

# TOWNSHIP OF MAPLE SHADE

## Ordinance 2023-11

### AN ORDINANCE AMENDING CHAPTER 51 OF THE MAPLE SHADE TOWNSHIP CODE REGARDING REQUIREMENTS FOR VACANT AND ABANDONED PROPERTIES

**WHEREAS**, the Township Council enacted Ordinance No. 2019-18 which established the vacant and abandoned property program; and

**WHEREAS**, the State has enacted N.J.S.A. 40:48-2.12s3 (P.L. 2021, Chapter 444) which revised the requirements for any municipal ordinance establishing a property registration program to identify and monitor residential and commercial properties within the municipality that are subject to a pending foreclosure action; and

**WHEREAS**, the foregoing statute additionally authorizes municipal ordinances to regulate the maintenance, security and upkeep of the exterior condition of vacant and abandoned residential and commercial foreclosure properties and to impose additional property registration fees to be paid by the creditors of such properties on an annual or semi-annual basis; and

**WHEREAS**, the Township desires to amend Chapter 51 of the Township Code, currently entitled “Abandoned Properties, Registration of Foreclosure and Vacant Properties” to establish additional requirements as set forth in N.J.S.A. 40:48-2.12s3.

**NOW THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Maple Shade as follows:

Section 1. Chapter 51 entitled “Abandoned Property, Registration of Foreclosure and Vacant Properties” is renamed “Abandoned and Vacant Properties.” Article III entitled “Registration of Foreclosure and Vacant Properties” is renamed “Registration and Maintenance of Vacant and Abandoned Properties.”

Section 2. Article III of Chapter 51, § 51-35 is amended as follows (underlined text illustrates additions, strikethrough text illustrates deletions):

§51-34 **Purpose.** To establish a registration process to identify and monitor vacant and abandoned residential and commercial properties within the Township.

§ 51-35 **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.

#### **CREDITOR**

Shall mean a mortgagee or an agent or assignee of a mortgagee, such as the servicer, who has filed a complaint in Superior Court seeking to foreclose upon a residential or commercial mortgage. If the entity seeking to foreclose upon the residential or commercial mortgage changes as a result of

# TOWNSHIP OF MAPLE SHADE

## Ordinance 2023-11

an assignment, transfer, or otherwise after the filing of the foreclosure complaint in the Superior Court, the new entity shall be deemed the creditor for the purposes of this Ordinance. For purposes of this Ordinance, a creditor shall not include the State, a political subdivision of the State, a State, county, or local government entity or their agent or assignee, such as the servicer.

### **DEFAULT**

That the mortgagor has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.

### **ENFORCING OFFICER**

Any police officer, Construction Code Official, Zoning Inspector, Code Enforcement Officer, Fire Inspector or Building Inspector or other person authorized by the Township Manager and/or state of New Jersey to enforce the applicable laws.

### **EVIDENCE OF VACANCY**

~~Any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to overgrown and/or dead vegetation; past due utility notices and/or disconnected utilities; accumulation of trash, junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers by, delivery agents or government agents; and/or the presence of boards over doors, windows or other openings in violation of applicable code.~~

### **FORECLOSURE ~~or FORECLOSURE ACTION~~**

The legal process by which a mortgagee, or other lien holder, terminates or attempts to terminate a property owner's equitable right of redemption to obtain legal and equitable title to the real property pledged as security for a debt or the real property subject to the lien. This definition shall include, but is not limited to public notice of default, a deed-in-lieu of foreclosure, sale to the mortgagee or lienholder, certificate of title and all other processes, activities and actions, by whatever name, associated with the described process. The legal process is not concluded until the property obtained by the mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a nonrelated bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

### **MORTGAGEE**

~~The creditor, including, but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests, or obligations under the mortgage agreement; or any other person or entity with the legal right to foreclose on the real property, excluding governmental entities.~~

### **OWNER**

Every person, entity, or mortgagee, who alone or severally with others, has legal or equitable title to any real property as defined by this article; has legal care, charge, or control of any such property; is in possession or control of any such property; and/or is vested with possession or control of any such property. The property manager shall not be considered the owner.

