

**AN ORDINANCE OF THE TOWNSHIP OF GREENWICH
AMENDING CHAPTER 520 PROPERTY MAINTENANCE
ADDRESSING VACANT, ABANDON AND FORECLOSED
PROPERTIES**

ORDINANCE NO. 10 - 2015

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF
GREENWICH AS FOLLOWS:**

Section 1. Purpose

In 2014, the Township adopted an Ordinance to establish a program for identifying and registering vacant, abandoned, and foreclosed properties.

This Ordinance permits the Township to amend the Code in order to participate in the County-wide registration program established by Gloucester County and administered by Community Champions Corporation that will identify a contact person to address safety and aesthetic concerns to minimize the negative impacts and blighting conditions that occur as a result of the foreclosures. The Township has a vested interest in protecting neighborhoods against decay caused by vacant and abandoned properties and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose registration and certification requirements on abandoned and vacant properties located within the Township.

Section 2. Repeal:

Chapter 520-4 through 520-16 are hereby repealed and replaced with the amended language below. In all other respects Chapter 520 shall remain in full force and effect.

Section 3. Amendment

Chapter 520, Property Maintenance, Article II. Vacant, Abandoned and Foreclosed Properties.

§ 520-4. 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 Real Property - means any real property located in the Township, whether vacant or occupied, that is in default on a mortgage, 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 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 a new owner, the foreclosure action has been dismissed, and any default on the mortgage has been cured.

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 Township's Zoning Code, the Township's Code of Ordinances ("Township Code"), and the New Jersey Building Code, International Property Maintenance Code and Fire Prevention Code.

Blighted Property - means:

- a) Properties that have broken or severely damaged windows, doors, walls, or roofs which create hazardous conditions and encourage trespassing; or
- b) Properties whose maintenance is not in conformance with the maintenance of other neighboring properties causing a decrease in value of the neighboring properties; or
- c) Properties cited for a public nuisance pursuant to the Township Code; or
- d) Properties that have utilities disconnected or not in use; or
- e) Properties if only partially completed, not fit for human occupancy and has no active building permits on the property that will result in restoration of the premises to a safe and habitable condition; or
- f) 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 Township and Zoning Codes.

Borrower - means a borrower under a mortgage, who grants a lien or interest in property as security for the payment of a debt.

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 Township to enforce the applicable code(s).

Foreclosure - means the process by which a mortgage is enforced against a parcel of real property.

Lender - means a person, firm, or corporation holding a mortgage on a property.

Mortgage - means a recorded lien or interest in real property to secure payment of a loan.

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.

Possessory Lender - means a person, firm or corporation or other legal entity that has foreclosed a mortgage on a property but may not have legal or equitable title.

Safety and Maintenance Inspection - means a visual inspection to check compliance with requirements as set forth in the International Property Maintenance Code, for sanitary maintenance, life safety, and other hazards and code violations. Such inspections will be done in accordance with a checklist maintained by the Township Construction Office.

Vacant Property - means an unimproved lot or parcel of real property that is not currently used or occupied and an improved lot or parcel of real property with at least one building or structure that is not currently used or occupied.

§ 520-5. 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 Township above and beyond any other state, county or local provisions for same.

§ 520-6. Establishment of a Registry

Pursuant to the provisions of Section 520-7, the Township or designee shall participate in the County-wide registration program established by Gloucester County and administered by Community Champions Corporation cataloging each Abandoned Property within the Township, containing the information required by this Article.

§ 520-7. Registration of Abandoned Real Property.

- A. Any mortgagee who holds a mortgage on real property located within the Township of Greenwich 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 Township, 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 Township.
- 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.
- D. A non-refundable annual registration fee in the amount of \$500.00 per property, shall accompany the registration form or website registration.
- E. All registration fees must be paid directly from the Mortgagee, Servicer, Trustee, or Owner. Third Party Registration fees are not allowed without the consent of the Township and/or its authorized designee.
- F. 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.
- G. Properties subject to this section shall remain under the annual registration requirement, and the inspection, security and maintenance standards of this section as long as they remain vacant or in default.
- H. Any person or legal entity 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.
- I. Failure of the mortgagee and/or owner to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this article is a violation of the article and shall be subject to enforcement.
- J. Pursuant to any administrative or judicial finding and determination that any property is in violation of this article, the Township 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.

§ 520-8. Registration affidavit.

