

**ORDINANCE**  
**TOWNSHIP OF FRANKLIN**  
**ORDINANCE AMENDING CHAPTER 295 – PROPERTY MAINTENANCE**

**O-37-14**

**WHEREAS**, the Township Committee of the Township of Franklin seeks to amend the Township Code, specifically Chapter 295 Property Maintenance, to comply with the legislative amendments effective August 15, 2014 to N.J.S.A. 46:10B-51 “Municipal clerk to be notified of service and complaint in an action to foreclose on mortgage; contents of notice; forwarding a copy of notice to other local officials; nuisance or violation of law”; and

**NOW THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey, that the codified Ordinance of the Township of Franklin shall be amended to state as follows in Chapter 295 Property Maintenance:

§ 295-1. Purpose.

A. It is the purpose of this chapter to protect the public health, safety and welfare by establishing minimum standards for the maintenance of properties within the Township of Franklin.

B. This chapter is hereby declared to be remedial and essential for the public interest, and it is intended that this chapter be liberally construed to effectuate the purpose stated herein.

§ 295-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**BUILDING**

A structure having a roof supported by columns or walls with proper footing/foundation with no more than one open side.

**BULKY WASTE**

All waste material including but not necessarily limited to major appliances, motor vehicle parts, tires, tree stumps, demolition materials, refuse and debris excepting garbage or recyclable trash at curbside for trash collection in compliance with the rules and regulation for trash collection.

**JUNK VEHICLE**

Any motorized or unmotorized vehicle, airplane, boat, vehicle trailer or trailer coach without a currently valid license plate or plates, insurance, registration and inspection and is either inoperative, rusted, dismantled, wrecked or in a condition whereby repairs to place said vehicle in an operative condition would be economically unsound or other condition that the public officer determines that it warrants such classification.

**LOT**

A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to effectuate the purpose of this chapter where applicable shall include the undeveloped area of a street right-of-way which is adjacent to the lot.

**OBNOXIOUS DEBRIS**

Including but not necessarily limited to bulky waste, junk vehicles, as defined in this chapter, and material and equipment and other such conditions that the public officer determines that it warrants such classification.

## **OBNOXIOUS GROWTH**

Including but not necessarily limited to tall, uncultivated grass and weeds and other such conditions the public officer determines that it warrants such classification.

## **PUBLIC OFFICER**

The officer(s) who shall enforce the provisions of this chapter shall be the Township of Franklin Zoning Officer and police officers or any other person designated by resolution of the Township Committee.

## **TRAILER COACH**

A vehicle used or so constructed as to permit its being used as a licensed conveyance upon the public streets or highways and constructed in such a manner as will permit its occupancy as a dwelling unit. This term shall also include campers and mobile homes.

## **UNREGISTERED VEHICLE**

Any motorized or unmotorized vehicle, airplane, boat, vehicle trailer, trailer coach subject to registration laws without a currently valid license plate or plates, insurance, registration and inspection that is not in a condition of a junk vehicle.

## **VACANT/ABANDONED PROPERTY**

*Vacant property* shall mean any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation, including but not limited to any property meeting the definition of abandoned property in N.J.S.A. 55:19-80 et seq.; provided, however, that any property where all building systems are in working order, where the building and grounds are maintained in good order, or where the building is in habitable condition, and where the building is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property for purposes of this section.

§ 295-3. Obnoxious growths prohibited.

It shall be unlawful for any owner or owners, occupant or occupants of any developed lot or lots or any lot or lots approved for development and/or under construction within the Township of Franklin to allow any brush, tall uncultivated grass, weeds or other obnoxious growths or impediment to grow thereon or to allow dead or dying trees which if left in the natural state will prevent free or uninterrupted passage and said growth or decay is likely to become a public health, safety or fire hazard or has an adverse effect or impairment of visual or aesthetic scenes or vistas or is a nuisance, annoyance or interference with the overall enjoyment or general well-being of the public.

§ 295-4. Obnoxious debris prohibited.

It shall be unlawful for any owner or owners, occupant or occupants of any lot or lots within the Township of Franklin to allow, store or keep the accumulation of filth, garbage, trash, debris, junk vehicles or bulky waste which will prevent free or uninterrupted passage or become a public health, safety, fire hazard thereon or which is an adverse effect or impairment of visual or aesthetic scenes or vistas or is a nuisance or annoyance or interference With the overall enjoyment or general well-being of the public.

§ 295-5. Unregistered vehicles; registered vehicles; exceptions.

A. It shall be unlawful for any owner or owners, occupant or occupants of any lot within the Township of Franklin to keep or store more than one unregistered vehicle that is outside of an enclosed building and also no unregistered vehicle shall be used for storage or stored on vacant land. Also, any such area whereby any unregistered vehicle is kept or stored shall be located in the rear yard, and such area shall be properly screened from adjacent property owners and the general public in order to eliminate or reduce an adverse effect or impairment of visual or

aesthetic scenes or vistas and to prevent such area from becoming a nuisance or annoyance or interference with the enjoyment or general well-being of any resident of this municipality.

