

**AN ORDINANCE OF THE TOWNSHIP OF WOOLWICH AMENDING CHAPTER 143,
PROPERTY MAINTENANCE
2023-37**

WHEREAS, the Township Committee of the Township of Woolwich, like many other municipalities within New Jersey, recognized that vacant, abandoned and foreclosed properties can cause significant challenges to the Township; and

WHEREAS, the State of New Jersey recently adopted legislation concerning the institution and maintaining of vacant and abandoned property registries and addressing properties in which foreclosure actions have been filed; and

WHEREAS, as part of the registration process the Township utilized a shared service with a county-wide program that is no longer available and now will be monitoring these properties through a third-party contractor; and

WHEREAS, the Township Committee desires to amend Chapter 143, Property Maintenance, to reflect the new State legislation and registration process; and

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Woolwich in the County of Gloucester, State of New Jersey, that it hereby amends Chapter 143 to add new sections to address creditors and actions in which foreclosure on a mortgage has been filed:

SECTION 1 REPEAL

§143-6. Establishment of registry.

§143-9. D. Registration of vacant, abandoned, and foreclosed real property.

§143-10. Registration, inspection and other fees.

§143-18. Immunity of enforcement officer.

SECTION 2. AMENDMENTS

§143-6. Definitions.

“Creditor” means mortgagees or an agent or assignee of a mortgagee, such as the servicer, who has filed a complaint in the Superior Court seeking to foreclose upon a residential or commercial mortgage. If the entity seeking to foreclose upon the residential or commercial mortgage changes as a result of an assignment, transfer, or otherwise after the filing of the foreclosure complaint in the Superior Court, the new entity shall be deemed the creditor for purposes of this section. For purposes of this section, a creditor shall not include the State, a political subdivision of the State, a State, county, or local government entity or their agent or assignee, such as the servicer.

§143-6. Establishment of registry.

Pursuant to the provisions of this chapter, the Township shall utilize a third party contractor to establish a registry of vacant, abandoned and foreclosed properties and administer the program as required by this chapter.

§143-9. D. Registration of vacant, abandoned, and foreclosed real property.

- i) A non-refundable annual registration fee in the amount of Five Hundred (\$500) Dollars per property shall accompany the registration form or website registration.
- ii) An annual fee shall also be imposed on a creditor required to register a property pursuant to this section. The fee shall not exceed: (1) \$500 per property annually for any property that is required to be registered because a summons and complaint in an action to foreclosure was filed by the creditor; and (2) if a property registered with the Township's registration program as a property in foreclosure and is determined to be vacant and abandoned at the time of registration, or becomes vacant and abandoned at any time during the pendency of the foreclosure proceeding, the creditor shall pay an additional annual registration fee of \$2,000 per property, due at the time the determination that the property is vacant and abandoned is made.

§143-9.5. Registration of vacant and abandoned real property for which a Summons and Complaint in an Action to Foreclosure on a Mortgage has been Filed.

A. A creditor filing a summons and complaint in an action to foreclosure shall, in addition to the notice provided to the Township of Woolwich pursuant to section 17 of N.J.S.A. 46:10B-51 or section 2 of N.J.S.A. 40:48-2.12s2 register the residential or commercial property with the municipality's property registration program as a property in foreclosure and, as part of the registration:

- (1) provide the municipality with the information regarding the creditor required by paragraph (1) of subsection a. of section 17 of or paragraph (l) of subsection a. of section 2 of N.J.S.A. 40:48-2.12S2; and
- (2) identify the date the summons and complaint in an action to foreclosure on a mortgage was filed against the subject property, the court in which it was filed, and the docket number of the filing; and
- (3) identify whether the property is vacant and abandoned in accordance with the definition in the ordinance required by paragraph H. of this subsection;

B. If there is any change in the name, address or telephone number for a representative, agent, or individual authorized to accept service on behalf of a creditor required to register pursuant to the property registration program following the filing of the summons and complaint, the creditor shall update the property registration program within 10 days of the change in that information;

C. The creditor filing a summons and complaint in an action to foreclosure shall, if the registered property becomes vacant and abandoned in accordance with the definition in the ordinance

required by paragraph (8) of this subsection after the property is initially registered with the municipality, update the property registration with the municipality to reflect the change in the property's status;

D. the creditor filing a summons and complaint in an action to foreclosure shall be responsible for the care, maintenance, security, and upkeep of the exterior of the property if the property is vacant and abandoned at any time while the property is registered with the property registration program;

E. A creditor located out-of-State shall be responsible for appointing an in-State representative or agent to act for the foreclosing creditor;