### **PROPERTY MANAGER**

Any party designated by the owner as responsible for inspecting, maintaining, and securing the

# TOWNSHIP OF MAPLE SHADE

## Ordinance 2023-11

property as required in this article.

### **PUBLIC OFFICER**

The compliance officer, or such other public officer designated or appointed by the Township Council pursuant to N.J.S.A. 40:48-2.5.

### **REAL PROPERTY**

Any residential or nonresidential land, ~~and/or~~ buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in the Township of Maple Shade. ~~limits. Condominiums are exempt from registration.~~

### **REGISTRABLE PROPERTY**

- A. ~~Any real property located in the Township, whether vacant or occupied, that is encumbered by a mortgage subject to an ongoing foreclosure action by the mortgagee or trustee, has been the subject of a foreclosure action by a mortgagee or trustee and a judgement has been entered, or has 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. The designation of a foreclosure property as "registrable" shall remain in place until such time as the property is sold to a nonrelated bona fide purchaser in an arm's length transaction or the foreclosure action has been dismissed; or~~
- B. ~~Any property that is vacant for more than 30 days or any cancellation of utility or service, whichever occurs first.~~
- C. ~~Exemption from registration: Condominiums.~~

### **REGISTRY**

~~A web-based electronic database of searchable real property records, used by the Township to allow mortgagees and owners the opportunity to register properties and pay applicable fees as required in this article.~~

### **RESPONSIBLE PARTY**

The title holder of a vacant and abandoned property or Creditor responsible for the maintenance of a property.

### **SEMIANNUAL REGISTRATION**

~~Six months from the date of the first action that requires registration, as determined by the Township, or its designee, and every subsequent six months. The date of the initial registration may be different than the date of the first action that required registration.~~

### **UTILITIES AND SERVICES**

Any utility and/or service that is essential for a building to be habitable and/or to perform a service necessary to comply with all Township codes.

### **VACANT**

Any parcel of land in the Township that contains any building or structure that is not lawfully occupied.

# TOWNSHIP OF MAPLE SHADE

## Ordinance 2023-11

### VACANT AND ABANDONED

A property shall be deemed “vacant and abandoned” for purposes of this Article III, if:

- A. The property is not legally occupied by a mortgagor or tenant, and
- B. The property cannot be legally reoccupied, because of at least two (2) of the following conditions:
  - (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 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.
  - (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) any other reasonable indicia of abandonment.”

# TOWNSHIP OF MAPLE SHADE

## Ordinance 2023-11

~~§ 51-36 **Applicability and jurisdiction**—This article applies to foreclosing, foreclosed and vacant property within the Township.~~

**§ 51-36 Establishment and Administration of Registry**

- A. Pursuant to the provisions of this article the Township, or its designee, shall establish a registry cataloging each vacant and abandoned property within the Township and all commercial and/or residential properties within its municipal boundary for which a summons and complaint in an action to foreclose has been filed with the New Jersey Superior Court, pursuant to its authority granted by P.L. 2021, c.444.
- ~~B. All foreclosure and vacant properties must be registered and pay the appropriate initial fee within 30 days of adoption of this article.~~
- C. Any third party retained to create, maintain, and/or administer the registry shall have the authority, on behalf of the Township, to:
- (1) Identify properties subject to the registration requirement;
  - (2) Maintain and update the registration list;
  - (3) Communicate with Creditors and/or in-state representatives;
  - (4) Invoice and collect payment of fees;
  - (5) Monitor compliance; and
  - (6) Such other functions, within the scope of P.L. 2021, c.444, which may be deemed necessary to carry out its function on behalf of the Township.
- D. Any third parties retained to create, maintain, and/or administer the registry shall be required to comply with the following reporting and payment requirements:
- (1) Any and all amounts collected by the third party as part of its administration of the Township's registry, including registration fees, interest, and penalties, shall be paid, in full, directly to the Township, not less than once per year, or as otherwise directed by the Township. No fees, payments, expenses, or other deductions shall be made from this payment; payment for any third party's services under this Article shall be made by the Township, directly to the third party, under the terms and conditions outlined within the contract for professional services.
  - (2) Not less than once per year on the first business day of each calendar year, or as otherwise may be requested by the Tax Collector, any third party administering the Township's registry shall file with Tax Collector a certification identifying:
    - i The address, block, lot, and contact information of any property for which registration fees under this Article are due and owing at the time of the certification;
    - ii The amount of the registration fees, and separately, any interest, fines, and other penalties due and owing at the time of the certification; and,

