

**AN ORDINANCE OF THE TOWNSHIP OF WOOLWICH, COUNTY OF  
GLOUCESTER, STATE OF NEW JERSEY, SUPERCEDING AND REPLACING  
CHAPTER 117 OF THE WOOLWICH TOWNSHIP CODE  
2016-17**

**WHEREAS**, there is a need in the Township of Woolwich to provide terms and conditions for payment of fire insurance claims for properties located within Woolwich Township; and

**WHEREAS**, the Township Committee of the Township of Woolwich desires to establish a process outlining such conditions; and

**WHEREAS**, it is necessary to pass an Ordinance to establish that process.

**NOW THEREFORE BE IT ORDAINED** by the Township Committee of the Township of Woolwich in the County of Gloucester, State of Jersey, as follows:

**Chapter 117** of the Woolwich Township Code is hereby **DELETED** and **SUPERCEDED** and **REPLACED** with the following:

**§117.1. Conditions for payment of claims; anticipated costs of demolition.**

A. Pursuant to N.J.S.A. 17:36-8 *et. seq.*, no insurance company authorized to issue fire insurance policies in the State of New Jersey shall pay to a claimant any claim in excess of \$2,500 for fire damages on any real property located within the Township of Woolwich pursuant to any fire insurance policy, until such time as:

- (1) All taxes and assessments and all other municipal liens or charges levied and assessed and due and payable appearing on the official certificate of search for municipal liens pursuant to N.J.S.A. 54:5-12 shall have been paid either by the owner of such real property or by the insurance company; and
- (2) The insured person submits an official certificate, on a form prescribed and certified by the Municipal Clerk and the Tax Collector of the municipality, that demolition is not required or that the costs of demolition or anticipated demolition have been paid; or
- (3) The municipality submits to the insurance company a copy of a resolution adopted pursuant to §117.4 of this Chapter.

B. If a demolition has not yet occurred on date of receipt of a request for an official certificate of search pursuant to this section, the insurer shall provide on that certificate an estimate of the anticipated costs of demolition. The insured, on notice, shall pay the anticipated cost of demolition to the municipality which shall hold the funds in an

interest-bearing escrow account in a state or federally chartered bank, savings banks or savings and loan association in this state.

**§117.2. Requests of certificate of search.**

Any request for an official certificate of search for municipal liens shall specify that the search concerns fire-damaged property.

**§117.3. Appeals.**

If an appeal is taken on the amount of any lien or charge other than an appeal on the assessed valuation of real property pursuant to N.J.S.A. 54:3-21, the insurance company shall issue a draft payable to the Court of record to be held by the Court in an interest-bearing escrow account in the state or federally chartered bank, savings bank or savings and loan association in the State in an amount totaling 75% of the full amount of the lien or charge being contested, but not to exceed the proceeds payable under its insurance policy, and the insurance company shall issue a draft payable to the municipality for the remaining 25% of the lien or charge being contested with the full amount paid by the insurance company to the Court and the municipality not to exceed the proceeds payable under its insurance policy pending termination of all proceedings, at which time such moneys and all interest accruing thereon at a rate paid on interest-bearing accounts in state or federally chartered banks, savings banks or savings and loan association to the state shall be disbursed in accordance with the final order or judgment of the court.

**§117.4. Installment payments.**

The Township Committee of the Township of Woolwich may, by resolution, enter into an agreement with the owner of any fire-damaged property situated in the Township of Woolwich to pay in full all delinquent taxes, assessments or other municipal liens by installments pursuant to N.J.S.A. 54:5-19 or for the redemption of a tax sale lien by installment payments pursuant to Article 7 of Chapter 5 of Title 54 of the Revised Statutes of New Jersey or for the payment in full of any anticipated costs of demolition by installment if the Township Committee is satisfied that the claim for fire damages is to be used to restore or improve the fire-damaged property.

**§117.5. Payment of demolition costs, liens.**

Unless a resolution is received in accordance with Section 4 by an insurance company writing fire insurance policies, such insurance company is hereby authorized and required, prior to the payment of any claims for fire damages in excess of \$2,500.00, to pay the amount of the anticipated demolition costs to the Township of Woolwich in the manner provided by Section 1 and to pay to the Township of Woolwich the amount of the liens appearing on the official certificate and such other recorded liens or related charged as may be certified to the insurance company. If an appeal is taken on the amount of any lien or charge, other than an appeal on the assessed valuation of real property pursuant to

N.J.S.A. 54:3-21, the insurance company shall issue a draft payable to the court of record, to be held by the court in an interest bearing escrow account in a State or federally chartered bank, savings bank, or savings and loan association in the State, in an amount totaling 75% of the full amount of the lien or charge being contested, but not to exceed the proceeds payable under its insurance policy, and the insurance company shall issue a draft payable to the municipality for the remaining 25% of the lien or charge being contested, with the full amount paid by the insurance company to the Court and the municipality not to exceed the proceeds payable under its insurance policy, pending termination of all proceedings, at which time such moneys and all interest accruing thereon, at a rate paid on interest bearing accounts in State or federally chartered banks, savings banks or savings and loan associations in the State, shall be disbursed in accordance with the final order or judgment of the court.

### **EFFECTIVE DATE**

Effective Date. This Ordinance shall be effective upon final adoption and publication pursuant to law.

### **TOWNSHIP OF WOOLWICH**

\_\_\_\_\_  
Alan Schwager, Mayor

ATTEST: \_\_\_\_\_  
Jane DiBella, Clerk

### **CERTIFICATION**

The foregoing Ordinance was introduced upon first reading by the Township Committee of the Township of Woolwich at a meeting held on the 3rd day of October, 2016. It will be further considered for final adoption upon a second reading and subsequent to a public hearing to be held on such ordinance at which time any interested person(s) may be heard. Said meeting is to be conducted on the 17th day of October, 2016 at the Woolwich Township Building, 120 Village Green Drive, Woolwich Township, New Jersey, beginning at 7:00 p.m.

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Jane DiBella, Clerk

**CERTIFICATION OF ADOPTION**

The foregoing Ordinance was adopted upon second reading and subsequent to a public hearing at a meeting of the Woolwich Township Committee on the 17th day of October, 2016.

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Jane DiBella, Clerk