B. Registered vehicle trailers and coaches stored on a property are strictly prohibited unless Township Council has approved the same by way of temporary permit for limited duration set forth in a Resolution. This section shall not apply to vehicle trailers and coaches registered to the property owner and temporarily parked or stored on the property.

C. This section shall not apply to unregistered vehicles and equipment incidental to a permitted use and utilized as part of normal business operations, whereby the same may not be required to be registered to accomplish the purpose they serve.

#### § 295-6. Special permit.

A. The spirit and intent of this section is that permit(s) may be issued only if the public interest is not jeopardized and only if the issuance of said permit will not substantially impair the intent and purpose of this chapter. Therefore, it is hereby recognized that specific circumstances, including but not necessarily limited to antique car hobbist and vehicle temporarily out-of-service, may allow the public officer upon application for the same to waive the one unregistered vehicle limit set forth in § 295-5A; however, under no circumstances shall more than four unregistered vehicles be permitted outside of an enclosed building. Also, this section shall only apply to passenger automobiles, motorcycles and trucks no greater than 3/4 ton gross vehicle weight, whereas trailer coaches and all other unregistered vehicles are strictly prohibited.

B. The applicant shall apply in writing to the public officer for an annual permit to maintain unregistered vehicles as per this section and pay an annual fee of \$10 (nonrefundable before the 31st day of January each year.)

C. Furthermore, the public officer is hereby authorized to approve a special permit subject to reasonable conditions which may be necessary in order to mitigate adverse effects of the same.

D. Appeals to the Board of Adjustment may be taken by any interested party affected by any decision of the public officer based on or made in the enforcement of this section. The fees and procedures for a hardship/bulk variance shall apply.

E. The public officer shall make an investigation of the application for a special permit and shall take the following into consideration:

(1) The location of the premises and its character and relationship to the surrounding neighborhood.

(2) The lot area, street frontage, lot depth and other physical characteristics of the premises.

(3) The location on the premises where the vehicles will be kept and their relationship to adjacent dwellings, structures and open spaces.

(4) Any other information that may be deemed reasonable and necessary in order to carry out the spirit and intent of this chapter.

#### § 295-7. Violations and penalties.

Any owner or owners, occupant or occupants of any premises neglecting to remove any brush, tall uncultivated grass, weeds, dead or dying trees or other obnoxious growth, filth, garbage, trash or other obnoxious debris or junk vehicles, bulky waste, unregistered vehicles, vehicle-trailers or trailer coaches from said lands and premises in the Township of Franklin within 10 days after being notified to remove the same by or through the public officer shall, upon conviction before the Franklin Township Municipal Court, be subject to a fine in the sum of not more than \$100 for each first offense and not more than \$200 for each subsequent offense. Each day following such ten-day notice shall constitute a new and separate offense hereunder.

#### § 295-8. Noncompliance to be a lien on lands and premises; costs.

A. Upon the failure of any owner or owners, occupant or occupants of any premises to remove brush, tall uncultivated grass, weeds, dead or dying trees or other obnoxious growth, filth, garbage, trash or other obnoxious debris, junk vehicles, bulky waste, unregistered vehicles, vehicle trailers or trailer coaches within 10 days after notification, the public officer shall cause the same to be removed; and the cost thereof shall be certified to the officer or officers whose duty it is to assess and levy the taxes of the Township of Franklin and shall thereupon be charged against said lands and premises and become and be a first and paramount lien upon said lands and premises and shall be added to and become and form a part of the taxes assessed against said lands and premises and shall be collected with and in the same manner as the taxes next to be

assessed and levied upon said lands and premises, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.

B. The following costs to be charged and collected against said lands and premises for noncompliance with this chapter shall be as follows:

(1) The actual costs paid for by or on behalf of the Township of Franklin for the cleanup of said property; or

(2) In the event that the Township of Franklin Public Work employees perform any property maintenance, an amount equal to a minimum charge of \$500 plus \$500 per ton thereafter and \$100 per hour per employee plus \$100 per hour per piece of equipment for the time spent performing said property maintenance.

#### § 295-9. Imposition and collection of fine; remedy cumulative.

The imposition and collection of the fine imposed by this chapter shall not bar the right of the Township of Franklin to collect the cost of removal in the manner as required in this chapter, and the remedy shall be cumulative.

