

**TOWNSHIP OF FLORENCE
ORDINANCE 2015-10**

**ORDINANCE OF THE TOWNSHIP OF FLORENCE AMENDING AND
SUPPLEMENTING CHAPTER 116 OF THE CODE OF THE TOWNSHIP OF FLORENCE
ENTITLED “PROPERTY MAINTENANCE”**

WHEREAS, the Township Council of the Township of Florence (“Township”) has reviewed recent amendments to Titles 2A, 40 and 46 of the New Jersey Statutes regarding vacant and abandoned property and the responsibilities of foreclosing creditors; and;

WHEREAS, as a result of such legislation, certain amendments to the Code of the Township of Florence are required;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Township Council of the Township of Florence that the following provisions of the Code of the Township of Florence are amended as follows:

SECTION 1. “Article I” is hereby created and titled “Property Maintenance Standards and Inspections”; and existing code reference sections 116-1 through and including 116-23 shall be incorporated into Article I.

SECTION 2. “Article II” is hereby created and added to Chapter 116 and shall be entitled “Property Maintenance by Creditors” and shall add the following new sections which shall read as follows:

§116-24 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 a 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 Chapter, any other Chapter of the Code of the Township of Florence, pursuant to the provisions of N.J.S.A. 2A:50-73 or otherwise.

§116-25 Notice to creditor; time to correct violations. If the public officer, or other authorized municipal official, determines that a creditor obligated to care, maintain, secure and keep up a vacant and abandoned property has failed to do so in violation of the provisions of this Chapter or any other Chapter of this Code, the public officer or other authorized municipal official shall issue a notice of violation to the creditor that has filed a summons and compliant 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.

§116-26 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 required to be provided to the municipal clerk pursuant to paragraph one of N.J.S.A. 46:10B-51. 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 day after the 10 day period set forth in paragraph one of N.J.S.A. 46:10b-51 with respect to notifying the municipal clerk that an action to foreclose on the property has been filed.

§116-27 Violations and penalties. Except as set forth in §116-26 and herein, any person, firm, corporation or entity violating any provision of this Article shall, upon conviction, be punishable as provided in Chapter 1, General Provisions, Article I, of this Code. A creditor required to care, maintain, secure and keep up a property under this Chapter cited in a notices issued pursuant to §116-25 shall be subject to a fine of \$1,500.00 for each day of the violation.

§116-28 Additional notice required. Notice of violations of property maintenance, building or other property codes for any property declared vacant and abandoned pursuant to this Article shall be given to a foreclosing creditor pursuant to the procedures of §116-25 of this Code as required by P.L. 2014, c. 35.

SECTION 3. Repealer. All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflict.

SECTION 4. Severability. If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not effect the remaining provisions of this ordinance. The governing body of the Township of Florence declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

SECTION 5. Effective Date. The ordinance shall take effect immediately upon passage and publication according to law.

The Ordinance has been approved on first reading by the Township Council of the Township of Florence, County of Burlington, State of New Jersey, held on April 1, 2015. It will be considered for final passage after a public hearing to be held on April 15, 2015, at 8:00 P.M. in the Municipal Complex, Council Chambers, 711 Broad Street, Florence, New Jersey.

Copies of the full ordinance are on file with the Township Clerk of the Township of Florence in the Municipal Complex. Copies may be obtained on request at no cost and a copy is posted on the municipal bulletin board in the Municipal Complex at 711 Broad Street, Florence, New Jersey.

JOY M. WEILER, RMC/MMC
Township Clerk