

**ORDINANCE OF THE TOWNSHIP OF DEPTFORD, COUNTY OF GLOUCESTER,
STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 41
ENTITLED "ABANDONED PROPERTY" AND CHAPTER 58 ENTITLED
"DANGEROUS BUILDINGS" OF CODE OF THE TOWNSHIP OF DEPTFORD**

WHEREAS, the Township Council of the Township of Deptford ("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 Deptford, required;

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

SECTION ONE. Chapter 58 is amended by the addition of the following new sections:

58-5.1 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 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, Chapter 41 of the Code of the Township of Deptford, pursuant to the provisions of N.J.S.A. 2A:50-73 or otherwise.

58-5.2 Notice to the 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 Chapter 41 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 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.

58-5.3 Designated representative of out-of-State creditor: violation

An out-of-State creditor shall included 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 on the property has been filed.

SECTION TWO. Section 58-11 of Chapter 58 is deleted and replaced with the following:

58-11. Violations and penalties.

Except as set forth in 58-5.3 and herein, any person, firm, corporation or entity violating any provision of this Chapter 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 58-5.2 shall be subject to a fine of \$1,500.00 for each day of the violation.

SECTION THREE. Chapter 41, Article I, is amended by adding the following new section:

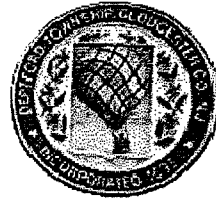
41-8. Additional notice required.

Notice of violations of property maintenance, building or other property codes for any property declared vacant and abandoned pursuant to this Chapter shall be given to a foreclosing creditor pursuant to the procedures of 58-5.2 of this Code as required by P.L. 2014, c. 35.

AND BE IT FURTHER ORDAINED that any prior Ordinances which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistencies;

AND BE IT FURTHER ORDAINED that any section, part of any section, or clause or phrase of this ordinance for any reason be held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance;

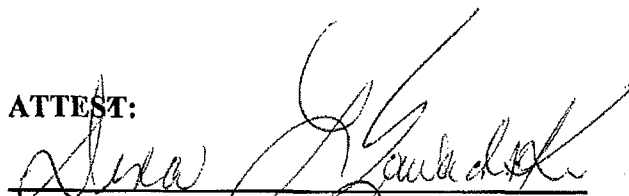
AND BE IT FURTHER ORDAINED that this Ordinance shall become effective twenty (20) days following final passage and publication as required by law.



TOWNSHIP OF DEPTFORD



PAUL MEDANY, MAYOR

ATTEST:


DINA L. ZAWADSKI, TOWNSHIP CLERK

CERTIFICATION

The foregoing Ordinance was introduced at a Work Session Meeting of Township Council of the Township of Deptford held on the 20th day of October, 2014 and will be considered for final passage and adoption at a Council Meeting at which time any person interested therein will be given an opportunity to be heard. Said meeting to be held on the 10th day of November, 2014 at the Municipal Building, 1011 Cooper Street, Deptford, New Jersey.


DINA L. ZAWADSKI, TOWNSHIP CLERK

Introduction

RECORD OF VOTE						
Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		O.21.14				
Medany			✓			
Hufnell			✓			
Barnshaw			✓			
Lamb			✓			
Love			✓			
Schocklin			✓			
Scott			✓			

Adoption

RECORD OF VOTE						
Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		O.21.14				
Medany			✓			
Hufnell			✓			
Barnshaw			✓			
Lamb			✓			
Love						✓
Schocklin			✓			
Scott			✓			