# TOWNSHIP OF MAPLE SHADE

## Ordinance 2023-11

iii The date on which the property became eligible for inclusion on the Township's registry.

§ 51-38 Foreclosure real property inspection and registration.

- A. ~~Within 10 days of the date any mortgagee files a foreclosure action, the mortgagee shall register the real property with the Township, and, at the time of registration, indicate whether the property is vacant, and if so shall designate in writing a New Jersey based property manager to inspect, maintain, and secure the real property subject to the mortgage under a foreclosure action. A separate registration is required for each property under a foreclosure action, regardless of whether it is occupied or vacant.~~
- B. ~~Initial registration pursuant to this section shall contain at a minimum the name of the mortgagee, the mailing address of the mortgagee, email address, telephone number and name of the New Jersey based property manager and said person's address, email address, and telephone number.~~
- C. ~~At the time of initial registration each registrant shall pay a nonrefundable semiannual registration fee of \$500 for each property. Subsequent nonrefundable semiannual renewal registrations of properties and fees in the amount of \$500 are due within 10 days of the expiration of the previous registration. Said fees shall be used to offset the costs of registration and registration enforcement, code enforcement and mitigation related to defaulted properties, post-closing counseling and foreclosure intervention limited to owner-occupied persons in default, which may not include cash and mortgage modification assistance; and for any related purposes as may be adopted in the policy set forth in this article. Said fees shall be deposited to a special account in the Township's department dedicated to the cost of implementation and enforcement of this article, and fulfilling the purpose and intent of this article. None of the funds provided for in this section shall be utilized for the legal defense of foreclosure actions.~~
- D. ~~If the mortgage and/or servicing on a registrable property is sold or transferred, the new mortgagee is subject to all the terms of this article. Within 30 days of the transfer, the new mortgagee shall register the property or update the existing registration. The previous mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that mortgagee's involvement with the registrable property.~~
- E. ~~If the mortgagee sells or transfers the registrable property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this article. Within 10 days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the mortgagee was at the time registration was required, including, but not limited to, unregistered periods during the foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that mortgagee's involvement with the foreclosed property.~~
- F. ~~If the foreclosing or foreclosed property is not registered, or the registration fee is not paid within 30 days of when the registration or renewal is required pursuant to this section, a late fee equivalent to~~

# TOWNSHIP OF MAPLE SHADE

## Ordinance 2023-11

~~10% of the semiannual registration fee shall be charged for every thirty day period, or portion thereof, the property is not registered and shall be due and payable with the registration.~~

- ~~G. This section shall also apply to properties that have been the subject of a foreclosure sale where title is transferred to the mortgagee as well as any properties transferred to the mortgagee under a deed in lieu of foreclosure or by any other legal means.~~
- ~~H. Properties subject to this section shall remain subject to the semiannual registration requirement, and the inspection, security, and maintenance standards of this section as long as the property remains registrable property.~~
- ~~I. Failure of the mortgagee and/or property owner of record to properly register or to modify the registration to reflect a change of circumstances as required by this article is a violation of this chapter and shall be subject to enforcement by any of the enforcement means available to the Township.~~
- ~~J. If any property is in violation of this chapter the Township may take the necessary action to ensure compliance with and/or place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.~~

