

**O-15-017**  
**ADOPTED ORDINANCE**  
**TOWNSHIP OF MONTCLAIR**

**ORDINANCE AMENDING MONTCLAIR CODE CHAPTER 249 – PROPERTY,  
VACANT AND ABANDONED**

June 16, 2015  
(date of introduction)

WHEREAS, in the course of enforcing Montclair Code, Chapter 249 which regulates vacant and abandoned properties, the necessity for modifications and additions to Chapter 249 in furtherance of the purposes of said Chapter became manifest; now, therefore, be it

ORDAINED, by the Township Council of the Township of Montclair, that Montclair Code, Chapter 249 is amended and supplemented as follows (new material underlined):

1. § 249-1 Definitions

The definition of “Owner” is amended to read:

“includes the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions of Public Law 2008, Chapter 127, Section 17 (N.J.S.A. 46:10B-51), any debtor in possession of the property, or any other entity determined by the Township to have authority to act with respect to the property.

The definition of “Vacant Property” is amended by adding the following after the last sentence:

Each block and lot shall be a separate property.

2. § 249-2. Registration Required; period of validity; general regulations

§ 249-2 A. The first sentence is amended to read:

A. The owner of any vacant property as defined herein shall, within 30 ~~60~~ days after the building becomes vacant property or within 30 days after assuming ownership of the vacant property, or within 10 calendar days after receipt of notice from the Township, whichever is later, file a registration statement for ach such vacant property on forms provided by the Township for such purposes. . . .

§ 249-2 A. The following is added to the end:

Upon a change of ownership, a new registration statement must be filed within 30 days of closing.

3. § 249-2 C. is amended by deleting “30 days” and substituting “10 days.”

4. § 249-4 Registration fees

§ 249-4 A and B. are deleted and the following substituted:

§ 249-4 Registration fees.

The fees for initial registration and renewals are:

<u>Initial registration</u>	<u>\$ 500</u>
<u>First renewal</u>	<u>\$1,500</u>
<u>Second renewal</u>	<u>\$3,000</u>
<u>Subsequent renewals</u>	<u>\$5,000</u>

5. § 249-5 Requirements for Owners of Vacant Property.

§ 249-5D is deleted in its entirety.

§ 249-5E is deleted and the following is substituted:

§ 249-5D

(a) Maintain the vacant property for the entire period of vacancy in accordance with all applicable local and state property maintenance codes or ordinances, building codes, health codes and fire codes pertaining to the exterior condition and appearance of the building, the safety and structural integrity of the building, the outdoor portion of the property, the condition and safety of accessory structures on the property, and any conditions on the property which constitute a hazard or adversely affect the health and safety of persons who may have contact with the vacant property.

(b) Promptly repair all broken windows, doors and other openings and unsafe conditions. Boarding up of open and broken windows and doors is prohibited, except as a temporary measure for no longer than 45 consecutive days, which period may be extended at the discretion of the Fire Official. Boards or coverings must be installed and painted in accordance with Township specifications.

§ 249-5E [new section] Provide access to the vacant property promptly upon reasonable notice, to permit municipal employees, or inspectors acting on behalf of the Township, to conduct exterior and interior inspections to determine compliance with municipal and other applicable codes. Owners of vacant properties are deemed to consent to immediate access to the vacant property in order to inspect and/or correct any conditions that create a danger to the public health, safety and welfare.

6. § 249-7B

§ 249-7B is amended to read:

For purposes of this section, failure to file a registration statement ~~in time in~~ accordance with § 249-2 above, failure to provide correct information on the registration statement, or failure to comply with any provisions of this article, shall be deemed to be violations of this Article.

7. § 249-10 Applicability

§ 249-10 is amended as follows:

- A. The Abandoned Property List shall apply to the Township of Montclair as a whole.
- B. Properties on the Abandoned Properties List shall comply with and are subject to all requirements and provisions of § 249-1 to 8.

RECORD OF COUNCIL VOTE											
	YES	NO	ABS	N.V.	AB		YES	NO	ABS	N.V.	AB
Councilor Baskerville	✓					Councilor Schlager					✓
Councilor Hurlock	✓					Councilor Spiller	✓				
Councilor McMahon	✓					Mayor Jackson	✓				
Deputy Mayor Russo	✓										
<b>X - Indicate Vote    ABS - Abstain    N.V. - Not Voting    AB - Absent</b>											

I HEREBY CERTIFY the foregoing to be a true copy of an Ordinance adopted by the Council of the Township of Montclair, in the County of Essex, at its meeting held on July 21, 2015.

  
 Linda S. Wanat  
 Clerk of the Township of Montclair, N.J.