

ORDINANCE 7 – 2014
AN ORDINANCE OF THE BOROUGH OF WOODBURY HEIGHTS
AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH
OF WOODBURY HEIGHTS TO ESTABLISH A SECTION ENTITLED
“VACANT AND ABANDONED RESIDENTIAL PROPERTIES” AND
ESTABLISHING STANDARDS FOR THE CARE, MAINTENANCE,
SECURITY AND UPKEEP OF SUCH PROPERTIES

WHEREAS, as in many municipalities, the Borough of Woodbury Heights is burdened with residential structures that are vacant and, in many cases, abandoned which often results in lack of maintenance and progressive deterioration, and has the further effect of creating conditions of blight; and

WHEREAS, the Borough has determined that such structures may cause severe harm to the public health, safety and welfare, a diminution of property values, loss of property tax revenues, encouragement of criminal activities, and may otherwise present danger to the public health, safety and welfare; and

WHEREAS, the establishment of the aforesaid conditions of such properties often compels the Borough to incur substantial costs associated with the condition of such properties including costs for the enforcement of laws and ordinances requiring property owners or others responsible therefor to maintain such properties consistent with and in compliance of such laws and ordinances; and

WHEREAS, this Ordinance is intended to establish standards and procedures to enforce the obligation of property owners and others to maintain such properties in a manner which does not impair the public health, safety and welfare;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Woodbury Heights, Gloucester County, and State of New Jersey, that the Code of the Borough of Woodbury Heights is hereby amended and supplemented to establish a Section 44B thereof entitled “Vacant And Abandoned Residential Property” as hereinbelow provided:

Section I. Definitions. As used in this Section, the following terms shall have the meanings indicated:

Owner: Shall mean the Title holder of a residential property, agent of the Title holder, or any creditor serving a Summons and Complaint in an action to foreclose on a mortgage as further defined within N.J.S.A.46:10B-51.

Public Officer: The Officer, Officers, body or entity as defined at N.J.S.A.40:48-2.3, et seq., and to specifically include a Municipal Property Code Officer,

or any other person or entity designated by the Borough to enforce its Property Maintenance or Nuisance Abatement Ordinances.

Vacant and Abandoned Property. For purposes of this Ordinance, Vacant and Abandoned Property shall mean residential property that is not occupied by an Owner, Mortgagor, or a Tenant as evidenced by a Lease Agreement, and at least two of the following conditions exist:

- (1) Overgrown or Neglected Vegetation;
- (2) The accumulation of newspapers, circulars, flyers or mail on the property;
- (3) Disconnected gas, electric or water utility services to the property;
- (4) The accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- (5) The accumulation of junk, litter, trash or debris on the property;
- (6) The absence of window treatments, such as blinds, curtains or shutters;
- (7) The absence of furnishings and personal items;
- (8) Statements of neighbors, delivery persons, or government employees indicating that the residence is vacant and abandoned;
- (9) Windows or entrances to the property that are boarded up or closed off or multiple window panes that are damaged, broken and unrepaired;
- (10) Doors to the property that are smashed through, broken off, unhinged or continuously unlocked;
- (11) A risk to the health, safety or welfare of the public to any adjoining or adjacent property owners exists due to acts of vandalism, loitering, criminal conduct or the physical destruction or deterioration of the property;
- (12) An uncorrected violation of a Municipal Building Code, Housing Code or a similar Code during the preceding year, or an Order by a municipal authority declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
- (13) 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;
- (14) A written statement issued by any Mortgagor expressing the clear intent of all Mortgagors to abandon the property;
- (15) Any other reasonable indicia of abandonment.

For the purposes of this Subsection, a residential property shall not be considered vacant and abandoned if on the property:

(1) There is an unoccupied building which is undergoing construction, renovation or rehabilitation that is proceeding diligently to completion and the building is in compliance with all applicable ordinances, codes, regulations and statutes;

(2) There is a building occupied on a seasonal basis, but otherwise secure; or

(3) There is a building that is secure, but is the subject of a probate action, action to quiet Title, or other ownership dispute.

Section II. Creditor Obligations.

A. A Creditor serving a Summons and Complaint in an action to foreclose on a Mortgage on residential property shall, within ten (10) days of serving the Summons and Complaint, notify the Municipal Clerk that an action to foreclose on a Mortgage has been filed against the subject property. The Notice shall contain the name and contact information for a representative of the Creditor who is responsible for receiving Complaints of Property Maintenance and Code Violations and shall be provided by mail. Thereupon, the Clerk shall forward a copy of the Notice to the Public Officer, or any other Public Official responsible for the administration of the Borough's Property Maintenance or other Public Nuisance Ordinances. If the property being foreclosed is an affordable unit, as defined within 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, full name and contact information of an individual located within the State who is authorized to accept service on behalf of the Creditor.