#### § 295-10 Maintenance of Vacant/Abandoned Property.

The owner of any building that has become vacant property, and any person maintaining or operating or collecting rent for any such building that has become vacant shall, within thirty (30) days thereof:

A. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Township Code, or as set forth in the rules and regulations supplementing those Codes; and

B. Post a sign affixed to the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process, and the person responsible for the day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than eight (8") inches by ten (10") inches; and

C. Secure the building from unauthorized entry and maintain the sign until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete; and

D. Ensure that the exterior grounds of the structure, including yards, fences, sidewalks, walkways, right-of-ways, alleys, retaining walls, attached or unattached accessory structures and driveways, are well-maintained and free from trash, debris, loose litter, and grass and weed growth; and

E. Continue to maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition, and ensure that the sign is visible and intact until the building is again

F. Any person who violates any provision of this section or of the rules and regulations issued hereunder shall be subject to the provisions of §§295-7, 295-8 and 295-9.

#### § 295-10. Foreclosure Property

##### A. Notice of Foreclosure

1. A creditor serving a summons and complaint in an action to foreclose on a mortgage on residential property in the Township of Franklin shall, within 10 days of serving the summons and complaint, notify the Township Clerk that a summons and complaint in an action to foreclose on a mortgage has been filed against the subject property. The notice shall contain the name and contact information for the representative of the creditor who is responsible for receiving complaints of property maintenance and code violations, may contain information about more than one property, and shall be provided by mail. In the event the creditor that has served a summons and complaint in an action to foreclose on a residential property is located out-of-State, the notice shall also contain the full name and contact information of an in-State representative or agent who shall be responsible for the care, maintenance, security, and upkeep of the exterior of the property if it becomes vacant and abandoned. In the event that the property being foreclosed on is an affordable unit pursuant to the "Fair Housing Act," P.L.1985, c. 222

(C.52:27D-301 et al.), then the creditor shall identify that the property is subject to the “Fair Housing Act.” The notice shall also include the street address, lot and block number of the property, and the full name and contact information of an individual located within the State who is authorized to accept service on behalf of the creditor. The notice shall be provided to the Township Clerk within 10 days of service of a summons and complaint in an action to foreclose on a mortgage against the subject property.

2. Within 30 days following the effective date of P.L.2009, c. 296 (C.2A:50-69 et al.), any creditor that has initiated a foreclosure proceeding on any residential property in the Township of Franklin which is pending in Superior Court shall provide to the Township Clerk a listing of all residential properties in the Township for which the creditor has foreclosure actions pending by street address and lot and block number.

B. Maintenance of Vacant/Abandoned Property

1. If the owner of a residential property vacates or abandons any property on which a foreclosure proceeding has been initiated or if a residential property becomes vacant at any point subsequent to the creditor's filing the summons and complaint in an action to foreclose on a mortgage against the subject property, but prior to vesting of title in the creditor or any other third party, and the exterior of the property is found to be a nuisance or in violation of any applicable State or local code, the Township Clerk or public officer shall notify the creditor or the representative or agent of an out-of-State creditor, as applicable, which shall have the responsibility to abate the nuisance or correct the violation in the same manner and to the same extent as the title owner of the property, to such standard or specification as required by §295-10. The Township shall include a description of the conditions that gave rise to the violation with the notice of violation and shall provide a period of not less than 30 days from the creditor's receipt of the notice for the creditor to remedy the violation. If the creditor fails to remedy the violation within that time period, the Township may impose penalties pursuant to §295-7.

C. Failure to Abate Nuisance or Correct Violation

If the Township expends public funds in order to abate a nuisance or correct a violation on a residential property in situations in which the creditor was given notice pursuant to the provisions of subsection B. of this section 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 pursuant to §295-8.

**BE IT FURTHER ORDAINED**, that if any section, sentence, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of the competent jurisdiction, such holdings shall not effect or impair any other section, sentence, clause, provision or portion of this Ordinance.

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect immediately upon its final passage, adoption and publication provided by law.

The foregoing ordinance was introduced on first reading at a meeting of the Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey, held on October 14 , 2014 and will be read and considered for final passage at a meeting to be held by the Franklin Township Committee at the Municipal Building, 1571 Delsea Drive, Franklinville, New Jersey 08322 at 7:00 p.m. on, November 12, 2014 at which time and place any and all interested persons will be given an opportunity to be heard.

Attest:

Township of Franklin

\_\_\_\_\_  
Barbara Freijomil, Clerk

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Edward Leopardi, Mayor

Notice is hereby given that the foregoing Ordinance O-37-14 was finally adopted at a meeting of the Franklin Township Committee held on the November 12, 2014 at 7:00 in the Township of Franklin Municipal Building, 1571 Delsea Drive, Franklinville, NJ.

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BARBARA FREIJOMIL, CLERK

	Yes	No	Abstain	Absent
Mr. Genna				
Mr. Deegan				
Mrs. Neely				
Mr. Gonzalez				
Mayor Leopardi				