

ORDINANCE O:45-2023

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MONROE
TO AMEND CHAPTER 104 OF THE CODE OF THE TOWNSHIP OF MONROE,
ENTITLED “BUILDINGS”**

WHEREAS, the Township Council of the Township of Monroe has recommended certain amendments to Chapter 104 of the Code of the Township of Monroe and has determined that it is in the best interest of the Township to amend this specific section.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Monroe that the Code of the Township of Monroe is hereby amended to include the amendments herein.

SECTION I. Chapter 104, entitled “Buildings” is hereby amended as follows:

Article V. Abandoned Real Property

§ 104-36 Purpose and intent.

It is the Township's purpose and intent to establish a process to address the deterioration and blight of neighborhoods caused by an increasing amount of abandoned, **blighted**, foreclosed or distressed real property located within Monroe Township, ~~and to identify, regulate, limit and reduce the number of abandoned properties located within the Township~~ **including both residential and commercial properties.** The Township will designate a third-party administrator which will administer the registration program at no cost to the Township. All fees paid in accordance with this section will be utilized for administration of the program.

§104-37 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

ABANDONED PROPERTY

For the purposes of this ordinance, “Abandoned Property” refers to any unoccupied or neglected real estate, either residential or commercial, that shows signs of vacancy, disrepair, or noncompliance with local codes. This term includes properties that are subject to foreclosure, transferred through a deed in lieu of foreclosure/sale, exhibit blighted conditions, or otherwise pose a risk to the public’s health, safety, or welfare. The determination and/or classification of said property is within the reasonable judgment of the Township Zoning Officer.

ACCESSIBLE PROPERTY/STRUCTURE

A property that is accessible through a compromised/breached gate, fence, wall, etc., or a structure that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

APPLICABLE CODES

Includes, but shall not be limited to, the Township of Monroe Zoning Code, the Monroe Township Code and the New Jersey Building Code.

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BLIGHTED ~~AND COMMERCIAL~~ PROPERTYIES

A. ~~Properties that have broken or severely damaged windows, doors, walls, or roofs which create hazardous conditions and encourage trespassing; or~~ In accordance with N.J.S.A. 40:48-2.12, Sec. 3, a property shall be considered blighted or a blighted commercial property if it is not legally occupied by a mortgagor, property owner, or tenant, and one or more of the following conditions exist:

(1) Properties that have broken or severely damaged windows, doors, walls, or roofs which create hazardous conditions and encourage trespassing; or

(2) Properties whose maintenance is not in conformance with the maintenance of other neighboring properties, causing a decrease in value of the neighboring properties; or

(3) Properties cited for a public nuisance pursuant to the Monroe Township Code; or

(4) Properties that endanger the public's health, safety, or welfare because the properties or improvements thereon are dilapidated, deteriorated, or violate minimum health and safety standards or lack maintenance as required by the Monroe Township Code and zoning codes.

B. ~~Properties whose maintenance is not in conformance with the maintenance of other neighboring properties, causing a decrease in value of the neighboring properties; or~~ For the purposes of this section, a blighted or commercial property shall not be considered as such if, on the property:

(1) There is an unoccupied building which is undergoing construction, renovation, or rehabilitation that is proceeding diligently to completion, and the building is in compliance with all applicable ordinances, codes, regulations, and statutes;

(2) There is a building occupied on a seasonal basis, but otherwise secure; or

(3) There is a building that is secure but is the subject of a probate action, action to quiet title, or other ownership dispute.

The determination and/or classification of said property is within the reasonable judgment of the Township Zoning Officer.

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- C. ~~Properties cited for a public nuisance pursuant to the Monroe Township Code; or~~ **In addition to the procedures set out in the Fair Foreclosure Act, P.L. 1995, c. 244 (N.J.S.A. 2A:50-53 et seq.), a summary action for remediation or forfeiture affecting blighted or commercial property that is blighted may be brought by a lender or the Township in the Superior Court.**
- D. ~~Properties that endanger the public's health, safety, or welfare because the properties or improvements thereon are dilapidated, deteriorated, or violate minimum health and safety standards or lack maintenance as required by the Monroe Township Code and zoning codes~~ **Service of notice.**
- (1) **In addition to the service of process required by the Rules of Court, a lender or the Township shall establish that a process server has made two unsuccessful attempts to serve the mortgagor, property owner, or occupant at the blighted or commercial property.**
- (2) **In addition to any notices required to be served by law or the Rules of Court, a lender shall, with any order to show cause served as original service of process or a motion to proceed summarily, serve a notice that the lender is seeking, on the return date of the order to show cause, or on the date fixed by the Court, to proceed summarily for entry of a residential foreclosure judgment because the property is vacant and abandoned.**
- (3) **When a property is deemed vacant and abandoned as herein defined, a lender shall not be required to serve the debtor with the notice to cure required by Section 6 of the Fair Foreclosure Act, P.L. 1995, c. 244 (N.J.S.A. 2A:50-58).**
- E. **Registration and Final Judgment by a Court.**
- (1) **A property may be registered as blighted by the Township in accordance with the criteria set forth under Subsection A of this section. Such registration does not necessitate a final judgment by the Court but must be supported by clear and convincing evidence that the property meets the blighted criteria as defined, in the reasonable judgment of the Township Zoning Officer.**
- (2) **Upon registration, the Township shall notify the property owner of the blighted status and the implications thereof.**
- (3) **A property owner has the right to contest the blighted status designation by filing an appeal with the Court. The appeal must be filed within 30 days after the Township's notification to the property owner of the blighted status registration.**

