

VACANT AND ABANDONED PROPERTY ORDINANCE CODIFIED

ORDINANCE NO. 14-36 (9/8/14)
ORDINANCE NO. 14-47 (11/24/14)
ORDINANCE NO. 15-19 (5/11/15)
ORDINANCE NO. 15-26 (6/22/15)
ORDINANCE NO. 15-43 (10/8/15)
ORDINANCE 16-40 (12/12/16)
ORDINANCE 18-17 (6/11/18)

AN ORDINANCE AMEND VOLUME I, CHAPTER XII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING SECTION 12-5 ENTITLED "VACANT AND ABANDONED PROPERTIES"

BE IT ORDAINED by the Township Committee of the Township of Neptune that Volume I, Chapter XII of Code of the Township of Neptune be and is hereby amended to add Section 12-5 entitled "VACANT AND ABANDONED PROPERTIES" as follows:

12-5 – VACANT AND ABANDONED PROPERTIES

12-5.1 – Findings, declaration relative to abandoned properties.

- A) The Township Committee finds and declares that:
- 1) Abandoned properties, particularly those located within urban areas or in close proximity to occupied residences and businesses, create a wide range of problems for the communities in which they are located, fostering criminal activity, creating public health problems and otherwise diminishing the quality of life for residents and business operators in those areas.
 - 2) Abandoned properties diminish the 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.
 - 3) For these reasons, abandoned properties are presumptively considered to be nuisances, in view of their negative effects on nearby properties and the residents or users of those properties.
 - 4) The continued presence of abandoned properties in New Jersey's communities acts as a significant barrier to urban revitalization and to the regeneration of the State's urban centers.
 - 5) Abandonment is a local problem that must be addressed locally and the most important role of State government is to provide local governments, local community organizations, citizens, and residents with the tools to address the problem.

- 6) The responsibility of a property owner and in some cases the lienholder to maintain a property in sound condition and prevent it from becoming a nuisance to others extends to properties which are not in use and 'demolition by neglect', leading to the deterioration and loss of the property, or failure by an owner and in some cases the lienholder to comply with legitimate orders to demolish, stabilize or otherwise repair his or her or its property creates a presumption that the owner and in some cases the lienholder has abandoned the property.
- 7) Many abandoned buildings still have potential value for residential and other uses and such buildings should be preserved rather than demolished wherever feasible, particularly buildings that have historic or architectural value, or contribute to maintaining the character of neighborhoods or streetscapes, or both, as the case may be.

12-5.2 – Definitions relative to abandoned property, actions concerning repair, closing or demolition, and relating to this ordinance.

- A) As used herein;
- 1) "Abandoned property" means any property that is determined to be abandoned pursuant to this Ordinance;
 - 2) "Building" shall mean any building, or structure, or part thereof, whether used for human habitation or otherwise, and includes any outhouses, and appurtenances belonging thereto or usually enjoyed therewith.
 - 3) "Department" means the New Jersey Department of Community Affairs.
 - 4) "Lienholder" or "mortgage holder" means any person or entity holding a note, mortgage or other interest secured by the building or any part thereof.
 - 5) "Municipality" means the Township of Neptune.
 - 6) "Owner" means the holder or holders of title to a vacant and/or abandoned property. (Amended by Ordinance No. 16-40)
 - 7) "Parties in interest" shall mean all individuals, associations and corporations who have interests of record in building and any who are in actual possession thereof.
 - 8) "Property" means any building or structure and the land appurtenant thereto.
 - 9) "Public Authority" shall mean any housing authority or any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulations, or to other activities concerning buildings in the municipality.
 - 10) "Public Officer" shall mean the officer, officers, board or body who is or are authorized by Ordinances adopted hereunder to exercise the powers prescribed by such Ordinances and by this Ordinance. In this case, the

person so designated by Neptune Township pursuant to this Ordinance shall be the Director of Code and Construction or his or her designee. Notwithstanding any other provision of the law to the contrary, nothing shall prevent the municipality from designating more than one public officer for different purposes as provided by law. Wherever "Director of Code and Construction" is cited in this Ordinance, it will be with the understanding that it is the "Director of Code and Construction or his or her designee," unless State or Federal Law limits due to licensing or other means the action of a "Director of Code and Construction." (amended by Ordinance No. 18-17)

