

**BOROUGH OF WOODBINE
501 WASHINGTON AVE, WOODBINE, NJ 08270
PHONE: 609-861-2153**

REGISTRATION FORM FOR ABANDONED RESIDENTIAL PROPERTY

Registered Residence Address: _____

Block _____ Lot _____

Lender/Lien Holder: _____

Contact Name: _____ Contact Phone: _____

Lender/Lien Holder Mailing Address: **(No PO Boxes)**

Property Manager: _____ Business License : _____

Contact Phone: _____ 24 Hour Phone: _____

Property Management Company Local Mailing Address **(No PO Boxes)**

Please Circle the Appropriate Fee:

Initial Fee \$500 First Renewal \$1,500 Second Renewal \$3,000 Subsequent Renewal \$5,000

All Registration fees shall accompany this registration form. The fee will be required by January 1st of each year. Initial registration fee will be prorated per Sec. 2(D) of the Ordinance. A fine of no less than \$500.00 and no more than \$1,000.00 shall be imposed for each violation.

BY SIGNING AND SUBMITTING THIS APPLICATION, I CERTIFY THAT I HAVE THE LEGAL AUTHORITY TO DO SO. I HAVE READ AND UNDERSTAND THE BOROUGH OF WOODBINE PROPERTY VACANT PROPERTY REGISTRATION AND MAINTENANCE ORDINANCE, AND ALL INFORMATION SUBMITTED ON THIS APPLICATION IS ACCURATE TO THE BEST OF MY KNOWLEDGE.

APPLICANT NAME: _____

SIGNATURE: _____ DATE: _____

OFFICIAL USE ONLY - Date Paid: _____ Type of Registration _____

SECTION 1. Definitions.

As used in this ordinance, the following terms shall have the meanings indicated:

CREDITOR

Shall mean any creditor including but not limited to, service companies, lenders in a mortgage agreement and any agent, servant or employee of the mortgagee, or any successor in interest and/or assignee of the mortgagee's rights, interests or obligations under a mortgage agreement.

INITIATION OF THE FORECLOSURE PROCESS

Shall mean any of the following actions taken by a lienholder or mortgage holder or mortgagee

- (A) taking possession of the Property
- (B) delivering a Creditors or mortgagee's notice of intention to foreclose to the borrower
- (C) commencing a foreclosure action or filing a lis pendens in the Superior Court of New Jersey

OWNER

Shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity that has filed a notice with the Borough Clerk pursuant to the provisions of N.J.S.A. 46:10B-51 (P.L.2008, c.127, Sec.17 as amended by P.L.2009, c.296), or any other entity determined by the Borough to have authority to act with respect to the property.

PROPERTY

Shall mean any real estate, residential property, or portion thereof, located in the Borough, including buildings or structures situated on the Property. Property does not include property owned or subject to the control of the Borough or any of its governmental bodies or agencies.

PUBLIC OFFICER

The Director, Department of Public Works, or his designee, is hereby designated as the Public Officer of the Borough and shall exercise the powers prescribed by this Ordinance.

RESIDENTIAL PROPERTY

Shall mean any property that contains one or more dwelling units used, intended or designed to be occupied for living purposes

SECURING

Shall mean taking measures that assist in making the property and accessible to unauthorized persons

VACANT PROPERTY

Any building or structure which is not legally occupied or at which all lawful business or construction operations or renovation work or residential occupancy have substantially ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation, including but not limited to any property meeting the definition of abandoned property in N.J.S.A. 55:19-80; provided, however, that any property where all building systems are in working order, where the building and grounds are maintained in good order, or where the building is in a habitable condition, and where the building is being actively marketed by its Owner for sale or rental, shall not be deemed a vacant property for purposes of this Ordinance.

SECTION 2 . Registration Requirements.

Effective October 1, 2014, the Owner of any Vacant Property as defined herein shall, within 30 calendar days after the building becomes Vacant Property or within 30 calendar days after assuming ownership of the Vacant Property, whichever is later; or within 10 calendar days of receipt of notice by the Borough, file a registration statement for such Vacant Property with the Code Enforcement Office on forms provided by the Borough for such purposes. Failure to receive notice by the Borough shall not constitute grounds for failing to register the property.