### § 51-37 Registration, Notice, and Other Creditor Requirements for Properties Subject to Foreclosure

- A. Within 30 days of the effective date of this Ordinance, any creditor who has initiated a summons and complaint with the New Jersey Superior Court in an action to foreclose on a commercial and/or residential mortgage for a property located within the Township of Maple Shade: (i) prior to the effective date of this Ordinance, and (ii) which is pending as of the effective date of this Ordinance, shall provide notice in accordance with subsection (B) below.
- B. Within 10 days of filing a summons and complaint with the New Jersey Superior Court in an action to foreclose on a commercial and/or residential mortgage for a property located within the Township of Maple Shade, the creditor shall notify the Township Clerk, or his/her designee, of the action. Such notice shall include:
- (1) The address, block, and lot of the subject property;
  - (2) The date the summons and complaint in an action to foreclose on a mortgage was filed against the subject property, the court in which it was filed, and the docket number of the filing.
  - (3) Whether the property is vacant and abandoned in accordance with the definition of “vacant and abandoned” in § 51-35;
  - (4) The full name, address, telephone number, and email address for the representative of the creditor who is responsible for receiving notice of complaints of property maintenance and code violations;

# TOWNSHIP OF MAPLE SHADE

## Ordinance 2023-11

- (5) The full name, address, telephone number, and email address of any person or entity retained by the creditor or a representative of the creditor to be responsible for any care, maintenance, security, or upkeep of the property; and
- (6) If the creditor is out-of-State, the full name, address, and telephone number of an in-State representative or agent who shall be responsible for any care, maintenance, security, or upkeep of the property, and for receiving notice of complaints of property maintenance and code violations.
- (7) The notice requirements herein represent a continuing obligation throughout the pendency of the foreclosure action. After initial notice to the Township, creditors subject to the notice requirement shall update the Township's property registration program within 10 days of any change in the information contained in the original or any subsequent notices.

If at any time the creditor is deemed to be in violation of the above requirements, and/or if the property is deemed to be in violation of any other applicable local or state maintenance, health, or safety codes, the Code Official or his/her designee shall notify the creditor using the contact information provided in the property registry established by this Article III.

- C. Register the property with the Township property registration program as a property in foreclosure, within 30 days of notifying the Township. An annual registration fee of \$500 per property is due at time of registration. An additional \$2,000 per property annually if the property is vacant or abandoned when the summons and complaint in an action to foreclose is filed or becomes vacant and abandoned pursuant to the definition in the ordinance at any time thereafter while the property is in foreclosure.
- D. Be subject to the registration fee, notice requirements, and penalties for noncompliance established within this Article III.
- E. Within 10 days of the property becoming vacant and abandoned at any time during the pendency of the foreclosure action, the creditor shall assume responsibility for the care, maintenance, upkeep, and security of the exterior of the property in accordance with §51-39 and § 51-40 below.

### § 51-38 **Registration of vacant real property.**

- A. Any owner of vacant property (as defined by § 51-35) shall within 30 days after the property becomes vacant, register the real property with the Township property registration program. Township. An annual registration fee of \$500 per property is due at time of registration.
- B. Initial registration pursuant to this section shall contain at a minimum the name of the owner, the mailing address of the owner, email address, and telephone number of the owner, and if applicable, ~~the name and telephone number of the New Jersey based property manager and said person's address, email address, and telephone number.~~ the full name, address, and telephone number of an in-State representative or agent who shall be responsible for any care, maintenance, security, or upkeep of the property, and for receiving notice of complaints of property maintenance and code



# TOWNSHIP OF MAPLE SHADE

## Ordinance 2023-11

violations.