- 11) "The Township Committee of Neptune Township" shall mean the committee, or other legislative body, charged with governing a municipality.
- 12) "Vacant Property" shall mean any building to be used as a residence or for commercial or industrial purposes, which is not legally occupied or used for its accustomed and ordinary purpose for a period of six months or more. In the case of the use of residential property, "used for its accustomed and ordinary purpose" means as a place of abode. (Black's Law Dictionary) Property which is used for the summer season (seasonal basis) as defined below, shall not be deemed vacant for purposes of this Ordinance. Property determined to be "abandoned" under this Ordinance must be determined to be "vacant" for purposes of this Ordinance. The date that the Public Officer reports as the date he or she determines vacancy shall be the commencement date for the six month vacancy period. (This definition was added by Ordinance No. 15-26 and amended by Ordinance No. 16-40)
- 13) "Summer Season" shall mean for purpose of this Ordinance, May 15th through September 15th of each year. (Added by Ordinance 16-40)

12-5.3 – Determination that property is abandoned.

- A) Except as otherwise provided in this Ordinance, any property that has not been legally occupied for a period of 6 months or more and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the Public Officer that:
 - 1) The property is in need of rehabilitation in the reasonable judgment of the Public Officer, and no rehabilitation has taken place during that 6-month period;
 - 2) Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least 6 months as of the date of a determination by the Public Officer pursuant to this section;
 - 3) At least one installment of property tax remains unpaid and delinquent on that property in accordance with chapter 4 of Title 54 of the Revised Statutes as of the date of determination by the Public Officer pursuant to this section; or

- 4) The property has been determined to be a nuisance by the Public Officer in accordance with local Ordinances and State Statute.

12-5.4 – Determination of property as a nuisance.

- A) A property may be determined to be a nuisance if;
 - 1) The property has been found to be unfit for human habitation, occupancy or use pursuant to State Statute and/or local Ordinance;
 - 2) The condition and vacancy of the property materially increases the risk of fire to the property and adjacent properties;
 - 3) The property is subject to unauthorized entry leading to potential health and safety hazards; the owner and in some cases the lienholder has failed to take reasonable and necessary measures to secure the property; or the municipality has secured the property in order to prevent such hazards after the owner and in some cases the lienholder has failed to so do;
 - 4) The presence of vermin or the accumulation of debris, uncut vegetation or physical deterioration of the structure or grounds have created potential health and safety hazards and the owner has failed to take reasonable and necessary measures to remove the hazards; or;
 - 5) The dilapidated appearance or other condition of the property materially affects the welfare, including the economic welfare, of the residents of the area in close proximity to the property, and the owner has failed to take reasonable and necessary measures to remedy the conditions.
 - 6) A Public Officer who determines a property to be nuisance pursuant to Subsections 2 through 5 of this section shall follow the notification procedures set forth in P.L. 1942, c.112 (C.40:48-2-3 et seq.).

12-5.5 – Property not deemed abandoned, conditions.

- A) If an entity other than the municipality has purchased or taken assignment from the municipality of a tax sale certificate on an unoccupied property, that property shall not be deemed to be abandoned if (1) the owner of the certificate has continued to pay all municipal taxes and liens on the property in the tax year when due; (2) the owner of the certificate takes action to initiate foreclosure proceedings within 6 months after the property is eligible for foreclosure and (3) the Public Officer has determined that the property is not a nuisance pursuant to Ordinance or that in the discretion of the Public Officer, the owner of the certificate has acted in good faith to repair and/or rehabilitate the property by its actions and through applications where necessary before this Historic Preservation Commission, Planning Board and/or Zoning Board of Adjustment and/or Zoning Department.
 - 1) A property which is used on a seasonal basis shall be deemed to be abandoned only if the property meets any two of the additional criteria set forth in this Ordinance. (Section 12-5.3(A)1-4).

- 2) A determination that a property is abandoned property under the provisions of this Ordinance shall not constitute a finding that the use of the property has been abandoned for purposes of municipal zoning or land use regulation.

12-5.6 – Action concerning repair, closing or demolition - Identification of abandoned property, listing.