A. Each Property having a separate block and lot number as designated in official records of the Borough shall be registered separately.

B. The registration statement shall include the name, street address, telephone number, and e-mail address (if applicable) of a person 21 years of age or older, designated by the Owner or Owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such Owner or Owners in connection with the enforcement of any applicable code; and the name, street address, telephone number, and e-mail address (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the property. The individual or a representative of the firm responsible for maintaining the property shall be available by telephone or in person on a twenty-four-hour per day, seven-day-per-week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.

C. The registration shall remain valid for one year from the date of registration except for the initial registration time which shall be prorated through 2014. The Owner shall be required to renew the registration annually as long as the building remains a Vacant Property and shall pay a registration or renewal fee in the amount prescribed in Section 8 of this Ordinance for each Vacant Property registered.

D. The annual renewal shall be completed by January 1st of each year. The initial registration fee shall be prorated for registration statements received less than 10 months prior to that date.

E. The Owner shall notify the Code Enforcement Office within 30 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Borough for such purpose.

F. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough against the Owner or Owners of the building.

G. The Owner shall maintain insurance in accordance with Section 6 of this ordinance.

H. The registration statement may include any additional information that the Public Officer may reasonably require.

SECTION 3. Restoration.

Any Owner of Vacant Property who plans to restore the property to productive use and occupancy during the twelve-month period following the date of the initial registration of the property shall file a sufficiently detailed statement of the Owner's plans for restoration of the property with the registration statement. Any Owner who within the initial registration period completes restoration of the property whereby the property no longer is defined as a Vacant Property may request a pro-rated refund of the Vacant Property registration fee from the Code Enforcement Office upon presentation of a certificate of occupancy who shall forward the request to the Public Officer for approval.

SECTION 4. Access.

The Owner of any Vacant Property registered under this Ordinance shall provide access to the Borough to conduct exterior and interior inspections of the building to determine compliance with municipal codes, upon reasonable notice to the property Owner or the designated agent. Such inspections shall be carried out on weekdays during the hours of 9:00 a.m. and 4:00 p.m., or such other time as may be mutually agreed upon between the Owner and the Borough.

SECTION 5. Responsible owner or agent.

A. An Owner who meets the requirements of this Ordinance with respect to the location of his or her residence or workplace in the State of New Jersey may designate himself or herself as agent or as the individual responsible for maintaining the property.

B. By designating an authorized agent under the provisions of this section the Owner consents to receive any and all notices of code violations concerning the registered Vacant Property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any Owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the Owner notifies the Borough in writing of a change of authorized agent or until the Owner files a new annual registration statement.

C. Any Owner who fails to register a Vacant Property under the provisions of this Ordinance shall further be deemed to consent to receive, by posting on the building, in plain view, and by service notice at the last known address of the Owner of the property on record with the Borough by regular and certified mail, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

SECTION 6. Owner and/or Creditor requirements.

The Owner and /or Creditor of any structure that has become Vacant Property, and any person responsible for maintaining any such building that has become vacant shall, within 30 calendar days of the structure becoming vacant or within 30 calendar days of the Owner taking title to the property, do the following:

A. Board and secure the structure and all unattached accessory structures, garages or similar structures as provided for in the applicable codes of the Borough or as set forth in rules and regulations promulgated by the Construction Code Official.

B. Ensure that the exterior grounds of the structure, including yards, fences, sidewalks, walkways, rights-of-way, alleys, retaining walls, attached or unattached accessory structures and

driveways, are well maintained and free from trash, debris, loose litter, and grass and weed overgrowth.

C. Post a sign, affixed and protected from the elements, to the structure indicating the name, address and telephone number of the owner and the owner's authorized agent for the purpose of service of process, and the name, address and telephone number of the entity responsible for maintenance of the property, which may be the same as the owner or authorized agent. The sign shall include the words "No Trespassing" and "to report problems with this building, call...", shall be of sufficient size and shall be placed in a location where it is clearly visible from the nearest public street or sidewalk, whichever is nearer. The sign shall be no smaller than eight (8) inches by ten (10) inches.

