

CITY OF VINELAND

ORDINANCE NO. 2016- 22

ORDINANCE AMENDING AND CLARIFYING  
ORDINANCE 2006-106, AS AMENDED. CHAPTER 530 OF  
THE CODE OF THE CITY OF VINELAND ENTITLED  
PROPERTY, VACANT, ABANDONED AND NUISANCE

WHEREAS, on December 12, 2006, City Council of the city of Vineland adopted Ordinance Number 2006 – 106, as amended; and

WHEREAS, issues have arisen regarding potential misinterpretation of the terms contained therein and it is the intent of this Ordinance to clarify those portions of Ordinance 2006 – 106, as amended; and

WHEREAS, as a result of changes in the law regarding abandoned, vacant and nuisance properties, it is recommended that City Council amend certain portions of Ordinance 2006 – 106 to comply with the present intent of the law; and

WHEREAS, City Council of the City of Vineland finds it to be in the best interest of the city to amend ordinance 2006 – 106, so as to provide clarification to the same and to comply with the present law concerning vacant, abandoned and nuisance properties.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland that Ordinance 2006 – 106, as amended, Chapter 530 of the Code of the City of Vineland entitled Property, Vacant, Abandoned and Nuisance be amended as follows:

Section 530 – 10B Registration of Vacant and/or Foreclosing Properties; Duty to Provide Written Notice shall be deleted in its entirety and replaced as follows:

Section 530-10B. effective September 1, 2014, a lienholder, mortgage holder or mortgagee (collectively “Creditor”), serving a summons and complaint in an action to foreclose on a mortgage on residential property, shall, within 10 days of serving the summons and complaint, notify the Municipal Clerk that a summons and complaint in an action to foreclose on a mortgage has been filed against this property. The notice shall contain the name and contact information for the representative of the Creditor who is responsible for receiving complaints of property maintenance and code violations and shall be provided by mail, or electronic communication, At the discretion of the Municipal Clerk. In the event the Creditor that has served a summons and complaint in an action to foreclose on a residential property is located out of State, the notice shall also contain the full name and contact information of an in-state representative or agent, who shall be responsible for the care, maintenance, security, and upkeep of the exterior of the property if it becomes vacant and or abandoned. In the event that the property being foreclosed upon is an affordable unit pursuant to the Fair Housing Act, then the Creditor shall identify that the property is subject to the Fair Housing Act. The notice shall also include the Street address, lot and block number of the property and the full name and contact information of an individual or entity located within the State of New Jersey who was authorized to accept service on behalf of the Creditor. The notice shall be provided to the Municipal Clerk within 10 days of service of a summons and complaint in an action to foreclose on a mortgage against the subject property. The Municipal Clerk shall provide a copy of the notice to the public officer the Creditor shall further, and within 10 days of serving a summons and complaint in an action to foreclose on a mortgage on residential property, file a registration for each such property with the Public Officer on forms provided by the Public Officer for such purposes. Any Creditor that has initiated a foreclosure proceeding on any residential property which is pending in Superior Court shall, within 30 days of the initiation of a foreclosure proceeding shall provide to the Municipal Clerk a listing of all residential properties in the City of Vineland for which the Creditor has foreclosure action pending by Street address and lot and block number. The Municipal Clerk shall forward a copy of the notice to the Public Officer. The registration shall remain valid for one year from the date of registration. The Creditor shall be required to renew the registration annually as long as a foreclosure action is pending.

Section 530-11B Registration Statement Requirements; Property Inspection shall be deleted in its entirety and replaced as follows:

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Section 530-11B by designating an authorized agent under the provisions of this section, the owner or Creditor consents to allow any and all notices of code violations concerning the registered vacant property or property upon which the foreclosure process has been initiated and all process in any court proceeding or 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 or Creditor 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 Public Officer is notified of a change of authorized agent. The designation of an authorized agent in no way releases any party from any requirements under this chapter.

Section 530-11C shall be added as follows:

Section 530-11C. The owner of any non—owner occupied residential property who takes title to the property as the result of a sheriff's sale or deed in lieu of foreclosure, other than an owner who has previously provided notice to the municipality pursuant to this chapter, shall provide notice, within 10 business days, to the Municipal Clerk and it to the Public Official of the municipality where in the property is located, and to any association or common interest community, of which the residential property is a part, governed by the "Horizontal Property Act", N.J.S.A. 46:8A-1 et seq, the "Condominium Act", N.J.S.A. 46:8B-1 et seq., or "The Planned Real Estate Development Full Disclosure Act" N.J.S.A. 45:22A-21, et seq., providing the name and address of the owner. If the owner is not located within the State of New Jersey, then owner shall designate an agent within the State of New Jersey, including the agent's address, who was authorized to accept service of process on behalf of the property owner.

Section 530-12 Registration Fees shall be deleted in its entirety and replaced as follows:

Section 530-12 Registration Fees

All properties required to be registered in accordance with this chapter shall pay a registration fee. The initial registration fee for each building shall be \$500. The fee for the first renewal year shall be \$1500. The fee for the second renewal year shall be \$3000. The fee for the third and subsequent renewal years shall be \$5000.

Section 530-14 Violations and Penalties shall be deleted in its entirety and replaced as follows:

Section 530-14 Violations and Penalties

A. Any owner or Creditor who is not in full compliance with this chapter, or otherwise violates any provisions of this chapter, shall be subject to a fine of \$1500 for each day the violation continues. Fines assessed under this chapter shall be recoverable from the owner or Creditor, as the case may be, and shall be a lien on the property.

B. An out of state Creditor subject to this chapter who has been found by the Municipal Court, or any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-state representative or agent pursuant to this chapter shall be subject to a fine of \$2500 for each day of the violation. Any fines imposed on a Creditor for the failure to appoint an in-state representative or agent shall commence on the day after the 10 day period set forth herein for providing notice to the municipal clerk capitalized that they summons and complaint in an action to foreclose on a mortgage has been served.

C. A Creditor subject to the terms of this chapter found the by the Municipal Court, or any other court of competent jurisdiction, to be in violation of the requirement to correct the care, maintenance, security, or upkeep violation cited in a notice issued shall be subject to a fine of \$1500 for each day of the violation. A fine imposed pursuant to this paragraph shall commence 31 days following receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice. A fine issued under the terms of this chapter shall be in an addition to any other fines or penalties for violations of other sections of the municipal code.

D. For purposes of this section, failure to file a registration statement in time, failure to provide current and correct information on the registration statement, failure to comply with the provisions of any portion of this chapter shall be deemed to be violations of this chapter.

E. Nothing in this chapter is intended, nor shall it be read, to conflict or prevent the City of Vineland from taking action against buildings found to be unfit for human habitation or unsafe structures as provided in the applicable provisions of the municipal code.

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BE IT FURTHER ORDAINED that should any portion of this Ordinance be deemed unenforceable by a court of competent jurisdiction, that portion so determined to be unenforceable, shall be void and the balance hereof shall remain in full force and effect.

This Ordinance shall take effect upon adoption and publication according to law.

Passed first reading:

Passed final reading:

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President of Council

ATTEST:

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City Clerk