

**CITY OF NORTHFIELD, NJ
ORDINANCE NO. 10-2022**

**AN ORDINANCE AMENDING CHAPTER 268 OF THE CODE OF THE
CITY OF NORTHFIELD GOVERNING ABANDONED REAL
PROPERTY**

WHEREAS, New Jersey recently adopted legislation signed by Governor Murphy on January 18, 2022 which regulates local Vacant, Abandoned, and Foreclosed property registration programs; and

WHEREAS, the aforesaid legislation requires certain changes to the Code of the City of Northfield, Chapter 268, governing Abandoned Real Property including but not limited to registration requirements for those creditors who are foreclosing on mortgages, the alignment and capping of fees associated with registration, contracting with a third-party property registration company(ies) to assist with the administration of registration programs;

WHEREAS, the City of Northfield desires to amend the its Code in a manner consistent with the new State of New Jersey legislation;

NOW, THEREFORE, ORDAINED by the Common Council of the City of Northfield, County of Atlantic, and State of New Jersey that Code Section 268 of the Code of the City of Northfield is hereby amended as follows (added text underlined; deleted text ~~stricken~~):

CHAPTER 268. ARTICLE IV. ABANDONED REAL PROPERTY

SECTION ONE 268-11 PURPOSE AND INTENT.

It is the purpose and intent of the Municipality to establish a process to efficiently address the deterioration and blight of Municipality neighborhoods caused by an increasing amount of abandoned, foreclosed or distressed real property located within the Municipality, and to identify, regulate, limit and reduce the number of abandoned properties located within the Municipality. It is the Municipality's further intent to participate in the County-wide registration program established by the Atlantic County Improvement Authority and administered by a third-party administrator designated from time to time at no cost to the Municipality ~~Community Champions Corporation~~ as a mechanism to protect neighborhoods from becoming blighted due to the lack of adequate maintenance and security of abandoned and foreclosed properties. All fees paid in accordance with this section shall be utilized for administration of the registration program.

SECTION TWO 268-12 DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the

meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Abandoned or Abandoned Real Property - means any real property located in the Municipality that it is not legally occupied by a mortgagor or tenant, which is in such condition that it cannot be legally reoccupied, because of the presence or finding of at least two of the following:

- (a) overgrown or neglected vegetation;
- (b) the accumulation of newspapers, circulars, flyers, 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, trash, or debris on the property;
- (f) the absence of window treatments such as blinds, curtains, or shutters;
- (g) the absence of furnishings and personal items;
- (h) statements of neighbors, delivery persons, or government employees indicating that the property is vacant and abandoned;
- (i) windows or entrances to the property that are boarded up or closed off, or multiple window panes that are damaged, broken, and unrepaired;
- (j) doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- (k) a risk to the health, safety, or welfare of the public or any adjoining or adjacent property owners due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
- (l) 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 and to remain vacant and unoccupied;
- (m) 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;
- (n) a written statement issued by a mortgagor expressing the clear intent of all mortgagors to abandon the property; or
- (o) any other reasonable indicia of abandonment.

~~-, whether vacant or occupied, that is in default on a mortgage, has or has had 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 a tax deed or pending tax assessors lien sale, or has been transferred to the Lender under a Sheriff's Deed or 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 and occupied by a new owner, the foreclosure action has been dismissed and the property is occupied, or any default on the mortgage has been cured and the property is occupied.~~

~~Accessible Property/Structure~~ — means a property that is accessible through a

~~comprised/breached gate, fence, wall, etc. or a structure that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.~~

Applicable Codes - means to include, but not be limited to, the Municipality's Zoning Code, the Municipality's Code of Ordinances ("Municipality Code"), and the New Jersey Building Code.

Blighted Property - means:

Properties that have broken or severely damaged windows, doors, walls, or roofs which create hazardous conditions and encourage trespassing; or

Properties whose maintenance is not in conformance with the maintenance of other neighboring properties causing a decrease in value of the neighboring properties; or

Properties cited for a public nuisance pursuant to the Municipality Code;

or

Properties that endanger the public's health, safety, or welfare because the properties or improvements thereon are dilapidated, deteriorated, or violate minimum health and safety standards or lacks maintenance as required by the Municipality and Zoning Codes.

