

ORDINANCE O:33-2019

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MONROE TO AMEND CHAPTER 104 ARTICLE V. ENTITLED ABANDONED REAL PROPERTY § 104-41 (E) ENTITLED REGISTRATION FEE OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED "BUILDINGS"

WHEREAS, the Township of Monroe is a municipal entity organized and existing under the laws of the State of New Jersey and located in Gloucester County; and

WHEREAS, the ongoing mortgage foreclosure crisis has serious negative implications for all communities trying to manage the consequences of property vacancies and abandoned real properties; and

WHEREAS, the Township of Monroe recognizes an increase in the number of vacancies and abandoned properties located throughout the municipality; and

WHEREAS, abandoned and vacant properties create a wide range of problems, such as fostering criminal activity, creating public health problems and otherwise diminishing the quality of life for residents and business operators in those areas; and

WHEREAS, abandoned and vacant properties diminish property values of neighboring properties and have a negative effect on the quality of life of adjacent property owners, increasing the risk of property damage through arson and vandalism, and discouraging neighborhood stability and revitalization; and

WHEREAS, the continued presence of abandoned and vacant properties, which are presumptively considered to be nuisances in view of their negative effects on nearby properties and the residents or users of those properties, in the Township of Monroe acts as a significant barrier to the Township's continued progressive development and revitalization; and

WHEREAS, the Township of Monroe is challenged to identify and locate owners or foreclosing parties who can maintain the properties that are in the foreclosure process or that have been foreclosed; and

WHEREAS, the Township of Monroe is participating in the County-wide registration program established by the County of Gloucester and administered by Community Champions Corporation through a Shared Services Agreement, which will identify a contact person to address safety and aesthetic concerns to minimize the negative impacts and blighting conditions that occur as a result of the foreclosures; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law; and

WHEREAS, on September 24, 2018 an Ordinance was approved to replace in its entirety Section I: Chapter 104, Article V "Abandoned Real Property", and

WHEREAS, on June 12, 2019 the Federal Housing Finance Agency has requested the Township make further amendments to Ordinance 29-2018, codified at Chapter 104 Article V (the

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"Registration Ordinance") Section 104-41 (E) entitled Registration Fee to amend/add language to clarify the requirements imposed on Fannie Mae and Freddie Mac.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Council of the Township of Monroe, County of Gloucester, and State of New Jersey, as follows:

Chapter 104 Article V Section 104-41(E) entitled Registration Fee be amended as follows:

§ 104-36. Statements of Findings; Purpose and intent.

- A. The Township of Monroe has experienced an increase in vacant and abandoned properties within its borders, due to a variety of reasons, including an increase in mortgage foreclosure, tax foreclosure, and lack of proper property maintenance.
- B. Vacant and abandoned properties are having a detrimental effect on the public health, safety and welfare because:
 - 1. Many structures that are vacant, whether secured or not, are a blight on their neighborhoods due to improper maintenance and their unsightly appearance, causing deterioration and instability in their neighborhoods, and resulting in an adverse impact upon adjacent and nearby properties;
 - 2. Structures that are vacant and not properly secured are dangerous and unsafe in that they are extremely vulnerable to being set on fire by unauthorized persons;
 - 3. Structures that are vacant and not properly secured attract vagrants and criminals and are prime locations to conduct illegal activities, including vandalism, theft, arson and drug use;
 - 4. Structures that are vacant and not properly secured pose dangers to inquisitive minors from unsecured pools; abandoned wells, shafts, excavations; abandoned appliances; any structurally unsound fences or structure, lumber, trash, debris; or vegetation such as poison ivy, oak, or sumac; and
 - 5. Poorly maintained yards, particularly tall grass, can attract rodents, snakes and undesirable insects such as ticks and fleas, creating unsanitary conditions for the community.
- C. The filing of a complaint in foreclosure is often a precursor to a property becoming vacant or abandoned.
- D. Communication between owners of vacant and abandoned buildings and the Township is essential for effective allocation of public resources and the maintenance of public health, welfare, and safety in regard to such structures. Curtailment and elimination of these

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blighting conditions are necessary for the protection of the public health, safety and welfare of the community.

- E. Participation in the county-wide registration program will also assist the Township in identifying properties that would be eligible for inclusion on the abandoned properties list created pursuant to Section 104-40 of the Township Code.

§ 104-37. Statutory Authority.

This Ordinance is being adopted pursuant to N.J.S.A. 40:48-2 generally, and pursuant to N.J.S.A. 40:48-2.53; N.J.S.A. 46:10B-51; N.J.S.A. 40:48-2.12a; N.J.S.A. 40:48-2.12e; N.J.S.A. 40:48-2.12f; N.J.S.A. 40:48-2.12s; N.J.S.A. 40:48-2.13; N.J.S.A. 40:48-1(4); and N.J.S.A. 40:49-5.

