

**TOWNSHIP OF MANSFIELD  
BURLINGTON COUNTY**

**ORDINANCE 2019-9**

**AN ORDINANCE TO AMEND ORDINANCE 2018-11 OF THE CODE OF THE  
TOWNSHIP OF MANSFIELD**

**WHEREAS**, on August 15, 2018, the Township Committee of the Township of Mansfield adopted Ordinance 2018-11, that established procedures for addressing abandoned and vacant properties within the Township of Mansfield; and

**WHEREAS**, the Township Committee then recognized that abandoned properties create a wide range of problems for local communities, foster crime, present public health concerns, and otherwise diminish the quality of life for residents and business operators; and

**WHEREAS**, vacant businesses and homes often sit empty for months or years, frequently in violation of multiple aspects of state and local building, sanitary, and nuisance codes; and

**WHEREAS**, code enforcement is often difficult because the property owners are commonly banks, financial institutions, or out of state real estate ventures who are difficult to reach and have little or no connection with the municipality; and

**WHEREAS**, in addition to the powers already adopted in Ordinance 2018-11, N.J.S.A. 40:48-2.12s authorizes higher fines for out-of-State owners who do not appoint and register an in-state property maintenance agent or who otherwise fail to maintain the upkeep and security of the property.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey as follows:

**ARTICLE I. AMENDED SECTIONS.**

- A. Section 13 of Ordinance 2018-11 entitled "Violations/Penalty" is hereby amended as follows [newly added material is indicated by underlined text; deletions are indicated with ~~striketrough~~]:

§13. Violations/Penalty

(1) Pursuant to N.J.S.A. 40:48-2.12s, if the Public Officer determines that a creditor, who has filed a summons and complaint in an action for foreclosure, has violated this ordinance by failing to provide for the care, maintenance, security, or upkeep of the exterior of the property, the Public Officer shall issue a notice requiring the person or entity responsible to correct the violation within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety. The issuance of a notice

pursuant to this paragraph shall constitute proof that the property is vacant and abandoned for the purposes of the New Jersey Foreclosure Fairness Act, N.J.S.A. 2A:50-73.

(2) An out-of-State creditor subject to this ordinance that is found by any court of competent jurisdiction to be in violation of the requirement to appoint an in-State representative or agent pursuant to this chapter shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed for failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in the N.J.S.A. 10B-51(a)(1).

(3) An out-of-State creditor subject to this ordinance that is found by any court of competent jurisdiction to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to this chapter shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence 31 days following receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

(4) No less than twenty 20% of any money collected pursuant to subsections (2) and (3) of this section shall be utilized by the municipality for code enforcement purposes.

(5) Any person who violates any provisions of this section not addressed by subsections (2) and (3) of this section, or the rules and regulations issued hereunder shall be fined not less than \$100.00 and not more than \$1,250.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this section shall be recoverable from the owner and shall be a lien on the property.

~~(6) 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 within 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 article.~~

(6) Any fine(s) or cost(s) associated with cleaning up the property that remains uncollected or unpaid shall, by Resolution of the Township Committee, become a lien upon the property, which lien shall hereafter form part of the taxes next to be assessed and levied upon said lands, the same to bear interest at the same rate as taxes to be collected and enforced by the same officers and in the same manner as taxes.

## **ARTICLE II. REPEALER, SEVERABILITY AND EFFECTIVE DATE.**

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. 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 Committee hereby declares its intent that the balance of the

Ordinance not 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.

- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

**CERTIFICATION**

**I, LINDA SEMUS, RMC, CMR**, Municipal Clerk of the Township of Mansfield, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of an Ordinance which was introduced by the Mansfield Township Committee, County of Burlington, State of New Jersey at their regular meeting held on April 17, 2019 at 6:00 PM at the Municipal Complex, with a Second Reading, public hearing and final adoption scheduled for May 2, 2019 at 6:00 PM.

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**LINDA SEMUS, RMC, CMR**  
**Municipal Clerk**

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