

Egg Harbor Township

Ordinance No. 3

2015

AN ORDINANCE TO AMEND THE CHAPTER 173 OF THE TOWNSHIP CODE ENTITLED "PROPERTY MAINTENANCE"

Whereas, the Township Committee of the Township of Egg Harbor has reviewed recent amendments to Titles 2a, 40 and 46 of the New Jersey Statutes regarding vacant and abandoned property and responsibilities of foreclosing creditors; and

Whereas, as a result of such legislations, certain amendments to the Code of the Township of Egg Harbor are required; and

Now, therefore, be it ordained, by the Township Committee of the Township of Egg Harbor that the following provisions of the Code of the Township of Egg Harbor are amended as follows:

SECTION 1: Chapter 173 is hereby amended by the addition of the following new article:

Article VII Responsibility of Foreclosing Creditor

§173-27 Creditor Responsibility

Pursuant to the provisions of the Public Laws of 2014, Chapter 35, a creditor filing a Summons and Complaint to foreclose a lien on a residential property that is vacant and abandoned, whether the filing of the Summons and Complaint is made before or after the determination that the property is vacant and abandoned, shall be responsible for the care, maintenance, security, and upkeep of the exterior of the residential property. This obligation applies whether the determination that the property is vacant and abandoned is made by the public officer pursuant to the provisions of this Chapter of the Code of the Township of Egg Harbor, pursuant to the provisions of N.J.S.A. 2A:50-73 or otherwise

§173-28 Notice of Creditor; time to correct violations

If the public officer, or other authorized municipal official, determines that a Creditor obligated to care, maintain, secure and keep up a vacant and abandoned property has failed to do so in violation of the provisions of the Chapter of this Code, the public officer or other authorized municipal official shall issue a notice of violation to the Creditor that has filed a Summons and Complaint to foreclose on the property in questions. The notice shall require the person or entity to correct the violation within thirty (30) days of receipt of the notice, or within ten (10) days of receipt of the notice if the violation presents an imminent threat to public health and safety. The issuance of this notice shall constitute evidence that a property is "vacant and abandoned" for purposes of N.J.S.A. 2A:50-73.

§173-29 Designated representative of out-of State Creditor; violation

An out-of state Creditor shall include the full name and contact information of the in-State representative or agent in the notice required to be provided to the municipal clerk pursuant to paragraph one of N.J.S.A. 46:10B-51. An out-of-State Creditor found by a Court of competent jurisdiction to have violated this provision shall be subject to a fine of \$2,500.00 for each day of the violation commencing on the day after the ten (10) day period set forth in paragraph one of N.J.S.A. 46:10B-51 with respect to notifying the municipal clerk that an action to foreclose on the property has been filed.

§173-30 Violations and penalties

A creditor subject to this ordinance found by the municipal court, or by any other court of competent jurisdiction, to be in violation of the requirement to care, maintain, secure or upkeep a property as cited in the notice issued pursuant to the Ordinance shall be subject to a fine of \$1,500.00 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence thirty one (31) days following receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence eleven (11) days following receipt of this notice.

SECTION 2: All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 3: 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.

SECTION 4: This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF JANUARY 21, 2015 AND WILL BE FURTHER CONSIDERED FOR FINAL PASSAGE AFTER A PUBLIC HEARING THEREON AT A REGULAR MEETING OF SAID TOWNSHIP COMMITTEE TO BE HELD IN THE TOWNSHIP HALL, IN SAID TOWNSHIP ON FEBRUARY 18, 2015 AT 5:30 P.M.

Dated: January 21, 2015

Eileen M. Tedesco, RMC
Township Clerk