Any Creditor that has initiated a foreclosure proceeding on any residential property, which is pending in Superior Court prior to the effective date of this Ordinance, shall provide a listing of all residential properties in the Borough for which the Creditor has foreclosure actions pending by street address and lot and block numbers.

B. Any creditor filing a Summons and Complaint in an action to foreclose on residential property shall be responsible for the care, maintenance, security and upkeep of the exterior of the vacant and abandoned residential property and, if such Creditor is located out-of-State, shall be responsible for appointing an in-State representative or agent to act for the foreclosing Creditor. An out-of-State Creditor of a property subject to this Ordinance which is found by the Municipal Court to be in violation of the requirement to appoint an in-State representative or agent shall be

subject to a fine of Twenty-Five Hundred Dollars (\$2,500.00) for each day of the violation. Such fines imposed on a Creditor for failure to so appoint an in-State representative or agent shall commence on the first day after the ten (10) day period required for providing Notice to the Municipal Clerk that a Summons and Complaint in an action to foreclose on a Mortgage has been served.

C. Any Creditor found by the Municipal Court to be in violation of this Ordinance or any Borough Ordinances requiring the care, maintenance, security or upkeep of a property cited in a Notice issued pursuant to such Ordinances shall be subject to a fine of \$1,500.00 for each day of the violation. Any fines imposed pursuant to this Subparagraph shall commence on the 31st day following the 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.

D. If the Public Officer or any other local official responsible for administration of the Property Maintenance or Public Nuisance Ordinances of the Borough determines that a Creditor has violated the Ordinance by failing to provide for the care, maintenance, security or upkeep of the exterior of a property, such Public Officer or other local official responsible for the administration of such Ordinances shall cause a Notice of Violation to be issued to the Creditor requiring such person or entity to correct the violation within thirty (30) days of receipt of the Notice, or within ten (10) days of receipt of the Notice if the violation presents an imminent threat to public health and safety. The issuance of a Notice pursuant to this Subparagraph shall constitute proof that a property is "Vacant and Abandoned" for the purposes of P.L.2012, c.70(C.2A:50-73). Such Notice issued to a Creditor shall include a description of the conditions that gave rise to the violation, and shall provide a period of not less than thirty (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 Borough may impose penalties allowed for the violation of Municipal Ordinances pursuant to N.J.S.A.40:49-5.

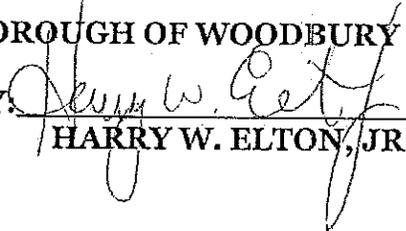
E. If the Borough incurs expenditures of public funds to abate a nuisance or correct violations on residential properties in those situations in which the Creditor was given Notice pursuant to the provisions of this Ordinance and has failed to abate the nuisance or correct the violation as directed, the Borough 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 23 of P.L.2003, c.210(C. 55:19-100).

Section III. Repealer. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

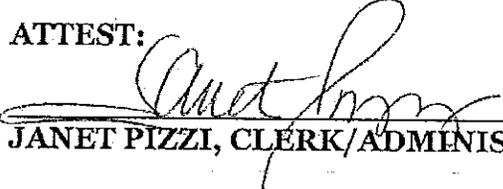
Section IV. Severability. In the event that any section, paragraph, sentence, clause or phrase of this Ordinance shall be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this Ordinance are hereby declared to be severable.

Section V. Effective Date. This Ordinance shall take effect on the 20th day after passage and publication and as otherwise provided by law.

BOROUGH OF WOODBURY HEIGHTS

BY: 
HARRY W. ELTON, JR., MAYOR

ATTEST:


JANET PIZZI, CLERK/ADMINISTRATOR

NOTICE

The foregoing Ordinance was introduced at a Regular Meeting of the Mayor and Borough Council of the Borough of Woodbury Heights conducted on September 17, 2014, and will be considered for final hearing and adoption at a meeting to be held on the 15 day of October, 2014, at 7:30 P.M. at which time any objections hereto may be heard.


JANET PIZZI, BOROUGH CLERK