Creditor or foreclosing creditor - means a mortgagee or an agent or assignee of a mortgagee, such as the servicer, who has filed a complaint in the Superior Court seeking to foreclose upon a residential or commercial mortgage. If the entity seeking to foreclose upon the residential or commercial mortgage changes as a result of an assignment, transfer, or otherwise after the filing of the foreclosure complaint in the Superior Court, the new entity shall be deemed the creditor for purposes of this section. For purposes of this section, a creditor shall not include the State, a political subdivision of the State, a State, county, or local government entity, or their agent or assignee, such as the servicer.

Enforcement Officer - means any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector or building inspector, or other person authorized by the Municipality to enforce the requirements of this Chapter and any applicable code(s).

Municipality – means the City of Northfield.

Owner - means any person, legal entity or other party having any ownership interest whether legal or equitable, 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.

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

Vacant Property - means Abandoned or Abandoned Real Property as defined above any building or structure that is not legally occupied.

SECTION THREE 268-13 APPLICABILITY

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

SECTION FOUR 268-14 ESTABLISHMENT OF A REGISTRY

Pursuant to the provisions of this Article, the Municipality or designee shall participate in the County-wide registration program established by the Atlantic County Improvement Authority and administered by a third-party administrator ~~Community Champions Corporation~~ cataloging each Abandoned Property within the Municipality, containing the information required by this Article.

SECTION FIVE 268-15 REGISTRATION OF ABANDONED REAL PROPERTY

(a) Any creditor filing a summons and complaint in an action to foreclose shall, in addition to the notice provided to the municipality pursuant to section 17 of P.L.2008, c.127 (C.46:10B-51) or section 2 of P.L.2021, c.444 (C.40:48-2.12s2), register the residential or commercial property with the municipality's property registration program as a property in foreclosure and, as part of that registration: (1) provide the municipality with the information regarding the creditor required by paragraph (1) of subsection a. of section 17 of P.L.2008, c.127 (C.46:10B-51) or paragraph (1) of subsection a. of section 2 of P.L.2021, c.444 (C.40:48-2.12s2); (2) identify the date the summons and complaint in an action to foreclose on a mortgage was filed against the subject property, the court in which it was filed, and the docket number of the filing; and (3) identify whether the property is vacant and abandoned in accordance with the definition in the ordinance required by paragraph (8) of this subsection.

(b) If there is any change in the name, address, or telephone number for a representative, agent, or individual authorized to accept service on behalf of a creditor required to register pursuant to the property registration program following the filing of the summons and complaint, the creditor shall update the property registration program within 10 days of the change in that information.

(c) If the registered property becomes vacant or abandoned (as defined in this

Chapter) after the property is initially registered with the municipality, the creditor filing a summons and complaint in an action to foreclose shall update the property registration with the municipality to reflect the change in the property's status.

(d) A foreclosing creditor located outside of the State of New Jersey shall appoint a representative or agent in the State of New Jersey to act for said foreclosing creditor. Notwithstanding anything to the contrary herein, an out-of-State creditor found by the municipal court of the municipality, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent pursuant to the ordinance shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on a creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in paragraph (1) of subsection a. of section 17 of P.L.2008, c.127 (C.46:10B-51) or paragraph (1) of subsection a. of section 2 of P.L.2021, c.444 (C.40:48-2.12s2) for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

~~mortgagee who holds a mortgage on real property located within the City of Northfield shall perform an inspection of the property to determine vacancy or occupancy, upon default by the mortgagor. The mortgagee shall, within ten (10) days of the inspection, register the property with the Division of Code Enforcement, 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 ten (10) days of that inspection, update the property 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.~~

~~(de) A non-refundable annual registration fee in the amount of \$300.00 \$500.00 per property, shall accompany the registration form or website registration. An additional \$2,000.00 registration fee per property shall be due annually if the property is vacant or abandoned (as defined in this Chapter) when~~

the summons and complaint in an action to foreclose is filed, or becomes vacant and abandoned (as defined in this Chapter) at any time thereafter while the property is in foreclosure.

