ORDINANCE 26-18

AN ORDINANCE OF THE BOROUGH OF RUNNEMEDE, COUNTY OF CAMDEN, STATE OF NEW JERSEY, ESTABLISHING A NEW CHAPTER OF THE BOROUGH CODE ENTITLED "REHABILITATION OF ABANDONED PROPERTY"

WHEREAS, the Borough of Runnemede has an interest in protecting the health, safety and welfare of its residents and businesses and in preventing the deterioration of properties that remain vacant, abandoned, unsecured, deteriorated or otherwise in need of rehabilitation for extended periods of time; and

WHEREAS, long-term abandoned properties can adversely affect neighboring properties, increase the risk of fire and unauthorized entry, create health and safety hazards, contribute to neighborhood deterioration and negatively affect the economic welfare of surrounding residents and businesses; and

WHEREAS, the New Jersey Legislature enacted the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., to provide municipalities with additional tools for identifying and facilitating the rehabilitation and productive reuse of abandoned properties; and

WHEREAS, the Borough presently maintains separate regulatory and enforcement mechanisms concerning property maintenance, unsafe or unfit structures, nuisance conditions, redevelopment, and properties involved in mortgage foreclosure; and

WHEREAS, the Mayor and Council find that implementation of the Abandoned Properties Rehabilitation Act will provide an additional and distinct mechanism for addressing properties that satisfy the statutory criteria for abandonment and facilitating their rehabilitation and return to productive use; and

WHEREAS, it is the intent of this Ordinance to exercise the authority expressly granted to municipalities by the Abandoned Properties Rehabilitation Act and related provisions of State law and not to establish an additional vacant-property registration or escalating vacancy-fee program;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Runnemede, County of Camden, State of New Jersey, as follows:

SECTION 1. NEW CHAPTER ESTABLISHED.

The Code of the Borough of Runnemede is hereby amended and supplemented by establishing a new chapter, to be entitled "Rehabilitation of Abandoned Property," as follows:

§ ___-1. Purpose and intent.

A. The purpose of this Chapter is to implement the authority granted to the Borough pursuant to the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., and all other applicable provisions of State law, for the identification, rehabilitation and productive reuse of abandoned property within the Borough.

B. This Chapter is intended to supplement, and not replace or limit, any other authority available to the Borough concerning property maintenance, nuisance abatement, unsafe or unfit structures, construction, zoning, redevelopment, tax collection, foreclosure, or the registration and maintenance of properties subject to mortgage foreclosure.

C. Nothing contained in this Chapter shall be interpreted as creating a separate vacant-property registration program or imposing a registration fee based solely upon the vacancy or abandonment of property. Any registration requirements or fees applicable to properties involved in mortgage foreclosure shall continue to be governed by the applicable provisions of the Borough Code and State law.

§ ___-2. Definitions.

For purposes of this Chapter, the following terms shall have the meanings indicated. Any term not specifically defined herein shall have the meaning assigned to it by the Abandoned Properties Rehabilitation Act and related provisions of State law.

ABANDONED PROPERTY

Any property determined to be abandoned pursuant to N.J.S.A. 55:19-81 and otherwise eligible for inclusion on an abandoned property list pursuant to applicable State law.

BUILDING

Any building, structure, or part thereof, whether used for human habitation or otherwise, including any outbuilding or appurtenance belonging thereto.

GOVERNING BODY

The Mayor and Council of the Borough of Runnemede.

INTERESTED PARTY

Any person or entity qualifying as an interested party pursuant to N.J.S.A. 55:19-105, including any resident of the Borough, any owner or operator of a business within the Borough, or any organization representing the interests of residents or engaged in furthering the revitalization and improvement of the neighborhood in which the property is located.

LIENHOLDER or MORTGAGE HOLDER

Any person or entity holding a note, mortgage, lien, or other interest secured by the property or any part thereof.

OWNER

The holder or holders of title to an abandoned property.

PROPERTY

Any building or structure and the land appurtenant thereto.

PUBLIC OFFICER

The Business Administrator of the Borough of Runnemede, who shall serve as the Public Officer for purposes of this Chapter and the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., unless and until the Governing Body designates another qualified municipal officer to serve in that capacity by resolution, in accordance with applicable State law.

