

TOWNSHIP OF MEDFORD

ORDINANCE 2014-14

AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF MEDFORD TO ESTABLISH CHAPTER 53 ENTITLED "PROPERTY MAINTENANCE VACANT/ABANDONED PROPERTIES IN FORECLOSURE" AND AMENDING CHAPTER 52 OF THE TOWNSHIP CODE ENTITLED "BUILDINGS, UNSAFE"

WHEREAS, the Legislature has enacted remedial legislation to ensure that vacant and abandoned residential properties shall be maintained by mortgage lender/creditors during the foreclosure process; and

WHEREAS, the Medford Township Council desires to implement the provisions of this remedial legislation to ensure property maintenance upkeep of vacant and abandoned residential properties in Medford Township to ensure public safety and to protect property values in neighborhoods affected by vacant and abandoned properties in the foreclosure process; and

WHEREAS, Medford Township Council has determined that the provisions of this Ordinance will supplement and enhance the existing provisions of Chapter 52 of the Township Code and will better ensure that Medford Township taxpayers will not incur the costs and expense to abate nuisances and remediate dilapidated residential properties, which are vacant and abandoned while in the foreclosure process;

NOW, THEREFORE BE IT ORDAINED by the Township Council of the Township of Medford in the County of Burlington and State of New Jersey, that the Code of Medford Township is amended and supplemented with the establishment of Chapter 53, and the provisions of Chapter 52 are hereby amended as follows:

SECTION ONE. Chapter 53 of the Medford Township Code is hereby established as follows:

Section 53-1 Creditor responsibility.

Pursuant to the provisions of the Public Laws of 2014, Chapter 35, a creditor filing a summons and complaint to foreclose a lien on 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 as defined in Section 52-4A of the Township Code, and pursuant to the provisions of this Chapter and *N.J.S.A. 2A:50-73*.

Section 53-2 Creditor notice to municipal clerk.

Pursuant to the provisions of *N.J.S.A.* 46:10B-51(b), any creditor initiating a new foreclosure action shall have ten (10) days to provide Medford Township Clerk with notice of the action. Such notice shall provide:

- A. the name and contact information for the representative of the creditor who is responsible for receiving complaints of property maintenance and code violations;
- B. the street address, lot and block number of the property;
- C. the full name and contact information of an individual located in New Jersey authorized to accept service on behalf of the creditor; and
- D. whether the property is subject to the provisions of the *New Jersey Fair Housing Act*.

Section 53-2 Notice to Creditor; time to correct violations.

If the public officer, or other authorized municipal official, as defined in Section 52-4A of the Township Code, determines that a creditor obligated to care for, maintain, secure and keep up a vacant and abandoned property has failed to do so in violation of the provisions of this Chapter, the public officer or other 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 evidence that a property is "vacant and abandoned" for purposes of *N.J.S.A.* 2A:50-73.

Section 53-3 Violations and penalties.

Any creditor required to care for, maintain, secure and keep up a property under this Chapter cited in a notice issued pursuant to Section 53-2 shall be subject to a fine of \$1,500.00 for each day of the violation. In addition, any person, firm, corporation or entity violating any provision of this Chapter shall, upon conviction, be punishable as provided in Section 1-16 of the Township Code.

Section 53-4 Indemnification to municipality for abatement.

In addition to the violation and penalty provisions of Section 53-3 of this Chapter, Medford Township, pursuant to *N.J.S.A.* 46:10B-51(c) and the provisions of Chapter 52 of the Township Code, may seek indemnification from any lender to recover the costs of public funds spent to abate a nuisance or correct a violation following a creditor's noncompliance with this Chapter.

SECTION TWO

Chapter 52 of the Medford Township Code is hereby amended as follows:

- A. The Township Manager or his designee is hereby designated and appointed as the public officer to exercise the powers set forth in Chapters 52 and 53 of the Medford Township Code.

AND BE IT FURTHER ORDAINED that any prior Ordinances which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistencies;

AND BE IT FURTHER ORDAINED that should any section, part of this section, or clause or phrase of this Ordinance for any reason be held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance;

AND BE IT FURTHER ORDAINED that this Ordinance shall become effective twenty (20) days following final passage and publication as required by law.