

ORDINANCE NO. 2022-67

ORDINANCE AMENDING 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 No. 2006-106, Chapter 530 of the Code of the City of Vineland, entitled Property, Vacant, Abandoned, and Nuisance, in as much as City Council recognize that Vacant, Abandoned, and Nuisance properties create a greater risk of blight and create a wide range of problems for the communities in which they are located; and

WHEREAS, as a result of the adoption of the Assembly, Bill No. 2877 introduced February 20, 2020 and becoming effective January 6, 2022, it is necessary to make certain changes to the existing Ordinance so as to allow more tools for which the municipal enforcement officers have in order to further protect agents and prevent properties within the City of Vineland from becoming abandoned, vacant or becoming a nuisance.

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;

- I. § 530-1. Definitions shall be amended as follows:
 - a. Definition of Abandoned Property shall be deleted in its entirety and replaced as follows:

ABANDONED, VACANT AND NUISANCE PROPERTY

Any property, residential or commercial which is in such condition that it cannot be legally occupied, and at which at least two of the following conditions exist:

- (1) Over grown 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 windowpanes 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;

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- (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
- (15) Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no substantial construction has taken place for at least 6 months as of the date of determination by the public officer pursuant to this section;
- (16) At least one installment of property tax remains unpaid and delinquent on that property in accordance with Chapter 4 of Title 54 of the Revised Statutes as of the date of determination by the Public Officer pursuant to this section;
- (17) The property has been determined to be a nuisance by the Public Officer in accordance with N.J.S.A. 55:19-82
- (18) The property or any portion thereof is determined to be abandoned property in accordance with the meaning of such term in ABANDONED PROPERTY REHABILITATION ACT, N.J.S.A. 55:19-78 at. seq.
- (19) Any other reasonable indicia of abandonment.

b. Definition of **FORECLOSING** shall be deleted in its entirety and replaced as follows:

FORECLOSING

The process by which property, residential or commercial, placed as security for real estate or other loans, is prepared for sale to satisfy the debt if the borrower is in default under the terms of the loan.

c. Definition of **OWNER** shall be deleted in its entirety and replaced as follows:

OWNER

- (1) Has legal or equitable title to any dwelling, dwelling unit, mobile dwelling unit or parcel of land, vacant or otherwise; or
- (2) Has care, charge or control of any dwelling, dwelling unit or parcel of land, vacant or otherwise, in any capacity, including but not limited to agency, executor, executrix, administrator, administratrix, trustee or guardian, of the estate of the holder of legal title; or
- (3) Is a mortgagee in possession of any such property;
- (4) Is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or

- (5) Is an officer or trustee of the association of unit Owners of the Condominium. Each such person is bound to comply as if he were the Owner; or
 - (6) Every person who operates a rooming house; or
 - (7) Is a trustee who holds, owns or controls mortgage loans for mortgage-backed securities transactions and has initiated the foreclosure process.
 - (8) Any person or entity responsible for the maintenance or upkeep of a property pursuant to N.J.S.A. 46:10 B-51, and as required under section 530-11.
 - (9) Owner shall also be defined as a “**RESPONSIBLE PARTY.**”
- c. Definition of **PROPERTY** shall be amended by the deletion of the first sentence and its replacement as follow:

PROPERTY

Any real estate, residential or commercial, or portion thereof, located in the City of Vineland, including buildings or structures situated on the property. The balance of definition of Property shall remain.

COMMERCIAL PROPERTY

Any real estate which is defined as a “commercial” use in Chapter 425 of the Code of the City of Vineland.

- d. Definition of **VACANT PROPERTY** shall be deleted in its entirety.
- e. Definition of **NUISANCE PROPERTY** shall be amended to include the following subsection F.

F. **NUISANCE PROPERTY** shall also include the Definition of Abandoned, Vacant and Nuisance Properties herein above.

- II. **Section 530-2 Obligations of Owner of Abandoned or Vacant Property** shall be added as follows:

Section 530-2 Obligations of Owner of Abandoned or Vacant Property

- A. No sooner than 45 days after the City notifies the Owner that the property is vacant and abandoned until the property is reoccupied, the Owner of vacant and abandoned properties shall:
 - (1) Enclose and secure the property against unauthorized entry.
 - (2) Post a sign affixed to the property and visible to the public indicating the name, address, and telephone number of the responsible party, any authorized agent designated by the responsible party for the purpose of receiving service of process, and the person responsible for maintaining the property if different from the Owner responsible party or authorized agent;
 - (3) Acquire and otherwise maintain liability insurance by procuring a vacancy policy, covering any damage to any person or any property caused by any physical condition of the property.