Owners, lenders and/or possessory lenders who are required to register property pursuant to this Ordinance shall do so by submitting a copy of a driver's license (individual owners only) and an affidavit containing the information specified in this section. The affidavit may be provided by an agent provided the agent's written authorization from the owner, lender, or possessory lender is submitted with the affidavit. This affidavit may be done by form or website registration. The affidavit shall include the following:

- A. Each property having a separate block and lot number as designated in official records of the Township shall be registered separately.
- B. The name of the owner of the property.
- C. A mailing address where mail may be sent that will be acknowledged as received by the owner. Owner shall be responsible to provide updated addresses as necessary. If certified mail/return receipt request is sent to the address and the mail is returned marked "refused" or "unclaimed" or if ordinary mail is sent to the address is returned for whatever reason, then such occurrence shall be *prima facie* proof that the owner has failed to comply with this requirement.
- D. The name of an individual or legal entity responsible for the care and control of the property. Such individual may be the owner or may be someone other than the owner with whom the owner has contracted.
- E. A current address, telephone number, facsimile number and email address where communications may be sent that will be acknowledged as received by the individual responsible for the care and control of the property. If certified mail return receipt requested is sent to the address and the mail is returned marked "refused" or "unclaimed", or if ordinary mail sent to the address is returned for whatever reason, then such occurrence shall be *prime facie* proof that the owner has failed to comply with this requirement.

§ 520-9. Registration, inspection and other fees.

All fees applicable to this Ordinance shall be set and revised as necessary by Resolution of the Mayor and Council. The initial Registration fee is hereby set at \$500.00 and shall be payable on an annual basis. Registration and inspection fees shall be paid at the time of submitting the registration affidavit. There shall also be a fee for the filing of any additional or new owner's affidavit, with such fee being set by Resolution of the Mayor and Council. For properties that are not registered within the required time frame, an additional fee for the added cost of the Township's expenses in having to determine ownership, which may include, but are not limited to, title searches and professional fees, shall be assessed and immediately payable. The payment of all fees under this Ordinance is secured by a lien against the property, which may be placed on the tax roll for collection in the same manner and subject to the same interest and penalties applicable to delinquent special assessments and municipal liens.

§ 520-10. Requirement to keep Information Current.

If at any time the information contained in the affidavit is no longer valid, the property owner, lender or possessory lender has ten (10) days to file a new affidavit containing current information. There shall be no fee to update a registered owner's current information.

§ 520-11. Safety and Maintenance Inspections.

- A. If vacant, abandoned or foreclosed property includes vacant or unoccupied buildings, the owner of that property is responsible for immediately obtaining and paying for the Township's "Safety and Maintenance Inspection" (as defined herein) of the building and property, obtaining necessary permits, making required repairs and obtaining inspections from the Township annually thereafter until the building is lawfully occupied to ensure the buildings are safe, secured and well maintained. The owner shall demonstrate that all water, sewer, electrical, gas, HVAC and plumbing systems, exterior finishes and walls, concrete surfaces, accessory buildings and structures, swimming pools and spas, roofing, structural systems, foundation and drainage systems, gutters, doors, windows, driveways and sidewalks are sound, operational or properly disconnected.
- B. If, at the time of the Safety and Maintenance Inspection, the inspector deems that the electrical, plumbing or mechanical systems pose health or safety hazards and require additional inspection by the registered code official in that discipline, the owner shall be responsible to obtain and pay for that requested inspection.
- C. If an owner fails or refuses to complete the inspections required by subsection (a) of this Section, the possessory lender shall be obligated to complete the inspection upon foreclosure of the property. Additionally, any lender who holds a mortgage on the property located within Greenwich Township shall obtain and pay for the inspection pursuant to subsection (a) of this Section to the extent permitted by law or under the mortgage, of the property that is the security for the mortgage, upon default by the borrower, within five (5) days after either the filing of a complaint for foreclosure (if foreclosure is by judicial action) or publishing a notice of foreclosure (if foreclosure is by advertisement.)

§ 520-12. Maintenance and Security Requirements.

All owners, possessory lenders, and lenders (to the extent permitted by law or the terms of a mortgage), are responsible for compliance with the requirements of this Section which apply to all vacant properties from the time of vacancy, including the time between vacancy and when registration is required.

- A. Property shall be kept free from weeds, overgrown grass, dry brush and dead vegetation in accordance with Township Ordinances, as well trash, junk, debris, building materials, and accumulation of newspaper, circulars, flyers, notices

(except those required by federal, state or local law), and discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that lend to the appearance that the property is abandoned.

