

ORDINANCE NO. 2 -2016

ORDINANCE OF THE TOWNSHIP OF EAST GREENWICH  
REPEALING AND REPLACING CHAPTER 15.44 ENTITLED  
VACANT, ABANDONED AND FORECLOSED PROPERTIES

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP  
OF EAST GREENWICH AS FOLLOWS:

REPEALER:

Chapter 15.44 is hereby repealed in its entirety.

ENACTMENT:

A new Chapter 15.44 is hereby enacted as follows:

15.44.010. Purpose.

- A. The purpose of this chapter is to establish a program for identifying and registering vacant, abandoned and foreclosed properties; to establish the responsibilities of owners of vacant, abandoned or foreclosed properties; to ensure that vacant, abandoned and foreclosed properties are maintained in compliance with applicable Township, County, State and Federal codes.

It is the Municipality's further intent to participate in the County-wide registration program established by Gloucester County and administered by Community Champions Corporation as a mechanism to protect neighborhoods from becoming blighted due to the lack of adequate maintenance and security vacant, abandoned and foreclosed properties.

- B. The Township Committee finds, determines and declares that buildings and property which remain vacant and unoccupied for any appreciable period of time become a harborage for rodents, an invitation for illegal occupancy and for illegal activities, as well as a fire hazard, and that unkempt grounds surrounding the property invites dumping and rubbish thereon, that such buildings become dilapidated, contribute to commercial and residential blight, depress market values of surrounding property, requires additional government services, endanger the public safety and health, and generally remain detrimental to the public good. Unsupervised vacant/abandoned or foreclosed properties have a negative impact on surrounding properties and neighborhoods. Owners of such structures and property should be held accountable for the physical condition of the property.

- C. This ordinance establishes responsibilities of owners of the vacant, abandoned and or foreclosed properties and structures and provides for administration and enforcement of standards related to such property and structures. This ordinance incorporates the International Property Maintenance Code and all applicable Federal, State and Local building and fire codes. This ordinance shall apply to all vacant, abandoned or foreclosed property and or structure within East Greenwich Township.
- D. It is in the public interest for the Township to establish minimum standards of accountability on the owners or other responsible parties of vacant abandoned and foreclosed properties in order to protect the health, safety and welfare of the residents of the Township.
- E. It is in the public interest for the Township to impose a reasonable administrative fee in conjunction with registration of vacant abandoned and foreclosed properties in light of the disproportionate costs imposed on the Township by the presence of these properties.

**15.44.020. Definitions**

For the purposes of this ordinance and unless otherwise expressly stated, the following words and phrases are defined as follows:

**Abandoned Real Property:** means any real property located in the Municipality, whether vacant or occupied, that is in default on a mortgage, with 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 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 with its corresponding *lis pendens* rescinded.

**Accessible Property/ Structure:** means a property that is accessible through a compromised/breached gate, fence, wall, etc. or a structure that is unsecured in such a way as to allow easy access to the interior space by unauthorized persons.

**Applicable Codes:** means codes including, but not limited to, the Municipality's Zoning Code and General Code, International Property Maintenance code, and the New Jersey Building Code.

**Blighted Property:** means

- a.) Properties that have broken or severely damaged windows, doors, wall, and/or roofs which create hazardous conditions and/or encourage trespassing; or
- b.) Properties cited for a public nuisance; or

- c.) Properties that endanger the public's health, safety, or welfare because the properties or the improvements thereon are dilapidated, deteriorated, or violate minimum health and safety standards, or lack maintenance per applicable Codes.

**Borrower:** means an owner of property subject to a mortgage, who grants a lien or equitable interest in property as security for the payment of a debt.

**Building:** means structure with a roof supported by columns or walls to serve as shelter or enclosure.

**Enforcement Officer:** means any law enforcement officer, building official, zoning officer, code enforcement officer, fire or building inspector, or other person authorized by the Municipality to enforce the applicable codes.

**Evidence of Vacancy:** means any condition that on its own, or combined with other conditions, would lead a reasonable person to believe the property is vacant. Such conditions include, but are not limited to, overgrown or dead vegetation, accumulation of newspapers, circulars, flyers or mail, past due utility notices and or disconnected utilities, accumulation of trash, junk or debris, broken or boarded up windows, abandoned vehicles, the absence of window coverings, such as curtains, blinds or shutters, the absence of furnishings or personal items consistent with habitation or occupation, and statements by neighbors, passersby, delivery agents or government employees that the property is vacant.