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- B. An Owner that violates any provision of this section shall be liable to a penalty of \$1,000. Each day that a violation continues shall constitute an additional, separate, and distinct offense. Any penalty imposed pursuant to this section shall be recoverable by a summary proceeding under the "Penalty Enforcement Law of 1999," 2A:58-10 et seq. The Superior Court, Law Division, in Cumberland County, or the municipal court of the City of Vineland, in which the property is located shall have jurisdiction to enforce such penalty.
- C. The enforcement in this section shall not be construed to diminish any property maintenance responsibilities of the Owners regardless if they are subject or not subject to the provisions of the section.

III Section 530-2 shall be retitled Section 530-3 and amended by the addition of subsection e as follows:

- (e) The Owner shall acquire Certificate of Occupancy for any structures located on the property requiring the same for occupation within six months of notification that the property is on the Abandoned Property list. An extension not to exceed 90 days may be granted by the Public Officer provided there is a determination that rehabilitation is being performed in timely manner.

IV Section 530-3 shall be retitled Section 530-4 and amended by the deletion of subsection A and E replaced as follows:

§ 530-4 Notice of inclusion on list.

- A. The Public Officer, within 10 days of establishment of the abandoned property list, or any additions thereto shall send a notice, by certified mail, return receipt requested, and by regular mail, to the Owner of every property included on the list in compliance with N.J.S.A. 55:19-78 cause the list to be published in the official newspaper of the City of Vineland, which publication shall constitute public notice. The mailed notice shall indicate the factual basis for the Public Officer's finding that the property is abandoned or vacant as that term is defined herein and the rules and regulations promulgated thereunder, specifying the information relied upon in making such finding.
- E. A copy of the mailed or posted notice may be filed by the Public Officer in the office of the Cumberland County Clerk. This filing shall have the same force and effect as a lis pendens under N.J.S.A. 2A:15-6. The notice shall be indexed by the name of the Property Owner as the defendant and the name of the City of Vineland as plaintiff as though an action had been commenced by the City of Vineland against the Owner.

V. Section 530-4 shall be retitled 530-5 and amended at subsection E by the deletion of the last sentence thereof and replaced as follows:

The sole issue to be presented to the Superior Court of New Jersey is whether the property in question is abandoned or vacant as that term is defined herein.

VI. Section 530-5 shall be retitled Section 530-6,

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Section 530-6 shall be retitled Section 530-7

Section 530-7 shall be retitled Section 530-8

Section 530-8 shall be retitled Section 530-9

Section 530-9 shall be retitled Section 530 -10

VII. Section 530-10 shall be retitled Section 530-11 and amended by the deletion of subsection (a) and (b) replaced as follows:

(a) The Owner of any vacant or abandoned property as defined herein shall, within 30 days after the building becomes vacant property or within 30 days after assuming ownership of the vacant property, whichever is later, file a registration statement for each such vacant property with the Public Officer, on forms provided by the Commissioner of the Community Affairs for such purposes. The registration shall remain valid for one year from the date of registration. The Owner shall be required to renew the registration annually as long as the building remains vacant or abandoned and shall pay a registration or renewal fee in the amount prescribed herein for each vacant property registered. The notice shall contain the following language:

(1) the name, street address, and telephone number of a natural person who resides or maintains an office within the State and who is either the responsible party or an authorized agent designated by the responsible party to receive notices and complaints of property maintenance and code violations on behalf of the responsible party;

(2) the name, street address, and telephone number of the person responsible for maintaining the property, if different; and

(3) evidence of any liability insurance required by this ordinance.

(4) the Owner of vacant and abandoned property shall file an amended certificate of registration within 30 days after any change in the information required to be included thereon.

(b) A lienholder, mortgage holder or mortgagee (collectively "creditor"), serving a summons and complaint in an action to foreclose on a mortgage on residential or commercial 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 or commercial 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

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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 or commercial 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 or commercial property which is pending in Superior Court shall, within 10 days of the initiation of a foreclosure proceeding shall provide to the Municipal Clerk and the Mayor a listing of all residential and/or commercial 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.