- A) This Ordinance hereby appoints the Director of Code and Construction as the Public Officer and directs the Public Officer to identify abandoned property for the purpose of establishing an abandoned property list throughout the municipality, or within those parts of the municipality as the governing body may designate by resolution. Each item of abandoned property so identified shall include the tax block and lot number, the name of the owner of record, if known, and the street address of the lot.
- B) The Public Officer shall establish and maintain a list of abandoned property, to be known as the “abandoned property list.” The municipality may add properties to the abandoned property list at any time, and may delete properties at any time when the Public Officer finds that the property no longer meets the definition of an abandoned property. An interested party may request that a property be included on the abandoned property list following that procedure set forth by this Ordinance and/or Statute N.J.S.A. 55:19-105. An abandoned property shall not be included on the abandoned property list if rehabilitation is being performed in a timely manner, as evidenced by building permits issued and diligent pursuit of rehabilitation work authorized by those permits. A property on which an entity other than the municipality has purchased or taken assignment from the municipality of a tax sale certificate which has been placed on the abandoned property list may be removed in accordance with the provisions of this Ordinance or N.J.S.A. 55:19-103.
- C) The Public Officer, within 10 days of the establishment of the abandoned property list, or any additions thereto, shall send a notice, by certified mail, return receipt requested, and by regular mail, to the owner of records and all lienholders of every property included on the list shall cause the list to be published in the official newspaper of the municipality, which publication shall constitute public notice. The published and mailed notices shall identify property determined to be abandoned setting forth the owner of record, if known, the tax lot and block number and street address. The Public Officer, in consultation with the tax collector, shall also send out a notice by regular mail to any mortgagee, servicing organization or property tax processing organization that received a duplicate copy of the tax bill pursuant to subsection d. of R.S. 54:4-64. When the owner of record and/or lienholder is not known for a particular property and cannot be ascertained by the exercise of reasonable diligence by the tax collector, notice shall not be mailed but instead shall be posted on the property in the manner as provided in Section 5 of P.L.1942, c.112 (C.40:48-2-7). The mailed notice shall indicate the factual basis for the Public Officer’s finding that the property is abandoned property as that term is defined in Section 35 of P.L.1996, c.62 (C.55:19-54) and the rules and regulations promulgated thereunder, specifying the information relied upon in making such finding. In all cases a copy of the

mailed or opposed notice shall also be filed by the Public Officer in the office of the county clerk or register of deeds and mortgages, as the case may be, of the county wherein the property is situate. This filing shall have the same force and effect as a Notice of Lis Pendens under N.J.S.A. 2A:15-6. The notice shall be indexed by the name of the property owner and lienholders as defendants and the name of the municipality as plaintiff, as though an action had been commenced by the municipality against the owner and/or lienholder.

- D) An owner or lienholder may challenge the inclusion of his property on the abandoned property list determined pursuant of subsection B of this section by appealing that determination to the Public Officer within 30 days of the owner's receipt of the certified notice or 40 days from the date upon which the notice was sent. An owner whose identity was not know to the Public Officer shall have 40 days from the date upon which notice was published or posted, whichever is later, to challenge the inclusion of a property on the abandoned property list. For good cause shown, the Public Officer shall accept a late filing of an appeal. Within 30 days of receipt of a request for an appeal of the findings contained in the notice pursuant to Subsection C of this section, the Public Officer shall schedule a hearing for redetermination of the matter. Any property included on the list shall be presumed to be abandoned property unless the owner and/or lienholder, through the submission of an affidavit or certification by the property owner and/or lienholder averring that the property is not abandoned and stating the reasons for such averment, can demonstrate that the property was erroneously included on the list. The affidavit or certification shall be accompanied by supporting documentation, such as but not limited to photographs, repair invoices, bills and construction contracts. The sole ground for appeal shall be the property in question is not abandoned property as that term is defined by this Ordinance and/or State Statute. The Public Officer shall decide any timely filed appeal within 10 days of the hearing on the appeal and shall promptly, by certified mail, return receipt requested, and by regular mail, notify the property owner of the decision and the reasons therefore.
- E) The property owner and in some cases the lienholder may challenge an adverse determination of an appeal with the Public Officer pursuant to subsection D of this section, by instituting, in accordance with the New Jersey Court Rules, a summary proceeding in the Superior Court, Law Division, sitting in the county in which the property is located, which action shall be tried de novo. Such action shall be instituted within 20 days of the date of the notice of decision mailed by the Public Officer pursuant to Subsection D of this section. The sole ground for appeal shall be that the property in question is not abandoned property as that term is defined by this Ordinance and/or State Statute. The failure to institute an action of appeal on a timely basis shall constitute a jurisdictional bar to challenging the adverse determination, except that, for good cause shown, the court may extend the deadline for instituting the action.
- F) The Public Officer shall promptly remove any property from the abandoned property list that has been determined not to be abandoned on appeal.
- G) The abandoned property list shall become effective, and the municipality shall have the right to pursue any legal remedy with respect to properties on the abandoned property list at such time as any one property has been placed on the

list in accordance with the provisions of this section, upon the expiration of the period for appeal with respect to that property or upon the denial of an appeal brought by the property owner.