§ 104-38. Definitions.

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

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 not be limited to, Monroe's Zoning Code, Monroe's Code of Ordinances Monroe Code, and the New Jersey Building Code.

CREDITOR

A State chartered bank, savings bank, savings and loan association or credit union, any person required to be licensed under the provisions of the "New Jersey Residential Mortgage Lending Act," sections 1 through 39 of P.L.2009, c. 53 (C.17:11C-51 et seq.), and any entity acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers.

ENFORCEMENT OFFICER

Any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector or building inspector, or other person authorized by the Township of Monroe to enforce the applicable code(s). More than one enforcement officer may be designated by the Township of Monroe.

GRAFFITI

Any drawing, painting or marking of any mark or inscription on public or private real or personal property without the prior written permission of the owner of the property.

NOTICE TO ABATE

The notice required to be provided pursuant to Section 104-45B.

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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.

REGISTRANT

A person or legal entity who has registered or who is required to register a Registered Property pursuant to this Article.

REGISTERED PROPERTY

Any real property required to be registered pursuant to §104-41 herein.

STREET ADDRESS

The address at which the person resides or the legal entity maintains an office, which shall include a street name or rural delivery route in addition to any postal office box number which may be provided.

VACANT

Any building or structure that is not legally occupied.

§ 104-39. Applicability.

This Article 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 the Township above and beyond any other state, county or local provisions for same.

§ 104-40. Establishment of registry.

The Township shall create a registration program cataloging each Registered Property within the Township containing the information required by this article.

§ 104-41. Registration of Real Property.

A. Registration. The following real property located in the Township shall be registered annually with the Abandoned Property Administrator:

1. Residential real property in which a summons and complaint has been filed in foreclosure by a Creditor, whether or not Vacant;
2. Real property in which is non-owner occupied commercial property, and which is Vacant; and
3. Real property in which is non-owner occupied residential property, and which is:
 - (a) Vacant; or
 - (b) Occupied, but not registered as a rental property pursuant to Section 162-9.

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B. Initial Registration.

1. Property required to be registered pursuant to §104-41.A.1 shall be required to be registered by the Creditor within thirty (30) days of the service of the summons and complaint in an action to foreclose, or if a summons and complaint has already been served as of the effective date of this Ordinance and the property has not previously registered as Registered Property, registration shall occur within thirty (30) days of the effective date of this Ordinance.
2. Property required to be registered pursuant to §104-41.A.2 shall be required to be registered by the Owner within thirty (30) from the date the property becomes Vacant, or if the property is Vacant as of the effective date of this Ordinance and has not previously registered as Registered Property, registration shall occur within thirty (30) days of the effective date of this Ordinance.
3. Property required to be registered pursuant to §104-41.A.3 shall be required to be registered by the Owner as follows:
 - (a) Within thirty (30) days of the effective date of this Ordinance, if the property is occupied by a nonowner as of the effective date of this Ordinance;
 - (b) Within thirty (30) days of the date that the property becomes vacant; or
 - (c) Within thirty (30) days of the date that the property ceases to be owner-occupied.

C. Annual Registration. The registration term shall commence on the date of filing of the initial registration or the new registration and shall be valid for a calendar year, at which time it shall expire, and a new registration shall be required. Properties subject to the registration requirements shall remain under the annual registration requirement, and the security and maintenance standards of this Chapter 104, Article V as long as they meet the conditions requiring registration.

D. Contents of Registration. Registration pursuant to this Article shall be on forms which shall be provided for that purpose and which shall be obtained from the Abandoned Property Administrator, or through website registration, and shall contain the following information:

1. For Persons:

- (a) The street address, lot and block number of the registered property;
- (b) The full name and street address at which the owner resides; and
- (c) Owner's telephone number, facsimile number and e-mail address;

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2. For legal entities who are not creditors:
 - (a) The street address, lot and block number of the registered property;
 - (b) The full name and street address at which the owner maintains an office;
 - (c) Owner's telephone number, facsimile number and e-mail address; and
 - (d) The name, telephone number, facsimile number and e-mail address of an in-state representative of the legal entity who is responsible for receiving complaints of property maintenance and code violations, and/or who is responsible for the security and maintenance of the Registered Property.

