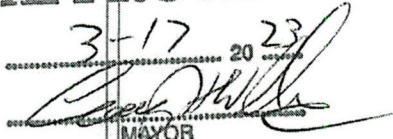


APPROVED

3-17 2023

MAYOR

ORDINANCE NO. 2023-07

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF FLORENCE AMENDING AND
SUPPLEMENTING CHAPTER 116 OF THE TOWNSHIP
CODE**

SECTION 1. Chapter 116 shall be amended to add Article V entitled "Vacant Property Registration Process." which shall read as follows:

§116.37 **Vacant property registration process.**

A. Registration required; renewal; waiver of fee.

(1) Effective on June 1, 2023, the owner of any vacant property as defined herein shall, within 30 days after the building becomes vacant property or within 30 days after assuming ownership of the vacant property, whichever is later; or within 10 days of receipt of notice by the municipality, file a registration statement for such vacant property with the Municipal Officer, on forms provided for that purpose by the Municipal Officer, along with any fee required by this section. Failure to receive notice by the municipality shall not constitute grounds for failing to register the property.

(2) Each property having a separate tax block and lot number shall be registered separately.

(3) The registration shall include the information required under Subsection C of this section and the insurance certificate required in Subsection F of this section, as well as any additional information that the Municipal Officer may reasonably require.

(4) The registration shall remain valid for one year from the date of registration. The owner shall be required to renew the registration annually as long as the building or structure remains a vacant property and shall pay a registration or renewal fee in the amount prescribed in Subsection D for each vacant property registered.

(5) For purposes of efficient administration, the Municipal Officer may establish a single date in each year upon which all registrations shall be renewed, in which case the initial registration fee shall be pro-rated for any property that has become a vacant property less than 10 months prior to that date.

(6) The owner shall notify the Municipal Officer within 30 days of any change in the registration information by filing an amended registration statement on a form provided by the Municipal Officer for such purpose.

(7) The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township against the owner or owners of the building.

(8) The Municipal Officer is authorized to draft and enforce rules and regulations to effect the provisions and purposes of this section. Such rules and regulations shall be made available on the Township's website and in the available in the municipal building of the Township

B. At any time after filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide access to the Township to conduct exterior and interior inspections of the building to determine compliance with municipal codes, on reasonable notice to the property owner or the designated agent.

C. Registration statement information; authorized agent.

(1) The registration statement shall include:

(a) The name, street address, e-mail address and telephone number of a natural person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owner or owners in connection with the enforcement of any applicable code; and

(b) The name, street address, e-mail address and telephone number of the firm or individual responsible for maintaining the property shall be available by telephone or in person on a twenty-four-hour-per-day, seven-day-per-week basis. The two entities may be the same or different persons.

(2) An owner who is a natural person may designate himself or herself as agent or as the individual responsible for maintaining the property.

(3) By designating an authorized agent under the provisions of this section, the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding and administrative enforcement proceeding

brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the Municipal Officer, in writing, of a change of authorized agent or until the owner files a new annual registration statement.

(4) Any owner who fails to register a vacant property under the provisions of this section shall further be deemed to consent to receive, by posting at the building, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

D. Fees.

(1) The registration and renewal fee for each building or structure shall be as follows:

Type	Fee
Initial registration	\$500
First annual renewal	\$750
Second annual renewal	\$1,000
All subsequent annual renewals	\$2,000

(2) All fee income resulting from the application of this section shall be deposited in a trust fund that shall be used for the sole purpose of carrying out municipal activities with respect to vacant and distressed properties, including but not limited to code enforcement, abatement of nuisance conditions, stabilization, rehabilitation, and other activities designed to minimize blight and/or promote further productive reuse of properties.