QUALIFIED REHABILITATION ENTITY

An entity satisfying the requirements of N.J.S.A. 55:19-80 and otherwise qualified under the Abandoned Properties Rehabilitation Act to carry out the rehabilitation of abandoned property.

§ ___-3. Determination that property is abandoned.

A. Except as otherwise provided by N.J.S.A. 55:19-83, a property that has not been legally occupied for a period of six months and which meets at least one of the following additional criteria may be determined to be abandoned by the Public Officer:

(1) The property is in need of rehabilitation in the reasonable judgment of the Public Officer, and no rehabilitation has taken place during that six-month period;

(2) Construction was initiated on the property and discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of the determination;

(3) At least one installment of property tax remains unpaid and delinquent as of the date of the determination; or

(4) The property has been determined to be a nuisance by the Public Officer in accordance with N.J.S.A. 55:19-82.

B. For purposes of Subsection A(4), a property may be determined to constitute a nuisance where:

(1) The property has been found to be unfit for human habitation, occupancy or use pursuant to N.J.S.A. 40:48-2.3;

(2) The condition and vacancy of the property materially increase the risk of fire to the property or adjacent properties;

(3) The property is subject to unauthorized entry leading to potential health or safety hazards and the owner has failed to take reasonable and necessary measures to secure the property, or the Borough has secured the property after the owner failed to do so;

(4) Vermin, accumulated debris, uncut vegetation, or physical deterioration of the structure or grounds has created potential health or safety hazards and the owner has failed to take reasonable and necessary measures to eliminate those hazards; or

(5) The dilapidated appearance or other condition of the property materially affects the welfare, including the economic welfare, of 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.

C. Whenever the Public Officer determines a property to be a nuisance pursuant to N.J.S.A. 55:19-82, the Public Officer shall comply with all notice and procedural requirements imposed by applicable State law.

D. A seasonal property shall be deemed abandoned only to the extent permitted by N.J.S.A. 55:19-83.

E. A determination that a property is abandoned under this Chapter shall not constitute a determination that the use of the property has been abandoned for zoning or land-use purposes.

§ ___-4. Properties excluded from abandoned property list.

A. A property shall not be included on the abandoned property list when rehabilitation is being performed in a timely manner, as demonstrated by valid building permits and the diligent pursuit of rehabilitation work authorized by those permits.

B. A property subject to a tax sale certificate owned by an entity other than the Borough shall not be placed or maintained on the abandoned property list where State law prohibits such inclusion, including where the requirements of N.J.S.A. 55:19-83 are satisfied.

C. The Public Officer shall consider all other statutory exclusions, limitations, or conditions applicable to inclusion of property on an abandoned property list before making a final determination.

§ ___-5. Establishment and maintenance of abandoned property list.

A. The Public Officer is hereby directed and authorized to identify abandoned properties throughout the Borough for purposes of establishing and maintaining an abandoned property list pursuant to N.J.S.A. 55:19-55.

B. The abandoned property list shall identify, for each property:

(1) The street address;

(2) The tax block and lot;

(3) The owner of record, if known; and

(4) Such additional information as the Public Officer determines is necessary or appropriate for administration of this Chapter.

C. Properties may be added to the abandoned property list at any time in accordance with this Chapter and applicable State law.

D. Properties shall be removed from the abandoned property list when the Public Officer determines that the property no longer qualifies as abandoned, when required following an administrative or judicial appeal, or when otherwise required by law.

E. An interested party may submit a written request that a property be considered for inclusion on the abandoned property list pursuant to N.J.S.A. 55:19-105. The request shall identify the property by street address and block and lot and shall state the grounds supporting the requested inclusion.

F. Within 30 days after receipt of a request under Subsection E, the Public Officer shall provide a written response stating either that the property will be added to the abandoned property list or the reasons why it will not be added.

§ ___-6. Notice of inclusion on abandoned property list.

A. The Public Officer shall establish the abandoned property list, and any additions thereto, by publication in the official newspaper of the Borough as required by N.J.S.A. 55:19-55.

B. Within 10 days after publication, the Public Officer shall send notice by certified mail, return receipt requested, and regular mail to the owner of record of each property included on the list.