3. For in-state creditors:
 - (a) the street address, lot and block number of the registered property;
 - (b) The full name and street address at which the creditor maintains an office;
 - (c) The creditor's telephone number, facsimile number and e-mail address;
 - (d) The name, telephone number, facsimile number and e-mail address of a representative of the creditor who is responsible for receiving complaints of property maintenance and code violations, and/or who is responsible for the security and maintenance of the property;
 - (e) The full name and contact information of an individual located within the state who is authorized to accept service on behalf of the creditor; and
 - (f) A statement of whether the property is vacant or not, and if not vacant, the name or names of the persons legally occupying the property.

4. For out-of-state creditors:
 - (a) The street address, lot and block number of the registered property;
 - (b) The full name and street address at which the creditor maintains an office;
 - (c) The creditor's telephone number, facsimile number and e-mail address;
 - (d) The name, telephone number, facsimile number and e-mail address of a representative of the creditor who is responsible for receiving complaints of property maintenance and code violations, and/or who is responsible for the security and maintenance of the property;

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- (e) The full name and contact information of an individual located within the state who is authorized to accept service on behalf of the creditor;
- (f) The full name and contact information of an in-state representative or agent appointed by the creditor, who shall be responsible for the care, maintenance, security, and upkeep of the exterior of the property if it becomes vacant; and
- (g) A statement of whether the property is vacant or not, and if not vacant, the name or names of the persons legally occupying the property.

E. Registration fee. At the time of the initial registration and at each annual registration, a nonrefundable registration fee in the amount of \$400 per property shall accompany the initial and each annual registration form or website registration. All registration fees must be paid directly from the registrant. Third-party registration fees are not allowed without the consent of the Abandoned Property Administrator. The registration fees paid hereunder shall be for the purposes of covering the cost of registering the properties through the county-wide registration program, as well as costs incurred for periodic inspections and administrative costs associated with ensuring compliance with the property maintenance and security requirements mandated under this article.

Notwithstanding any ordinances to the contrary, Fannie Mae, Freddie Mac and any loan servicer acting on their behalf shall be exempt from payment of any registration fee for any property registered under Chapter 104 Article V as well as from payment of any fines or penalties otherwise permitted to be assessed by Chapter 104 Article V or other ordinance that addresses vacant property. Any form used to register a property subject to Chapter 104 Article V shall provide a place for Fannie Mae, Freddie Mac or any loan servicer acting on their behalf to indicate their exempt status. Failure to indicate exempt status will not waive the right to claim exempt status but may require the registering party to re-register a property to indicate the exempt status.

F. Amended registration. If at any time the information contained in the initial registration and/or annual registration is no longer valid or has changed, the property owner shall file a new registration containing the corrected information, within ten (10) days of said change. Any person or legal entity who acquires title to a registered property that continues to meet the requirements for registration under this article shall amend the registration filed by the prior registrant within ten (10) days of the transfer of title. No registration fee shall be required for an amended registration.

§ 104-42. Maintenance requirements.

Registrants shall maintain his/her/its Registered Property as follows:

A. Registered property 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

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items that give the appearance that the property is vacant or abandoned. All registrants shall comply with the provisions of Sections 162-4 of the Township Code.

- B. Registered property shall be maintained free of graffiti 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, of registered property shall be maintained in accordance with Sections 162-4 of the Township Code, and the property maintenance standards herein. Maintenance shall include, but not be limited to cutting and mowing of required ground cover or landscape and removal of all trimmings.
- D. 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 Section 175-195 of the Township Code and any other applicable code. Pools and spas shall also be secured so as to restrict unauthorized access to them. All fences required pursuant to Section 175-146J.(9)(b)[2] of the Township Code shall be maintained in accordance with the standards set forth herein.
- E. Fences shall be maintained in state of good repair, safe and secure condition, with all braces, bolts, nails, supporting frame, fastenings and other components free from deterioration, termite infestation, rot, rust damage or loosening, and able to withstand at all times the wind pressure for which they were designed. Fences shall be maintained in sound structural condition as a whole, including post(s), and shall not lean more than 15 degrees out of vertical alignment.
- F. Snow and ice removal shall be performed in accordance with Chapter 249, Article I of the Township Code.
- G. Registered Property shall comply with all other applicable codes.

§ 104-43. Security requirements.

- A. Registered property 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. There shall be no unsecured openings in the walls. 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. All doors shall be without openings, or such openings shall be securely covered. "Locking" includes measures that require a key, keycard, tool or special knowledge to open or gain access.
- C. Particle board shall not be used as a means of securing any registered property.

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- D. Immediate action shall be taken to secure any registered property that becomes an accessible property/structure.
- E. Additional security measures must be taken immediately if signs of vandalism or unauthorized entry begin to appear. Such additional security measures must be reasonably designed to provide adequate and long-term protection against future vandalism and/or authorized access, and shall include, at minimum, weekly inspections or monitoring to alert the Registrant of future vandalism and/or unauthorized access.

