



The Borough of Butler adopted Ordinance No. 2016-15, entitled Chapter 181 *Registration and Maintenance of Vacant and Abandoned Residential Properties in Foreclosure*, on June 26, 2016. The purpose of this ordinance is to regulate the care, maintenance, security and upkeep of the exterior of vacant and abandoned residential properties for which a creditor has filed an action to foreclose and to establish a mechanism to identify and track vacant and abandoned properties in the Borough and to establish standards for the maintenance. The full text of the ordinance can be found on the Borough's website, www.butlerborough.com.

Enclosed is an *Application for the Registration of Vacant and Abandoned Properties*, which must be completed and submitted to the Borough within ten calendar days of receipt of notice. The initial annual fee is \$500, prorated.

Also enclosed you will find the sections of the Borough's Property Maintenance Ordinance Chapter 180-10 indicating maintenance issues that must be addressed by the Creditor.

The implementation of this ordinance is beneficial to both the Borough and the Creditor. Thank you for your cooperation and prompt attention.

Borough of Butler

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Borough of Butler

Chapter 180

REFUSE or RUBBISH — All discarded, useless, unusable, unused or worthless solid waste matter or materials, combustible or noncombustible, including, but not limited to, garbage; trash; ashes; paper, paper goods and products; wrappings; cans; bottles; containers; yard clippings; garden refuse; brush and containers of waste materials, chemicals or oil other than garbage containers used and intended to be picked up in the normal weekly scavenger collection service; debris; junk; glass; boxes, crockery; wood; mineral matter; plastic; rubber; leather; furniture; household goods; appliances; fixtures; bedding; scrap lumber; scrap metal, construction material, inoperable machinery or parts thereof; dead or rotting vegetation, excluding compost piles which are not otherwise prohibited in this chapter; abandoned, inoperative, unused or unusable automobiles and vehicles, or parts or components of automobiles, motor vehicles, motorcycles or vehicles of any kind; and solid commercial or industrial waste.

§ 180-10. Unlawful conditions. The exterior of all premises shall be kept free of the following matter, materials or conditions:

- A. Refuse, as hereinabove defined.
- B. Rubbish, as hereinabove defined.
- C. Abandoned, uncovered or structurally unsound wells, shafts, towers, exterior cellar openings, basement hatchways, foundations or excavations.
- D. Abandoned iceboxes, refrigerators, heaters, television sets and other similar major appliances.
- E. Structurally unsafe or unsound buildings, structures or fences or parts thereof.
- F. Rodents, vermin, pest infestation and rodent harborages.
- G. Animal excrement piles or manure piles within 100 feet of a property line.
- H. Buried refuse or rubbish.
- I. Stagnant surface or ground water accumulations which create or are likely to create mosquito or other insect breeding areas.
- J. Nuisances, as hereinabove defined.
- K. Vehicles, or parts thereof, including construction equipment, boats or trailers, motorized or not, licensed or unlicensed, registered or unregistered, which vehicles or parts thereof are or have been junked, abandoned, dismantled or are in a state of visible disrepair for a period of more than two weeks. This subsection shall take effect only where the conditions described herein are visible from surrounding or adjoining properties. No part of this subsection, however, shall be applicable to properties upon which the business of an automobile body shop or automobile dealership is conducted.
- L. Dangerously loose and overhanging objects, including, but not limited to, dead trees or tree limbs, accumulations of ice or any object, natural or man-made, which could threaten the health and safety of a person if caused to fall, or other similar dangerously loose and overhanging objects, which, by reason of their location above ground level, constitute an actual hazard to persons or vehicles in the vicinity thereof.
- M. Inadequate or unsafe foundations, walls, piers and columns and other similar structurally unsound, damaged or defective load-bearing components which are incapable of bearing imposed loads safely at all points.
- N. Structurally unsound, loose, dangerous, crumbling, missing, broken, rotten or unsafe exterior portions of buildings or structures, including, but not limited to, porches; landings; balconies; stairways; handrails; steps; walls; overhangs; roofs; fences; supporting members; timbers; abutments; fire escapes; signs; loose, crumbling or falling bricks, stones, mortar or plaster.
- O. Exterior surfaces or parts of buildings or structures containing sharp, rough or projecting surfaces or objects which might cause injury to persons coming in contact therewith.
- P. Broken glass or windows; rotten, missing or substantially destroyed window frames and sashes; door frames; exterior component parts of buildings or structures.
- Q. Weeds, brush, stumps, roots which are obnoxious, noxious or detrimental to public health and safety. This includes, but is not limited to, poison ivy, poison oak, poison sumac and ragweed growth. This shall also include dead and dying trees and limbs or other natural growth, including compost heaps or piles which, by reason of rotting or deteriorating conditions, create obnoxious odors or blighting and unsightly factors for adjoining properties of the Borough of Butler. Under no circumstances are compost heaps or piles permitted within 25 feet from any property line. The provisions of this subsection shall not apply to farm land, pasture land, grazing land, natural or unlandscaped areas and undeveloped tracts.
- R. Garbage or trash dumpsters shall not be maintained in the front yard unless permitted by site plan approval from the Planning Board or Board of Adjustment or municipal approval for temporary construction or renovation purposes.
- S. In all zone districts and upon all properties used for residential purposes in whole or in part, parking spaces shall be on paved or gravel driveways, constructed and installed and located pursuant to the provisions of the Zoning Ordinance and other applicable codes, rules and regulations of the Borough of Butler. Parking of motor vehicles on front lawns, yards or landscaped front yards is prohibited, except for the purpose of temporary emergency or necessity not to exceed a period of 24 hours.
- T. The exterior of all premises, the exterior of structures and condition of accessory structures, including fences and walls of any type, shall be kept structurally sound, in good repair and free from defect, and shall be maintained so that the appearance of the premises and structures shall not constitute a blighting factor for adjoining properties or the Borough of Butler, such as, but not limited to, structural collapse, excessive peeling paint, graffiti, rotting or decay.
- U. Properties with landscaping, lawns, hedges and bushes shall be kept from becoming overgrown and unsightly where exposed to public view, and from becoming a blighting factor for adjoining properties of the Borough of Butler.
- V. General maintenance. The exterior of every structure or accessory structure, including signs and fences, shall be maintained in good repair. The same shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other conditions reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated and adjoining properties and the Borough of Butler be protected from blighting influences.

