

ORDINANCE NO. 16-08

**AN ORDINANCE OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF
PILESGROVE, COUNTY OF SALEM, STATE OF NEW JERSEY, CREATING A NEW
ARTICLE II IN CHAPTER 161 OF THE CODE OF THE TOWNSHIP OF
PILESGROVE ENTITLED "ABANDONED REAL RESIDENTIAL PROPERTY
REGISTRATION"**

WHEREAS, the Township of Pilesgrove contains structures that are vacant and/or abandoned; and

WHEREAS, in many cases the owners or other responsible parties of these structures (lenders, lien holders) 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 fire, housing and property maintenance codes; and

WHEREAS, it has been established that vacant and/or abandoned structures cause severe harm to the public health, safety and general welfare of the community, including diminution of neighboring property values, loss of property tax revenues, accumulation of trash and debris, overgrowth of grass, weeds, and other vegetation that is inhabited by insects and rodents, increased risk of fire, and potential increases in criminal activity and public health risk; and

WHEREAS, the resident taxpayers of the Township of Pilesgrove incur unnecessary and disproportionate costs in order to deal with the problems caused by vacant structures, including but not limited to police calls, fire calls, public works calls, property inspections and related tasks associated with these calls; and

WHEREAS, the Township is challenged to identify and locate owners or foreclosing parties who can maintain the properties that are in the foreclosure process or that have been foreclosed; and

WHEREAS, the Township has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

WHEREAS, the Township has an additional vested interest in protecting neighborhoods against decay caused by vacant and abandoned properties and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose registration and certification requirements on abandoned and vacant properties located within the Township; and

WHEREAS, the Save New Jersey Homes Act of 2008, N.J.S.A. 46:10B-51, et seq., requires every creditor that has initiated a foreclosure proceeding to provide the Municipal Clerk of the municipality with a listing of all residential properties in the municipality for which the creditor has foreclosure actions pending, and the Municipal Clerk shall forward a copy of said Notice to the public officer who shall be responsible for administration of any property maintenance or public nuisance code; and

WHEREAS, it is in the public interest for the Township of Pilesgrove to establish standards of accountability on the owners or other responsible parties (to include lenders and lien holders) of vacant primary residential structures in order to protect the health, safety and general welfare of the residents of the Township of Pilesgrove; and

WHEREAS, the Township finds that the presence of vacant and abandoned properties can lead to a decline in property values, create attractive nuisances, and lead to a general decrease in neighborhood and community aesthetics; and

WHEREAS, upon passage, all duly noticed public hearings, as required by law will have been held by the Township, at which all residents and interested persons were given an opportunity to be heard.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Pilesgrove, in the County of Salem and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

SECTION 1. That the foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon the adoption hereof

SECTION 2. That the Mayor and Committee of the Township of Pilesgrove do hereby amend the Township Code, by creating a new Article II in Chapter 161 entitled "Abandoned Real Property Registration," to read as follows:

CHAPTER 161

ARTICLE II

ABANDONED REAL PROPERTY REGISTRATION

§ 161-7. Purpose and Intent:

- A. It is the purpose and intent of the Township to establish a process to address the increasing amount of vacant, abandoned, foreclosed, and/or otherwise distressed residential real property located within the Township, and to identify, regulate, limit, and reduce the number of abandoned primary residential structures on properties located within the Township.
- B. The Township finds, determines, and declares that primary residential buildings which remain vacant and unoccupied for any appreciable period of time become, at a minimum, a harborage for rodents, an invitation for illegal occupancy, illegal activities, and a fire hazard. Unkempt grounds surrounding the property invite dumping and rubbish thereon, and such buildings become dilapidated, contributing to residential blight, depressing market values of surrounding property, and requiring additional government services. Unsupervised vacant, abandoned, and foreclosed residential properties have a negative impact on surrounding properties and neighborhoods. Owners of such structures and properties should be held accountable for the physical condition of the property.
- C. This article establishes responsibilities of owners of the vacant, abandoned, and foreclosed residential properties and structures and provides for administration and enforcement of standards related to such party and structures. This article incorporates the Internal Property Maintenance Code [New Jersey State Uniform Construction Code] and all applicable federal, state, and local building and fire codes. This article shall apply to all vacant, abandoned, and foreclosed primary residential real property and structures within the Township of Pilesgrove.
- D. It is in the public interest for the Township to impose a fee in conjunction with registration of vacant, abandoned, and foreclosed primary residential real property structures in light of the disproportionate costs imposed on the Township by the presence of these properties.

