated area as determine by the Director, or any other reasonable measures designed to assist in securing the property or rendering it from further decline.

**Section IV: Fees and Fines**

In addition to the registration fee referenced herein (\$350.00 per year) a fine of no less than Two Hundred Fifty (\$250.00) Dollars, and no more than One Thousand (\$1,000.00) Dollars shall be imposed for each violation of this ordinance for which the party is found responsible. Such fines shall only be issued by a Municipal Court Judge after service of the Summons and proper due process provided. Each day a violation exists may be considered a separate violation for penalty purposes.

**Section V: Maintenance**

Properties subject to this ordinance shall be kept free of all weeds, dry bushes, dead vegetation, junk, debris, building material and garbage. Furthermore, there shall not be permitted any accumulation of flyers, notices, discarded personal items of any sort that give the appearance that the property is vacant or abandoned. The property owner shall be responsible for the removal of any graffiti. Visible front side yards and back yards shall be kept properly landscaped according to existing code standards. Failure to adhere to any of the requirements listed above may result in the fines listed in paragraph-IV.

BE IT FURTHER ORDAINED, that any Ordinances of the Township that are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that if any part of this Ordinance shall be deemed invalid, such part shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect after its final passage and publication in accordance with the law.

**RECORD OF COUNCIL VOTE**

X = Indicates Vote		N.V. = No Vote		A.B. = Absent		X.O.R. = Indicates Vote to Override Veto			
COUNCIL MEMBER	YES	NO	N.V.	A.B.	COUNCIL MEMBER	YES	NO	N.V.	A.B.
BURGESS 1ST VICE PRESIDENT	X				JONES, 2ND VICE PRESIDENT	X			
COX	X				LYONS	X			
HUDLEY	X				FREDERIC, PRESIDENT	X			
INMAN	X								

Ordinance on First Reading Date JUN 09 2015 Council Adopted on Second Reading Date JUN 23 2015

MAYOR [Signature] Date 6/24/15 Approved X Rejected     

Reconsidered by Council - Override Yes      No      Date of Override     

COUNCIL PRESIDENT [Signature] MUNICIPAL CLERK [Signature]

I hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Municipal Council. In witness whereof I have hereunto set my hand and the Corporate Seal of the Township of Irvington.

MUNICIPAL CLERK [Signature] DATE 6/24/15