

ORDINANCE 49-2014

**AN ORDINANCE OF THE BOROUGH OF MADISON,
COUNTY OF MORRIS, STATE OF NEW JERSEY
AMENDING AND SUPPLEMENTING CHAPTER 145
ENTITLED “PROPERTY MAINTENANCE, ARTICLE II,
VACANT RESIDENTIAL AND NON-RESIDENTIAL
PREMISES”**

WHEREAS, the Borough of Madison (“Borough”) has reviewed recent amendments to Title 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 Borough of Madison are required:

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

SECTION ONE: Chapter 145 Article II § 145-8 is amended by the addition of the following new sections:

§ 145-8G 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 Chapter 145 Article V 8, 145-15 of the Code of the Borough of Madison, pursuant to the provisions of N.J.S.A. 2A:50-73 or otherwise.

§ 145-8H Notice to 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 Chapter 148 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.

§ 145-8I 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 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 ten (10) day period set forth in paragraph one of N.J.S.A. 40:10b-51 with respect to notifying the municipal clerk that an action to foreclose the property has been filed.

SECTION TWO: Chapter 145, Article V § 145-15, is amended by adding the following new sections:

§ 145-15I. 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 a foreclosing creditor pursuant to the procedures of this Code as required by P.L. 2014, c. 35.

§ 145-18E. Violations and penalties.

Except as set forth in Chapter 1, Article 1 § 1-15 and herein, any person, firm, corporation or entity violation 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 notice issued pursuant to § 145-8H shall be subject to a fine of \$1,500.00 for each day of the violation.

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 should 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 upon final passage and publication as required by law.

ADOPTED AND APPROVED

ROBERT H. CONLEY, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk