

TOWNSHIP OF HOPEWELL

ORDINANCE NO. 15-06

**AN ORDINANCE REQUIRING MAINTENANCE OF PROPERTIES
WHICH ARE THE SUBJECT OF A FORECLOSURE ACTION**

WHEREAS, the Township Committee has noted that there are a growing number of residential dwellings which are the subject of a foreclosure which have not been properly maintained by the foreclosing mortgage creditor(s) and the Committee therefore deems it prudent to adopt an ordinance to address this issue.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hopewell, Cumberland County, and State of New Jersey that:

1. Duty to Maintain. Pursuant to N.J.S.A. 40:49-2.12s, the mortgagee or other creditor filing a Complaint in an action to Foreclose shall be responsible for the care, maintenance, security and upkeep of the exterior of vacant residential property which has been abandoned by the owner of record.
2. Notice to Township. A creditor serving a Summons and Complaint in an action to foreclose a mortgage on residential property located within Hopewell Township shall, within 10 days of service of the Summons and Complaint, notify the Township Clerk of the name and contact information of the creditor's representative who is responsible for receiving Notices of Violations. In the event the mortgagee or other creditor is an out-of-state entity, the notice shall contain the full name and contact information of an in-state representative who shall be responsible for the care, maintenance, security, and upkeep of the exterior of the property if it becomes vacant and abandoned. The Notice shall include the street address, block and lot number of the property, the full name and contact information of an individual located within the State of New Jersey who is authorized to accept service on behalf of the creditor.
3. Registration Fee. A fee in the amount of \$250.00 shall accompany notification to the Township Clerk.
4. Failure to Comply. An out-of-state mortgagee or other creditor who fails to advise the Township of the identity of an in-state representative in accordance with this Ordinance shall be subject to a fine of \$2,500.00 for each day of a violation. The fine shall commence on the 11th day following service of the Summons and Complaint in Foreclosure upon any defendant.
5. Indicia of Abandonment. The following shall be deemed indicia of an abandoned residential property:
 - a. The absence of window treatments such as blinds, curtains or inside shutters;

- b. The absence of furnishings and personal items;
 - c. The mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
 - d. A written statement issued by any mortgagor expressing the clear intent of all mortgagors to abandon the property;
 - e. Any other reasonable indicia of abandonment.
6. Violation. A violation of this Ordinance shall be deemed to have occurred in the event that two (2) or more of the following conditions exist at a residential property in Hopewell Township:
- a. Overgrown or neglected vegetation;
 - b. The accumulation of newspapers, circulars, flyers and/or mail on the property;
 - c. Disconnected gas, electric, or water utility services to the property;
 - d. The accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
 - e. The accumulation of junk, litter or debris on the property;
 - f. Statements of neighbors, delivery persons, or government employees indicating that the residence is vacant and abandoned;
 - g. Any window or entrance to the property is boarded up or closed off or multiple windowpanes are damaged, broken and unrepaired;
 - h. Doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
 - i. A risk to the health, safety or welfare of the public, or any adjoining or adjacent property owners, exists due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
 - j. An uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy;
7. Penalty. A mortgagee or other creditor who has failed to remedy the violation cited in a Notice issued by the Township shall be subject to a fine of \$1,500.00 for each day of the violation. The fine shall commence on the 11th day following service of the Notice upon such mortgagee or other creditor.
- a. The code enforcement officer may, in said officer's discretion, extend the time period to bring the abandoned residential property in compliance if, in said officer's judgment, it is believed that the alleged violation cannot reasonably be completely corrected within 10 days. In

such case, notice of violation shall be set forth the length of the time period to cure.

8. Application of Funds. At least twenty (20%) percent of all monies collected pursuant to this Ordinance shall be utilized by the Township for Code Enforcement purposes.

9. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held by any Court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

10. Repeal of Inconsistent Provisions.
 - (a) All Ordinances or parts which are inconsistent with the provisions of this Amendment to an Ordinance, are hereby repealed to the extent of such inconsistency.

 - (b) If the terms of this Ordinance shall be in conflict with those of another Ordinance of the Township of Hopewell, then the restriction which imposes the greater limitation shall be enforced.

11. Effective Date: This Ordinance shall become effective upon final adoption and publication in the manner prescribed by law.

TOWNSHIP OF HOPEWELL



Bruce R. Hankins, Mayor

Roll Call Vote:

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Bruce R. Hankins			√			
Paul Ritter III	√		√			
Greg Facemyer		√	√			
Robin Freitag			√			
Joseph Shoemaker			√			

CERTIFICATION:

I hereby certify that this is a true copy of Ordinance 15-06 adopted by the governing body of the Township of Hopewell, Cumberland County, at a regular meeting held on July 9, 2015 at 6:30 PM at the Hopewell Township Municipal Building, 590 Shiloh Pike, Bridgeton, New Jersey 08302


Susan A. Quinones, Township Clerk

First reading date: June 11, 2015

Publication of Public Hearing: July 1, 2015

Final Adoption: July 9, 2015

Publication of Final Adoption: July 17, 2015