

ORDINANCE # 1932-2016

AN ORDINANCE OF THE TOWNSHIP OF GALLOWAY ADOPTING A NEW CHAPTER 268 ENTITLED “ABANDONED REAL PROPERTY”

WHEREAS, the mortgage foreclosure crisis has serious negative implications for the Township as it tries to manage the consequences of property vacancies and abandoned real properties; and

WHEREAS, the Township has an interest in protecting its neighborhoods against decay caused by vacant and abandoned properties; and

WHEREAS, it is in the best interest of the health, safety and welfare of the residents of the Township to impose registration and certification requirements with respect to abandoned and vacant properties within the Township.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWNSHIP OF GALLOWAY, COUNTY OF ATLANTIC, STATE OF NEW JERSEY AS FOLLOWS:

The Galloway Township Code is hereby amended to add a new chapter designated as Chapter 268 and entitled “Abandoned Real Property” to read as follows:

CHAPTER 268. ARTICLE I. ABANDONED REAL PROPERTY

SECTION 268-1. 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, foreclosed or distressed real property located within Galloway Township, and to identify, regulate, limit and reduce the number of abandoned properties located within the Township. It is with further intent to participate in the County-wide registration program established by the Atlantic County Improvement Authority as a mechanism to protect neighborhoods from becoming blighted due to the lack of adequate maintenance and security of abandoned and foreclosed properties.

268-2. DEFINITIONS.

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

Abandoned Real Property - means any real property located in Galloway Township, whether vacant or occupied, that is in default on a mortgage, has had a lis pendens filed against it by the Lender holding a mortgage on the property, is subject to an ongoing foreclosure action by the Lender, is subject to an application for a tax deed or pending tax assessors lien sale, or has been transferred to the Lender under a deed in lieu of foreclosure. The designation of a property as "abandoned" shall remain in place until such time as the property is sold or transferred to a new owner, the foreclosure action has been dismissed, and any default on the mortgage has been cured.

Accessible Property/Structure - means a property that is accessible through a comprised/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 - means to include, but not be limited to, the Township of Galloway Zoning Code, the Galloway Township Code and the New Jersey Building Code.

Blighted Property - means:

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

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

c) Properties cited for a public nuisance pursuant to the Galloway Township Code; or

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 lacks maintenance as required by the Galloway Township Code and Zoning Codes.

Enforcement Officer - means 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 Galloway to enforce the applicable code(s).

Owner - means 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 - means a local property manager, property maintenance company or similar entity responsible for the maintenance of abandoned real property.

Vacant - means any building or structure that is not legally occupied.

SECTION 268-3. APPLICABILITY

These Sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather be an additional remedy available to Galloway Township above and beyond any other state, county or local provisions for same.

SECTION 268-4. ESTABLISHMENT OF A REGISTRY

Pursuant to the provisions of Section 268-4, the Township of Galloway shall participate in the County-wide registration program cataloging each Abandoned Property within the Municipality, containing the information required by this Article.

SECTION 268-5. REGISTRATION OF ABANDONED REAL PROPERTY

- (a) Any mortgagee who holds a mortgage on real property located within the Township of Galloway shall perform an inspection of the property to determine vacancy or occupancy, upon default by the mortgagor. The mortgagee shall, within ten (10) days of the inspection, register the property with the Galloway Township Code Enforcement Office, or designee, using the website access provided by the Township of Galloway, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.
- (b) If the property is occupied but remains in default, it shall be inspected by the mortgagee or his 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 shall, within ten (10) days of that inspection, update the property registration to a vacancy status.
- (c) Registration pursuant to this Section shall contain the name of the mortgagee and the server, the direct mailing address of the mortgagee and the server, a direct contact name and telephone number for both parties, facsimile number and e-mail address for both

parties, tax lot and block for the property, and the name and twenty-four (24) hour contact telephone number of the property management company responsible for the security and maintenance of the property.

(d) A non-refundable annual registration fee in the amount of \$300.00 per property, shall accompany the website registration.

(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 Galloway 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 or in default.

(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 ten (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 article 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 Galloway may take the necessary action

to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.

SECTION 268-6. MAINTENANCE REQUIREMENTS

(a) Properties subject to this chapter shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state or local law discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.

(b) The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.

(c) Front, side, and rear yards, including landscaping, shall be maintained in accordance with the applicable code(s) at the time registration was required.

(d) Yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.

(e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.

(f) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).