§ 104-44. Public nuisance.

All Registered Property, which is not maintained as required in Section 104-42 and/or not secured as required by Section 104-43 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 the Township. In addition, the Enforcement Officer may declare any vacant and/or abandoned real property a nuisance if it meets one or more of the criteria set forth in N.J.S.A. 55:19-82.

§ 104-45. Enforcement; liens; penalties.

- A. Enforcement measures. The provisions of this article shall be enforced by the enforcement officer. The enforcement officer is hereby authorized to conduct all inspections as may be necessary to ensure compliance. Adherence to this article does not relieve any person, legal entity or agent from any other obligations set forth in any applicable code which may apply to the registered property.
- B. Notice to abate. Where any enforcement officer duly designated shall have determined that any registered property is in violation of this article, the enforcement officer shall issue a notice to abate directing the registrant to correct the violation and abate the nuisance within the time set forth in the notice to abate. The time for abatement shall not be less than 30 days from the registrant's receipt of the notice to abate, except that if the violation presents an imminent threat to public health and safety, the time for abatement shall be within ten (10) days of receipt of the registrant's receipt of the notice to abate.
- C. Service of notice. Service of the notice to abate shall be made by regular mail and certified mail, return receipt requested to the address set forth in the registration for receipt of complaints of property maintenance and code violations.
- D. Failure to comply. If the registrant fails to comply with the notice to abate within the time set forth in the notice to abate for compliance, the enforcement officer shall be permitted to enter upon said lands for the purposes of correcting the violation and abating the nuisance, take the necessary action to ensure compliance with the notice to abate and place a lien on the registered property for the cost of the work performed to benefit the registered property and bring it into compliance.
- E. Additional rights. The enforcement officer shall be entitled to take any other action authorized by law to obtain compliance with this Article III. Nothing in this article shall

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limit the rights of the enforcement officer to pursue any other action permitted in the Township Code or any other law against the registrant for failing to comply with any provision(s) of this ordinance.

- F. Failure to register. Failure of any creditor, person, owner or legal entity 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.

§ 104-46. Opposing or obstructing Enforcement Officer; penalty.

Whoever opposes, obstructs, or resists any Enforcement Officer or any person authorized by the enforcement office in the discharge of duties as provided in this article shall be punishable pursuant to N.J.S.A. 2C:29-1 upon conviction by a court of competent jurisdiction.

§ 104-47. Violations and penalties; schedule of civil penalties.

- A. Failure to register. Any person or legal entity who fails to register an registered property as required pursuant to this article, as it may be amended, and/or pay the required registration fee, upon conviction in the Municipal Court of the Township of Monroe, or such other court having jurisdiction, shall be subject to a civil penalty in an amount of \$500, plus the costs of registration, for each unregistered registered property.
- B. Failure to appoint an in-state agent. Any out-of-state creditor who shall fail to appoint an in-state representative or agent as required in Section 54-32, as it may be amended, upon conviction in the Municipal Court of the Township of Monroe, or such other court having jurisdiction, shall be subject to a civil penalty in an amount of \$2,500 per day of the violation, provided no such penalty shall commence until the day after the 30-day period provided for the initial registration.
- C. Failure to maintain/secure Property. Any registrant who shall fail to comply with a notice to abate, upon conviction in the Municipal Court of the Township of Monroe, or such other court having jurisdiction, shall be subject to a civil penalty in an amount of \$1,500 per day of the violation, provided no such penalty shall commence until the day after the time for compliance set forth in the notice to abate, except that if the violation involved an imminent risk to the public health, safety and welfare, the penalty may commence 11 days following the receipt of the notice to abate.

§ 104-48. Additional authority.

- A. Emergency abatement. If the enforcement officer has reason to believe that a registered property is posing an imminent and serious risk to the public health, safety and welfare for which immediate action is necessary to protect the public health, safety or welfare, the enforcement officer may take immediate action to temporarily address the conditions of the property and shall issue a Notice to Abate as soon as possible thereafter. The enforcement officer shall place a lien on the registered property for the costs incurred for the work performed to address the condition of the registered property.

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B. Additional security measures. If the enforcement officer has reason to believe that there is evidence of unauthorized entry despite the fact that the registrant has taken measures to secure the registered property, the enforcement officer shall have the authority to require the registrant to implement additional security measures to prevent such access, including, but not limited to, securing any and all doors, windows or other openings with a different material than what was used by the registrant, employing an on-site security guard or other measures as may be reasonably required to help prevent unauthorized access. Notice of the need to take additional measures shall be given by way of a notice to abate issued pursuant to Section 54-36.B.