(ef) All ~~registration~~ fees must be paid directly from foreclosing creditor ~~the Mortgagee, Servicer, Trustee, or Owner. Third Party Registration fees are not allowed without the consent of the Municipality and/or its authorized designee.~~

(fg) 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 involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.

(gh) Properties subject to this section shall remain under the annual registration requirement, and the requirements of this Chapter ~~the inspection, security and maintenance standards of this section~~ as long as they remain in foreclosure ~~vacant or in default.~~

(hi) Any ~~person or legal entity~~ foreclosing creditor 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.

(ij) Failure of the foreclosing creditor ~~mortgagee and/or owner~~ to properly register or to modify the registration form as required herein to reflect a change of circumstances as required by this ~~article~~ Chapter is a violation of the article and shall be subject to enforcement.

(jk) Pursuant to any administrative or judicial finding and determination that any property is in violation of this ~~article~~ Chapter, the Municipality may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance consistent with this Code and the statutes of the State of New Jersey.

SECTION 6 268-16 MAINTENANCE REQUIREMENTS

A creditor filing a summons and complaint in an action to foreclose shall be responsible for the care, maintenance, security, and upkeep of the exterior of the property if the property is vacant and abandoned at any time while the property is registered with the property registration program including but not limited to the following:

- a) Properties ~~subject to this chapter~~ shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or

any other items that give the appearance that the property is abandoned.

- b) The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- c) Front, side, and rear yards, including landscaping, shall be maintained in accordance with the applicable code(s) at the time registration was required.
- d) Yard maintenance shall include, but not be limited to, grass, weeds, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Acceptable maintenance of yards and/or landscape shall not include gravel, broken concrete, asphalt or similar material.
- e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.
- f) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- g) Failure ~~of the mortgagee and/or owner~~ to properly maintain the property may result in a violation of the applicable code(s) and issuance of a citation or Notice of Violation in accordance with Chapter 268 of the City of Northfield's Code of Ordinances. Pursuant to a finding and determination by the Municipality's Code Enforcement Officer or a court of competent jurisdiction, 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 the applicable code(s).

SECTION 7 268-17 SECURITY REQUIREMENTS

- a) Properties subject to ~~these Sections~~ this Chapter shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- b) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow unauthorized access the interior of the property or structure. Broken windows, doors, gates and other openings of such size that may unauthorized allow access to the interior of the property or structure must be repaired. Broken windows shall be secured by reglazing of the window and boarding of broken windows is prohibited.

- c) A creditor filing a summons and complaint in an action to foreclose shall designate ~~If a mortgage on a property is in default, and the property has become vacant or abandoned, a property manager shall be designated by the mortgagee~~ to perform the work necessary to bring the property into compliance with the applicable code(s), and the property manager must perform regular monthly inspections to verify compliance with the requirements of this article, and any other applicable laws.

- d) A creditor filing a summons and complaint in an action to foreclose shall post a sign affixed to the inside of the property and visible to the public indicating the name, address, and telephone number of the creditor or an out-of-State creditor's in-State representative or agent for the purpose of receiving service of process, or acquire and otherwise maintain liability insurance by procuring a vacancy policy, covering any damage to any person or any property caused by any physical condition of the property while registered with the property registration program.

SECTION 8 268-18 PUBLIC NUISANCE.

All abandoned real property is hereby declared to be a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare and safety of the residents of the Municipality.

SECTION 9 268-9 PENALTIES; SCHEDULE OF CIVIL PENALTIES.