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- (4) The Court will hear and determine the merits of any appeal of the blighted status and may uphold or overturn the registration based on the evidence presented.**
- (5) The entry of a final judgment declaring a property as blighted or commercial property for the purposes of its registration by the Township is not required. A final judgment under this section shall be pertinent only if the property’s blighted status is contested and upheld upon appeal, and the matter involves further legal action necessitating such judgment.**
- (6) A final judgment affecting a property registered as blighted or commercial property shall not be entered if:**

 - (i) The Court finds the property does not meet the blighted or commercial property criteria;**
 - (ii) The mortgagor, property owner, or any other defendant has filed an answer, appearance, or any other written objection that has not been withdrawn, and the defenses or objections asserted provide cause to preclude the entry of a final judgment affecting the property.**

ENFORCEMENT OFFICER

Any law enforcement officer, building official, zoning inspector, Code Enforcement Office employee, fire inspector or building inspector, or any other person authorized by the Township of Monroe to enforce the applicable code(s).

OWNER

Any person, legal entity or other party having any ownership interest, whether legal or equitable, in real property. This term shall also apply to any person, legal entity or agent responsible for the construction, maintenance or operation of the property involved.

PROPERTY MANAGEMENT COMPANY

A local property manager, property maintenance company or similar entity responsible for the maintenance of abandoned real property.

RESPONSIBLE PARTY

The title holder of a vacant and abandoned property or a creditor responsible for the maintenance of a property pursuant to Section 17 of P.L. 2008, c. 127 (N.J.S.A. 46:10B-51).

STREET ADDRESS

An address at which a natural person who is the responsible party or an authorized agent actually resides or actively uses for business purposes, and shall include a street name or rural delivery route.

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VACANT AND ABANDONED REAL PROPERTY

- A. In accordance with N.J.S.A. 40:48-2.12, Sec. 3, a property shall be considered vacant and abandoned if it is not legally occupied by a mortgagor or tenant, which is in such condition that it cannot be legally reoccupied, because of the presence or finding of 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 property 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 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 a mortgagor expressing the clear intent of all mortgagors to abandon the property; or

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- (15) Any other reasonable indicia of abandonment.
- B. For the purposes of this section, a residential property shall not be considered vacant and abandoned if, on the property:
 - (1) There is an unoccupied building which is undergoing construction, renovation, or rehabilitation that is proceeding diligently to completion, and the building is in compliance with all applicable ordinances, codes, regulations, and statutes;
 - (2) There is a building occupied on a seasonal basis, but otherwise secure; or
 - (3) There is a building that is secure, but is the subject of a probate action, action to quiet title, or other ownership dispute.
- C. In addition to the residential mortgage foreclosure procedures set out in the Fair Foreclosure Act, P.L. 1995, c. 244 (N.J.S.A. 2A:50-53 et seq.), a summary action to foreclose a mortgage debt secured by residential property that is vacant and abandoned may be brought by a lender in the Superior Court. In addition, a lender may, at any time after filing a foreclosure action, file with the Court, in accordance with the Rules Governing the Courts of the State of New Jersey, an application to proceed in a summary manner because the residential property that is the subject of the foreclosure action is believed to be vacant and abandoned; provided, however, that this section shall not apply to a foreclosure of a timeshare interest secured by a mortgage.
- D. Service of notice.
 - (1) In addition to the service of process required by the Rules of Court, a lender shall establish, for the entry of a residential foreclosure judgment under this section, that a process server has made two unsuccessful attempts to serve the mortgagor or occupant at the residential property, which attempts must be at least 72 hours apart, and during different times of the day, either before noon, between noon and 6:00 p.m., or between 6:00 p.m. and 10:00 p.m.
 - (2) In addition to any notices required to be served by law or the Rules of Court, a lender shall, with any order to show cause served as original service of process or a motion to proceed summarily, serve a notice that the lender is seeking, on the return date of the order to show cause, or on the date fixed by the Court, to proceed summarily for entry of a residential foreclosure judgment because the property is vacant and abandoned.
 - (3) When a property is deemed vacant and abandoned as herein defined, a lender shall not be required to serve the debtor with the notice to cure

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required by Section 6 of the Fair Foreclosure Act, P.L. 1995, c. 244
(N.J.S.A. 2A:50-58).

E. Final residential mortgage foreclosure judgment.

- (1) The Court may enter a final residential mortgage foreclosure judgment under this section upon a finding, a) by clear and convincing evidence, that the residential property is vacant and abandoned as defined under Subsection A of this section, and b) that a review of the pleadings and documents filed with the Court, as required by the Rules of Court, supports the entry of a final residential mortgage foreclosure judgment.
- (2) A final residential mortgage foreclosure judgment under this section shall not be entered if the Court finds that:
 - (a) The property is not vacant or abandoned; or
 - (b) The mortgagor or any other defendant has filed an answer, appearance, or other written objection that is not withdrawn and the defenses or objection asserted provide cause to preclude the entry of a final residential mortgage foreclosure judgment.

