

*2nd Read*

**ORDINANCE NO. 2015-8**

**ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WENONAH,  
COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, CREATING A NEW  
CHAPTER 3 OF THE CODE OF THE BOROUGH OF WENONAH ENTITLED  
"ABANDONED REAL PROPERTY REGISTRATION"**

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**WHEREAS**, the present mortgage foreclosure crisis has serious negative implications for all communities trying to manage the consequences of property vacancies and abandoned real properties; and

**WHEREAS**, the Borough of Wenonah recognizes an increase in the number of vacancies and abandoned properties located throughout the Borough; and

**WHEREAS**, the Borough of Wenonah is challenged to identify and locate owners or foreclosing parties who can maintain the properties that are in the foreclosure process or that have been foreclosed; and

**WHEREAS**, the Borough of Wenonah finds that the presence of vacant and abandoned properties can lead to a decline in property value, create attractive nuisances and lead to a general decrease in neighborhood and community aesthetic; and

**WHEREAS**, the Borough of Wenonah has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

**WHEREAS**, the Borough of Wenonah desires to amend the Borough's Code in order to participate in the County-wide registration program established by Gloucester County and administered by Community Champions Corporation that will identify a contact person to address safety and aesthetic concerns to minimize the negative impacts and blighting conditions that occur as a result of the foreclosures; and

**WHEREAS**, the Borough of Wenonah has a vested interest in protecting neighborhoods against decay caused by vacant and abandoned properties and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose registration and certification requirements on abandoned and vacant properties located within the Borough; and

**WHEREAS**, upon passage, duly noticed public hearings, as required by law will have been held by the Borough, at which public hearings all residents and interested persons were given an opportunity to be heard.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Wenonah, in the County of Gloucester and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

**SECTION 1.** That the foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon the adoption hereof.

**SECTION 2.** That the Mayor and Council of the Borough of Wenonah do hereby amend The Borough of Wenonah Code, by creating a new Chapter 3, entitled "Abandoned Real Property Registration," to read as follows:

### **CHAPTER 3**

#### **ABANDONED REAL PROPERTY REGISTRATION**

**§ 3-1. Purpose and Intent:**

It is the purpose and intent of the Borough of Wenonah to establish a process to address the increasing amount of abandoned, foreclosed or distressed real property located within the Borough, and to identify, regulate, limit and reduce the number of abandoned properties located within the Borough. It is the Borough of Wenonah's further intent to participate in the County-wide registration program established by Gloucester County and administered by Community Champions Corporation as a mechanism to protect neighborhoods from becoming blighted due to the lack of adequate maintenance and security of abandoned and foreclosed properties.

**§ 3-2. Definitions:**

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

**ABANDONED REAL PROPERTY** - means any real property located in the Borough of Wenonah, whether vacant or occupied, that is in default on a mortgage, has had a lis pendens filed against it by the Lender holding a mortgage on the property, is subject to an ongoing foreclosure action by the Lender, is subject to an application for a tax deed or pending tax assessors lien sale, or has been transferred to the Lender under a deed in lieu of foreclosure. The designation of a property as "abandoned" shall remain in place until such time as the property is sold or transferred to a new owner, the foreclosure action has been dismissed, and any default on the mortgage has been cured.

**ACCESSIBLE PROPERTY/STRUCTURE** - means a property that is accessible through a compromised/breached gate, fence, wall, etc. or a structure that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

**APPLICABLE CODES** - means to include, but not be limited to, the Borough of Wenonah's Zoning Code, the Borough of Wenonah's Code of Ordinances ("Borough Code"), and the New Jersey Building Code.

**BLIGHTED PROPERTY - means:**

- a) Properties that have broken or severely damaged windows, doors, walls, or roofs which create hazardous conditions and encourage trespassing; or
- b) Properties whose maintenance is not in conformance with the maintenance of other neighboring properties causing a decrease in value of the neighboring properties; or
- c) Properties cited for a public nuisance pursuant to the Borough Code; or
- d) Properties that endanger the public's health, safety, or welfare because the properties or improvements thereon are dilapidated, deteriorated, or violate minimum health and safety standards or lacks maintenance as required by the Borough Codes.

**ENFORCEMENT OFFICER -** means any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector or building inspector, or other person authorized by the Borough of Wenonah to enforce the applicable code(s).

**OWNER -** means any person, legal entity or other party having any ownership interest whether legal or equitable, in real property. This term shall also apply to any person, legal entity or agent responsible for the construction, maintenance or operation of the property involved.

**PROPERTY MANAGEMENT COMPANY -** means an owner, agent, local property manager, property Maintenance Company or similar entity responsible for the maintenance of abandoned real property.

**VACANT -** means any building or structure that is not legally occupied.

**§ 3-3. Applicability:**

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather be an additional remedy available to the Borough of Wenonah above and beyond any other state, county or local provisions for same.

**§ 3-4. Establishment of a Registry:**

Pursuant to the provisions of Section 3-5, the Borough of Wenonah or its designee shall participate in the County-wide registration program established by Gloucester County and administered by Community Champions Corporation cataloging each Abandoned Property within the Borough of Wenonah, containing the information required by this Chapter.

**§ 3-5. Registration of Abandoned Real Property:**

- (a) Any mortgagee who holds a mortgage or equity lien on real property located within the Borough of Wenonah shall perform an inspection of the property to determine vacancy or occupancy, upon default by the mortgagor. The mortgagee shall, within ten (10) days of the inspection, register the property with the Code Enforcement Office, or its designee, on forms or website access provided by the Borough of Wenonah, 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.