Borough of Butler

One Ace Road, Butler, New Jersey 07405

973-838-7200 x224

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REGISTRATION OF VACANT AND ABANDONED PROPERTIES

Block: _____ Lot: _____

Street Address:

Initial Registration

Renewal

Amended

REGISTRATION OF VACANT AND ABANDONED PRPERTIES

Creditor

Name: _____

Address: _____

City, State, Zip: _____

Contact Person: _____ Title: _____

Phone: _____ Email: _____

Authorized Agent

A person twenty-one years or older designated by the Creditor as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such Creditor in connection with the enforcement of any applicable code. §181-2C

Name: _____

Address: _____

City, State, Zip: _____

Cell Phone: _____ Office Phone: _____

Maintenance Firm

The Firm and the actual name(s) of the Firm's individual principal(s) responsible for maintaining the Abandoned and Vacant Property shall be available by telephone or in person on a twenty-four-hour per day, seven-day per week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of NJ or reside within NJ. §181-2D

Name of Firm: _____

Address: _____ City, State, Zip: _____

Phone: _____ Email: _____

Representative: _____ Phone: _____ Office or Resides in New Jersey

Representative: _____ Phone: _____ Office or Resides in New Jersey

Representative: _____ Phone: _____ Office or Resides in New Jersey

§ 181-2E. The registration shall be valid for one year from the date of registration except for the initial registration which shall be valid through December 31st of the year in which it was filed. The Creditor shall be required to renew the registration annually as long as the building remains Vacant and Abandoned and shall pay a registration or renewal fee.

§ 181-3. The initial registration fee for each Vacant and Abandoned property shall be \$500. The fee for the first annual renewal shall be \$1,500 and the fee for the second annual renewal shall be \$3,000. The fee for any subsequent annual renewal beyond the second renewal shall be \$5,000.

Person Completing this Form: _____ Signature: _____ Date: _____

Borough of Butler Ordinance No. 2016-16
Chapter 181

§181-1. Definitions.

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 Act," P.L. 2009, c.53 (C.17:11C-51 et seq.), any foreclosing entity subject to the provisions of C.46:10B-51 (P.L. 2008, c.127, Sec. 17, as amended from time to time) and any entity acting on behalf of the Creditor named in the debt obligation including, but not limited to, servicers.

VACANT AND ABANDONED RESIDENTIAL PROPERTY - consistent with Section 1 of P.L. 2010, c.70 (C.2A:50-73), residential real estate, where a notice of violation has been issued to Paragraph e. 1 of the Section and subsection b. of section 1 of P.L. 2014, c.35 (C.40:48-2.12s). Residential property shall further be deemed Vacant and Abandoned where a mortgaged property is not occupied by a mortgagor or tenant and at least two of the following conditions exist:

- (a) overgrown or neglected vegetation;
- (b) The accumulation of newspapers, circulars, flyers or mail on the property.
- (c) Disconnected gas, electric, or water utility services to the property;
- (d) The accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- (e) The accumulation of junk, litter, trash or debris on the property;
- (f) The absence of window treatments such as blinds, curtains or shutters;
- (g) The absence of furnishings and personal items;
- (h) Statements of neighbors, association management, delivery persons, or government employees indicating that the residence is vacant and abandoned.
- (i) Windows or entrances to the property that are boarded up or closed off or multiple window panes that are damaged, broken and unrepaired;
- (j) Doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- (k) A risk to the health, safety or welfare of the public, or any other adjoining or adjacent property owners, exists due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
- (l) An uncorrected violation of a municipal building, housing, or similar code during the proceeding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
- (m) 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;
- (n) A written statement issued by any mortgagor expressing the clear intent of all mortgagors to abandoned the property;
- (o) Any other reasonable indicia of abandonment.

