

**WEYMOUTH TOWNSHIP
ATLANTIC COUNTY
NEW JERSEY**

ORDINANCE NO. 587-2022

AN ORDINANCE REQUIRING THE REGISTRATION AND MAINTENANCE OF CERTAIN REAL PROPERTY BY MORTGAGEES; PROVIDING FOR PENALTIES AND ENFORCEMENT, AS WELL AS THE REGULATION, LIMITATION AND REDUCTION OF ABANDONED REAL PROPERTY WITHIN THE MUNICIPALITY; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

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 subject to foreclosure; and

WHEREAS, Weymouth Township, hereinafter referred to as "Township" recognizes an increase in the number of vacancies and abandoned properties located throughout the Township; and

WHEREAS, The Township is challenged to identify and locate responsible parties of foreclosing parties who can maintain the properties that are in the foreclosure process or that have been foreclosed; and

WHEREAS, The Township 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 aesthetics; and

WHEREAS, The Township has already adopted property maintenance codes to regulate building standards for the exterior of structures and the conditions of the property as a whole; and

WHEREAS, The Township desires to amend the Township's Code in order to participate in the county-wide registration program established by the Atlantic County Improvement Authority 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 Township 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 amend registration and certification requirements on foreclosure properties located within the Township; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the municipality by law; and

WHEREAS, pursuant to P.L. 2021, c. 444, the governing body of a municipality is authorized to adopt or amend ordinances creating a property registration program for the purpose of identifying and monitoring properties within the municipality for which a summons and complaint in an action to foreclosure on a mortgage has been filed, regulate the care, maintenance, security and upkeep of such properties, and impose a registration fee on the Mortgagee of such properties; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WEYMOUTH:

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 Township Committee of Weymouth Township hereby amends the code of the Township of Weymouth, Chapter 96, by amending Article III, entitled "Abandoned Real Property," to read as follows:

CHAPTER 96. ARTICLE III. REGISTERABLE REAL PROPERTY.

SECTION 96-20. PURPOSE AND INTENT.

It is the purpose and intent of the Township to establish a process to address the deterioration and blight of Township neighborhoods caused by an increasing amount of abandoned, foreclosed or distressed real property located within the Township, and to identify, regulate, limit and reduce the number of foreclosure properties located within the Township, It is the Township's further intent to participate in the County-wide registration program established by the Atlantic County Improvement Authority as a mechanism to protect neighborhoods from becoming blighted due to the lack of adequate maintenance and security of foreclosure properties.

SECTION 96-21. 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.

Annual Registration – means twelve (12) months from the date of the first action that requires registration, as determined by the Township, or its designee, and every subsequent twelve (12) months the property is Registrable. The date of the initial registration may be different than the date of the first action that required registration.

Accessible Property / Structure – means a property that is accessible through a comprised/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 Township's Zoning Code, the Township's code of Ordinances ("Township 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 Township 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 Township Unfit Buildings, Property Maintenance and/or Zoning or Land Use 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 Township to enforce the applicable code(s).

Foreclosure or Foreclosure Action– means the legal process by which a mortgagee terminates a mortgagor's interest in real property either to obtain legal and equitable title to the real property pledged as security for a debt or to force a sale of said property to satisfy a debt. For purposes of this article, this process begins upon the service of a summons and complaint on the mortgagor or any interested party. For purposes of this article, the process is not concluded until the property is sold to a bona fide purchaser not related to the mortgagee in an arms-length transaction whether by Sheriff's sale, private sale following a Sheriff's sale, or private sale following the vesting of title in the mortgagee pursuant to a judgment.

Mortgagee - means the creditor, including but not limited to, lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests, or obligations under the mortgage agreement, excluding governmental entities as assignee or owner.

Property Management Company – means a local property manager, property Maintenance company or similar entity responsible for the maintenance of Registerable Real Property.

Registerable Real Property – means any real property located in the Township, whether vacant or occupied, that is subject to an ongoing Foreclosure Action by the Mortgagee or trustee, has been the subject of a Foreclosure Action by a Mortgagee or trustee and a judgment has been entered, or has 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. The designation of a “foreclosure” property as “registrable” shall remain in place until such time as the property is sold to a non-related bona fide purchaser in an arm’s length transaction or the Foreclosure Action has been dismissed.

Vacant – means any building or structure that is not legally occupied.

SECTION 96-22. 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 Township above and beyond any other state, county or local provisions for same.

SECTION 96-23. ESTABLISHMENT OF A REGISTRY.

Pursuant to the provisions of Section 3., the Municipality or designee shall participate in the County-wide registration program established by the Atlantic County Improvement Authority which catalogs each Registerable Property within the Township, containing the information required by this Article.

SECTION 96-24. REGISTRATION OF REGISTERABLE REAL PROPERTY.