- (b) 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 Borough of Wenonah.
- (c) Registration pursuant to this Section shall contain the name of the mortgagee and the servicing entity, if any, the direct mailing address of the mortgagee and the servicing entity, a direct contact name and telephone number for both parties, facsimile number and e-mail address for both parties, the folio or tax number, and the name and twenty-four (24) hour contact telephone number of the property management company responsible for the security and maintenance of the property.
- (d) A non-refundable annual registration fee in the amount of \$500.00 per property, shall accompany the registration form or website registration. On each anniversary date of the initial registration, the owner or mortgagee shall submit a renewal registration and fee in the sum of \$500.00 in accordance with this Section 3-5.
- (e) All registration fees must be paid directly from the Mortgagee, Servicer, Trustee, or Owner. Third Party Registration fees are not allowed without the consent of the Municipality and/or its authorized designee.
- (f) 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/sale.
- (g) 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.
- (h) 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 the change.
- (i) 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 Chapter is a violation of the Chapter and shall be subject to enforcement.
- (j) Pursuant to any administrative or judicial finding and determination that any property is in violation of this Chapter, the Borough of Wenonah may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.

**§ 3-6. Maintenance Requirements:**

- (a) Properties subject to this chapter shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state or local law discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.

- (b) The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- (c) Front, side, and rear yards, including landscaping, shall be maintained in accordance with the applicable code(s) at the time registration was required.
- (d) Yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
- (e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.
- (f) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- (g) Failure of the mortgagee and/or owner to properly maintain the property may result in a violation of the applicable Code(s) and issuance of a citation or Notice of Violation in accordance with this Chapter and Chapter 17A or 17B of the Borough of Wenonah's Code. Pursuant to a finding and determination by the Borough's Code Enforcement Officer or a Court of competent jurisdiction, the Borough of Wenonah may take the necessary action to ensure compliance with this section.
- (h) In addition to the above, the property is required to be maintained in accordance with the applicable Code(s).

**§ 3-7. Security Requirements:**

- (a) Properties subject to these Sections shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- (b) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by reglazing of the window.
- (c) If a mortgage on a property is in default, and the property has become vacant or abandoned, a property manager shall be designated by the mortgagee to perform the work necessary to bring the property into compliance with the applicable code(s), and the property manager must perform regular inspections to verify compliance with the requirements of this Chapter, and any other applicable laws.

**§ 3-8. Public Nuisance:**

All abandoned real property is hereby declared to be a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare and safety of the residents of the Borough of Wenonah.

**§ 3-9. Violations and Penalties:**

Any person who shall violate the provisions of this Chapter shall be cited and fined by one or more of the following: imprisonment in the county jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding 90 days; or by a fine not less than \$500.00 or exceeding \$1,250.00; or by a period of community service not exceeding 90 days.

Any person who is convicted of violating this Chapter within one year of the date of a previous violation of the same Section, and who was fined for the previous violation, shall be sentenced by a Court to an additional fine as a repeat offender. The additional fine imposed by the Court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of this Chapter, but shall be calculated separately from the fine imposed for the violation of this Chapter.

**§ 3-10. Inspections for Violations:**

Adherence to this Chapter does not relieve any person, legal entity or agent from any other obligations set forth in any applicable Code(s), which may apply to the property. Upon sale or transfer of title to the property, the owner shall be responsible for all violations of the applicable Code(s).

**§ 3-11. Additional Authority:**

- (a) If the Enforcement Officer has reason to believe that a property subject to the provisions of this Chapter is posing a serious threat to the public health safety and welfare, the Code Enforcement Officer may temporarily secure the property at the expense of the mortgagee and/or owner, and may bring the violations before a Court of competent jurisdiction as soon as possible to address the conditions of the property.
- (b) The Code Enforcement Officer shall have the authority to require the mortgagee and/or owner of record of any property affected by this section, to implement additional maintenance and/or security measure including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.
- (c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety and welfare, then the Code Enforcement Officer may direct the Municipality to abate the violations and charge the mortgagee with the cost of the abatement.
- (d) If the mortgagee does not reimburse the Borough of Wenonah for the cost of temporarily securing the property, or of any abatement directed by the code enforcement board or special magistrate, within thirty (30) days of the Borough sending the mortgagee the invoice, then the Borough of Wenonah may lien the property with such cost, along with an administrative fee of \$500.00 to recover the administrative personnel services.

**§ 3-12. Opposing, Obstructing Enforcement Officer; Penalty:**

Whoever opposes, obstructs or resists any enforcement officer or any person authorized by the Code Enforcement Office in the discharge of duties as provided in this chapter shall be punishable as provided in the applicable Code(s) or a Court of competent jurisdiction.

**§ 3-13. Immunity of Enforcement Officer:**

Any enforcement officer or any person authorized by the Borough of Wenonah 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 by this Chapter.

**§ 3-14. Severability:** Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

**§ 3-15. Repealer:**

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

**§ 3-16. When Effective:**

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

**BOROUGH OF WENONAH**


BY:



JOHN R. DOMINY, MAYOR

Bill Norris  
Council president

ATTEST:

  
KAREN L. SWEENEY, CLERK

**NOTICE**

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Council of the Borough of Wenonah, in the County of Gloucester and State of New Jersey, held on Thursday, JULY 23, 2015, at 7:30 P.M. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Council to be held in the Borough's Municipal Building, One South West Avenue, in the Borough, on Thursday, August 27, 2015 at 7:30 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at the Municipal Building, One South West Avenue, in the Borough, to the members of the general public who shall request the same.

  
KAREN L. SWEENEY, CLERK