

ORDINANCE 2015-09

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY CREATING NEW CHAPTER 36A WHICH PROVIDES THAT PERSONS OR ENTITIES, WHO HAVE INITIATED FORECLOSURE ACTIONS, SHALL BE RESPONSIBLE FOR MAINTAINING RESIDENTIAL PROPERTIES THAT SUBSEQUENTLY BECOME VACANT AND SHALL DESIGNATE AN IN-STATE REPRESENTATIVE

WHEREAS, the Township of Barnegat regulates the care, maintenance and upkeep of vacant properties located within the Township of Barnegat on which a summons and complaint in an action of foreclose has been filed; and,

WHEREAS, the Township of Barnegat prohibits properties in conditions which are aesthetically unpleasing or would pose a health or safety risk to members of the community and the public at large; and,

WHEREAS, the Township of Barnegat has experienced an increase in the number of vacant and abandoned properties due to recent weather events and the general condition of the economy; and,

WHEREAS, the Township Committee of Barnegat desires to create Chapter 36A in the municipal code to provide that the person or entity filing the summons and complaint in an action to foreclose shall be responsible for the maintenance and upkeep of the vacant residential property, and if located out-of-State, shall be responsible for appointing an in-State agent to act for the foreclosing person or entity; and,

WHEREAS, if the Township expends public funds in order to abate a nuisance or correct a municipal code violation on a residential property where the creditor was given notice of the violation and failed to act, the Township desires to have the same recourse against the creditor as it would have against the title owner of the property; and

WHEREAS, the Township Committee of the Township of Barnegat finds that it is in the best interest of the citizens of the Township of Barnegat to undertake the above property maintenance measures; and,

NOW, THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of Barnegat, in the County of Ocean, in the State of New Jersey, as follows:

Section 1. Chapter 36A, entitled “Responsibilities of persons or entities that have initiated foreclosure actions”, of the Code of the Township of Barnegat shall be created to provide as follows:

§ 36A-1. The Township of Barnegat regulates the care, maintenance, security, and upkeep of the exterior of vacant and abandoned residential properties on which a summons and complaint in an action to foreclose has been filed, pursuant to N.J.S.A. 40:48-2.12s et seq.

A. Any out-of-state creditor that has served a summons and complaint in an action to foreclose on a residential property, that subsequently becomes vacant, shall designate an in-state representative who shall be responsible for the care, maintenance, and upkeep of the vacant property. The out-of-state creditor shall inform the municipal clerk of the in-state representative responsible for maintenance of the property. Failure of creditors to comply with this requirement shall result in a fine of \$2500.00, pursuant to N.J.S.A 40:48-2.12s et seq.

B. Creditors that have served a summons and complaint in an action to foreclose on a mortgage on a residential property in Barnegat Township, shall within 10 days of serving the summons and complaint, notify the municipal clerk. The notice shall contain the name and contact information for the representative of the creditor who is responsible for receiving complaints of property maintenance and code violations. The notice shall be transmitted by mail, pursuant to N.J.S.A 46:10B-51 et seq.

C. If the owner of a residential property vacates or abandons a property on which a foreclosure proceeding has been initiated or if a residential property becomes vacant at any point subsequent to the creditors filing the summons and complaint in an action to foreclose a mortgage against the property, but prior to vesting of title in the creditor or any other third party, and the property is found to be a nuisance or in violation of any applicable state or local code, the municipal clerk or its designee shall notify the creditor, which shall have the responsibility to abate the nuisance or correct the violation 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 state law or local ordinance. If the Township of Barnegat expends public funds in order to abate a nuisance or correct a violation on a residential property in situations in which the creditor was given notice pursuant to this ordinance 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 against the title owner of the property, pursuant to N.J.S.A 46:10B-51 et seq. The Township will execute the requirements of this section in conformity with Barnegat Municipal Code Chapter 36.

Section 2. All Ordinances, or parts thereof, inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of such inconsistency.

Section 3. Should any section, paragraph clause or any other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

Section 4. This Ordinance shall take effect upon its passage and publication according to law.

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Barnegat on June 8, 2015 and will further be considered for final passage and adoption at the Barnegat Township Municipal Building, 900 West Bay Avenue, Barnegat, New Jersey, on July 6, 2015 at 6:00 p.m., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in the Township of Barnegat, Town Hall, to the members of the general public who shall request.

Michele Rivers
Township Clerk