E. The owner of any structure that has become vacant property, and any person responsible for maintaining any such building that has become vacant, shall, within 30 days of the structure becoming vacant or 30 days of the owner taking title to the property:

(1) Enclose and secure the structure as provided in the applicable code of the Township of Florence or as set forth in rules and regulations adopted by the Municipal Officer to supplement those codes;

(2) Ensure that the grounds of the structure, including yards, fences, sidewalks, walks and driveways, are well maintained and kept free from trash or debris;

(3) Post a sign affixed to the structure with the name, address and telephone number of the owner and the owner's authorized agent for the purpose of service of process, and the name, address and telephone number of the entity responsible for maintenance of the property, which may be the same as the authorized agent. The sign shall be at least eight inches by 24 inches in dimension, shall include the words "To report problems with this building, call....", and shall be placed in a location where it is clearly legible from the nearest public street sidewalk; and

(4) Maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition, and ensure that the sign is visible and intact until the building is again occupied or demolished or until repair or rehabilitation of the building is complete.

F. Liability insurance.

(1) The owner of any vacant property shall acquire or otherwise maintain liability insurance, in an amount of not less than \$300,000 for buildings designed primarily for one- to four-unit residential use and not less than \$1,000,000 for any other building, including, but not limited to, buildings designed for multifamily, manufacturing, storage or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building.

(2) Any insurance policy acquired or renewed after the building has become vacant shall provide for written notice to the Municipal Officer within 30 days of any lapse, cancellation or change in coverage. The owner shall attach evidence of the insurance to the owner's registration statement. Any registration statement submitted that does not include such evidence shall not be deemed to be a valid registration.

G. Violations and penalties.

(1) Any person who violates any provision of this section or of the rules and regulations issued hereunder shall be fined not less than \$250 and not more than \$1,000 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this section shall be recoverable from the owner and shall be a lien on the property.

(2) For purposes of this section, failure to file a registration statement within 30 days after a building becomes vacant property or within 30 days after assuming ownership of a vacant property, whichever is later; or within 10 days of receipt of notice by the municipality, failure to provide correct information on the registration statement, failure to comply with the provisions of Subsection E or F of this section or such other matters as may be established by the rules and regulations of the Municipal Officer shall be deemed to be violations of this section.

§116.38 Registration of Properties in Foreclosure to read as follows:

§116-38.01 Purpose

A Registration of Properties in Foreclosure is hereby established for the Township of Florence consistent with the provisions of P.L. 2021, c. 444.

§116-38.02 Registration requirements

A. Within 30 days of the effective date of this chapter, any creditor who has initiated a summons and complaint with the New Jersey Superior Court in an action to foreclose on a commercial and/or residential mortgage for a property located within the Township i) prior to the effective date of this Article, and ii) which is pending as of the effective date of this Article, shall provide notice in accordance with Subsection B. of this section.

B. Notice.

(1) Within 10 days of filing a summons and complaint with the New Jersey Superior Court in an action to foreclose on a commercial and/or residential mortgage for a property located within the Township, the creditor shall notify the Township Clerk, or his/her designee, of the action. Such notice shall include:

(a) The address, block and lot of the subject property;

(b) 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;

(c) Whether the property is vacant and abandoned in accordance with the definition in this chapter;

(d) The full name, address, and telephone number for the representative of the creditor who is responsible for receiving notice of complaints of property maintenance code violations;

(e) The full name, address, and telephone number of any persons or entity retained by the creditor or a representative of the creditor to be responsible for any care, maintenance, security, or upkeep of the property; and

(f) If the creditor is out of state, the full name, address, and telephone number of an in-state representative or agent who shall be responsible for any care, maintenance, security, or upkeep of the property, and for receiving notice of complaints of property maintenance and code violations.

(2) The notice requirements herein represent a continuing obligation throughout the pendency of the foreclosure action. After initial notice to the Township, creditors subject to the notice requirement shall update the Township's foreclosure property registration program within 10 days of any change in the information contained in the original or any subsequent notices.

C. Creditors of any commercial and/or residential mortgage required to notify the Township pursuant to this section shall:

(1) Register the property with the Township's foreclosure property registration program as a property in foreclosure within 30 days of notifying the Township.