§ 104-48.1. Immunity of enforcement officer.

The enforcement officer 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, pursuant to the New Jersey Tort Claims Act, and any other applicable law providing for immunity.

Article VI. Emergency Measures

§ 104-49. Temporary safeguards.

The Code Enforcement Officer, Zoning Officer, Construction Code Enforcement Officer or their designees, not limited to the Property Maintenance Inspector, the Chief of Police or Fire Chief, and the Emergency Management Coordinator, shall order the necessary work to be completed, including the boarding up of openings or any other necessary measures, to render such structure or premises temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Code Enforcement Officer or the Property Maintenance Inspector deems necessary to resolve an emergency situation.

§ 104-49.1. Emergency repairs.

For the purposes of this section, the Code Enforcement Officer, Zoning Officer, Construction Code Enforcement Officer or their designees, not limited to the Property Maintenance Inspector, the Chief of Police or Fire Chief and the Emergency Management Coordinator, shall employ the necessary labor and materials to perform the required work as expeditiously as possible. The emergency repairs under this chapter shall only be undertaken if there is eminent danger to the inhabitants of the Township.

§ 104-49.2. Costs of emergency repairs.

The costs of the emergency repairs shall be billed to and paid by the owner of the premises. If the property owner or mortgagee does not reimburse the municipality for the costs of temporarily securing the property, or of any abatement directed by the Code Enforcement Officer, Zoning Officer, Construction Code Enforcement Officer or their designees, not limited to the Property Maintenance Inspector, the Chief of Police or Fire Chief, within 30 calendar days of the municipality sending the responsible party the notice of the costs of services by certified and regular mail to their legal address as set forth on the tax records of the municipality, then the Solicitor on behalf of the Township of Monroe shall institute appropriate action against the owner or mortgagee of the premises where the unsafe structure is or was located for the recovery of the costs incurred in the performance of the emergency work as well as a lien being placed on the property with such costs

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along with an administrative fee of \$250 to recover the administrative personnel services. The implementation of this section will be handled by a Township Official and/or Administrator appointed on an annual basis by the Mayor with the advice and consent of Township Council.

§ 104-49.3. Hearings.

Any person ordered to take emergency measures shall comply with such order immediately. Any affected person who desires a hearing shall thereafter, upon petition directed to the Gloucester County Construction Board of Appeals, be afforded a hearing before the Appeals Board as described in this Code.

§ 104-50. Violations and penalties.

A. Unlawful acts.

- (1) It shall be unlawful for any person, firm or corporation to create or maintain a public nuisance as defined within, or to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, let to another or occupy or permit another person to occupy any structure or equipment regulated by this Code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this Code, or to fail to obey a lawful order of the Property Maintenance Inspector, the Chief of Police or Fire Chief or any official designated in this article or to remove or deface a placard or notice posted under the provisions of this Code.

B. Penalties.

- (1) Any person, entity, firm, corporation or group cited for a violation of a provision of this Code:
 - (a) May be subject to a fine of up to \$1,000 for each occurrence. Each day of a continuing violation constitutes a separate offense.

C. Liens.

- (1) Upon notice to the property owner and/or mortgagee for failure to pay the costs, penalties and/or complete any specific remediation as directed by a representative of the Township of Monroe may result in a lien being placed against the property or other legal action as deemed appropriate by Township.

§ 104- 50.1 Prosecution.

In case of any unlawful acts the Code Enforcement Officer, Zoning Officer, Construction Code Enforcement Officer or their designees, not limited to the Property Maintenance Inspector, shall institute an appropriate action or proceeding at law to exact the penalty provided in § 104-54 **51**. The Code Enforcement Officer, Zoning Officer, Construction Code Enforcement Officer or their designees, not limited to the Property Maintenance Inspector, shall request the Township's Solicitor to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person:

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- A. To restrain, correct or remediate the violation or refrain from any further execution of work;
- B. To restrain or correct the erection, installation, maintenance, repair or alteration of such structure;
- C. To require the immediate work to be commenced to remediate the violation; or
- D. To prevent the occupancy of the structure that is not in compliance with the provisions of this Code and the New Jersey Uniform Construction Code (N.J.A.C. 5:23 et seq.)

§ 104- 51 Judicial process.

Any person who has been issued a notice of violation under § 104- 53 of this Code and fails to comply with the notice of violation may be issued a complaint by charging a violation of this Code. The complaint shall be filed with the Municipal Court. The Code Enforcement Officer, Zoning Officer, Construction Code Enforcement Officer or their designees, not limited to the Property Maintenance Inspector, shall file a complaint with the Municipal Court of Monroe Township or any other court of competent jurisdiction.