§ 161-8. Definitions:

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

ABANDONED REAL PROPERTY: Vacant property is defined in this article as any residential real property that is the primary residential structure on the property that has been vacant for 30 or more days, and meets at least two of the following criteria:

- A. Provides a location for loitering, vagrancy, unauthorized entry or other criminal activity;
- B. Has one or more broken windows, or two or more windows boarded up, for more than 30 days;
- C. Has utilities disconnected or not in use;
- D. Is not maintained in accordance with Township codes and ordinances, including, without limitation, New Jersey Residential and Building Codes, International Property Maintenance Code, and Fire Prevention Code;
- E. Has taxes in arrears for a period of time exceeding 365 days;
- F. Is only partially completed, is not fit for human occupancy and has no active building permits on the property that will result in restoration of the premises to a safe and habitable condition; and/or
- G. Is in default on a mortgage, has had a lis pendens filed against it by the lender holding a mortgage on the property, is subject to an ongoing foreclosure action by the lender, is subject to an application for a tax deed or pending tax assessors lien sale, or has been transferred to the Lender under a deed in lieu of foreclosure.

The designation of a property as "abandoned" shall remain in place until such time as the property is sold or transferred to a new owner, the foreclosure action has been dismissed, and any default on the mortgage has been cured.

APPLICABLE CODES: Include, but not be limited to, the Township's Zoning Code, the Township's Code of Ordinances (Township Code), and the New Jersey Building Code.

BORROWER: A borrower under a mortgage, who grants a lien or interest in residential property as security for the payment of a debt.

ENFORCEMENT OFFICER - means any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector or building inspector, or other person authorized by the Township to enforce the applicable code(s).

FORECLOSURE: The process by which a mortgage is enforced against a parcel of real property

LENDER: A person, firm, or corporation holding a mortgage on a property.

MORTGAGE: A recorded lien or interest in real property to secure payment of a loan.

OWNER: An individual, partnership, association, corporation, company, titleholder, fiduciary, or their legal entity having a legal equitable title or any interest in any real property. Shall include the title holder, any agent of the title holder having authority to act with respect to a vacant and/or abandoned property, any foreclosing entity that has filed a notice with the Municipal Clerk pursuant to the provisions of N.J.S.A. 46:10B-51, or any other entity determined by the Township of Pilesgrove to have authority to act with respect to the property.

SAFETY AND MAINTENANCE INSPECTION: A visual inspection to check compliance with requirements as set forth in the International Property Maintenance Code, for sanitary maintenance, life safety, and other hazards and code violations. Such inspections will be done in accordance with a checklist maintained by the Township Construction Office.

STRUCTURE: Anything constructed or erected the use of which requires location on or attachment to the ground and includes buildings.

OWNER- means any person, legal entity or other party having any ownership interest whether legal or equitable, in real property. This term shall also apply to any person, legal entity or agent responsible for the construction, maintenance or operation of the property involved.

PROPERTY MANAGEMENT COMPANY - means an owner, agent, local property manager, property Maintenance Company or similar entity responsible for the maintenance of abandoned real property.

VACANT PROPERTY: An unimproved lot or parcel of real property that is not currently used or occupied and an improved lot or parcel to real property with at least one building or structure that is not currently used or occupied. The registration requirements are not intended to apply to parcels of property in their nature state and not subject to development approvals, however, any other property maintenance standards shall otherwise apply.

§ 161-9. Applicability:

- (a) An owner of an abandoned residential vacant property in the Township shall be responsible for registering the primary residential structure with the Code Enforcement Official by complying with the affidavit, registration, and inspection fee requirements in the article. In the event the owner shall fail or refuse to register the property the lender or possessory lender shall be responsible for compliance with this provision. Any additional structures not used as the primary residence are not subject to the registration requirements of this Article.
- (b) Any mortgagee who holds a mortgage or equity lien on such real residential property located within the Township shall perform an inspection of the property to determine vacancy or occupancy, upon default by the mortgagor. The mortgagee shall, within 10 days of the inspection, register the property with the Code Enforcement Official, or its designee, on forms or website access provided by the Township, and indicate whether the property is vacant or occupied.
- (c) Abandoned, vacant, or foreclosed property shall be registered within 30 calendar days of the vacancy or 30 calendar days after assuming ownership of the vacant property, whichever is later. Failure to receive notice by the Township shall not constitute grounds for failing to register the property.
- (d) If the property is occupied but remains in default, it shall be inspected by the mortgagee or his designee monthly until (1) the mortgagor or other party remedies the default, or (2) it is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, and the mortgagee shall, within ten (10) days of that inspection, update the property registration to a vacancy status on forms provided by the TOWNSHIP of PILESGROVE.