- ~~C. At the time of initial registration each registrant shall pay a nonrefundable semiannual registration fee of \$500 for each vacant property. Subsequent nonrefundable semiannual renewal registrations of vacant properties and fees in the amount of \$500 are due within 10 days of the expiration of the previous registration. Said fees shall be used to offset the costs of registration and registration enforcement, code enforcement and mitigation related to vacant properties, and for any related purposes as may be adopted in the policy set forth in this article. Said fees shall be deposited to a special account in the Township's Department dedicated to the cost of implementation and enforcement of this article, and fulfilling the purpose and intent of this article.~~
- D. If the property is sold or transferred, the new owner is subject to all the terms of this article. Within 10 days of the transfer, the new owner shall register the vacant property or update the existing registration. The previous owner(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that owner's involvement with the vacant property.
- ~~E. If the vacant property is not registered, or the registration fee or the semiannual registration fee is not paid within 30 days of when the registration or semiannual registration is required pursuant to this section, a late fee shall be equivalent to 10% of the semiannual registration fee shall be charged for every thirty day period, or portion thereof, the property is not registered and shall be due and payable with the registration. This section shall apply to the initial registration and registrations required by subsequent owners of the vacant property.~~
- E. Properties subject to this section shall remain subject to the semiannual registration requirement, and the inspection, security, and maintenance standards of §51-39 and § 51-40 and penalties for noncompliance as long as the property is vacant.
- G. ~~Failure of the owner to properly register or to modify the registration to reflect a change of circumstances as required by this article is a violation of this article and shall be subject to enforcement by any of the enforcement means available to the Township.~~
- ~~H. If any property is in violation of this article the Township may take the necessary action to ensure compliance with and place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.~~
- ~~I. Properties registered as a result of this section are not required to be registered again pursuant to the foreclosure mortgage property section.~~

### § 51-39 Maintenance requirements.

- A. Properties subject to this article shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper 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. At all times, all real property (land and structures) shall be maintained in accordance with Township codes including but not limited to Chapter **152**, Property Maintenance.

# TOWNSHIP OF MAPLE SHADE

## Ordinance 2023-11

### § 51-40 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 any unauthorized person to access the interior of the property or structure. Broken windows, doors, gates, and other openings of such size that may allow access to the interior of the property or structure must be repaired.
- C. ~~If a property is registrable, and the property has become vacant or blighted, a New Jersey based property manager shall be designated by the mortgagee and/or owner 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.~~
- D. In addition to the above, the property is required to be secured in accordance with the applicable code(s) of the Township.
- E. ~~When a property subject to this article becomes vacant, it shall be posted with the name and twenty-four hour contact telephone number of the New Jersey based property manager. The property manager shall be available to be contacted by the Township Monday through Friday between 9:00 a.m. and 5:00 p.m. The sign shall be placed in a window facing the street and shall be visible from the street. The posting shall be no less than 18 inches by 24 inches and shall be of a font that is legible from a distance of 45 feet. The posting shall contain the following language with supporting information:~~

~~THIS  
PROPERTY IS  
MANAGED BY.~~

~~AND IS  
INSPECTED ON  
A REGULAR  
BASIS.~~

~~THE  
PROPERTY  
MANAGER  
CAN BE  
CONTACTED.~~

~~BY  
TELEPHONE  
AT.~~

# TOWNSHIP OF MAPLE SHADE

## Ordinance 2023-11

~~OR BY EMAIL  
AT:~~

- E. Post a sign on the inside of the property, visible to the public, no smaller than 18 inches by 24 inches, containing the name, address, telephone number, and email address of the creditor, or an out-of-State creditor's in-State representative or agent, for the purpose of receiving service of process. If different than the person receiving service of process, the sign posted inside the property must also include the name, address, telephone number, and email address of the person responsible for day-to-day supervision and management of the building.
- F. The posting required in Subsection E above shall be placed on the interior of a window facing the street to the front of the property so that it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so that it is visible from the street or if no such area exists, on a stake of sufficient size to support the posting in a location that is at all times visible from the street to the front of the property but not readily accessible to vandals. Exterior posting shall be constructed of and printed with weather-resistant materials.
- G. Acquire and maintain a vacancy insurance policy which covers any damage to any person or any property caused by any physical condition of the property while registered with the Township's property registration program;
- H. Provide proof, within 10 days of receiving a request by the Township or its designee, that the above conditions have been satisfied.