§ 104- 51.1 Concurrent actions.

The Municipal Court summons may be issued concurrently with the administrative process described in § 104- 50.1 of this Chapter.

§ 104-52 Powers and duties.

Duties and powers of the Code Enforcement Officer, Zoning Officer, Construction Code Enforcement Officer or their designees, not limited to the Property Maintenance Inspector, the Chief of Police and Fire Chief, and the Emergency Management Coordinator are as described below.

§ 104-52.1 General.

The Code Enforcement Officer, Zoning Officer, Construction Code Enforcement Officer or their designees, not limited to the Property Maintenance Inspector, the Chief of Police and Fire Chief, and the Emergency Management Coordinator shall enforce all of the provisions of this Code. The Code Enforcement Officer, Zoning Officer, Construction Code Enforcement Officer or their designees, not limited to the Property Maintenance Inspector, the Chief of Police and Fire Chief, shall consult with the Animal Control Official and/or County Health Official and/or other individuals, if necessary, to enforce the provisions of this Code outside the jurisdiction of this Code as well as the Tax Collector, Township Business Administrator and Township Solicitor regarding any liens imposed.

§ 104- 52.2 Notices and orders.

The Code Enforcement Officer, Zoning Officer, Construction Code Enforcement Officer or their designees, not limited to the Property Maintenance Inspector, the Chief of Police and Fire Chief, and the Emergency Management Coordinator shall issue all necessary notices or orders to ensure compliance with this Code.

§ 104- 52.3 Appointment.

The Code Enforcement Officer, Zoning Officer, Construction Code Enforcement Officer or their designees, not limited to the Property Maintenance Inspector, the Chief of Police and Fire Chief, and

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the Emergency Management Coordinator shall be appointed by resolution of the Township Council as directed by the Mayor annually, as to who may enforce ordinance.

§ 104- 52.4 Right of entry.

Prior to entering into a space not otherwise open to the general public, the Code Enforcement Officer, Zoning Officer, Construction Code Enforcement Officer or their designees, not limited to the Property Maintenance Inspector, the Chief of Police and Fire Chief, and the Emergency Management Coordinator, shall make a reasonable effort to locate the owner or other person having charge or control of the structure or premises, present proper identification and request entry. The Code Enforcement Officer, Zoning Officer, Construction Code Enforcement Officer or their designees, not limited to the Property Maintenance Inspector, the Chief of Police and Fire Chief, and the Emergency Management Coordinator are authorized, with permission, to enter the structure or premises at reasonable times to inspect. If requested entry is refused or not obtained, the Code Enforcement Officer, Zoning Officer, Construction Code Enforcement Officer or their designees, not limited to the Property Maintenance Inspector, the Chief of Police and Fire Chief, and the Emergency Management Coordinator shall pursue any legal remedies as provided by law.

§ 104-52.5 Access by owner or operator.

Every occupant of a structure or premises shall give the owner or operator thereof, or its agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this Code.

§ 104- 52.6 Identification.

The Code Enforcement Officer, Zoning Officer, Construction Code Enforcement Officer or their designees, not limited to the Property Maintenance Inspector, the Chief of Police and Fire Chief, and the Emergency Management Coordinator shall carry proper Township identification when inspecting structures or premises in the performance of duties under this Code.

§ 104- 52.7 Conflicts of interest.

An official, inspector, deputy or employee connected with the enforcement of this Code shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer, inspector, deputy or employee engage in any work that conflicts with official duties or with the interests of the department; nor shall such officer, inspector, deputy or employee use their position for financial, professional or personal gain.

§ 104-52.8 Relief from personal responsibility.

The Code Enforcement Officer, Zoning Officer, Construction Code Enforcement Officer or their designees, not limited to the Property Maintenance Inspector, the Chief of Police and Fire Chief, and the Emergency Management Coordinator or employee charged with the enforcement of this Code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against an officer or

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employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Code shall be defended by the legal representative of the Township until the final termination of the proceedings. The Code Enforcement Officer, Zoning Officer, Construction Code Enforcement Officer or their designees, not limited to the Property Maintenance Inspector, the Chief of Police and Fire Chief, and the Emergency Management Coordinator or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this Code; and any officer of the Department of Building Inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith. The official shall be afforded all the rights and protections afforded under Title 59 of the New Jersey Statute.

§ 104- 52.9 Official records.

An official record shall be kept of all business and activities of the department specified in the provisions of this Code. All such records are subject to public review as directed pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

§ 104-52.10 Emergency contracts.