**Foreclosure:** means the process by which a mortgage is enforced against a parcel of real property through sale or offering for sale to satisfy the debt of the borrower.

**Lender:** means a person, or entity holding a mortgage on a property.

**Mortgage:** means a recorded lien or interest in real property to secure payment of a loan.

**Owner:** means an individual, partnership, association, corporation, company, title holder, fiduciary, or other legal entity having a legal or equitable title or any interest 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.

**Possessory Lender:** means a person, or entity that has foreclosed upon a mortgage on a property but may not have legal or equitable title.

**Property Management Company:** means a local property manager, property maintenance company or similar entity responsible for the maintenance of abandoned real property.

**Safety and Maintenance Inspection:** means a visual inspection to check the minimum requirements as set forth in the currently applicable International Property Maintenance Code for sanitary maintenance, life safety, other obvious hazards and code violations. Such inspections will be done in accordance with a checklist maintained by the Township.

Structure: means anything constructed or erected the use of which requires location on or attachment to the ground and includes buildings.

Vacant Property: means an unimproved lot or parcel of real property that is not currently used or occupied and an improved lot or parcel of real property with at least one building or structure that is not currently used or occupied.

#### **15.44.030. Applicability**

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather shall be an additional remedy available to the Municipality above and beyond any other State, County or local provisions for same.

#### **15.44.040. Establishment of a Registry**

Pursuant to the provisions of this Chapter the Municipality or designee shall participate in the County-wide registration program established by Gloucester County and administered by Community Champions Corporation cataloging each abandoned property within the Municipality, containing the information required by this Chapter.

##### Registration of Vacant, Abandoned, and Foreclosed Real Property

- a.) Any mortgagee that holds a mortgage on real property located with the Municipality of East Greenwich Township shall perform an inspection of the property to determine vacancy or occupancy, upon default by the mortgagor and the recordation of a *lis pendens*. The mortgagee shall within ten (10) days of the inspection, register the property with the Code Enforcement Department, or designee, on forms or website access provided by the Municipality, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.
- b.) 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 (10) days of that inspection, update the registration to a vacancy status on forms provided by the Municipality.
- c.) Registration pursuant to this section shall contain the name of 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 (24) hour contact telephone number of the property management company responsible for the security and maintenance of the property.
- d.) A non-refundable annual registration fee in the amount of \$600.00 per property, shall accompany the registration form or website registration.
- e.) 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/sale.

- f.) 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.
- g.) Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.
- h.) 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 the article and shall be subject to enforcement and penalties.
- i.) 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.

**15.44.050. Registration, Inspection and other Fees.**

All fees applicable to this ordinance 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 not limited to , title searches, shall be assessed and immediately payable. The payment of all fees under this Ordinance 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.

**15.44.060. Safety and Maintenance Inspections.**

- (a) If the foreclosed upon vacant or abandoned vacant property includes vacant or unoccupied buildings, the owner of that property is responsible for immediately obtaining and paying for the Township's "Safety and Maintenance Inspection" (as defined herein) of the building and property, obtaining necessary permits, making required repairs and obtaining inspections from the Township annually thereafter until the building is lawfully occupied, to ensure the buildings are safe, secured and well maintained. The owner shall demonstrate that all water, sewer, electrical, gas, HVAC and plumbing systems, exterior finishes and walls, concrete surfaces, accessory buildings and structures, swimming pools and spas, roofing, structural systems, foundation and drainage systems, gutters, doors, windows, driveways, sidewalks are sound, operational or properly disconnected.
- (b) If, at the time of the Safety and maintenance Inspection, the inspector deems that the electrical, plumbing or mechanical systems pose health or safety hazards and require additional inspection by the registered code official in that discipline, the owner shall be responsible to obtain and pay for that requested inspection.

- (c) If an owner fails or refuses to complete the inspections required by subsection (a) of this Section, the possessory lender shall be obligated to complete the inspection upon foreclosure of the property. Additionally, any lender who holds a mortgage on the property located within East Greenwich Township shall obtain and pay for the inspection pursuant to subsection (a) of this Section to the extent permitted by law or under the mortgage, of the property that is the security for the mortgage, upon default by the borrower, within five (5) days after either the filing of a complaint for foreclosure (if foreclosure is by judicial action) or publishing a notice of foreclosure (if foreclosure is by advertisement.)

