



**TOWNSHIP OF MORRIS  
MORRIS COUNTY – NEW JERSEY  
ORDINANCE NO. 14-23**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MORRIS AMENDING  
CHAPTER 385 OF THE TOWNSHIP CODE**

**WHEREAS**, in January 2022 Assembly Bill A2877 was signed into law as P.L. 2021 c.444 which required all municipalities to revise and/or establish a Vacant/Abandoned Property Ordinances and Fee Schedules; and

**WHEREAS**, the Township Committee recognizes that the Township of Morris (the “Township”) recognize that the Township contains structures that are vacant and/or abandoned in whole or in part; and

**WHEREAS**, properties in foreclosure proceedings can involve properties that are vacant and abandoned or have an increased risk of becoming vacant and abandoned during the foreclosure proceeding; and

**WHEREAS**, in many cases the owners or other responsible parties of these vacant and/or abandoned structures are neglectful of them, and are failing to maintain them or secure them to adequate standards, or restore them to productive use; and

**WHEREAS**, many of these structures are in violation of state and local housing and property maintenance codes; 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, loss of property tax revenues, accumulations of debris, increased risk of fire, and potential increases in criminal activity and public health risk; and

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

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

**WHEREAS**, the Township Committee determined that it is in the public interest for the Township to impose a fee in conjunction with a registration ordinance for vacant and abandoned property; and

**WHEREAS**, the Township Committee of the Township of Morris (the “Committee”) desires to amend and add to the language of the Code of the Township of Morris (the “Township”), Chapter 385; and

**WHEREAS**, the Committee hereby finds and declares that it is in the best interest of the Township and its residents to amend and readopt the language of the Township Code, Chapter 385 and adopts the amendments to same; and

**NOW THEREFORE**, be it ordained by the Township Committee of the Township of Morris, County of Morris as follows:

**Section 1.**

Chapter 385 of the Code of the Township of Morris is hereby amended and added to as follows:

**ARTICLE V VACANT PROPERTY REGISTRATION**

**§ 385-22 Findings.**

Pursuant to P.L. 2021 c.444 all municipalities are required to revise and/or establish a Vacant/Abandoned Property Ordinances and Fee Schedules. Additionally, the Township Committee determined that it is in the public interest for the Township of Morris to establish minimum standards of accountability, including an applicable fee schedule, on the owners or other responsible parties of vacant and abandoned structures in order to protect the health, safety and general welfare of the residents of the Township of Morris.

**§ 385-23 Definitions.**

As used in this article, the following terms have the meanings set forth:

**RESPONSIBLE PARTY**

The title holder; any agent of the title holder having authority to act with respect to a vacant and abandoned property; a creditor or any foreclosing entity subject to the provisions of N.J.S.A. 46:10B-51, and any amendments or supplements thereto; or any other entity determined by the Township to have authority with respect to the property.

**VACANT AND ABANDONED PROPERTY**

Any building or structure to be used as a residence or commercial or industrial facility which is not legally occupied by a mortgagor or tenant or at which substantially all lawful construction operations or residential occupancy has ceased, and which is in such condition that it cannot be legally reoccupied without repair or rehabilitation, and at which at least two of the following conditions exist:

- (1) Overgrown or neglected vegetation;
- (2) Dead Trees
- (3) The accumulation of newspapers, circulars, flyers, or mail on the property;
- (4) Disconnected gas, electric, or water utility services to the property;
- (5) The accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- (6) The accumulation of junk, litter, trash, or debris on the property;

- (7) The absence of window treatments such as blinds, curtains, or shutters;
- (8) The absence of furnishing and personal items;
- (9) Statements of neighbors, delivery persons, or government employees indicating that the property is vacant and abandoned;
- (10) Windows or entrances to the property that are boarded up or closed off, or multiple window panes that are damaged, broken, and unrepaired;
- (11) Doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- (12) A risk to the health, safety, or welfare of the public or any adjoining or adjacent property owners due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
- (13) An uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
- (14) The mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
- (15) A written statement issued by a mortgagor expressing the clear intent of all mortgagors to abandon the property; or
- (16) Any other reasonable indicia of abandonment.

provided, however, that any property where all building systems are in working order, where the building and grounds are maintained in good order, or where the building is in habitable condition, and where the building is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property.

**§ 385-24 Registration Requirements for Vacant & Abandoned Properties.**

- A. The Responsible Party of any vacant property, shall file a registration statement for that property with Clerk of the Township on forms provided by the Township;
- B. The registration statement must be filed no later than ninety (90) days after the property becomes vacant, or within thirty (30) of the assumption of ownership of vacant property, whichever is later; or no later than ten (10) days after receiving written notice from the Township after the enactment of this Ordinance. Failure to receive notice from the Township does not constitute grounds for failure to register.
- C. Each vacant property having a separate block and lot number as designated in official records of the Township must be separately registered.
- D. The registration statement must include the following information:
  - (1) Name, street address, telephone number, and e-mail address (if applicable) of a natural person who resides or maintains an office within the State and who is either the Responsible Party or an authorized agent designated by the Responsible Party to receive notices and complaints of property maintenance and code violations and for receiving process in any court proceeding or administrative enforcement action;
  - (2) Name, street address, telephone number, and e-mail address (if applicable) of the entity, and the names of the individual principals thereof, if any, responsible for managing and maintaining the property, if different; and
  - (3) Evidence of any liability insurance.
- E. The registration is effective for the calendar year in which issued and must be renewed annually on or before January 31 if the property remains vacant and abandoned.
- F. The Responsible Party, or his or her authorized agent, must file an amended registration certificate no later than 30 days following any change of information required to be included thereon.
- G. The Responsible Party or authorized agent must certify to the truth of all information provided on the registration statement. False or misleading information on the registration statement constitutes a violation of this article.

