

EXPLANATION: This Ordinance amends Section 2-40 entitled "Upkeep of Residential Properties" of Chapter II entitled "Administration" by adding new sections 2.40.4 through 2.40.10. These new sections place certain requirements on creditors instituting foreclosure proceedings with respect to vacant and abandoned residential properties.

**TOWNSHIP OF WARREN
ORDINANCE NO. 18-05**

AN ORDINANCE SUPPLEMENTING AND AMENDING SECTION 2-40 ENTITLED "UPKEEP OF RESIDENTIAL PROPERTIES" OF CHAPTER II ENTITLED "ADMINISTRATION" OF THE *REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WARREN* BY ADDING NEW SECTIONS 2.40.4 THROUGH 2.40.10.

WHEREAS, P.L. 2014, c.35 was approved on August 15, 2014 and places certain requirements on creditors instituting foreclosure proceedings with respect to vacant and abandoned residential properties to maintain and repair the exterior of the property; and

WHEREAS, the Township of Warren has vacant and abandoned properties in various stages of disrepair and which would benefit from this new law; and

WHEREAS, the Township of Warren desires to enact this ordinance in order to take advantage from this new law.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Warren, in the County of Somerset and State of New Jersey, as follows:

Section 1. Sections 2.40.4 through 2.40.10 shall be added to Section 2-40 entitled "Upkeep of Residential Properties" of Chapter II entitled "Administration" of the Revised General Ordinances of the Township of Warren a follows:.

2-40.4 Special abandoned property maintenance standards.

In accordance with N.J.S.A. 40:48-2.12s, all vacant and abandoned residential properties in which a summons and complaint in an action to foreclose have been filed shall be subject to Sections 2-40.4 through 2-40.10 of the Revised General Ordinances of the Township of Warren and the following standards with regard to the care, maintenance, security, and upkeep of the exterior of the properties.

a. The premises shall be kept free of litter (including, without limiting the generality of the foregoing, discarded, windblown, deposited, dropped or strewn paper, wrappings, cardboard, bottles, cans, boxes and broken glass) and of all nuisances and hazards to the safety of pedestrians and other persons having access to the premises, and free of unsanitary conditions; any of the foregoing shall be promptly removed and abated. The word "hazards" shall include, but is not limited to, the following:

(1) Refuse: brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash, rubbish, refuse and debris of any description.

(2) Natural growth: dead and dying trees and other natural growth which, by reason of rotting or deteriorating conditions or storm damage, are or may be dangerous to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions.

(3) Overhanging Objects: loose, overhanging and projecting objects and accumulations of ice and snow, which, by reason of location above ground level, constitute dangers to persons in the vicinity thereof.

(4) Ground surface and unsanitary conditions: holes, excavations, breaks, projections, obstructions and excretion of pets or other animals on paths, sidewalks, walks, driveways, parking lots and parking areas and other parts of the exterior of the premises which are accessible to and used by persons having access to such premises.

(5) Recurring accumulation of storm water. Adequate runoff drains shall be provided and maintained to eliminate recurrent accumulations of storm water.

(6) Sources of infestation.

(7) Foundation walls. Foundation walls shall be kept structurally sound, free from defects and damage and capable of bearing imposed loads safely.

(8) Chimneys and flue and vent attachments thereto. Chimneys and flue and vent attachments thereto shall be maintained structurally sound, safe, durable, smoke-tight and capable of withstanding the action of flue gases.

(9) Exterior porches, landings, balconies, stairs and fire escapes. Exterior porches, landings, balconies, stairs and fire escapes shall be provided with banisters or railings properly designed and maintained structurally sound, in good repair, well painted or otherwise provided with a protective treatment to prevent deterioration, and free from defects.

b. Exterior of the premises. The exterior of the premises shall be maintained so that the appearance thereof shall reflect a level of maintenance in keeping with the standards of the neighborhood or such higher standards as may be adopted by the Township of Warren and such that the appearance thereof shall not constitute a blighting effect upon neighboring properties nor an element leading to a progressive deterioration and downgrading of neighboring properties with an accompanying diminution of property values, including the following:

(1) The exterior of every building shall be maintained in good repair, and all exterior surfaces thereof shall be kept painted or otherwise provided with a protective treatment, where necessary, for purposes of preservation and appearance.