C. In consultation with the Tax Collector, the Public Officer shall provide all additional notice to mortgagees, servicing organizations, property tax processing organizations, utilities, and other persons or entities required by N.J.S.A. 55:19-55 or other applicable law.

D. If the owner of record cannot be identified or located through the exercise of reasonable diligence, notice shall be posted upon the property and otherwise provided in the manner required by State law.

E. Every notice issued pursuant to this section shall:

(1) Identify the property by street address and tax block and lot;

(2) Identify the owner of record, if known;

(3) State that the Public Officer has determined the property to be abandoned;

(4) Identify specifically the statutory criterion or criteria relied upon by the Public Officer in making the abandonment determination;

(5) State the material facts and information supporting each criterion relied upon, rather than merely reciting statutory language;

(6) Advise the owner and any lienholder of the right to challenge inclusion of the property on the abandoned property list and the time and manner for doing so; and

(7) Contain any other information required by applicable State law.

F. Before mailing notice, the Public Officer shall exercise reasonable diligence to confirm the identity and available mailing address of the current owner of record. When information available to the Borough indicates that an owner of record is deceased, dissolved, or otherwise incapable of receiving notice, the Public Officer shall undertake such additional reasonable inquiry and provide such additional notice as may be required by law before relying upon the property's inclusion on the abandoned property list for further proceedings.

G. A copy of the mailed or posted notice shall be filed with the Camden County Clerk in the manner required by N.J.S.A. 55:19-55. The filing shall have the force and effect provided by State law.

§ ___-7. Administrative challenge and hearing.

A. An owner or lienholder may challenge inclusion of a property on the abandoned property list by filing an appeal with the Public Officer within the periods established by N.J.S.A. 55:19-55.

B. Unless otherwise modified by State law:

(1) An owner or lienholder receiving certified notice shall have 30 days from receipt of that notice, or 40 days from the date the notice was sent, to appeal;

(2) An owner whose identity was not known to the Public Officer shall have 40 days from the date notice was published or posted, whichever is later, to appeal; and

(3) For good cause shown, the Public Officer shall accept a late-filed appeal.

C. Within 30 days after receipt of an appeal, the Public Officer shall schedule a hearing for redetermination of the matter.

D. The property shall be presumed abandoned unless the appealing owner demonstrates that the property was erroneously included on the list. The owner shall submit an affidavit or certification stating the reasons the property is not abandoned together with supporting documentation, which may include photographs, invoices, bills, construction contracts, permits, occupancy documentation, or other relevant evidence.

E. The sole ground for an appeal under this section shall be that the property does not qualify as abandoned property under applicable State law.

F. An interested party may participate in a redetermination hearing to the extent authorized by N.J.S.A. 55:19-105.

G. The Public Officer shall issue a written determination within 10 days after the hearing and shall promptly provide the determination and reasons therefor to the owner by certified mail, return receipt requested, and regular mail.

H. An owner aggrieved by the Public Officer's determination may institute a summary proceeding in the Superior Court, Law Division, Camden County, within the time and in the manner established by N.J.S.A. 55:19-55.

I. Any property determined on administrative or judicial appeal not to be abandoned shall be promptly removed from the abandoned property list.

§ ___-8. Effectiveness of abandoned property list.

With respect to each property, the abandoned property list shall become effective and the Borough may pursue remedies authorized by State law upon expiration of the applicable appeal period without an appeal having been filed, or upon denial or final disposition of an appeal, as provided by N.J.S.A. 55:19-55.

§ ___-9. Removal from abandoned property list; remediation.

A. An owner may obtain removal of property from the abandoned property list by satisfying the requirements of N.J.S.A. 55:19-57 and any other applicable provision of State law.

B. Where applicable, removal may require payment of taxes and municipal liens and either:

(1) Posting cash or a bond sufficient to remediate the conditions resulting in the abandonment determination and any required environmental remediation; or

(2) Demonstrating to the satisfaction of the Public Officer that the conditions rendering the property abandoned have been fully remediated.

C. Where the Public Officer determines that an owner is actively and diligently remediating the conditions resulting in the abandonment determination, the Public Officer may grant such extension as is authorized by State law for completion of the work.

