

**RO-17-14**

**AN ORDINANCE TO AMEND CHAPTER 53,  
BRUSH, GRASS AND WEEDS, AND CHAPTER  
148, PROPERTY MAINTENANCE, OF THE CODE  
OF THE TOWNSHIP OF WASHINGTON,  
COUNTY OF MORRIS**

**WHEREAS**, P.L. 2014, Chapter 35 and P.L. 2014, Chapter 5 authorize municipalities to adopt ordinances to regulate 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 and further authorizes the imposition of penalties for violation of the ordinance by a foreclosure creditor.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Washington, in the County of Morris, and State of New Jersey, as follows:

**SECTION 1.** The Code of the Township of Washington, is hereby amended and supplemented in the following particulars only:

**a. Chapter 53, Brush, Grass and Weeds, Section 53-2, Notice to owners or tenants, is hereby amended by the addition of the following paragraph B, to read as follows:**

**“B. Additional notice required.** Notice of violations for any property declared vacant and abandoned pursuant to Chapter 148 shall be given to a foreclosing creditor pursuant to the procedures set forth in Section 148-9 of this Code as required by P.L. 2014, c. 35.”

**b. Chapter 148, Property Maintenance, Section 148-7, Grass and Weeds on residential properties, is hereby amended to repeal paragraph B.**

**c. Chapter 148, Property Maintenance, is hereby amended and supplemented by the addition of the following new sections:**

“148- 8 Vacant and Abandoned Properties.

A. Definitions.

“Creditor” shall mean, consistent with section 3 of P.L. 2008, c. 86, a State chartered bank, savings bank, savings and loan association or any credit union, any person required to be licensed under the provisions of the “New Jersey Residential Mortgage Lending act,” and any entity acting on behalf of the Creditor named in the debt obligation, including but not limited to, servicers.

“Vacant and Abandoned” residential property shall mean, consistent with section 1 of P.L. 2010, c.70 (C.2A:50-73), residential real estate for which a notice of violation has been issued pursuant to Section 148-8.C of this Chapter and subsection b. of section 1 of P.L. 2014, c.35. Residential property shall further be deemed “Vacant and Abandoned” where a mortgaged property is not occupied by a mortgagor or tenant and at least two of the following conditions exist:

- (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, 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; and
- (15) any other reasonable indicia of abandonment.

B. Creditor responsibility. Pursuant to the provisions of P.L. 2014, c.35, a creditor filing a summons and complaint to foreclose a lien on a residential property that is vacant and abandoned, as defined in this Chapter, whether the filing of the summons and complaint is made before or after the 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, pursuant to the provisions of N.J.S.A. 2A:50-73 or otherwise.

C. Notice to Creditor; time to correct violations. If the public officer designated by the Township, or other authorized municipal official, determines that a creditor obligated to care, maintain, secure and upkeep a vacant and abandoned property has failed to do so in accordance with the provisions of this Chapter or Chapter 53 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 complaint to foreclose on the property in question. The notice shall require the person or entity to correct the violation within thirty (30) days of the 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.

D. 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 of the creditor in the notice required to be provided to the municipal clerk pursuant to N.J.S.A. 46:10B-51.a(1). 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 ten (10) day period as set forth in paragraph one of N.J.S.A. 46:10B-51.a(1) with respect to notifying the municipal clerk that an action to foreclose on the property has been filed.

148-9 Violations and penalties. Except as set forth in Section 148-8.D and herein, any person, firm, corporation or entity violating any provision of this Chapter shall, upon conviction, be punishable as provided in Section 1-3 of the Code of the Township of Washington. A creditor required to care, maintain, secure and upkeep a property under this Chapter cited in a notice issued pursuant to Section 148-8.B. shall be subject to a fine of \$1,500.00 for each day of the violation, commencing 31 days following receipt of the notice,

except if the violation presents an imminent risk to public health & safety, in which case the fine shall commence 11 days following the receipt of the notice.”

**SECTION 2.** This ordinance maybe renumbered for codification purposes.

**SECTION 3.** All ordinances of the Township of Washington that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

**SECTION 5.** This ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

ATTEST:

TOWNSHIP OF WASHINGTON  
COUNTY OF MORRIS  
STATE OF NEW JERSEY

\_\_\_\_\_  
Nina DiGregorio, Township Clerk

By: \_\_\_\_\_  
Kenneth W. Short, Mayor