Any contract may be negotiated or awarded for a contracting unit without public advertising for bids and bidding therefor, notwithstanding that the contract price will exceed the bid threshold, when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; provided that the awarding of such contracts is made in the following manner:

- A. The official in charge of the agency wherein the emergency occurred, or such other officer or employee as may be authorized to act in place of that official, shall notify the Business Administrator or a designated representative of the governing body, as may be appropriate to the form of government, of the need for the performance of a contract, the nature of the emergency, the time of its occurrence and the need for invoking this section. If that person is satisfied that an emergency exists, that person shall be authorized to award a contract or contracts for such purposes as may be necessary to respond to an emergency identified by the officials noted in this article. Such notification shall be reduced to writing and filed with the purchasing agent as soon as practicable.
- B. Upon the furnishing of such goods or services, in accordance with the terms of the contract, the contractor furnishing such goods or services shall be entitled to be paid therefor and the contracting unit shall be obligated for said payment. The governing body of the contracting unit shall take such action as shall be required to provide for the payment of the contract price.
- C. The Director of the Division of Local Government Services in the Department of Community Affairs shall prescribe rules and procedures to implement the requirements of this section.
- D. The governing body of the contracting unit may prescribe additional rules and procedures to implement the requirements of this section, including but not limited to appointing a Township Official or Administrator to oversee the files and billing procedure and document recording.

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- E. Emergency labor cost fee table can be found in Chapter 74, Fees.
- F. The Mayor shall approve up to six certified contractors annually for emergency service work with the consent of Township Council by resolution on a yearly basis. Said contractors must have Township approval to operate their business, as well as state licensing. They need to be insured, bonded and available 24 hours per day. They must be staffed to accommodate all aspects of the emergency work listed in Subsection G below. Any emergency work outside of the standard work list in Subsection G shall need the Manager's approval prior to the commencement of work. The approved contractors' company will be placed alphabetically on the list and the emergency work to be performed by the contractors shall be on a rotating basis. If necessary, there shall also be a separate list for landscapers to perform emergency services under this chapter. All contractors approved for said list must meet the qualifications as required under Subsection D.
- G. Standard emergency work:
- (1) Lawn maintenance:
 - (a) Initial grass cuts.
 - (b) Initial grass cuts should be performed on lots up to 15,000 square feet. If lot size is greater than 15,000 square feet, initial full lot and subsequent cuts and initial perimeter cuts should be submitted simultaneously. Grass cuts must be submitted for the entire season. Perimeter is defined as 100 by 150 or 15,000 square feet.
 - (2) Incidental debris removal is included as part of the allowable grass cut as well as edging, minimal leaf removal and clearing of all grass cut clippings. The yard and its surroundings should be in compliance upon completion of the yard maintenance.
 - (3) Tree and shrub trimming should be approved upon submission of a proposal, an outline of the work and the description of the emergency and cost to perform the work before being approved by the Township Manager.
 - (4) Grass cut schedule will be from April 1 to October 31 of each calendar year, unless condition requires further action.
 - (5) Winterization:
 - (a) All properties should be winterized between October 1 and March 31 of each calendar year. Properties should be winterized only once per year. The property may be re-winterized only if the initial winterization is deemed to be no longer effective. Emergency services include shutting water supply off, complete draining of all plumbing and heating systems.
 - (6) Emergency repairs:

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- (a) The most important element to defining an emergency is that an immediate response is necessary to prevent damage or lessen the loss of property. Gradual and progressive deterioration does not qualify as emergency. Emergency repairs shall be completed due to public safety, health and welfare determined by the designated officials of Monroe Township.

(7) Personal property:

- (a) The servicer may remove personal property when a public safety, health and welfare issue is deemed necessary by the designated officials. This includes house cleanouts left on the property or at the curb, vehicles, boats, recreational vehicles, and trailers, motorcycles, building materials, clothing, furniture, lawn and garden equipment. The disposal of the work is to be taken to the landfill at the contractors' expense and a receipt and photos of the same shall be attached to the invoice submitted to the Township for reimbursement. Prior to the removal of any personal property, all efforts shall be made to contact the last occupant or owner of the property.

(8) Roof repair:

- (a) When an active leak is discovered at a property, appropriate measures should be taken to preserve the property by stopping the leak; this does not include roof replacement, and flat roofs shall not be tarped.

(9) Tarping and patchwork:

- (a) This type of repair may only be utilized when necessary.

(10) Boarding:

- (a) Properties shall be boarded up when a public safety, health and welfare issue is confirmed by the designated official deems necessary. Properties will be boarded per the Property Maintenance Code and photos shall accompany the invoice along with a detailed description of the work done per cost.