### ~~§ 51-42 Enforcement; violations and penalties.~~

- ~~A.— Failure of the mortgagee and/or property owner of record to properly inspect and secure a property subject to this chapter, and post and maintain (current and correct) the signage noted in this article, is a violation and shall be subject to enforcement by any of the enforcement means available to the Township. The Township may take the necessary action to ensure compliance with this article, and recover costs and expenses in support thereof. If the mortgagee or owner does not reimburse the Township for the cost of temporarily securing the property, or of any abatement directed by the enforcing officer, within 30 days of the Township sending the mortgagee or owner the invoice then the Township may lien the property with such cost, along with an administrative fee as determined in the Township's fee ordinance to recover the administrative personnel services. In addition to filing a lien the Township may pursue financial penalties against the mortgagee or owner.~~
- ~~B.— The provisions set forth under this article shall be enforced by the Maple Shade Police Department, Code Enforcement Officer, Zoning Officer, Construction Code Official, Utility Manager, authorized agents of the Township, or other official so designated by the Township Manager. Any mortgagee and/or property owner of record committing a violation of this article shall be subject to a fine of \$500 for a first offense; \$1,000 for a second offense; and \$1,500 for a third offense; subsequent offenses are subject to the provisions of Chapter 1, Article II herein.~~

# TOWNSHIP OF MAPLE SHADE

## Ordinance 2023-11

### § 51-41. Enforcement, Violations & Penalties.

- A. The provisions set forth under this article shall be enforced by the Maple Shade Police Department, Code Enforcement Officer, Zoning Officer, Construction Code Official, Utility Manager, authorized agents of the Township, or other official so designated by the Township Manager.
- B. 20% of any money collected pursuant to this section shall be utilized by the municipality for code enforcement purposes.
- C. All fees, penalties, and/or fines established within this Article and assessable pursuant to the Township's authority outlined within P.L. 2021, c.444 shall be deemed a municipal charge in accordance with N.J.S.A. 54:5-1, et seq.
- D. Violations
- (1) An out-of-State creditor subject to the notice and registration requirements of this Article II, found to be in violation of the requirement to appoint an in-State representative or agent, shall be subject to a fine of \$2,500 for each day of the violation. The violation shall be deemed to commence on the day after the creditor's initial 10 or 30-day requirement to notify the Township of applicable foreclosure actions.
- (2) A Responsible Party subject to the notice and registration requirements of this Article found to be in violation of any part of this ordinance (except for a violation pursuant to sub-section (B)(1) above), shall be subject to a fine of not less than \$500 nor greater than \$1,500 for each day of the violation. The violation shall be deemed to commence on the 31<sup>st</sup> day following the creditor's receipt of a notice of violation, or if deemed to present an imminent threat to public health and safety, on the 11<sup>th</sup> day following the creditor's receipt of such notice.
- (3) For purposes of this section, failure to file a registration statement within thirty (30) calendar days after a building becomes vacant property or within thirty (30) calendar days after assuming ownership of a vacant property, whichever is later, or "vithin ten(10) calendar days of receipt of notice by the municipality, and failure to provide correct information on the registration statement, or failure to comply with the provisions of such provisions contained herein shall be deemed to be violations of this section
- E. Each day that a violation continues constitutes a separate and distinct offense.
- F. If the Township expends public funds in order to abate a nuisance or correct a violation on a commercial or residential property in situations in which the creditor was given notice pursuant to this Article, but failed to abate the nuisance or correct the violation as directed, the Township 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, et seq.

# TOWNSHIP OF MAPLE SHADE

## Ordinance 2023-11

Section 3. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

Section 4. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Council hereby declares its intent that the balance of the Ordinance not be affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

Section 5. The fines and penalties established within this Ordinance shall be considered cumulative, and not superseding, as a remedy available to the Township in addition to those which may also apply under any other applicable Township ordinance, or other applicable local, County, or State law or regulation.

Section 6. This Ordinance shall become effective immediately upon adoption and publication in the manner prescribed by law.

Introduction: May11, 2023

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Nunes		x	x			
Schmidt			x			
Volpe	x		x			
Wiest			x			
Kauffman			x			

### CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Maple Shade Township Council at a meeting held on June 8, 2023

---

Andrea T. McVeigh, RMC

Adopted: June 8, 2023

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Nunes	x		x			
Schmidt			x			
Volpe		x	x			
Wiest			x			
Kauffman						x

**TOWNSHIP OF MAPLE SHADE**  
**Ordinance 2023-11**