

Ordinance 1779-2014

AN ORDINANCE AMENDING CHAPTER 238, PROPERTY MAINTENANCE,
OF THE TOWNSHIP CODE:
TOWNSHIP OF HAMILTON, ATLANTIC COUNTY NJ

BE IT ORDAINED by the Township Committee of the Township of Hamilton, County of Atlantic, State of New Jersey, as follows:

Section 1. Amend the Code of the Township of Hamilton, Chapter 238, Property Maintenance as follows:

- 1) Amend §238-2, Changes to the published text; code revisions specific to Township, by re-identifying existing subsections J through M to be subsections L through o and inserting the following as new subsections J and K:

J. Section 202. Add to the definition Person: “Person shall also include a creditor filing the summons and complaint in an action to foreclose..”

K. Section 302. Add to section: “Pursuant to NJSA 40:48-2.12s a creditor filing the summons and complaint in an action to foreclose shall be responsible for the care, maintenance, security and upkeep of the exterior of a vacant and abandoned property and, if located out-of-State, shall be responsible for appointing an in-State representative or agent to act for the foreclosing creditor.”

- 2) Amend §238-3, Notice of failure to comply, by amending the third sentence to read: “The person or entity shall correct the violation within 30 days from the date of receipt of the notice, or within 10 days if the violation presents an imminent threat to public health and safety.”

- 3) Insert the following as new §238-4.1:

“238-4.1. Violation for failure of an out-of-State creditor to appoint an in-State representative; failure of a creditor to abate property maintenance violations.

A. An out-of-State creditor filing the summons and complaint of foreclosure that is found by the municipal court or by any other court of competent jurisdiction to be in violation of the requirement to appoint an in-State representative or agent as required by the provisions of NJSA 40:48-2.12s and this Chapter shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed shall commence on the day after the 10-day period set forth in NJSA 46:10B-51 for providing notice to the municipal clerk that a summons and complaint in an action to foreclose has been served.

B. A creditor subject to the provisions of this ordinance that is found by municipal court, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a care, maintenance, security or upkeep violation cited in a notice issued pursuant to this ordinance shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence 31 days following receipt of the notice, except if the violation presents an imminent risk to the public health and safety, in which case any fines shall commence 11 days following receipt of the notice.”

Section 2. Repealer. All Ordinances and parts of Ordinances of Hamilton Township heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3. Severability. If the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance, or other ordinance enacted together with this Ordinance shall be judged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Ordinance, and of the ordinances enacted together with this Ordinance, are hereby declared to be severable.

Section 4. Effective date. This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

ATTEST

TOWNSHP COMMITTEE
TOWNSHIP OF HAMILTON,
ATLANTIC COUNTY, NJ

JOAN I. ANDERSON, R.M.C.
TOWNSHIP CLERK

ROGER SILVA, MAYOR

ROLL CALL:	DIX	“YES”
	GUISHARD	“YES”
	LINK	“YES”
	GATTO	“YES”
	SILVA	“YES”

ORDINANCE NO. 1779-2014 INTRODUCED AND PASSED FIRST READING ON
DECEMBER 1, 2014