**§ 385-25 Access to Vacant Properties.**

The owner or authorized agent thereof, of vacant property registered under this article must provide the Township with access thereto for the purpose of conducting interior and exterior inspections to determine compliance with all applicable laws, regulations, codes, and ordinances. The Township shall provide the owner or authorized agent with reasonable notice of such inspections, which will be carried out during regular business hours, or at such other times as circumstances warrant or as agreed to by the parties.

**§ 385-26 Responsible Party or Agent.**

- A. The owner must appoint an authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement action. The owner may serve in this capacity, or may designate a third party to do so.

- B. By designating an authorized agent as provided hereunder, the owner consents to receive, by service of process on the authorized agent, any and all notices of code violations, and service of process in any court proceeding or administrative enforcement action, concerning the registered vacant property.
- C. The authorized agent designated pursuant to this subsection and identified on the registration statement pursuant to § 385-24(D)(1) and (2) is hereby deemed to continue in that capacity until the filing of an amended registration statement designating a replacement.
- D. Owners who fail to register vacant properties pursuant to this article are hereby deemed to have consented to receive any and all notices of code violations and process in any court proceeding or administrative enforcement actions served in the following manner:
  - (1) by plain-view posting on the structure; and
  - (2) service of notice, via regular and certified mail, at the owner's last known address on record with the Township.
- E. Out-of-state creditors must include the full name and contact information of the in-state representative or agent, and any other person or entity retained by the creditor or representative of the creditor in the notice provided pursuant to N.J.S.A. 46:10B-51.
- F. Any creditor serving a summons and complaint in an action to foreclose on a mortgage on commercial property within the Township shall, within 10 -days of serving the summons and complaint, notify the Township Clerk and the Public Officer that at a summons and complaint in an action to foreclose on a mortgage has been filed against the subject property.

**§ 385-27 Fee Schedule.**

Registration on vacant and abandoned properties under this section is subject to the following fees:

- (1) Initial Registration and renewals: \$250.00;
- (2) Renewal fee if there is an outstanding property maintenance or code violation that remains unabated at the time of renewal: \$500.00;
- (3) Renewal fee for a second or subsequent renewal if there continues to be an outstanding property maintenance or code violation or there is a new violation that remains unabated at the time of renewal: \$750.00.

**§ 385-28 Standards for Maintenance.**

The Responsible Party, or authorized agent thereof, and any person or entity maintaining, operating, or collecting rent for any structure that has become vacant as defined in this article, must within forty-five (45) days after notification that the property is vacant and abandoned and until the property is reoccupied, undertake all of the following measures:

- A. Enclose and secure the structure as provided by the applicable section of the Township Property Maintenance Code, Chapter 385, et seq., and as set forth in rules and regulations adopted by the Public Officer to implement those codes.
- B. Ensure that the grounds of the structure, including yards, fences, sidewalks, walks, and driveways, are well-maintained and kept free from trash or debris.
- C. Post a sign affixed to the inside of the property and visible to the public indicating the name, address, and telephone number of the Responsible Party and the Responsible Party's authorized agent for the purpose of service of process; and the name, address, and telephone number of the person or entity responsible for maintenance of the property, if different.
- D. 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 demolished, or until repair or rehabilitation of the building is complete.
- E. Acquire or otherwise maintain liability insurance by procuring a vacancy policy, covering any damage to any person or any property caused by any physical condition of the property.
- F. Any commercial property must be compliant with the New Jersey Fire Code. Temporarily unoccupied buildings, structures, premises, or portions thereof, including tenant spaces shall be safeguarded and maintained in accordance with Sections 311.1.1 through 311.6
- G. Fines and penalties imposed under this article for failing to properly register are recoverable from the Responsible Party and, if not paid, will be enforced and recorded as a judgment against the property. To the extent that Township must perform work to maintain and secure a registered property, such costs shall be imposed as a lien against the property.

**§ 385-29 Enforcement.**

- A. The Municipal Code Enforcement Officer is hereby charged with the enforcement of this article, with the assistance, as circumstances warrant, of other Township agencies within their respective jurisdictions such as Zoning, Construction, Health, Fire, and Police.

- B. Any person or entity violating this article shall be subject to a penalty of not less than \$500.00 and not more than \$1,000.00.
- C. Each day that a violation continues constitutes a separate and distinct offense.
- D. Fines and penalties imposed under this article are recoverable from the owner and, if not paid, may be imposed as a lien against the property.
- E. No less than 20% of any money collected by the Township pursuant to this article shall be earmarked for code enforcement purposes.
- F. For purposes of this section, failure to file a registration statement within thirty (30) calendar days after assuming ownership of a vacant property, whichever is later, or within ten (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 a violation of this section.

**Section 2. Severability.**

If any portion of this ordinance shall be deemed invalid by any court of competent jurisdiction, the remainder shall survive in full force and effect.

**Section 3. Repealer.**

All ordinances and parts of ordinances or resolutions inconsistent herewith are hereby repealed.

**Section 4. When Effective.**

This ordinance shall be effective immediately upon adoption and publication in accordance with law.