- a. Any mortgagee who holds a mortgage on real property located within the Township of Weymouth shall perform an inspection of the property upon the filing of a Foreclosure Action to determine vacancy or occupancy.
- b. The mortgagee shall, within ten (10) days of the inspections, register the property with the Division of Code Enforcement, or designee, on forms or website access provided by the Municipality, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is founded to be vacant or occupied.
- c. If the property is occupied but remains in foreclosure, it shall be inspected by the mortgagee or his designee monthly and, within ten (10) days of that inspection, update the property registration to a vacancy status on forms provided by the Municipality.
- d. Registration pursuant to this section shall contain the name of the mortgagee and the server, the direct mailing address of the mortgagee and the server, 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.
- e. If the mortgagee is located outside of New Jersey, it must provide the full name, mailing address, and direct-dial telephone number of an in-State representative or agent for the Mortgagee.
- f. A non-refundable annual registration fee in the amount of \$500.00 per property, shall accompany the registration form or website registration.
- g. If the property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the annual registration fee shall be charged for every thirty-day period (30), or portion thereof, that the property is not registered and shall be due and payable with the registration.
- h. 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.
- i. 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.
- j. 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 registerable.
- k. 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.
- l. Failure of the mortgagee to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this article is a violation of the article and shall be subject to enforcement.
- m. Pursuant to any administrative or judicial finding and determination that any property is in violation of this article, the Township 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.

- n. Registration of foreclosure property does not alleviate the Mortgagee from obtaining all required licenses, permits and inspections required by applicable code or State Statutes.
- o. If the mortgage and/or servicing on a property is sold or transferred, the new mortgagee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new mortgagee shall register the property or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Registrable Property.
- p. If the mortgagee sells or transfers the Registrable Property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including but not limited to unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous Mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Registrable Property.

SECTION 96-25. 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 of Notice of Violation in accordance with Article III of General Penalty Section of the Code of Weymouth Township. Pursuant to a finding and determination by the Municipality's Code Enforcement Officer/Board, Hearing Officer/Special magistrate or a court of competent jurisdiction, the Municipality 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).

SECTION 96-26. 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 re-glazing 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 article, and any other applicable laws.

SECTION 96-27. 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 Township.

SECTION 96-28. PENALTIES; SCHEDULE OF CIVIL PENALTIES.

Any person who shall violate the provisions of this article may be cited and fined as provided in Chapter 84, THIS Chapter 96 and/or Chapter 188 of the Weymouth Township Code of Ordinances and applicable New Jersey Statutes. The following table shows violations of these sections, as may be amended from time to time, which may be enforced pursuant to the provisions of this regulation; and the dollar amount of civil penalty for the violation of these sections as it may be amended. The descriptions of violations below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the Municipality Code sections, except to the extent that different types of violations of the Code section may carry different civil penalties. For each Code section listed in the schedule of civil penalties, the entirety of the section may be enforced by the mechanism provided in this sections, regardless of whether all activities prescribed or required are described in the "Description of Violation" column. To determine whether a particular activity is prescribed or required by this Code, the relevant Municipality Code section(s) shall be examined.

Description of Violation	Civil Penalty
Failure to register Registerable Real Property on an Annual basis and/or any violation of the Sections stated within.	\$500.00

SECTION 96-29. INSPECTIONS FOR VIOLATIONS.

Adherence to this article 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) and the owner shall be responsible for meeting with the Township's Code Enforcement Division within forty-five (45) days for a final courtesy inspection report.

SECTION 96-30. ADDITIONAL AUTHORITY.

- a. If the enforcement officer has reason to believe that a property subject to the provisions of this article 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 the Municipality's code enforcement board or code enforcement special magistrate as soon as possible to address the conditions of the property.
- b. The code Enforcement Board or Hearing Officer/special magistrate 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 onsite security guard or other measures as maybe 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 Township Committee may direct the Code Enforcement Officer to abate the violations and charge the mortgagee with the cost of the abatement.
- d. If the mortgagee does not reimburse the Township 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 Township sending the mortgagee the invoice then the Township may lien the property with such cost, along with an administrative fee of \$500.00 to recover the administrative personnel services.

SECTION 96-31. OPPOSING, OBSTRUCTING ENFORCMENT OFFICER; PENALTY.

Whoever opposes, obstructs or resists any enforcement officer or any person authorized by the 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.

SECTION 96-32. IMMUNITY OF ENFORCEMENT OFFICER.

Any enforcement officer or any person authorized by the Township 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 article.

SECTION 3. AMENDMENTS. Registration and Penalty Fees outlined in this article may be modified by a Resolution, passed and adopted by the Township Committee of the Township of Weymouth.

SECTION 4. SEVERABILITY. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 5. REPEALER. All ordinances of parts of ordinances in conflict herewith, are and the same are hereby repealed.

SECTION 6. CODIFICATION. It is the intention of the Township Committee of the Township of Weymouth, New Jersey, that the provisions of this Ordinance shall become and be made a part of the Weymouth Township Code of Ordinances; and that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective immediately following its advertisement, public hearing and adoption in accordance with the law.

WEYMOUTH TOWNSHIP

BY : _____

Kenneth R. Haeser, Mayor

Notice is hereby given that this Ordinance was introduced and given its First Reading by Title at a Regular Meeting of the Weymouth Township Committee which was held on July 20, 2022. It was advertised for a Second Reading by Title and a Public Hearing on September 7, 2022 at the Weymouth Township Municipal Building at which time it was adopted.

Attest: _____

Dorothy-Jo Ayres, RMC, Weymouth Township Clerk