D. Any bond or other security required under this section shall be administered and, where appropriate, forfeited only in accordance with State law.

§ ___-10. Tax sale and remediation remedies.

A. For properties on the abandoned property list having delinquent taxes or other municipal liens, the Borough may exercise any remedy authorized by N.J.S.A. 55:19-56, the Tax Sale Law, N.J.S.A. 54:5-1 et seq., and other applicable law.

B. Where authorized by law, the Borough may condition the sale, assignment, or transfer of a tax sale certificate upon the purchaser's obligation to rehabilitate or repair the property and may require security for completion of the rehabilitation.

C. Where the Borough acquires a tax sale certificate for property on the abandoned property list, the Borough may, following all notices required by State law, enter upon and remediate conditions that caused the property to be included on the list.

D. Any remediation costs incurred by the Borough shall be recoverable and may constitute a lien against the property to the fullest extent authorized by State law.

§ ___-11. Special tax sale.

The Borough may conduct a special tax sale with respect to abandoned property and may establish bidder qualifications and rehabilitation conditions to the extent authorized by N.J.S.A. 55:19-58 and other applicable law. Any special tax sale shall be conducted in accordance with all applicable requirements of the Abandoned Properties Rehabilitation Act and the Tax Sale Law.

§ ___-12. Expedited foreclosure.

Where authorized by law, the Borough or other holder of a tax sale certificate may pursue expedited foreclosure of the right of redemption with respect to abandoned property in accordance with N.J.S.A. 54:5-86 and the Abandoned Properties Rehabilitation Act.

§ ___-13. Judicial transfer of possession and control.

A. The Borough may institute an action in the Superior Court of New Jersey, Camden County, seeking transfer of possession and control of an abandoned property in need of rehabilitation pursuant to N.J.S.A. 55:19-84.

B. Such action may be instituted where the statutory requirements have been satisfied, including a determination that the property is abandoned and the failure of the owner or other party in interest to submit and initiate an appropriate rehabilitation plan.

C. Any complaint filed by the Borough shall satisfy N.J.S.A. 55:19-85 and all other applicable requirements, including:

(1) Documentation that the property is on the abandoned property list or a certification by the Public Officer that the property is abandoned; and

(2) A statement by an appropriately qualified professional establishing sound reasons that the building should be rehabilitated rather than demolished based upon the physical, aesthetic, or historical character of the building or its relationship to surrounding buildings and lands.

D. No action under this section shall be commenced solely because a property is vacant. The Borough shall establish the statutory basis for abandonment and compliance with all applicable notice and procedural requirements before seeking transfer of possession and control.

§ ___-14. Rehabilitation plan following transfer of possession.

If the Superior Court transfers possession and control of a property to the Borough, the Borough shall develop and submit a rehabilitation plan in accordance with the Abandoned Properties Rehabilitation Act and any order of the Court.

The rehabilitation plan may provide for such actions as are authorized by State law, including rehabilitation, stabilization, environmental remediation, demolition where permitted, financing, management, disposition, sale, or other measures reasonably necessary to return the property to productive use.

§ ___-15. Qualified rehabilitation entity.

A. The Borough may exercise its rights under the Abandoned Properties Rehabilitation Act directly or may designate a qualified rehabilitation entity to act as its designee when the designation will further the rehabilitation and reuse of the property consistent with Borough plans and objectives.

B. Any designation of a qualified rehabilitation entity shall be made by resolution or in such other manner as required by N.J.S.A. 55:19-90.

C. While the Borough or its designee is in possession of property pursuant to the Act, the property shall be maintained, safeguarded, and insured as required by law.

D. Nothing in this Chapter or the Borough's possession of property shall relieve the owner from any civil or criminal liability or other duty arising from the owner's acts or omissions.

§ ___-16. Reinstatement of possession and control to owner.

An owner seeking reinstatement of possession or control of property transferred to the Borough shall proceed in accordance with N.J.S.A. 55:19-92 through 55:19-94 and any order of the Superior Court.

The Borough may oppose reinstatement or request appropriate conditions, bonds, security, reimbursement, or other protections to the fullest extent permitted by law.

§ ___-17. Sale or disposition following rehabilitation proceedings.