VIII. Section 530-10 shall be retitled Section 530-11 and amended by the deletion of subsection C and D and replacing said subsections with a new subsection C as follows:

C. The owner or creditor shall notify the Public Officer within 10 days of any change in the registration information by filing an amended registration statement on a form provided by the Public Officer for such purposes.

IX Section 530-11 E and F shall be retitled Section D and E.

X Section 530-11 shall be retitled Section 530-12 and replaced as follows:

After filing a registration statement or a renewal of a registration statement, the Owner or creditor of any vacant or abandoned property shall provide access to the City to conduct an exterior and interior inspection of the building to determine compliance with municipal code, following reasonable notice, during the period covered by the initial registration or any subsequent renewal.

XI. Section 530-12 shall be deleted in its entirety and retitled Section 530-13 and shall be replaced as follows:

A. All properties deemed to be vacant, abandoned and/or nuisance as defined herein and are required to be registered as such shall pay a registration fee. The initial registration fee for each property shall be \$250. The fee for the first renewal year shall be \$500. The fee for the second and subsequent renewal year shall be \$1,000.00.

B. All properties required to be registered as being in the foreclosure process but are not required to be registered as vacant, abandoned and/or nuisance properties as defined herein shall pay a registration fee of \$500 per year and a like sum each year thereafter until the property no longer has to be registered as a property in foreclosure.

C. All properties required to be registered as being in the foreclosure process and/are vacant, abandoned or nuisance pursuant to terms herein shall pay an additional \$2000.00 per property annually and an additional \$2000 per year at all-time thereafter while the property is in foreclosure in addition to the fees set forth in subsection A herein above.

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- XII. Section 30-13 shall be retitled Section 530-14 and subsection B and C shall be deleted in their entirety and replaced as follows:

B. In the event the Owner of commercial or residential property vacates or abandons any property, or a portion thereof, on which a foreclosure proceeding has been initiated or if a commercial property becomes vacant at any point subsequent to the creditor's filing the summons and complaint in an action to foreclose on a mortgage against the subject property, but prior to vesting of title in the creditor or any other third party, and the exterior of the property is found to be a nuisance or in violation of any applicable State or local code, the local public officer, municipal clerk, or other authorized municipal official shall notify the creditor or the representative or agent of an out-of-State creditor, as applicable, which shall have the responsibility to abate the nuisance or correct the violation in the same manner and to the same extent as the title owner of the property, to such standard or specification as may be required by State law or municipal ordinance. The municipality shall include a description of the conditions that gave rise to the violation with the notice of violation and shall provide a period of not less than 30 days from the creditor's receipt of the notice for the creditor to remedy the violation. If the creditor fails to remedy the violation within that time period, the municipality may impose penalties allowed for the violation of municipal ordinances.

C. In the event that the City of Vineland expends public funds in order to abate a nuisance or correct a violation on a commercial property institutions in which the creditor was given notice pursuant to the provisions herein but failed to abate the nuisance or correct the violation as directed, the City shall have the same recourse against the creditor as it would have against the title owner of the property, including but not limited to the recourse provided under N.J.S.A 55:19-100.

- XIII. Section 530-14 shall be retitled Section 530-15 and amended as follows:

Section 530-15 Unless otherwise specified herein, the following fines and penalties shall apply:

- XIV Section 530-15 D shall be deleted in its entirety and replaced as follows:

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 and failure to comply with provisions of any portion of this Chapter shall be deemed to be violations of this Chapter. Fines for violating this chapter shall be not less than \$500.00 or more than \$1,000.00.

- XV. Section 530-15 F shall be added as follows:

F. Each day an Owner or Creditor is in violation of any section of this Chapter, shall be considered a separate and subsequent offense.

BE IT FURTHER ORDAINED that the balance of Ordinance 2006-106, as amended, Chapter 530 of the Code of the City of Vineland not amended hereby shall remain in full force and effect.

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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.

BE IT FURTHER ORDAINED that should any Ordinance or portion thereof be inconsistent herewith, such Ordinance or portion thereof shall be void to the extent of such inconsistencies.

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

Passed first reading:

Passed final reading:

President of Council

Approved by the Mayor:

Mayor

ATTEST:

City Clerk