D. Continue to maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition, and ensure that the sign is visible and intact until the building is again occupied, demolished, or until repair and/or rehabilitation of the building is complete.

E. A Creditor serving a summons and complaint in an action to foreclose on a mortgage on residential property in the Borough shall, within 10 days of serving the summons and complaint notify the Borough Clerk that a summons and complaint in an action to foreclose on a mortgage has been filed against the property. The notice shall contain the name and contact information for the representative of the Creditor who is responsible for receiving complaints of property, maintenance and code violations and shall be provided by mail, or electronic communication at the discretion of the Borough clerk. The Borough clerk shall forward a copy of the notice to the public officer to or shall otherwise provide to any other local official responsible for administration of any property maintenance or public nuisance code. In the event that the property being foreclosed upon is an affordable unit pursuant to the Fair Housing Act, N.J.S.A. 52:27. D – 301 et seq., 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 and the full name and contact information of an individual located within the State who was authorized to accept service on behalf of the Creditor. The notice shall be provided to the Borough clerk within 10 days of service of a summons and complaint in an action to foreclose on a mortgage against the subject property.

F. The Owner of any Vacant Property shall acquire and otherwise maintain liability insurance, in an amount of not less than \$300,000 for buildings designed primarily for residential use, and not less than \$1,000,000 for any other building, including, but not limited to, buildings designed for manufacturing, industrial, storage or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building or property subject to the provisions of this ordinance. Said insurance shall provide a rider for payment of all demolition costs should the vacant building become abandoned and require the Borough to demolish the building. Any insurance policy acquired or renewed after the building has become vacant shall provide for written notice to the Public Officer within 30 calendar days of any lapse, cancellation or change in coverage. The Owner shall attach evidence of the insurance to the Owner's registration statement. Any registration statement submitted that does not include such evidence shall be deemed to be an invalid registration. Insurance must name Borough of

Woodbine as party or payee for demolition costs should the Borough deem demolition is required.

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 the Creditor filing the summons and complaint in an action to foreclose on a mortgage against the subject property or Initiates the Foreclosure Process as defined herein,, but prior to vesting of title in the Creditor or any 3rd party, and the Property is found to be a nuisance or in violation of any applicable State or local code, the Public Officer, Borough Clerk or other authorized Borough official shall notify the Creditor, which shall have the responsibility to abate the nuisance or correct the violation in the same manner and to the same extent as the title Owner of the property, to such standard or specifications as may be required by State law or Borough code. The Public Officer or other authorized municipal official shall include a description of the conditions that gave rise to the violation with the notice of violation and shall provide a period of not less than 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, the Borough may impose penalties allowed for the violation of municipal ordinance pursuant to N.J.S.A. 40:49 – 5 in the event the Borough expends public funds in order to abate a nuisance or correct a violation on a residential property in situations in which the Creditor was given notice pursuant to the provisions of this Ordinance, but 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 N.J.S.A. 55:19 – 100.

SECTION 7. Rules and regulations issued by Public Officer.

The Public Officer may issue rules and regulations for the administration of the provisions of this Ordinance. Such administratively promulgated rules and regulations shall be in writing and shall be provided to the Owners and/or Creditors of properties registered under this Ordinance or their designated agents within 30 calendar days of their effective date.

SECTION 8. Fees.

The registration and renewal fee for each building shall be as follows:

- A. Initial registration: \$500.00 or prorated amount per Section 2 of this ordinance.
- B. First renewal: \$1,500.00
- C. Second renewal: \$3,000.00
- D. Subsequent renewal: \$5,000.00

SECTION 9. Violations and penalties.

A. Any person or entity that violates any provision of this ordinance or of the rules and regulations issued hereunder shall be fined not less than \$500 and not more than \$1,000 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this chapter shall be recoverable from the owner and/or Creditor and shall be a lien on the property.

B. For purposes of this section, failure to file a registration statement within 30 calendar days after a building becomes vacant property or within 30 calendar days after assuming ownership of a vacant property, whichever is later; or within 10 calendar days of receipt of notice by the

municipality, failure to provide correct information on the registration statement, or failure to comply with such provisions contained herein shall be deemed to be violations of this ordinance.