



## ORDINANCE 2022-13

# Amending and Supplementing Chapter 22, Buildings and Building Maintenance, and Chapter 46, Fire Prevention and Protection, Regulating Vacant and Abandoned Properties

WHEREAS, the Township maintains Chapter 22, Buildings and Building Maintenance, specifically Article VII, Property Maintenance, and Chapter 46, Fire Prevention and Protection, of the South Brunswick Township Code; and

WHEREAS, the Township previously adopted Ordinance 2020-22 regarding the regulation of Vacant and Abandoned Properties; and

WHEREAS, the recent adoption of P.L. 2021, c.444, by the State legislature sets out the authority of what the Township is empowered to do regarding maintenance of vacant and abandoned properties; and

WHEREAS, it is in the best interests of the health, safety and welfare of the residents of the Township of South Brunswick to amend the Township Code at this time so that the Township Code is consistent with this State law;

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, that:

I. Chapter 22, Buildings and Building Maintenance, shall be and is hereby amended and supplemented as follows, with additions in underline and deletions in strikethrough:

### **Sec. 22-229. - Maintenance of vacant structures and land.**

(c) If the premises is the subject of a foreclosure action, the foreclosing creditor must provide care, maintenance, security and upkeep of the exterior of vacant and/or abandoned ~~residential~~ properties on which an action to foreclose has been filed, including, but not limited to, all steps necessary to secure the property against unauthorized entry, post a sign affixed to the inside of the property and visible to the public indicating the name, address, and telephone number of the creditor or an out-of-State creditor's in-State representative or agent, and acquisition and maintenance of liability insurance covering any damage to any person or any property caused by any physical condition of the property. If the foreclosing creditor is not located within the state, the creditor must appoint an in-state representative or agent to act on behalf of the creditor. The full name and contact information of the in-state representative or agent must be included in the notice filed with the township pursuant to N.J.S.A. 46:10B-51. The creditor must file any change of address for creditor or responsible party within ten (10) days of the change.

(d) The provisions of this section are in addition to penalties that may be assessed under section 22-312.

(e) In the event a vacant structure meets the criteria to be declared a vacant abandoned property, as defined in section 22-222, upon thirty (30) days written notice to the owner and/or occupant of record and any foreclosing creditor, pursuant to section 22-224, or within ten (10) days of receipt of the notice if the violation presents an imminent threat to public health and safety, the township may take whatever actions are necessary to protect the health, safety and welfare of the citizens of South Brunswick, including, but

not limited to, securing the structure, abating any dangerous conditions on the property, removal of any items that pose an imminent threat of injury to person or property up to and including a complete demolition of the structure, and any other actions as may be permitted by law, subject to the requirements of any law, rule, statute or ordinance as may be applicable. The township may take such action through any available public agency or by contract or arrangement with private persons, and the cost thereof shall be a lien upon such real estate.

**Sec. 22-312. - Violations and penalties.**

(c) An out-of-state foreclosing creditor violating the requirement to appoint an in-state representative or agent pursuant to section 22-229(c) shall be subject to a fine of \$2,500.00 for each day of the violation, which shall commence on the day after the 10-day period set forth in N.J.S.A. 46:10B-51 for providing notice to the township clerk that a foreclosure action has been served. The creditor must file any change of address for creditor or responsible party within ten (10) days of the change.

(e) No less than 20 percent of any money collected pursuant to subsections (b) and (c) of this section shall be utilized by the municipality for municipal code enforcement purposes.

II. Chapter 46, Fire Prevention and Protection, shall be and is hereby amended and supplemented as follows, with additions in underline and deletions in strikethrough:

**Sec. 46-104. - Additional required inspections and fees.**

In addition to the inspections and fees required pursuant to the Uniform Fire Safety Act and the regulations of the state department of community affairs, the following additional inspections and fees shall be required locally:

(4) Vacant abandoned property. Any vacant abandoned property, as defined in section 22-222, shall be assessed an annual registration fee as follows:

a. The initial amount of the registration fee shall be \$1,000.00.

b. If the conditions which cause the property to be a vacant abandoned property are not abated within six months of the assessment of the initial fee, the annual registration fee shall be \$2,000.00.

~~c. If the conditions which caused the property to be a vacant abandoned property remain unabated after the first year, the annual registration fee shall be \$3,000.00 every year thereafter.~~

~~d.~~ The provisions of this section are in addition to any penalties that may be assessed under any other section of this Code.

III. If any clause, sentence, paragraph, section or part of this ordinance or any other codes or ordinances incorporated herein shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

IV. This ordinance shall become effective twenty (20) days after its final passage.

The above ordinance was introduced and passed on first reading at a meeting of the Township Council of the Township of South Brunswick held on April 26, 2022. It will be considered on second reading and final passage at a meeting of the Township Council of the Township of South Brunswick to be held either: (1) at the Municipal Building, Monmouth Junction, New Jersey; or, if that is not possible, (2) via video conference, at 6:00 p.m. on May 24, 2022. If the meeting is held via video conference, an electronic link to the meeting will be made available to the public at [www.sbtnj.net](http://www.sbtnj.net) no later than noon on the day of the meeting. In either case, at the time of second reading and final passage any person having an interest therein will be given an opportunity to be heard.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Joseph Camarota, Deputy Mayor
<b>SECONDER:</b>	Josephine "Jo" Hochman, Councilwoman
<b>AYES:</b>	Bierman, Camarota, Grover, Hochman, Carley

This is to certify that the foregoing is a true copy of a Ordinance Adopted at the South Brunswick Township Council meeting held on May 24, 2022.

  
Barbara Nyitrai, Township Clerk