12-5.7 – Removal from abandoned property list; conditions.

- A) If a property, which an entity other than the municipality has purchased or taken assignment from the municipality of a taxes sale certificate, is placed on the abandoned property list, the property shall be removed from the list if the owner of the certificate pays all municipal taxes and liens due on the property within 30 days after the property is placed on the list; provided, however, that if the owner of the certificate fails to initiate foreclosure proceedings within 6 months after the property was first placed on the list, the property shall be restored to the abandoned property list.

12-5.8 – Requirements of owners and in some cases lienholders of vacant property.

- A) The owner and in some cases the lienholder of any building that has become vacant property, and any person maintaining, operating or collecting rent for any such building that has become vacant, shall, within 30 days:
- 1) Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Municipal Code and per the direction of the Public Officer. (amended by Ordinance 16-40)
 - 2) 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 day-to-day supervision and management of the building, if such person is different from the owner holding title or the 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 18 inches by 24 inches.
 - 3) 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.
 - 4) Ensure that the vacant property is inspected on a monthly basis by the owners authorized and prepare inspection reports, which shall be forwarded to the Public Officer not later than the end of each month. (amended by Ordinance 16-40)
 - 5) Ensure that the property is maintained in accordance with the property maintenance regulations of the Township, including but not limited to that of the interior and exterior of all structures, including yards, fences, sidewalks, walkways, right-of-way, alleys, retaining walls, swimming pools, attached or unattached accessory structures and driveways are well maintained and free from trash, debris, loose litter, grass and weed overgrowth.

- 6) The owner or agent and in some cases the lienholder of any vacant property shall acquire and otherwise maintain liability insurance, in an amount of not less than \$300,000.00 for the building, designed primarily for residential use and not less than \$1,000,000.00 for any other building, including but not limited to buildings designed for manufacturing, industrial, storage or commercial uses, covering any damage to any person or any property caused by the physical condition of or in the building or property subject to the provisions of this Article. Any insurance policy acquired or renewed after the building has become vacant shall provide for a written notice to the Township of Neptune's Public Officer within 30 days of any lapse, cancellation or change in coverage. The owner, or in some cases the lienholder, shall attach evidence of the insurance to the owner's registration statement. Any registration statement submitted that does not include such evidence shall be deemed to be an invalid registration. (amended by Ordinance 16-40)

B) Registration required; period of validity; general regulations

- 1) The owner of any vacant property, as defined herein, shall, within thirty (30) days after the building becomes vacant property as defined in Section 12-5.2(A)(12), or within thirty (30) days after assuming ownership of the vacant property, whichever is later, file a Registration Statement for each such vacant property with the Public Officer on forms provided by the Township for such purposes. The registration shall remain valid until the designated renewal date, which shall be January 2nd of each year. The owner shall be required to renew the registration January 2nd of each year, as long as the building remains vacant property, and shall pay a Registration Fee or Renewal Fee in the amount prescribed herein for each vacant property registered.
- 2) Any owner of any building who meets the definition of "vacant property" prior to the effective date of this article shall file a Registration Statement for that property within thirty (30) days of the date of this adopted Article. The Registration Statement shall include the information required in this Article, as well as any additional information that the Public Officer may reasonably require.
- 3) The owner shall notify the Public Officer within thirty (30) days of any change in the registration information by filing an Amended Registration Statement on a form provided by the Public Officer for such purposes.
- 4) 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 Township against the owner or owners of the property.

C) Registration Requirements, Property Inspection

- 1) After filing a Registration Statement or a renewal of a Registration Statement, the owner of any vacant property shall provide access to the Township to conduct an exterior and interior inspection of the building to determine compliance with the Municipal Code, following reasonable notice, during the period covered by the initial registration or any subsequent renewal.