(g) Failure of the mortgagee and/or owner to properly maintain the property may result in a violation of the applicable code(s) and issuance of a citation or Notice of Violation in

accordance with Chapter 267-45 of the Galloway Township Code. Pursuant to a finding and determination by the Galloway Township enforcement official, or a court of competent jurisdiction, Galloway Township may take the necessary action to ensure compliance with this Section.

(h) In addition to the above, the property is required to be maintained in accordance with the applicable code(s).

SECTION 268-7. SECURITY REQUIREMENTS

(a) Properties subject to these Sections shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

(b) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by reglazing of the window.

(c) If a mortgage on a property is in default, and the property has become vacant or abandoned, a property manager shall be designated by the mortgagee to perform the work necessary to bring the property into compliance with the applicable code(s), and the property manager must perform regular inspections to verify compliance with the requirements of this Article, and any other applicable laws.

SECTION 268-8. PUBLIC NUISANCE.

All abandoned real property is hereby declared to be a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare and safety of the residents of Galloway Township.

SECTION 268-9. VIOLATIONS AND PENALTIES.

- A. Any person, firm or corporation which shall violate any provision of this Article shall, upon conviction thereof, be subject to a fine of not less than One Thousand Dollars (\$1,000), imprisonment for not more than Ninety (90) and/or a period of community service for not more than ninety (90) days, as determined by the Court. Each day that a violation continues shall be deemed a separate offense.
- B. In addition to the penalties set forth above, the additional remedies set forth in Section 267-46 shall also be available for a violation of this Article.

SECTION 268-10. INSPECTIONS FOR VIOLATIONS

Adherence to this Article does not relieve any person, legal entity or agent from any other obligations set forth in any applicable Galloway Township code(s), which may apply to the property. Upon sale or transfer of title to the property, the owner shall be responsible for all violations of the applicable code(s) and the owner shall be responsible for meeting with the Galloway Township Code Enforcement office within forty-five (45) days for a final courtesy inspection report.

SECTION 268-11. ADDITIONAL AUTHORITY

- (a) If the enforcement officer has reason to believe that a property subject to the provisions of this Article is posing a serious threat to the public health safety and welfare, the enforcement officer may temporarily secure the property at the expense of the mortgagee and/or owner, and may bring the violations before the Galloway Township Code Enforcement office as soon as possible to address the conditions of the property.
- (b) The Galloway Township Code Enforcement office shall have the authority to require the mortgagee and/or owner of record of any property affected by this Section, to implement additional maintenance and/or security measure including, but not limited to,

securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.

(c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety and welfare, then the Galloway Township Code Enforcement office may direct the Township to abate the violations and charge the mortgagee with the cost of the abatement.

(d) If the mortgagee does not reimburse the Township for the cost of temporarily securing the property, or of any abatement directed by the Code Enforcement office within thirty (30) days of the Township sending the mortgagee the invoice then such amount, together with an administrative fee of Five Hundred Dollars (\$500) to address the Township's administrative expenses shall be a lien against the property and recorded and collected as provided by the statutes of the State of New Jersey.

**SECTION 268-12. OPPOSING, OBSTRUCTING ENFORCEMENT OFFICER;
PENALTY.**

Any person, firm or corporation which shall oppose, obstruct or resist any enforcement officer or any person authorized by this Article in the discharge of duties as provided in this Chapter shall be subject to penalties as set forth in Section 268-9.

SECTION 268-13. IMMUNITY OF ENFORCEMENT OFFICER

Any code enforcement officer or any person authorized by the Township to enforce the Sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon real property while in the discharge of duties imposed by this Article.

BE IT FURTHER ORDAINED, that if any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

BE IT FURTHER ORDAINED, that all Ordinances or parts of Ordinances in conflict herewith, are and the same are hereby repealed.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect following adoption and approval in the time and manner prescribed by law.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced in and passed the first reading at a meeting of the Township Council of the Township of Galloway, County of Atlantic and State of New Jersey, held on February 9, 2016, and said Ordinance will be further considered for final passage and adoption at a public hearing to be held at the Municipal Complex located at 300 East Jimmie Leeds Road, Galloway, New Jersey 08205, on February 23, 2016, at 6:30 PM or as soon thereafter as the matter may be reached.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF GALLOWAY

TOWNSHIP OF GALLOWAY

Kelli Danieli
Acting Township Clerk

Recorded Vote:	MOTIONS	AYE	NAY	ABSTAIN	ABSENT
Clute					
Coppola					
DiPietro					
Gargione					
Maldonado					
Meadows					
Purdy					