§ 161-10. Registration Requirements:

- A. Registration pursuant to this section shall contain the name of the owner, the mortgagee and the server, the direct mailing address of the mortgagee and the server, a direct contact name and telephone number for both parties, facsimile number and e-mail address for both parties, the folio or tax number, and the name and twenty-four-hour contact telephone number of the property management company responsible for the security and maintenance of the property as well as for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owner or owners in connection with the enforcement of any applicable code; The individual or a representative of the firm responsible for maintaining the property shall be available by telephone or in person on a 24 hour per day, seven-day per week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.
- B. The property shall be posted with the name and twenty-four-hour contact telephone number of a property management company located within 30 miles of the subject property. The posting shall be no less than 18 inches by 24 inches and shall be of a seventy-two-point Arial font and shall contain, along with the name and twenty-four-hour contact number, the words: "THIS PROPERTY MANAGED BY AND TO REPORT PROBLEMS OR CONCERNS CALL." The posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street or secured to the exterior of the building structure facing the street to the front of the property so that it is visible from the street or, if no such area exists, on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the property, but not readily accessible to vandals. The local property management company shall inspect the property on a regular basis to determine if the property is in compliance with the requirements of this section.

C. The non-refundable registration fee for each primary residential building shall be as follows:

- Initial registration fee: \$500.00
- If not paid within sixty (60) days of notification by the Township, the registration fee shall increase to \$1,000.00.

The non-refundable renewal fee for each such building shall be due on the anniversary date of the initial registration date of each subsequent year as follows:

- First renewal fee: \$1,000.00
- Second and subsequent renewal fee: \$2,000.00

D. This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage in the foreclosure and any properties transferred under a deed in lieu of foreclosure or sale.

E. Properties subject to this section shall remain under the annual registration requirement and the inspection, security and maintenance requirements of this section as long as they remain vacant or in default.

F. Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within 10 days of the change.

G. Failure to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this section is a violation of this article and shall be subject to enforcement and penalties.

H. Pursuant to any administrative or judicial finding and determination that any property is in violation of this article, the municipality may take the necessary

action to ensure compliance and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.

- I. All registration fees must be paid directly from the Mortgagee, Servicer, Trustee, or Owner. Third Party Registration fees are not allowed without the consent of the Township and/or its authorized designee.
- J. This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.
- K. Properties subject to this section shall remain under the annual registration requirement, and the inspection, security and maintenance standards of this section as long as they remain vacant or in default.
- L. All fees applicable to this article may be revised by resolution of the Township Committee. Registration and inspection fees shall be paid at the time of submitting the registration affidavit. There shall also be a fee for the filing of any additional or new owner's affidavit, with such fee being set by resolution of the Township Committee. For properties that are not registered within the required time frame, an additional fee for the added cost of the Township's expenses in having to determine ownership, which may include, but is not limited to title searches, shall be assessed and is immediately payable. The payment of all fees under this article is secured by a lien against the property, which may be placed on the tax roll for collection in the same manner and subject to the same interest and penalties applicable to delinquent special assessments.

§ 161-11. Access to Vacant Properties:

- A. The owner of any vacant property registered under this Article shall provide access to the Township to conduct exterior and interior inspections of the

building to determine compliance with municipal codes, upon reasonable notice to the property owner or the designated agent. Such inspections shall be carried out on weekdays during the hours of 9:00 a.m. and 4:00 p.m., or such other time as may be mutually agreed upon between the owner and the Township.

- B. If the owner, lender or possessory lender has failed to secure the property and it has been secured by the Township, the Township or its contracted agent may reenter the structure to conduct necessary inspections to assure compliance with the requirements of this Code and to determine if there are emergency or hazardous health and safety conditions in existence.

§ 161-12: Violations and Penalties:

- A. Any person who violates any provision of this Article shall be fined not less than \$100 and not more than \$1000 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this article shall be recoverable from the owner as defined herein and shall be a lien on the property.
- B. For purpose of this section, failure to file a registration affidavit within 30 calendar 30 days after a building becomes vacant property or within 30 days after assuming ownership of a vacant property, whichever is later, or within 10 calendar days of receipt of notice by the Township, and failure to provide correct information on the registration affidavit, or failure to comply with the provisions of this article or such provisions contained herein shall be deemed to be violations of this article.

§ 161-13. Severability: Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.


§ 161-14. Repealer:

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

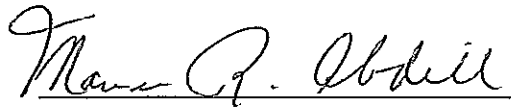
§ 161-15. When Effective:

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

TOWNSHIP OF PILESGROVE

BY: 
Kevin Eachus, Mayor

ATTEST:


Maureen Abdill
Municipal Clerk

NOTICE

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Committee of the Township of Pilesgrove, in the County of Salem and State of New Jersey, held on Tuesday, July 12, 2016 at 7:00 P.M. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Committee to be held in the Municipal Building, 1180 Route 40 East, Pilesgrove, New Jersey 08098, on Tuesday, July 26, 2015 at 7:30 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at the Municipal Building, 1180 Route 40 East, Pilesgrove, New Jersey 08098, to the members of the general public who shall request the same.

Maureen Abdill
Municipal Clerk