§181-2. Registration for Vacant and Abandonment Properties.

- A. A Creditor filing a summons and complaint in an action to foreclose on a Vacant and Abandoned Property, or a Creditor who has previously filed a summons and complaint to foreclose on a residential property which subsequently becomes Vacant and Abandoned, shall within thirty (30) calendar days after the building becomes Vacant and Abandoned or within thirty (30) calendar days after assuming ownership of the Vacant and Abandoned property, whichever is later; or within ten (10) calendar days of receipt of notice from the Borough, and annually thereafter, file a registration statement for such Vacant and Abandoned property with the municipal clerk on forms provided by the Borough for such purposes. Any failure to receive notice from the Borough shall not constitute grounds for failing to register the Vacant and Abandoned property.
- B. Each Vacant and Abandoned property having a separate block and lot number as designated in the official tax maps of the Borough shall be registered separately.
- C. See other side.
- D. See other side.
- E. See other side.
- F. The annual renewal shall be completed by January 1 each year. The initial registration fee shall be prorated for registration statements received less than ten (10) months prior to that date.
- G. The Creditor shall notify the municipal clerk within thirty (30) calendar days of any change in the registration information by filing an amended registration statement on a form provided by the municipal clerk for such purposes.

H. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough against the Creditor.

§181-3. Fee Schedule.

The initial registration fee for each Vacant and Abandoned property under the provisions of the Section shall be five hundred (\$500) dollars. The fee for the first annual renewal shall be one thousand, five hundred (\$1,500) dollars and the fee for the second annual renewals shall be three thousand (\$3,00) dollars. The fee for any subsequent annual renewal beyond the second renewal shall be five thousand (\$5,000) dollars.

§181-4. Creditor Responsibility for Vacant and Abandonment Properties.

- A. A Creditor filing a summons and complaint in an action foreclose on a residential property within the Borough shall be immediately responsible for the care, maintenance, security and upkeep of the exterior of the property, after the property becomes Vacant and Abandoned as defined in this Section.
- B. Where a Creditor is located out-of-state, the Creditor shall be responsible for appointing an in-State representative or agent to act on the Creditor's behalf for the purpose of satisfying the requirements of this Section. Notice of said representative or agent shall be provided to the Municipal Clerk.

§181-5. Notice.

- A. Enforcement officers as designated by the Borough Administrator shall be authorized to issue a notice to a Creditor that has filed a summons and complaint in an action to foreclose on a residential property within the Borough, if the enforcement officer determines that the Creditor has violated this Section by failing to provide for the care, maintenance, security, and upkeep of the exterior of a Vacant and Abandoned property.
Where a Creditor is an out-of-State Creditor, the notice shall be issued to the representative or agent that has been identified by the Creditor pursuant to Section 181-4.
- B. The notice shall required the Creditor to correct the violation(s) within thirty (30) days of receipt of the notice if the violation presents an imminent threat to public health and safety.
- C. The issuance of a notice pursuant to this Section shall constitute proof that a residential property is Vacant and Abandoned for the purposes of this Section,

§181-6. Violations and Penalties.

- A. A Creditor subject to this Chapter that is found by the municipal court of the Borough, or bay any other 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 Section shall be subject to a fine of one thousand, five hundred (\$1,500) dollars for each day of the violation. Any fines imposed pursuant to this paragraph shall commence thirty-one (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 eleven (11) days following receipt of the notice.
- B. An out-of-state Creditor subject to this Section that is found by the municipal court of the Borough, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent pursuant to this Section shall be subject to a fine of two thousand, five hundred (\$2,500) for each day of the violation. Any fines imposed on a Creditor for the failure to appoint an in-State representative or agent shall commence on the day after the ten (10) days period set forth in paragraph (1) of subsection a. of section 17 of P.L. 2008, c. 127 (C.46:10B-51) for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served.
- C. A Creditor subject to the Section that is found by the municipal court of the Borough, or by any other court of competent jurisdiction, to be in violation of the requirement to register a Vacant and Abandoned property pursuant to this chapter shall be subject to a fine not to exceed two thousand (\$2,000) dollars. Any fines imposed on a Creditor under this paragraph shall commence eleven (11) days following receipt of notice form the Borough.