**15.44.070. Maintenance and Security Requirements.**

All owners, possessory lenders, and lenders (to the extent permitted by law or the terms of a mortgage), are responsible for compliance with the requirements of this Section which apply to all vacant property from the time of vacancy, including the time between vacancy and when registration is required.

- (a) Property shall be kept free from weeds, grass, dry brush, overgrown brush and dead vegetation in accordance with International Property Maintenance Code, as well trash, junk, debris, building materials, and accumulation of newspaper, circulars. Flyers, notices, except those required by federal, state or local law, discarded items, including but not limited to, furniture, clothing, large and small appliances, printed material, signage, containers, equipment, construction materials or any other items that give the appearance that the property is abandoned.
- (b) Property shall be maintained free from graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the surface.
- (c) All front, side and rear yards shall be properly maintained. Landscaping includes, but not limited to, grass, ground cover, bushes, trees, shrubs, hedges or similar plantings. Maintenance includes but not limited to, regular watering, irrigation, cutting, pruning and mowing of required grasses and landscaping and removal of trimmings.
- (d) Pools, spas and other water features shall be kept drained and kept dry and free from debris. In either case, properties with pools and or spas must comply with the minimum security fencing and barrier requirements of applicable construction, building and property maintenance codes and ordinances.
- (e) Property shall be maintained in a secure manner so as not to be accessible to unauthorized persons. Secure manner includes, but is not limited to, the closure and locking of windows, doors, gates, and any other openings of such size that may allow a child to access the interior of the property and or structures. Broken windows must be repaired or replaced within thirty (30) days. Boarding up of open or broken windows is prohibited except for temporary measure.

- (f) Owners shall inspect or cause the inspection of vacant property on a regular basis to verify compliance with this Section and other applicable laws. If the property is owned by a person other than an individual and or the lender or possessory lender is located more than thirty (30) miles away, a local property management company shall be contracted to perform weekly inspections to verify that the requirements of this Section and any other applicable laws are being met. The property shall be posted with name and twenty-four hour contact telephone number of a property management company located within thirty (30) miles of the subject property. The posting shall be no less than 18"x 24" and shall be of a 72-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 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.

- (g) Failure of the mortgagee or owner to properly maintain the property may result in a violation of the applicable codes and issuance of a citation or Notice of Violation in accordance with the International Property Maintenance Code and Municipal Code. Pursuant to a finding and determination by the Municipality's Code Enforcement Officer, and or designee the Municipality may take the necessary action to ensure compliance with this section.
- (h) In addition to the above, the property is required to be maintained in accordance with all applicable codes.

**15.44.080. Fire Damage Property.**

If a building is fire damaged, the owner or possessory lender has ninety (90) days from the date of the fire to apply for a permit to start construction or demolition. Additional ninety (90) day extension may be granted by the Township provided the owner or possessory lender can demonstrate substantial progress towards completing repairs. Failure to do so will result in the property being deemed vacant and or abandoned and subject to the requirements of this Ordinance.

**15.44.090. Right of Entry.**

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 re-enter the structure to conduct necessary inspections to assure compliance with the requirements of the this code and to determine if there are emergency or hazardous health and safety conditions in existence.

**15.44.100. Re-occupancy and or Sale of the Property.**

A vacant building or structure on abandoned or foreclosed property shall not be occupied and or sold until all violations have been corrected in accordance with the violation or correction notices issued and a certificate of occupancy has been issued by the Township Construction Office. All mechanical, electrical, plumbing and structural systems shall be certified by a license contractor as being in good repair, the provisions of the International Property Maintenance Code, or its successor, complied with and all blight removed. In addition, a certificate of occupancy shall not be issued until all outstanding cost, assessments and or liens owned to the Township have been paid in full.

**15.44.110. Violations and Penalty.**

- (a) Any person who violates any provision of this Ordinance or the rules and regulations issued hereunder shall be fined not less than \$100.00 and not more than \$1,000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this chapter 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 days after a building becomes vacant property or within 30 calendar 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 Ordinance, or such provisions contained herein shall be deemed to be violations of this Ordinance.

