

**TOWNSHIP OF BORDENTOWN**

**ORDINANCE No. 2014-32**

**AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN IN BURLINGTON COUNTY, STATE OF NEW JERSEY REQUIRING THE MAINTENANCE OF PROPERTIES THAT ARE VACANT OR ABANDONED OR IN FORECLOSURE**

**WHEREAS**, the Township Committee of the Township of Bordentown ("Township") has reviewed recent amendments to Titles 2A, 40 and 46 of the New Jersey Statutes regarding vacant and abandoned property and the responsibilities of foreclosing creditors; and

**WHEREAS**, as a result of such legislation, it is appropriate and necessary for the Township Committee to adopt an ordinance to implement the amendments enacted in Chapter 35 of the Laws of 2014;

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the Township Committee of the Township of Bordentown that the Code of the Township of Bordentown is amended as follows:

**SECTION ONE.** The Code of the Township of Bordentown is amended by the addition of the following new sections:

**A. 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 designated by the Township of Bordentown, pursuant to the provisions of N.J.S.A. 2A:50-73 or otherwise.

**B. Notice to creditor; time to correct violations.**

If the public officer, or other authorized municipal official as designated by the Township Administrator, determines that a property is vacant or abandoned and that a creditor is obligated to care, maintain, secure and keep up a vacant and abandoned property has failed to do so in violation any of the provisions of the Ordinances of the Township of Bordentown, 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 question. 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.

**C. 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 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.

**D. Violations and penalties.**

Any person, firm, corporation or entity violating any provision of this ordinance shall, upon conviction, be punishable as provided in Chapter 1, General Provisions, Article I, of this Code. A creditor required to care, maintain, secure and keep up a property under this Chapter cited in a notices issued pursuant to §58-5.2 shall be subject to a fine of \$1,500.00 for each day of the violation.

**SECTION THREE.**

**Additional notice required.**

Notice of violations of property maintenance, building or other property codes for any property declared vacant and abandoned pursuant to this Chapter shall be given to a foreclosing creditor as required by P.L. 2014, c. 35.

**AND BE IT FURTHER ORDAINED** that any prior Ordinances which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistencies;

**AND BE IF FURTHER ORDAINED** that should any section, part of any section, or clause or phrase of this ordinance for any reason be held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance;

**AND BE IT FURTHER ORDAINED** that this Ordinance shall become effective immediately following final passage and publication as required by law.

INTRODUCED: DECEMBER 8, 2014

ADOPTED: DECEMBER 22, 2014