

TOWNSHIP OF PEMBERTON
ORDINANCE NO. 18-2014

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON
AMENDING CHAPTER 145 OF THE TOWNSHIP CODE, ENTITLED
"PROPERTY MAINTENANCE" IN ORDER TO ESTABLISH THE
RESPONSIBILITIES OF CREDITORS FORECLOSING UPON
VACANT AND ABANDONED PROPERTIES

WHEREAS, Chapter 145 of the Township Code of the Township of Pemberton (the "Code") governs property maintenance in the Township of Pemberton (the "Township"); and

WHEREAS, through enactment of Public Law 2014, Chapter 35, the Legislature has amended Titles 2A, 40 and 46 of the New Jersey Statutes regarding vacant and abandoned properties and the responsibilities of foreclosing creditors; and

WHEREAS, as a result of such recent legislation, the Township has determined that it is necessary to amend Chapter 145 of the Code.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Pemberton, in the County of Burlington and State of New Jersey that Chapter 145 of the Code of the Township of Pemberton shall be amended as follows (additions bolded and underscored, deletions struckthrough):

Article VII "Duties and Responsibilities of Creditors," shall be added to the Code as follows:

1. Article VII. § 145-17 "Definitions"

For purposes of Article VII of this Chapter, the "public officer" shall be the Director of the Department of Community Development and/or his designees.

2. Article VII. § 145-18 "Creditor responsibility"

A creditor filing a summons and complaint in an action to foreclose upon a residential property that is vacant and abandoned, whether the filing of the summons and complaint is made before or after the determination that the property is vacant and abandoned, shall be responsible for the care, maintenance, security and upkeep of the exterior of the residential property. This obligation applies whether the determination that the property is vacant and abandoned is made by the public officer pursuant to the provisions of this Article, pursuant to the provisions of N.J.S.A. 2A:50-73, or otherwise.

3. Article VII. § 145-19 "Notice to creditor; time to correct violations"

A. If the public officer, or other authorized municipal official, determines that a creditor obligated to care, maintain, secure, and upkeep a vacant and abandoned property has failed to do so in violation of the provisions of this Article, the public officer or other authorized municipal official, shall issue a notice of violation to the creditor that has filed a summons and complaint to foreclose on the property in question. The notice shall require the person or entity to correct the violation within thirty (30) days of receipt of the notice, or within ten (10) days of receipt of the notice if the violation presents an imminent threat to public health and safety. The issuance of this notice shall constitute proof that a property is "vacant and abandoned" for purposes of Section N.J.S.A. 2A:50-73 of the Fair Foreclosure Act.

B. A creditor subject to this Article found by a court of competent jurisdiction to be in violation of the requirement to correct a care, maintenance,

security or upkeep violation cited in a notice issued pursuant to this subsection shall be subject to a fine of \$1,500.00 for each day that the violation continues. Such fine shall commence 31 days following the creditor's receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fine shall commence 11 days following the creditor's receipt of the notice.

4. Article VII. § 145-20 "Designated representative of out-of-state creditor; violation

An out-of-State creditor shall include the full name and contact information of the in-State representative or agent in the notice which is required to be provided to the Township Clerk pursuant to N.J.S.A. 46:10B-51 when an action to foreclosure on property as been filed. An out-of-State creditor found by a court of competent jurisdiction to have violated this provision shall be subject to a fine of \$2,500.00 for each day of the violation commencing on the 11th day after the foreclosure complaint is served, as set forth in N.J.S.A. 46:10B-51.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

PEMBERTON TOWNSHIP COUNCIL

TOWNSHIP OF PEMBERTON
ORDINANCE NO. 18-2014

NOTICE OF PUBLIC HEARING

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON
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The foregoing Ordinance was introduced and passed on first reading by the governing body of Pemberton Township at a meeting held on December 3, 2014 and will be considered for final passage after a public hearing at a meeting of the said governing body to be held on December 17, 2014 at the Pemberton Township Municipal Building, 500 Pemberton-Browns Mills Road, Pemberton, New Jersey, at 6:30 p.m. prevailing time, at which time any interested member of the public may comment on said Ordinance. During the week prior to and up to and including the date of such meeting or further consideration, copies of said Ordinance in its entirety may be obtained from the Township Clerk.

ATTEST:


AMY P. COSNOSKI, RMC, TOWNSHIP CLERK

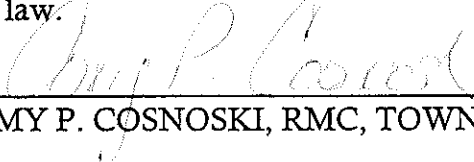
**TOWNSHIP OF PEMBERTON
ORDINANCE NO. 18-2014**

NOTICE OF FINAL PASSAGE

**AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON
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Notice is hereby given that Ordinance No. 18-2014 as entitled above has been finally adopted on final reading by the governing body of Pemberton Township after a public hearing, at a meeting held on December 17, 2014. Said Ordinance shall take effect in accordance with law.

ATTEST:


AMY P. COSNOSKI, RMC, TOWNSHIP CLERK

ACKNOWLEDGEMENT OF APPROVAL BY MAYOR


David A. Patriarca

DATE December 19 2014

ATTEST:


AMY P. COSNOSKI, RMC, TOWNSHIP CLERK