F. A creditor must comply with the requirements of Section 143-11, Safety and Maintenance Inspections and Section 143-12 Maintenance and Security Requirements, relating to the care, maintenance, security, and upkeep of the exterior of the property, and post a sign affixed to the inside of the property and visible to the public indicating the name, address, and telephone number of the creditor or an out-of-State creditor's in-State representative or agent for the purpose of receiving service of process, or acquire and otherwise maintain liability insurance by procuring a vacancy policy, covering any damage to any person or any property caused by any physical condition of the property while registered with the property registration program;

G. Fees may be imposed on the creditor in connection with the property registration program as authorized pursuant to §143-9. D; and

H. A property shall be considered vacant and abandoned if it is not legally occupied by a mortgagor or tenant, which is in such condition that it cannot be legally reoccupied, because of the presence or finding of at least two of the following:

- (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 property is vacant and abandoned;
- (9) windows or entrances to the property that are boarded up or closed off, or multiple windowpanes 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 or any adjoining or adjacent property owners 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, housing, or similar code during the preceding year, or an order by municipal authorities 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 a mortgagor expressing the clear intent of all mortgagors to abandon the property; or
- (15) any other reasonable indicia of abandonment.

§143-10. Registration, inspection and other fees.

- A. All fees applicable to this article may be revised by resolution of the Township Committee. Registration and inspection fees shall be paid at the time of submitting the registration affidavit. There shall also be a fee for the filing of any additional or new owner's affidavit, with such fee being set by resolution of the Township Committee. For properties that are not registered within the required time frame, an additional fee for the added cost of the Township's expenses in having to determine ownership, which may include, but is not limited to title searches, shall be assessed and is immediately payable. The payment of all fees under this article is secured by a lien against the property, which may be placed on the tax roll for collection in the same manner and subject to the same interest and penalties applicable to delinquent special assessments.
- B. No less than twenty (20%) percent of any money collected pursuant to this ordinance shall be utilized for municipal code enforcement purposes.

§ 143-16. Violations and penalties.

- C. An out-of-State creditor subject to this ordinance found by the municipal court, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent pursuant to the ordinance shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on a creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in paragraph (l) of subsection a. of section 17 of N.J.S.A. 46:10B-51 or paragraph (l) of subsection a. of section 2 of N.J.S.A. 40:48-2.12s2 for providing notice to the municipal clerk that a summons and complaint in an action to foreclosure on a mortgage has been served.
- D. A creditor subject to the notice and registration requirements found to be in violation of any other Section of this Ordinance shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence 31 days following receipt of the notice of violation, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

§143-18. Enforcement Officer.

- A. This ordinance authorizes a public officer, designated or appointed pursuant to N.J.S.A. 40:48-2.3 et seq., or any other local official responsible for administration of any property maintenance or public nuisance code to issue a notice to the creditor filing the summons and complaint in an action to foreclosure, if the public officer or other authorized municipal official determines that the creditor has violated the ordinance. In the case a violation for failure to provide care, maintenance, security and upkeep of the exterior of vacant and abandoned property, such

notice shall require the person or entity to correct the violation within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to the public health and safety. The notice issued shall include a description of the conditions which gave rise to the violation. If the creditor fails to remedy the violation within that time period, the Township may impose penalties allowed for the violation of municipal ordinances. If the Township expends public funds in order to abate a nuisance or correct a violation on a commercial property in situation in which the creditor was given notice pursuant to the provisions of subsection b. of this section but failed 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.

B. Any enforcement officer or any person authorized by the municipality to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon real property while in the discharge of duties imposed herein.

SECTION II EFFECTIVE DATE

This Ordinance shall take effect after final adoption and publication according to law.

BE IT FURTHER ORDAINED, should any ordinance or part thereof be found in conflict with this ordinance or the provisions thereof, then those sections contained herein shall be deemed controlling.

BE IT FURTHER ORDAINED, that all other sections of Chapter 143 shall remain in full force and effect.

TOWNSHIP OF WOOLWICH

ATTEST: _____
Jane DiBella, Clerk

Craig Frederick, Mayor

CERTIFICATION

The foregoing ordinance was introduced upon first reading by the Township Committee of the Township of Woolwich at a regular meeting held on the 4th day of December, 2023. 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 a meeting of the Township Committee at which time any interested person(s) may be heard. Said meeting to be conducted on the 18th day of December, 2023 at the Woolwich Township Municipal Building, 120 Village Green Drive, Woolwich Township, New Jersey, beginning at 6:30 p.m.

Jane DiBella, Township Clerk

NOTICE OF ADOPTION

Notice is hereby given that the foregoing ordinance was approved for final adoption by the Woolwich Township Committee at a meeting held on the 18th day of December, 2023.

Jane DiBella, Township Clerk