- 2) The Registration Statement shall include the name, street address and telephone number of a natural person, 21 years of age or over, designated by the owner or owners 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 owner or owners in connection with the enforcement of any applicable code. This person must maintain an office in the State of New Jersey or reside within the State of New Jersey. The Registration Statement shall also include the name of the person responsible for maintaining and securing the property, if different. The Registration Statement shall also include the name, street address and telephone number of the owner(s) of the subject property as the necessary contact person should there be a problem in reaching the owner(s)' authorized agent.
- 3) An owner who is a natural person or who meets the requirements of this Article as to location of residence or office may designate himself or herself as agent.
- 4) By designating an authorized agent under the provisions of this section, the owner consents to receive any and all notices of Code Violations concerning the registered, vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until both the owner notifies the Public Officer of a change of authorized agent, or until the owner files a new annual Registration Statement. The designation of an authorized agent in no way releases the owner from any requirement of this article.

D) Lienholders

- 1) All lienholders who have filed and served a Foreclosure Summons and Complaint arising from vacant property needs to comply with all the registration requirements of this section in addition to the property owners as an additional requirement to that already set forth under Section 12-5.11.

E) Registration Fees

- 1) The initial Registration Fee for each building shall be \$500.00.
- 2) The registration shall be renewable on January 2nd of each year at a fee of \$500.00; unless a violation exists. The initial registration fee shall be prorated for Registration Statements received less than 10 months prior to the January 2nd anniversary renewal date. If there is a violation of any Municipal Code cited during the first renewal period, the Registration Fee shall be doubled (\$1,000.00). If a violation of the Municipal Code is cited during the second renewal period, the Registration Fee shall triple (\$1,500.00). If there is a violation of the Municipal Code during the third renewal period, or any time thereafter, the Registration Fee shall quadruple (\$2,000.00).

(12-5.8 Sections B, C, D and E added by Ordinance No. 15-43 on October 8, 2015)

12-5.9 – Administration.

The Public Officer may issue rules and regulations for the administration of the provisions of this article. (amended by Ordinance 16-40)

12-5.10 – Action that may be taken by the municipality.

- A) In the event that the owner or in some cases the lienholder fails to meet the requirements of maintaining a vacant property pursuant to Section 10, then the Public Officer in his/her sole discretion may issue a Notice of Violation against the property owner or in some cases the lienholder requiring compliance within thirty days of the Notice of Violation, said Notice shall be issued to the appropriate parties as set forth above; and upon non-compliance with the Notice of Violation, the Public Officer may in his/her sole discretion issue a Summons concerning the violation of this Ordinance to be heard in the Municipal Court of Neptune Township, or secure the subject structure itself, or by agreement with a third party to restore the subject building to a non-nuisance level. The costs incurred by the municipality in so proceeding, including reasonable administrative charges, shall be assessed against and be a lien upon the subject property.
- B) The Public Officer in his/her sole discretion may postpone any such action aforesaid if he/she believes that the property owner and in some cases the lienholder is acting in good faith to repair and/or rehabilitate the subject property through his, her or its actions, including but not limited to applications made where necessary to the Historic Preservation Commission, Planning Board and/or Zoning Board of Adjustment and/or Zoning Department.

12-5.11 - Enforcement against certain lienholders.

- A) Pursuant to N.J.S.A. 46:10B-51 et al., all creditors or lienholders to property subject to this Ordinance have ten (10) days from the date that a foreclosure action is filed to serve the foreclosure Summons and Complaint as notification only upon the Municipal Clerk when a foreclosure action has been initiated. This notice must contain all information set forth in the aforesaid statute, including but not limited to the full name and contact information of the representative for the creditor who is responsible for receiving complaints of property maintenance and code violations, the street address and block and lot number of the property. Where the creditor is an out-of-State creditor, the full name and contact information of the in-State representative or agent is required to be provided in the notice to the Municipal Clerk.
- B) Any out-of-State creditor subject to this Ordinance who is found by the Municipal Court of Neptune Township to be in violation of the requirement of the notification and appointment of an in-State representative or agent provided to the Municipal Clerk shall be subject to a fine of Two Thousand Five Hundred Dollars (\$2,500.00) for each day of the violation. Any fines imposed on the creditor for the failure to appoint and notify the Clerk of the appointment of an in-State representative or agent shall commence on the day after the ten-day period, as set forth above. Any

in-State creditor who fails to provide contact notification to the Municipal Clerk of a representative or agent to be contacted pursuant to this Ordinance, and the creditor is found to be in violation by the Municipal Court of Neptune Township, the creditor shall be subject to a fine of One Thousand Five Hundred Dollars (\$1,500.00) per day for each day of the violation, commencing on the day after the ten-day period as set forth above.

