

**TOWNSHIP OF RARITAN
COUNTY OF HUNTERDON, NEW JERSEY**

ORDINANCE NO. #15-05

**AN ORDINANCE OF THE TOWNSHIP OF RARITAN AMENDING
TITLE 15, TITLED "BUILDINGS AND CONSTRUCTION" OF
THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF
RARITAN TO ADD A NEW CHAPTER 15.06, TITLED
"REGISTRATION AND MAINTENANCE OF PROPERTIES PENDING
FORECLOSURE."**

WHEREAS, vacant or abandoned buildings or structures which are pending foreclosure can cause harm to the health, safety, and welfare of the community and its residents, including detriment to nearby properties, and increased risk of fire or public health and safety risks, and such vacant or abandoned structures may result in increased costs to the Township of Raritan for police calls, fire calls, and property maintenance to protect the neighborhood; and

WHEREAS, N.J.S.A. 40:48-2.12a and other statutes authorize and permit municipalities to adopt an Ordinance to provide that the care, maintenance and security of vacant or abandoned structures upon which a Summons and Complaint in a foreclosure action has been filed shall be the responsibility of the foreclosing creditor, and to regulate the notification by foreclosing creditors to the Township; and

WHEREAS, pursuant to that authority, the Township Committee adopts this Ordinance to require such notification and assist and allow such responsibilities to be placed upon the appropriate parties so that the detrimental effects regarding abandoned and vacated properties may be reduced or mitigated.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, that Title 15, titled "Buildings and Construction", of the Revised General Ordinances of the Township of Raritan is amended to add a new Chapter 15.06, titled "Registration and Maintenance of Property Pending Foreclosure", as follows:

CHAPTER 15.06

**REGISTRATION AND MAINTENANCE OF
PROPERTIES PENDING FORECLOSURE**

§15.06.010 Purpose.

The intent of this Ordinance is to provide for the enforcement of the Township Housing Code, Chapter 15.08, and other applicable law against and to vacant and abandoned properties pending foreclosure.

**§15.06.020 Responsibility for Maintenance of Vacant and
Abandoned Properties in Foreclosure.**

A creditor serving a Summons and Complaint in a foreclosure action shall be responsible for the care, maintenance, security, and upkeep of the exterior of the vacant and abandoned residential property. If the creditor is located out of the State of New Jersey, the creditor must appoint an in-State representative or agent to act for the foreclosing creditor.

§15.06.030 Service of Notice, Contents.

A. A creditor serving a Summons and Complaint in a foreclosure action on residential property located in the Township of Raritan shall, within ten (10) days of serving the Summons and Complaint, serve the Township Clerk with a Notice advising that a Summons and Complaint in a foreclosure action has been filed against the subject property. The Notice shall contain and include the information set forth in (C) below and shall be provided by mail.

B. Any creditor that has initiated a foreclosure proceeding on any residential property which is pending in Superior Court shall provide to the Township Clerk with the Notice as described in (C) below for any residential properties in the Township for which the creditor has pending foreclosure actions.

C. The Notice shall state:

- (i) The name and contact information for the representative (located within the State of New Jersey) of the creditor who is responsible for property maintenance and will respond to Township communications regarding the property;
- (ii) Whether the property being foreclosed on is an affordable unit pursuant to the "Fair Housing Act";
- (iii) The street address, lot and block number of the property; and
- (iv) If the creditor is located out of State, the Notice should include the full name and contact information of the representative/agent located within the State of New Jersey authorized to act on behalf of the creditor, accept service on behalf of the creditor, and to receive and act on notifications regarding maintenance of the property in foreclosure.

§15.06.040 Responsibilities of Creditor Filing a Foreclosure Action as to Vacant and Abandoned Property.

Any creditor having filed a Complaint in an action in foreclosure on a property, and that creditor having been notified by the Zoning Officer in writing that the property appears to be or is abandoned or vacant, shall be responsible within thirty (30) days of said notification as follows:

- (i) Investigate and inspect the property as required to determine if the property is abandoned and vacant, and notify the Zoning Officer in writing of that determination.
- (ii) Secure the building and structure on the property from unauthorized entry.

- (iii) Perform such appropriate repairs or maintenance of the exterior grounds of the property, including yards, fences, sidewalks, walkways, driveways as may be needed or directed by the Zoning Officer so that the property is free from trash, debris, or excessive grass or weed growth, or safety hazards.
- (iv) Continue to maintain the structures in a secure condition and the grounds in a clean, properly maintained state.

§15.06.050 Violation of State or Local Law at Property on List; Responsibility of Creditor.

If the owner of a residential property vacates or abandons any property upon which a foreclosure action has been initiated or if a property is otherwise vacated and/or abandoned subsequent to the filing of the Complaint in a foreclosure action, but prior to the vesting of title in any third party, the foreclosing creditor shall have the responsibility to abate any nuisance or correct any violations of the Township Housing Code, Chapter 15.08, or applicable law in the same manner and to the same extent as the title owner of the property, to such standard or specification as may be required by the Township Housing Code or applicable law.

§15.06.060 Notification of Violation.

In the event of a violation of the Township Housing Code, Chapter 15.08, or applicable law, the Township shall serve the creditor with a Notice that shall include a description of the condition(s) that gave rise to the violation and shall provide a period of thirty (30) days, or ten (10) days if the condition presents an imminent threat to public health and safety as determined by the Zoning Officer, for the creditor to remedy the violation or condition. The creditor must remedy and/or repair the conditions noticed within the specific period.

§15.06.070 Repair by Township.

If the Township expends public funds in order to abate a nuisance or correct a violation on a residential property in which the creditor was given notice pursuant to §15.06.060 but failed to abate the nuisance or correct the violation as directed, the Township shall have the same recourse against the creditor as it would have had against the title owner of the property including but not limited to the recourse in the Township Housing Code, Chapter 15.08, or applicable law.

§15.06.080 Enforcement.

The Zoning Officer is hereby authorized to enforce this Ordinance and is further authorized to contact the New Jersey Bankers Association, with a current address of 411 North Avenue East, Cranford, New Jersey, for assistance in enforcing this Ordinance.

§15.06.090 Violation and Penalties.

Any person or corporation shall, upon conviction by any court having jurisdiction of a violation of this Chapter, be subject to a fine not to exceed \$2,500 per day commencing as of the date after the expiration of the ten (10) day period provided in §15.06.030. Any person or corporation upon conviction by any Court of a violation of §15.06.050 and/or §15.06.060 shall be subject to a fine not to exceed \$1,500 per day, to commence thirty-one (31) days after receipt of the notice or, if the violation presented an imminent risk to public safety and health and was so noticed, commencing eleven (11) days after receipt of the notice.

BE IT FURTHER ORDAINED that if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereto.

This Ordinance shall take effect upon adoption and publication as required by law.

ATTEST:

TOWNSHIP OF RARITAN

By: _____
Rose Sollena, Clerk

By: _____
Craig O'Brien, Mayor

NOTICE OF PENDING ORDINANCE

PLEASE TAKE NOTICE that the foregoing Ordinance was introduced at a Township Committee Meeting by the Township Committee of the Township of Raritan on June 3, 2015, the same was then ordered to be published according to law with a public hearing and a vote scheduled for the meeting of July 21, 2015, beginning at 7:00 p.m. at the Municipal Building, One Municipal Drive, Flemington, New Jersey at which time all interested persons will be heard.

Rose Sollena, RMC/CMC
Township Clerk