

**BOROUGH OF WOODBINE  
COUNTY OF CAPE MAY**

**ORDINANCE NO. 548-2014**

**AN ORDINANCE AMENDING ORDINANCE NO. 547-2014 AN ORDINANCE REQUIRING THE REGISTRATION AND MAINTENANCE OF VACANT PROPERTIES.**

**WHEREAS**, the Council of the Borough of Woodbine adopted Ordinance No. 547-2014 requiring the registration and maintenance of vacant properties within the Borough of Woodbine; and

**WHEREAS**, subsequent to the adoption of Ordinance No. 547-2014, the State Legislature enacted 40:48-2.12(S) regarding maintenance, security and upkeep of certain residential properties which set forth fines and penalties for in state and out of state creditors who fail to comply with municipal ordinances regulating care, maintenance, security and upkeep of certain residential properties; and

**WHEREAS**, the Borough Council finds it to be in the best interest of the Borough to amend Ordinance No. 547-2014 so as to adopt the fines and penalties set forth in NJSA 40:48-2.12 (S).

**NOW, THEREFORE**, Be It Ordained by the Mayor and Council of the Borough of Woodbine that Ordinance No. 547-2014 be and is hereby amended as follows:

**Section 6 E** shall be amended by the addition of the following language: “The notice shall also provide the name and contact information of an in-state representative or agent who shall be responsible for the care, maintenance, security and upkeep of the exterior of the property if it becomes vacant and/or abandoned.

Section 6 G shall be deleted in its entirety and replaced as follows:

**Section 6 G.**

In the event the Owner of a residential property vacates or abandons any property on which a foreclosure proceeding has been initiated as defined herein or if a residential property becomes vacant at any point subsequent to a Creditor filing the Summons and Complaint in an action to foreclose on a mortgage against the subject property, but prior to vesting of title in the Creditor or any Third Party, and/or the property is found by the Public Officer or other authorized Borough Official to be a nuisance, in violation of any applicable State or Local Code regarding the care, maintenance, security or insurance requirements of this Ordinance, then the Public Officer or other authorized Borough Official shall cause a notice to be sent by certified and regular mail notifying the Creditor of the violation and directing the Creditor to correct the same. The Creditor shall be obligated to abate the nuisance or correct the violations in the same manner and to the same extent as the title Owner of the property, to such standards or specifications as may be required by State Law or Borough Code. The notice shall advise the Creditor that the nuisance or violations must be abated or corrected within thirty (30) days of the receipt of the notice or within ten (10) days of the receipt of said notice if the violation presents an imminent threat to public health and safety. The issuance of a notice pursuant to this paragraph shall

constitute proof that the property is “vacant and abandoned” for the purposes of N.J.S.A. 2A:50-73.

**Section 9: Violations and Penalties.**

A. An out-of-state Creditor found by the Woodbine Borough Municipal Court or any other Court of Competent Jurisdiction to be in violation of the requirement to appoint an in-state representative or agent pursuant to Section 6 E of the Ordinance shall be subject to a fine of \$2,500.00 for each day of the violation. Any fines imposed on a Creditor in accordance with this Paragraph shall commence on the day after the ten (10) day period set forth in Section 6 E of this Ordinance.

B. Any Creditor found by the Woodbine Borough Municipal Court or any other Court of Competent Jurisdiction to be in violation of the requirement to correct a nuisance, care, maintenance, security, insurance or upkeep violation listed in a notice issued pursuant hereto shall be subject to a fine of \$1,500.00 per day for each day the violation remains unabated.

Any fines imposed in accordance with this Paragraph shall be subject to a fine of \$1,500.00 for each day the violation remains unabated. Any fines imposed in accordance with this paragraph shall commence thirty-one (31) days following receipt of the notice except if the violation present an imminent risk to public health and safety, in which case any fines shall commence eleven (11) days following receipt of the notice.

**BE IT FURTHER ORDAINED** that any portion of Ordinance 547-2014 not so amended hereby shall remain in full force and effect.

**BE IT FURTHER ORDAINED** that if any section, subsection, paragraph, sentence or other part of this Ordinance shall be adjudged by a Court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, subsection, paragraph, sentence or other part so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

This Ordinance shall take effect immediately upon enactment by the governing body of the borough.

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**WILLIAM PIKOLYCKY, MAYOR**

**ATTEST:**

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**LISA GARRISON, Clerk**

**INTRODUCED: OCTOBER 2, 2014**

**ADOPTED: OCTOBER 16, 2014**