(2) Be subject to the registration fee, notice requirements, and penalties for noncompliance established within this Article.

(3) Update the property registration within 10 days of any change in the information contained in the original notice to the Township.

(4) If an out-of-state creditor, appoint an in-state representative or agent to act for the foreclosing creditor, whose contact information shall be contained within the initial notice to the Township.

(5) Within 10 days of the property becoming vacant, as defined in Article II of this Chapter, at any time during the pendency of the foreclosure action, the creditor shall:

(a) Assume responsibility for the care, maintenance, upkeep, and security of the exterior of the property;

(b) Secure the property against unauthorized entry;

(c) Post a sign on the inside of the property, visible to the public, containing 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;

(d) Acquire and maintain a vacancy insurance policy which covers any damage to any person or property caused by any physical condition of the property while registered with the Township's property registration program;

(e) Provide proof, within 10 days of receiving a request by the Township or its designee, that the above conditions have been satisfied;

(f) Cure any violations of the above requirements within 30 days of receiving a notice of violation, or if deemed to present an imminent threat to public health and safety, within 10 days of receiving such notice;

(e) Register the property as a vacant property pursuant to Article II of this Chapter, and comply with all provisions of that Article, including but not limited to the registration and fee requirements therein which shall be in addition to the registration and fees in this Article.

(6) Update the property registration within 10 days of the creditor becoming aware that the property is deemed vacant as defined in Article II of this Chapter.

D. If at any time the creditor is deemed to be in violation of the above requirements, and/or if the property is deemed to be in violation of any other applicable local or state maintenance, health, or safety codes, the Construction Code Official or his/her designee shall notify the creditor using the contact information provided in the property registry established by this chapter.

§116.38.03 Violations and penalties

- A. An out-of-state creditor subject to the notice and registration requirements of this chapter, found to be in violation of the requirement to appoint an in-state representative or agent, shall be subject to a fine of \$2,500 for each day of the violation. The violation shall be deemed to commence on the day after the creditor's initial ten- or thirty-day requirement to notify the Township of applicable foreclosure actions.
- B. A creditor subject to the notice and registration requirements of this chapter found to be in violation of any other section of this chapter shall be subject to a fine of \$1,500 for each day of the violation. The violation shall be deemed to commence on the 31st day following the creditor's receipt of a notice of violation, or if deemed to present an imminent threat to public health and safety, on the 11th day following the creditor's receipt of such notice.
- C. If the Township expends public funds in order to abate a nuisance or correct a violation on a commercial property in situations in which the creditor was given notice pursuant to this chapter, 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 owner of the property, including but not limited to the recourse provided under N.J.S.A. 55:19-100 et seq.
- D. For purposes of this article, failure to file a registration statement under Article II of this Chapter 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 municipality, and failure to provide correct information on the registration statement, or failure to comply with the provisions of such provisions contained herein, shall be deemed to be violations of this Article.

SECTION 2. The definition of "Owner" in Section 116-3 (Definition) is hereby amended to read as follows:

OWNER Any person or group of persons, firm, corporation or officer thereof, partnership, association, or trust which owns, operates, exercises control over or is in charge of a rental facility **and for purposes of Article V of Section 116 shall include any private title holder, any agent of a private title holder having authority to act with respect to a vacant property, any Creditor required to register a property pursuant to §116.37 of the Township Code, any foreclosing entity that has filed a notice with the Municipal Clerk pursuant to the provisions of N.J.S.A. 46:10B-51 (P.L. 2008, c.127, Sec. 17, as amended by P.L. 2009, c.296), or any other entity determined by the Municipal Officer of the Township to have authority to act with respect to the property. This section exempts any municipal, county or state owner of a vacant building or structure.**

SECTION 3. Section 116-3 (Definitions) is hereby amended to add the following definitions:

CREDITOR 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 Superior Court, the new entity shall be deemed the creditor. 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.

MUNICIPAL OFFICER The Construction Code Official or the appropriate official as designated by the governing body of the Township.