Any person who shall violate the provisions of this article may be cited and fined as provided in this Code and/or applicable New Jersey Statutes. The following table shows violations of these sections, as may be amended from time to time, which may be enforced pursuant to the provisions of this regulation; and the dollar amount of civil penalty for the violation of these sections as it may be amended from time to time. The descriptions of "violations" below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of this Code, except to the extent that different types of violations of the Code may carry different civil penalties. For each Code section listed in the schedule of civil penalties, the entirety of the section may be enforced by the mechanism provided in this section, regardless of whether all activities prescribed or required are described in the "Description of Violation" column. To determine whether a particular activity is prescribed or required by this Code, the relevant Code section(s) shall be examined.

Description of Violation	Civil Penalty
Except as otherwise provided herein, f <u>Failure to comply with the requirements of this Chapter register abandoned real property on annual basis and/or any violation of the sections stated within</u>	Up to \$1,500.00 per <u>each day of the violation</u>

No less than 20 percent of any money collected pursuant to this Chapter shall be utilized by the municipality for municipal code enforcement purposes.

SECTION 10 268-20 INSPECTIONS FOR VIOLATIONS

Adherence to this article does not relieve any person, legal entity or agent from any other obligations set forth in any applicable code(s), which may apply to the property. Upon sale or transfer of title to the property, the owner shall be responsible for all violations of the applicable code(s) and the owner shall be responsible for meeting with the Municipality's Code Enforcement Officer within forty-five (45) days for a final courtesy inspection report.

SECTION 11 268-21 ADDITIONAL AUTHORITY

(a) If the enforcement officer has reason to believe that a property subject to the provisions of this article is posing a serious threat to the public health safety and welfare, the code enforcement officer may temporarily secure the property at the expense of the mortgagee and/or owner, and may bring the violations before a court of competent jurisdiction as soon as possible to address the conditions of the property.

(b) A court of competent jurisdiction shall have the authority to require the mortgagee and/or owner of record of any property affected by this section, to implement additional maintenance and/or security measure including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.

(c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety and welfare, then a court of competent jurisdiction may direct the Municipality to abate the violations and charge the mortgagee with the cost of the abatement.

(d) If the mortgagee does not reimburse the Municipality for the cost of temporarily securing the property, or of any abatement directed by the court of competent jurisdiction within thirty (30) days of the Municipality sending the mortgagee the invoice, then, consistent with the applicable provisions of this Code or the Statutes of the State of New Jersey, the Municipality may lien the property with such cost, along with an administrative fee of \$500.00 to recover the administrative personnel services.

SECTION 12 268-22 OPPOSING, OBSTRUCTING ENFORCEMENT OFFICER; PENALTY.

Whoever 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 code(s) or a court of competent jurisdiction.

SECTION 13 268-23 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 by this article.

SECTION 14 268-24 AMENDMENTS. Registration and Penalty Fees outlined in this article may be modified by the Council for the City of Northfield in accordance with applicable law.

SECTION 15. SEVERABILITY. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 16. The remedy provisions herein shall be cumulative, not exclusive, and the City of Northfield or any other enforcement agent of the City of Northfield shall have the right to proceed under any other legally available remedies.

SECTION 17. REPEALER. All ordinances or parts of ordinances in conflict herewith, are and the same are hereby repealed.

SECTION 18. CODIFICATION. It is the intention of the Common Council of the City of Northfield, New Jersey, that the provisions of this Ordinance shall become and be made a part of the City of Northfield’s Code of Ordinances; and that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 19. EFFECTIVE DATE. This Ordinance shall take effect within the time and manner prescribed by following final passage and adoption.

Mary Canesi, RMC
Municipal Clerk

Erland Chau
Mayor

The above Ordinance was passed on first reading at a regular meeting of the Common Council of the City of Northfield, New Jersey on the 16th day of August, 2022, and will be taken up for a second reading, public hearing and final passage at a meeting of said council held on the 6th day of September, 2022, in Council Chambers, City Hall, Northfield, New Jersey.

First Reading: August 16, 2022
Publication: August 20, 2022
Final Reading: September 6, 2022
Publication: September 10, 2022