

ORDINANCE 9 - 2015

ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE 7-2014  
ENTITLED "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, the Borough Council of the Borough of Woodbury Heights has heretofore adopted Ordinance 7-2014 entitled "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", which Ordinance is hereby intended for Amendment;

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Woodbury Heights, with the Mayor concurring, as follows:

1. Section I titled "Vacant And Abandoned Property" is supplemented to provide:
- (16) A Lis Pendens has been filed against the property by a mortgage Lender;
  - (17) The property is subject to an ongoing Foreclosure Action by a mortgage Lender;
  - (18) The property has been transferred to a mortgage Lender under a Deed In Lieu Of Foreclosure.

BE IT FURTHER ORDAINED, that a new Section to supplement the aforesaid Ordinance be established and titled "Registration of Abandoned Real Property", as follows:

1. Any mortgagee holding a mortgage on real property located within the Borough shall perform an inspection of the property to determine whether it is vacant or occupied upon default by the mortgagor. The mortgagee shall, within ten (10) days of the inspection, register the property with the Borough's Code Enforcement Officer, or designee, on forms or website access provided by the Municipality, or its designee, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.

2. If the property is occupied but remains in default, it shall be inspected by the mortgagee or his designee monthly until (1) the mortgagor or other party remedies the default, or (2) it is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned,

and the mortgagee shall, within ten (10) days of that inspection, update the property registration to a vacancy status on forms provided by the Municipality.

3. Registration pursuant to this Section shall contain the name of the mortgagee and the server, the direct mailing address of the mortgagee and the server, a direct contact name and telephone number for both parties, facsimile number and email address for both parties, the folio or tax number, and the name and twenty-four hour contact telephone number of the property management company responsible for the security and maintenance of the property.

4. A non-refundable, annual registration fee in the amount of three hundred dollars (\$300.00) per property shall accompany the registration form or website registration.

5. All registration fees must be paid directly from the mortgagee, servicer, Trustee, or Owner. Third Party registration fees are not permitted without the consent of the Borough and/or its authorized designee.

6. This Section shall also apply to properties that have been the subject of a Foreclosure Sale where the Title was transferred to the beneficiary of a mortgage involved in the Foreclosure, and any properties transferred under a Deed In Lieu Of Foreclosure or Foreclosure Sale.

7. Properties subject to this Section shall remain under the annual registration requirement and the inspection, security and maintenance standards of this Section as long as they remain vacant or in default.

8. Any person or legal entity that has registered a property under this Section must report any change of information contained in the registration within ten (10) days of any change.

9. Failure of the mortgagee and/or owner to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this Article is a violation of the Article and shall be subject to enforcement.

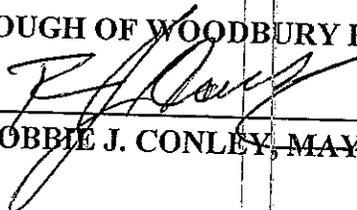
10. Pursuant to any administrative or judicial finding and determination that any property is in violation of this Article, the Borough may take the necessary action to ensure compliance and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.

11. The obligation to register properties deemed vacant or abandoned as hereinabove provided shall be an annual requirement commencing on the date that the property is first registered.

12. Any creditor or mortgagee which shall fail to register abandoned real property shall be subject to a fine or civil penalty in the sum of Five Hundred Dollars (\$500.00) for each such violation.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect on the 20<sup>th</sup> day after passage and publication, and as otherwise provided by law.

**BOROUGH OF WOODBURY HEIGHTS**

By: 

**ROBBIE J. CONLEY, MAYOR**

ATTEST:



**JANET PIZZI, BOROUGH CLERK**

**CERTIFICATION**

The foregoing Ordinance was introduced at a Regular Meeting of Borough Council of the Borough of Woodbury Heights held on the 15<sup>th</sup> day of **JULY, 2015**, and will be considered for final passage and adoption at a Regular Meeting at which time any person interested therein will be given an opportunity to be heard. Said meeting to be held on 19<sup>th</sup> day of **AUGUST, 2015**, at the Borough Hall, 500 Elm Ave, Woodbury Heights, New Jersey.



**JANET PIZZI , BOROUGH CLERK**