§ 104-40 Registration requirements of abandoned real property.

- A. Any mortgagee **or property owner** who holds a mortgage ~~on~~ **who holds a mortgage or owns** real property, **whether commercial or residential**, located within the Township of Monroe shall perform an inspection of the property to determine vacancy, ~~or~~ occupancy, **or blighted status** upon a filing of a summons and complaint, **or upon identification by the Township as potentially being blighted or commercial property in question**. The mortgagee **or property owner** shall, within 10 days of the inspection, register the property with the Monroe Township Code Enforcement Office, or designee, using the website access provided by the Township of Monroe, and indicate whether the property is vacant, ~~or~~ occupied, **or blighted**. A separate registration is required for each property, whether it is found to be vacant or occupied.
- B. If the property is occupied **or blighted**, it shall be inspected by the mortgagee **or property owner** or ~~his~~ **their** designee monthly until:
 - (1) The mortgagor or other party remedies the default; or
 - (2) It is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, and the mortgagee **or property owner** shall, within 10 days of that inspection, update the property registration to a vacancy status.

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- C. Registration pursuant to this section shall contain the name of the mortgagee **or property owner**, and the servicer, the direct mailing address of the mortgagee **or property owner**, and the servicer, a direct contact name and telephone number for both parties, facsimile number and email address for both parties, tax lot and block for the property, and the name and twenty-four-hour contact telephone number of the property management company responsible for the security and maintenance of the property.
- D. A nonrefundable annual registration fee of \$500 shall be collected as a pass-through fee to the designated third-party administrator (per the state legislation enacted on January 18, 2022) per property and shall accompany the website registration. ~~An additional fee of \$2,000 per property annually if the property is vacant or abandoned pursuant to the above definition when the summons and complaint in an action to foreclose is filed, or becomes vacant and abandoned **or** pursuant to the definition in the ordinance at any time thereafter while the property is in foreclosure~~ **The fee for the first annual renewal shall be \$1,500, and the fee for the second annual renewal shall be \$3,000. The fee for any subsequent annual renewal beyond the second renewal shall be \$5,000. All fees mentioned herein are nonrefundable.**
- E. All registration fees must be paid directly from the mortgagee, servicer, trustee, or owner. Third-party registration fees are not allowed without the consent of Monroe Township and/or its authorized designee.
- F. This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.
- G. Properties subject to this section shall remain under the annual registration requirement and the inspection, security and maintenance standards of this section as long as they remain vacant and the complaint for foreclosure filed.
- H. Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within 10 days of the change.
- I. Failure of the mortgagee and/or owner to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this article is a violation of the chapter and shall be subject to enforcement.
- J. Pursuant to any administrative or judicial finding and determination that any property is in violation of this article, the Township of Monroe may take the necessary action to ensure compliance with this article and place a lien on the

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property for the cost of the work performed to benefit the property and bring it into compliance.

K. A creditor located out-of-state shall be responsible for appointing an in-state representative or agent to act for the foreclosing creditor.

L. This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale, as well as any properties that have been determined to be blighted or are commercial properties in accordance with Section A of this ordinance.

SECTION II. All prior Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION III. If any word, phrase, clause, section or provision in this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word phrase, clause, section or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

SECTION IV. This Ordinance shall take effect twenty (20) days after final passage and publication as required by law.

TOWNSHIP OF MONROE

CNCL. PRES., CAROLANN FOX

ATTEST:

**Twp. Clerk, Aileen Chiselko, RMC
or Deputy Clerk, Jennifer Harbison, RMC**

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CERTIFICATION OF CLERK

The foregoing Ordinance was introduced at a meeting of the Township Council of the Township of Monroe held on the 13th day of November, 2023, and will be considered for final passage and adoption at a meeting of the Township Council of the Township of Monroe to be held on 27th day of November, 2023 at the Municipal Building, 125 Virginia Avenue, Williamstown, New Jersey 08094, at which time any person interested therein will be given an opportunity to be heard.

**Twp. Clerk, Aileen Chiselko, RMC
or Deputy Clerk, Jennifer Harbison, RMC**

ROLL CALL VOTE

1st Reading

	AYES	NAYS	ABSTAIN	ABSENT
Cncl. Adams				
Cncl. Garbowski				
Cncl. Heverly				
Cncl. McKinney				
Cncl. O'Reilly				
Cncl. Valcourt				
Cncl. Pres. Fox				
Tally:				

2nd Reading

	AYES	NAYS	ABSTAIN	ABSENT
Cncl. Adams				
Cncl. Garbowski				
Cncl. Heverly				
Cncl. McKinney				
Cncl. O'Reilly				
Cncl. Valcourt				
Cncl. Pres. Fox				
Tally:				

The foregoing ordinance was hereby approved by the Mayor of the Township of Monroe on this _____ day of _____, 2023.

MAYOR GREGORY A. WOLFE