**15.44.120. Opposing, Obstructing Enforcement Officer; Penalty**

Any person who opposes, obstructs, or resists any enforcement officer or any person authorized by the enforcement office in the discharge of duties as provided in this chapter shall be punishable as provided in the applicable codes in a court of competent jurisdiction.

**15.44.130. Immunity of Enforcement Officer**

Any enforcement officer or any person authorized by the Municipality to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon real property while in the discharge of duties imposed herein.

**15.44.140. Amendments.**

Registration and penalty fees outlined in this chapter may be modified by a resolution, passed and adopted by the Township Committee of East Greenwich Township.

**15.44.150. Repealing of Conflicting Provisions.**

All resolutions ordinances or parts thereof in conflict with the provisions of this Ordinance are to be the extent of such conflict hereby repealed.

**15.44.160. Severability.**

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declare unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this Ordinance are hereby declared to be severable.

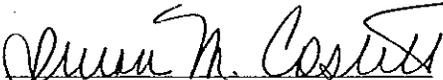
**15.44.170. Effective Date.** This Ordinance shall take effect immediately upon final adoption and publication by the East Greenwich Township Committee.

TOWNSHIP OF EAST GREENWICH



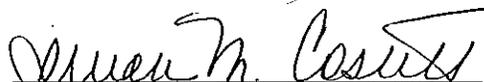
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Dale L. Archer, Mayor

ATTEST:

  
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Susan M. Costill, Clerk

**CERTIFICATION**

The foregoing Ordinance was introduced upon first reading by the Township Committee of the Township of East Greenwich at a meeting held on the 9th day of FEBRUARY, 2016. It will be further considered for final adoption upon a second reading and subsequent to a public hearing to be held on such ordinance at which time any interested person(s) may be heard. Said meeting to be conducted on the 23<sup>RD</sup> day of FEBRUARY, 2016 at the East Greenwich Township Municipal Building, 159 Democrat Road, East Greenwich Township, New Jersey, beginning at 7:00 p.m.

  
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Susan M. Costill, Clerk

**ORDINANCE NO. 2-2016**  
**AN ORDINANCE OF THE TOWNSHIP OF EAST GREENWICH REPEALING**  
**AND REPLACING CHAPTER 15.44 ENTITLED VACANT, ABANDONED AND**  
**FORECLOSED PROPERTIES**

An ordinance by this title was introduced and passed upon first reading at a meeting of Township Committee held on February 9, 2016 at 7:00 p.m. This ordinance provides to establish a program for identifying and registering vacant, abandoned and foreclosed properties and establishing the responsibilities of owners on same and ensuring these properties are maintained in compliance with all codes. It is the Township's intent to participate in the Gloucester County registration program which will be administered by Community Champions Corporation to protect neighborhoods from becoming blighted due to lack of maintenance and security on these properties. A non-refundable annual registration fee in the amount of \$600.00 per property shall accompany the registration form. Failure to register properly as required by this section is a violation and shall be subject to enforcement and penalties of not less than \$100.00 or more than \$1,000.00 for each offense. It will be further considered for final adoption after a second reading and public hearing to be held at a meeting of the Township Committee in the East Greenwich Township Municipal Building, 159 Democrat Road, Mickleton, NJ 08056 on the 23rd day of February, 2016 at 7:00 p.m., time prevailing, or at such other time, date or place as said hearing may be adjourned to as provided by and in accordance with the law. Copies of this ordinance are available for public inspection at the Office of the Township Clerk in the East Greenwich Township Municipal Building during regular business hours Monday through Friday, holidays excluded, from 9:00 a.m. to 4:30 p.m.

TOWNSHIP OF EAST GREENWICH

Susan M. Costill, R.M.C.  
Township Clerk

**ORDINANCE NO. 2-2016**  
**ORDINANCE OF THE TOWNSHIP OF EAST GREENWICH REPEALING AND REPLACING CHAPTER 15.44**  
**ENTITLED VACANT, ABANDONED AND FORECLOSED PROPERTIES**

Notice is hereby given that the above entitled ordinance was adopted by the Township Committee at a meeting held on February 23, 2016.

Susan M. Costill  
Township Clerk