TOWNSHIP The Township of Florence, in the County of Burlington, New Jersey

VACANT PROPERTY A building, structure, property or unimproved land that is unoccupied or not legally occupied and either subject to a violation issued pursuant to section 3 of P.L. 2021, c. 444 (C. 40:48-2.12s3) or satisfies at least two of the following conditions:

- (1) overgrown or neglected vegetation;
- (2) the accumulation of newspapers, circulars, flyers or mail on the property;
- (3) disconnected gas, electric, or water utility services to the property;
- (4) the accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- (5) the accumulation of junk, litter, trash or debris on the property;
- (6) the absence of window treatments such as blinds, curtains or shutters;
- (7) the absence of furnishings and personal items;

- (8) statements of neighbors, delivery persons, representatives of a common interest community association, or government employees indicating that the residence is vacant and abandoned;
- (9) windows or entrances to the property that are boarded up or closed off or multiple window panes that are damaged, broken and unrepaired;
- (10) doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- (11) a risk to the health, safety or welfare of the public, or any adjoining or adjacent property owners, exists due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
- (12) 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;
- (13) 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;
- (14) a written statement issued by any mortgagor expressing the clear intent of all mortgagors to abandon the property;
- (15) any other reasonable indicia of abandonment.

For the purposes of Article V, a residential property shall not be considered "vacant" if, on the property:

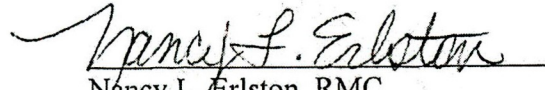
- (1) there is an unoccupied building which is undergoing construction, renovation, or rehabilitation that is proceeding diligently to completion, and the building is in compliance with all applicable ordinances, codes, regulations, and statutes;
- (2) there is a building occupied on a seasonal basis, but otherwise secure;
- (3) there is a building that is secure, but is the subject of a probate action, action to quiet title, or other ownership dispute; or
- (4) there is a building that is secure, but is actively being marketed as "For Sale" or "For Rent" as evidenced by a listing agreement with a licensed real estate professional or has filed an application for A Continuing Certificate of Occupancy under Article 116-4 of the Code of the Township.

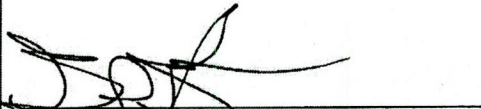
SECTION 4. If any section, paragraph, subsection, clause, or provision of this Amendment shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective;

SECTION 5. If any ordinances or parts thereof are in conflict with the provisions of

this Ordinance those provisions shall be repealed to the extent of such conflict.

SECTION 6. This Ordinance shall take effect upon passage and publication in accordance within applicable law.


Nancy L. Erlston, RMC
Township Clerk


Bruce Gargano, Council President

TOWNSHIP OF FLORENCE

ORDINANCE 2023-07

ORDINANCE NO. 2023-07

AN ORDINANCE OF THE TOWNSHIP OF FLORENCE AMENDING AND SUPPLEMENTING CHAPTER 116 OF THE TOWNSHIP CODE TO ADD ARTICLE V ENTITLED "VACANT PROPERTY REGISTRATION PROCESS"

Take Notice that the Ordinance identified above 2023-07, which amends and supplements Chapter 116 of the Township Code to Add Article V Entitled "Vacant Property Registration Process", has received final adoption by the Township Council and was approved by the Mayor of the Township of Florence, County of Burlington, State of New Jersey, following a public hearing held on March 15, 2023 at 7:00 P.M. in the Municipal Complex, Council Chambers, 711 Broad Street, Florence, New Jersey.

Nancy L. Erlston, RMC
Township Clerk

Ordinance No.	<u>2023-07</u>
Advertised in Burlington County Times on:	<u>MARCH 19, 2023</u>
Effective Date:	<u>APRIL 8, 2023</u>
	<u>JNE</u>
	Initials