- B. Property shall be maintained free from graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the surface.
- C. All front, side and rear yards shall be properly maintained, including landscaping. Maintenance includes, but is not limited to, regular watering, irrigation, cutting, pruning and mowing of required grasses and landscaping and removal of trimmings.
- D. Yard maintenance shall include, but not be limited to, grass, 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 weeds, gravel, broken concrete, asphalt or similar material.
- E. Pools, spas and other water features shall be kept drained and kept dry and free from debris. Properties with pools and/or spas must comply with the minimum security fencing and barrier requirements of applicable construction, building and property maintenance codes and ordinances.
- F. Property shall be maintained in a secure manner so as not to be accessible to unauthorized persons. Secure manner includes, but is not limited to, the closure and locking of windows, doors, gates, and any other openings of such size that may allow a child to access the interior of the property and/or structures. Broken windows must be repaired or replaced within thirty (30) days. Boarding up of open or broken windows is prohibited except as a temporary measure.
- G. Owners shall inspect or cause the inspection of vacant property on a regular basis to verify compliance with this Section and other applicable laws. If the property is owned by a person other than an individual and/or the lender or possessory lender is located more than thirty (30) miles away, a local property management company shall be contracted to perform weekly inspections to verify that the requirements of this Section and any other applicable laws are being met. The property shall be posted with name and twenty-four hour contact telephone number of a property management company located within thirty (30) miles of the subject property. The posting shall be no less than 18"x 24" and shall be of a 72-point Arial font and shall contain, along with the name and twenty-four hour contact number, the words:

“THIS PROPERTY MANAGED BY AND TO REPORT PROBLEMS OR CONCERNS CALL.” The posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street or secured to the exterior of the

building structure facing the street to the front of the property so that is visible from the street, or if no such area exists, on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the property, but not readily accessible to vandals. The local property management company shall inspect the property on a regular basis to determine if the property is in compliance with the requirements of this Section.

§ 520-13. Fire Damage Property.

If a building is fire damaged, the owner or possessory lender has ninety (90) days from the date of the fire to apply for a permit to start construction or demolition. An additional ninety (90) day extension may be granted in the sole discretion of the Township official provided the owner or possessory lender can demonstrate substantial progress towards completing repairs. Failure to do so will result in the property being deemed vacant and/or abandoned and subject to the requirements of this Ordinance.

§ 520-14. 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 Township.

§ 520-15. Right of Entry.

If the owner, lender or possessory lender has failed to secure the property, and it has been secured by the Township, the Township or its contracted agent, may re-enter the structure to conduct necessary inspections to assure compliance with the requirements of the this code and to determine if there are emergency or hazardous health and safety conditions in existence.

§ 520-16. Re-occupancy and/or sale of the property.

A vacant, abandoned, or foreclosed property shall not be occupied and/or sold until all violations have been corrected in accordance with the violation or correction notices issued and a certificate of occupancy has been issued by the Township Construction Office. All mechanical, electrical, plumbing and structural systems shall be certified by a licensed contractor as being in good repair, the provisions of the International Property Maintenance Code, or its successor, complied with and all blight removed. In addition, a certificate of occupancy shall not be issued until all outstanding costs, assessments, and liens owed to the Township have been paid in full.

§ 520-17. Violations and penalties.

- (a) Any person or entity that violates any provision of this Ordinance or the rules and regulations issued hereunder shall be fined not less than \$100.00 and not more than \$1,000.00 for each offense. Every day that a violation continues shall constitute a

separate and distinct offense. Fines assessed under this chapter shall be recoverable from the owner and shall also be a lien on the property.

- (b) For the purpose of this section, failure to file a registration affidavit within 30 calendar days after a building becomes vacant property or within 30 calendar days after assuming ownership of a vacant property, whichever is later, or within 10 calendar days of receipt of notice by the Township, and failure to provide correct information on the registration affidavit, or failure to comply with the provisions of this Ordinance, or such provisions contained herein shall be deemed to be violations of this Ordinance.

§ 520-18. 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 the Township's code enforcement board or code enforcement special magistrate as soon as possible to address the conditions of the property.
- B. The Code Enforcement Board or Hearing Officer 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 the code enforcement board or special magistrate may direct the Township to abate the violations and charge the mortgagee with the cost of the abatement.
- D. If the mortgagee does not reimburse the Township for the cost of temporarily securing the property, or of any abatement directed by the code enforcement board or special magistrate, within thirty (30) days of the Township sending the mortgagee the invoice then the Township may lien the property with such cost, along with an administrative fee of \$500.00 to recover the administrative personnel services.

§ 520-19. Opposing, Obstruction 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.

§ 520-20. Immunity of Enforcement Officer.

Any enforcement officer or any person authorized by the Township 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.

§ 520-21. Repealing of conflicting provisions.

All Resolutions, Ordinances, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

§ 520-22. Severability.

Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this Ordinance are hereby declared to be severable.

Section 4. Effective

This Ordinance shall take effect twenty (20) days after adoption and publication as required by law.

Introduced at a regular meeting of the Mayor and Council of the Township of Greenwich held on the 15th day of June, 2015 and passed upon a second reading of the Mayor and Council held on the 20th day of July, 2015.

ATTEST:

TOWNSHIP OF GREENWICH

LORI L. BIERMANN,
Municipal Clerk

GEORGE W. SHIVERY, JR.,
Mayor