(2) All exterior surfaces thereof shall be maintained free from broken glass, loose shingles or siding, crumbling masonry, excessively peeling paint or other conditions reflective of deterioration or inadequate maintenance to the end that the building itself may be preserved, safety and fire hazards eliminated and adjoining properties and the neighborhood protected from blighting influences.

c. Landscaping. Where exposed to public view, the landscaping of the premises shall be maintained in an orderly state, with lawns and bushes trimmed and free from becoming overgrown, littered and unsightly where such would constitute a blighting effect, depreciating adjoining and nearby property. Open areas shall be graded evenly to eliminate holes, depressions, gullies, mounds, accumulations of debris or other unsightly or unsafe conditions.

d. Security. The premises shall be enclosed and secured against unauthorized entry.

2-40.5 Responsibility of creditor.

Any and all creditors filing a summons and complaint in an action to foreclose shall be responsible for the care, maintenance, security, and upkeep of the exterior of the vacant and abandoned residential property as set forth herein, and if located out of state, shall be responsible for appointing an in-state representative or agent to act for the foreclosing creditor.

2-40.6 Issuance of notice to creditor.

A public officer, appointed pursuant to P.L. 1942, c. 112 (N.J.S.A. 40:48-2.3 et seq.), or any other local official responsible for administration of any property maintenance or public nuisance code within the Township may issue a notice to the creditor filing the summons and complaint in an action to foreclose if the public officer or other authorized municipal official determines that the creditor has violated this article by failing to provide for the care, maintenance, security, and upkeep of the exterior of the property. Such notice shall require the person or entity to correct the violation within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety. The issuance of a notice pursuant to this section shall constitute clear and convincing evidence or proof that a property is vacant and abandoned for the purposes of Subsection a. of Section 1 of P.L. 2012, c. 70 (N.J.S.A. 2A:50-73).

2-40.7 Establishment of in-state representative or agent.

Any and all out-of-state creditors subject to this article shall include the full name and contact information of the in-state representative or agent in the notice required to be provided pursuant to Paragraph (1) of Subsection a of Section 17 of P.L. 2008, c. 127 (N.J.S.A. 46:10B-51).

2-40.8 Violation of requirement to appoint in-state representative or agent.

Any out-of-state creditor subject to this article and found by a municipal court of competent jurisdiction to be in violation of the requirement to appoint an in-state representative or agent pursuant to this article shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on a creditor for the failure to appoint an in-state representative or agent shall commence on the day after the ten-day period set forth in Paragraph (1) of Subsection a of Section 17 of P.L. 2008, c. 127 (N.J.S.A.

46:10B-51) for providing notice to the Township Clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

2-40.9 Violation of requirement to maintain, repair and secure premises.

Any creditor subject to this article found to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to this article shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this section 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 the notice.

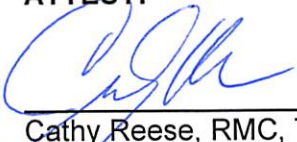
2-40.10 Allocation of fines.

No less than 20% of any money collected pursuant to Section 2-40.9 of the Revised General Ordinances of the Township of Warren shall be utilized by the Township of Warren for municipal code enforcement purposes.

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3. This Ordinance shall take effect immediately upon final passage and publication according to law.

ATTEST:



Cathy Reese, RMC, Township
Clerk

TOWNSHIP OF WARREN

By: 

Victor J. Sordillo, Mayor

INTRODUCED FEBRUARY 15, 2018
ADOPTED MARCH 15, 2018
EFFECTIVE MARCH 22, 2018