Where authorized by the Superior Court and State law, the Borough may seek title to, sell, transfer, or otherwise dispose of abandoned property following rehabilitation proceedings in accordance with the Abandoned Properties Rehabilitation Act.

Any sale or disposition shall comply with the procedures, priorities, protections, and distribution requirements established by State law and any applicable order of the Superior Court.

§ ___-18. Costs and municipal liens.

A. The Public Officer shall maintain an appropriate record of costs incurred by the Borough in connection with abandoned property, including costs of inspection, securing, stabilization, remediation, rehabilitation, environmental work, professional services, and other costs recoverable under State law.

B. Where State law authorizes the Borough to impose or record a lien for such costs, the Public Officer, Tax Collector, Borough Clerk, Borough Attorney, and other appropriate officials are authorized to take the steps necessary to perfect and enforce that lien.

C. Nothing in this section creates a registration fee, vacancy fee, or other charge independent of authority granted by State law. Costs shall be assessed against property only where and to the extent authorized by applicable law.

§ ___-19. Eminent domain.

Nothing in this Chapter shall limit any authority otherwise granted to the Borough by the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq., the Abandoned Properties Rehabilitation Act, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., or other applicable law.

Any exercise of eminent domain shall be undertaken separately and only upon compliance with all substantive and procedural requirements of applicable State law.

§ ___-20. Relationship to other Borough enforcement authority.

A. The remedies established by this Chapter are cumulative and supplemental.

B. Nothing in this Chapter shall prohibit or restrict the Borough from simultaneously or separately enforcing any applicable property-maintenance, housing, construction, fire, zoning, nuisance, health, safety, redevelopment, tax, foreclosure, or other law or ordinance.

C. Inclusion of a property on the abandoned property list shall not prevent the Borough from issuing violations, pursuing penalties, abating unsafe or nuisance conditions, declaring a structure unfit where legally warranted, or pursuing any other remedy otherwise available by law.

D. Conversely, the existence of property-maintenance or other municipal violations shall not by itself establish abandonment. A property shall be designated abandoned under this Chapter only when the statutory requirements for that determination have been independently satisfied.

§ ___-21. Construction; consistency with State law.

A. This Chapter shall be construed consistently with the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq.; N.J.S.A. 55:19-54 et seq.; and all other applicable provisions of State law.

B. To the extent any procedural requirement, time period, definition, remedy, or limitation contained in State law is amended after adoption of this Chapter, the controlling provisions of State law shall govern.

C. Nothing in this Chapter shall be construed to authorize the Borough or any Borough official to exercise authority beyond that granted by State law.

SECTION 2. NO MODIFICATION OF EXISTING FORECLOSURE REGISTRATION PROGRAM.

Nothing contained in this Ordinance shall amend, expand, replace, or otherwise modify the Borough's existing requirements governing the registration, maintenance, or monitoring of properties subject to mortgage default or foreclosure, including Chapters 282 and 283 of the Borough Code, except to the extent expressly required by superseding State law.

The abandoned property list and rehabilitation procedures established by this Ordinance are separate from any registry maintained pursuant to Chapters 282 or 283.

SECTION 3. IMPLEMENTATION.

The Business Administrator is hereby designated as the Public Officer responsible for administering this Chapter and carrying out the duties and responsibilities established by the Abandoned Properties Rehabilitation Act. The Governing Body may, at any time, designate another qualified municipal officer to serve as Public Officer by resolution, without the necessity of amending this Ordinance.

The Public Officer and other appropriate Borough officials are authorized to take such actions as are reasonably necessary to implement and administer the abandoned property rehabilitation program in accordance with State law.

SECTION 4. REPEALER.

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

SECTION 5. SEVERABILITY.

If any section, subsection, paragraph, sentence, clause, phrase, or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the validity of the remaining provisions, which shall remain in full force and effect.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect upon final passage and publication according to law.

NOTICE

The above ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Runnemede held on the 6th day of October, 2026, and will be taken up for final consideration and passage at a meeting of the Borough Council of said Borough of Runnemede, 24 N. Black Horse Pike, Runnemede, New Jersey, on the 27th day of October, 2026, at which time and place all persons interested will be heard.

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Beth Miller, Borough Clerk
Upon First Reading