- C) All creditors who have filed foreclosure proceedings pursuant to the aforesaid State Statute and prior to transfer of said title at Sheriff's Sale, shall be equally responsible for maintaining the subject property in compliance with this Ordinance, and shall receive notice of violations which need to be corrected within thirty (30) days of receipt of said notice, or within ten (10) days of receipt of said notice if the violation presents an imminent threat to public health and safety. All creditors who are found in violation of this Ordinance with regard to the maintenance of the subject property shall be subject to the penalties and fines found under Section 12-5.13 below. In addition, if the municipality expends public funds in order to abate a nuisance or correct a violation on residential property, the situation being such that the creditor is given notice pursuant to the provisions of this Ordinance, but fails to abate the nuisance or correct the violation as directed, the municipality shall have the same recourse against the creditor as it would have against the title owner of the property, including but not limited to the recourse provided under Section 12-5.10 of this Ordinance.
- D) No less than twenty percent (20%) of any money collected pursuant to Section 12-5.11 shall be utilized by the municipality for municipal code enforcement purposes. (Section 12-5.11 amended by Ordinance 15-19 adopted May 11, 2015)

12-5.12 – Effect on Uniform Construction Code.

- A) No provision hereof shall be construed as restricting or otherwise abrogating the enforcement and other powers of the Township's Public Officer or Construction Official under the New Jersey Uniform Construction Code, including, without limitation, N.J.S.A. 52:27D-123 et seq. and N.J.A.C. 5:23-1.1 et seq. (collectively, the Code). The provision herein shall be construed as consistent with the enforcement and other powers of the Township's Public Officer and Construction Official under the Code.

12-5.13 – Violation and penalties.

- A) Any owner or applicable lienholder who is not in compliance with this Ordinance or who otherwise violates any provision of this Ordinance or the rules and regulations issued hereunder, shall be subject to a fine not exceeding \$2,000.00 (Two Thousand Dollars) or a period of community service not exceeding 90 days or imprisonment of a term not exceeding 90 days, or any combination of the aforesaid penalties 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 in some cases the lienholder and shall be a lien on the subject property.
- B) Any Court verdict or Plea Agreement which requires compliance with this Ordinance shall limit compliance to no more than 30 (Thirty) days from the date

of the verdict or agreement with enhanced penalties in the discretion of the Court for non-compliance.

- C) Any owner or applicable lienholder who is in violation of Section 12-5.8 (B), (C), (D) and/or (E) shall be subject to the fines and penalties set forth in Section 12-5.13(A) and (B) in addition to compliance with the payment of all Registration Fees required in Section 12-5.8(E), entitled "Registration Fees."
(Section 12-5.13C added by Ordinance No. 14-43 on October 8, 2015)

12-5.14 – Discontinuation of Certain Utility Services.

- A) The Public Officer appointed by the Township of Neptune may act upon the Vacant and Abandoned Property Ordinance, and may initiate a request of any utility to take all necessary steps to enter the premises listed on the Abandoned Property List established pursuant to Section 12-5.6 of the Vacant and Abandoned Properties Ordinance and this Chapter for the discontinuance of the utility services and the removal of utility equipment from said property, or any property that is determined by the Public Officer to meet the definition of abandoned property, and shall accompany representatives, agents and/or employees of said utility companies, along with any law enforcement officer the Public Officer considers appropriate upon the property at the time of discontinuance of utility service, removal of utility equipment or any action associated therein.
- B) Any owner or applicable lienholder who interferes or takes action to prohibit such entry and discontinuance of service shall be subject to the violations and penalties set forth more fully in Section 12-5.13 of this Chapter.

(Section 12-5.14 was added by adoption of Ordinance 14-47 on November 24, 2014)

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final adoption of publication of notice of adopted is required by law; and,

BE IT FURTHER ORDAINED, that all Ordinances or parts of Ordinances that are inconsistent herewith are repealed, but only to the extent of such inconsistency.