(11) Lock changes and securing:

- (a) Servicers are required to secure rear or secondary doors on vacant and abandoned properties, including main dwelling and outbuildings.

(12) Health and safety:

- (a) Refrigerator/freezer. This article allows for the cleaning including the removal of all perishables from both the refrigerator and freezer sections and a wipe down of the appliance's interior and exterior.

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(13) Toilet/bathroom:

- (a) This article allows for the cleaning and/or replacement when fecal matter is present. The allowable costs include toilet brush, wiping down exterior and winterizing if in season.

(14) Gas/water:

- (a) Bare wires and uncapped or open gas/water lines are required to be capped regardless of utility status.

(15) Fuel removal:

- (a) This article allows for the removal of gas can(s), propane tank(s), grill(s), lawn equipment and any other piece of equipment that contains combustible products.

(16) Swimming pool:

- (a) Servicers are required to drain, secure and tarp or board where required when the pool is found to be a public safety, health or welfare concern. Allowable costs include, draining, securing, locking gates and repairing gate and fence panels that surround the pool/hot tub. Securing is defined by securing all gates, Fences, locks and making sure they are intact, secured and a minimum of four feet high or per the UCC code.

(17) Demolition:

- (a) If a property is deemed to be structurally unsound, court proceedings may or may not be taken into consideration in order for the servicer to demolish said building depending on the nature of the emergency. Prior to any demolition, a full description of the emergency shall be provided in writing to the Township Official and Township Business Administrator with a proposal and photos for approval to demolish. Prior to the demolition of a structure that has been deemed unsafe, the Township shall adhere to all notice requirements to provide to the owner/mortgagees as required by law.

SECTION II: All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

SECTION III: If the provisions of any section, subsection, paragraphs, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

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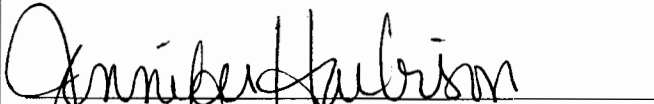
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SECTION IV: This Ordinance shall take effect twenty (20) days after final passage and publication as required by law.

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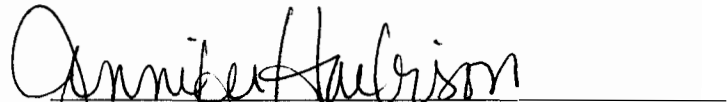

CNCL. PRES. RONALD T. GARBOWSKI

ATTEST:


**TWP. CLERK, AILEEN CHISELKO, RMC
or DEPUTY CLERK, JENNIFER HARBISON**

CERTIFICATION OF CLERK

The foregoing Ordinance was introduced at a meeting of the Township Council of the Township of Monroe held on the 22nd day of July 2019, 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 the 26th day of August 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**

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ROLL CALL VOTE

1st Reading

	AYES	NAYS	ABSTAIN	ABSENT
Cncl. Dilks				✓
Cncl. Falcone	✓			
Cncl. Marino	✓			✓
Cncl. Miller				✓
Cncl. O'Reilly	✓			
Cncl. Wolfe	✓			
Pres. Cncl. Garbowski	✓			
Tally:	5			2

2nd Reading

	AYES	NAYS	ABSTAIN	ABSENT
Cncl. Dilks				✓
Cncl. Falcone	✓			
Cncl. Marino	✓			
Cncl. Miller	✓			
Cncl. O'Reilly	✓			
Cncl. Wolfe	✓			
Pres. Cncl. Garbowski	✓			
Tally:	6			1

The foregoing ordinance was hereby approved by the Mayor of the Township of Monroe on this 28 day of August, 2019.


MAYOR RICHARD DiLUCIA

Courier-Post, Cherry Hill

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Courier-Post, Cherry Hill

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Notice Publish Date:

Saturday, August 31, 2019

Notice Content

PUBLIC NOTICE ORDINANCE O:32-2019 AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MONROE TO AMEND CHAPTER 74 OF THE CODE OF THE TOWNSHIP OF MONROE, ENTITLED "FEES" Notice is hereby given that the Township Council of the Township of Monroe adopted the above titled Ordinance at a final hearing held on August 26, 2019. Aileen Chiselko, Township Clerk PUBLIC NOTICE ORDINANCE O:33-2019 AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MONROE TO AMEND CHAPTER 104 ARTICLE V. ENTITLED ABANDONED REAL PROPERTY SECTION 104-41 (E) ENTITLED REGISTRATION FEE OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED "BUILDINGS" Notice is hereby given that the Township Council of the Township of Monroe adopted the above titled Ordinance at a final hearing held on August 26, 2019. Aileen Chiselko, Township Clerk (\$29.36)

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