

**TOWNSHIP OF DENNIS**

**TOWNSHIP COMMITTEE  
WORKSESSION AGENDA**

**APRIL 13, 2015**

**4:00 P.M. (prevailing time)**

**CALL TO ORDER:**

Mayor's announcement: The notice requirements provided for in the "Open Public Meetings Act" have been satisfied. Notice of this meeting was properly given in a Meeting Notice published on February 25, 2015 and posted in accordance with the act.

**FLAG SALUTE:**

**ROLL CALL OF MEMBERS PRESENT:**

\_\_\_ DiCicco, A.; \_\_\_ Salimbene, L.; \_\_\_ Tozer, D.; \_\_\_ O'Connor, B.; \_\_\_ Murphy, J;

**SPECIAL PRESENTATIONS OR DISCUSSIONS:**

None.

**DEPARTMENTAL REPORTS AND PROJECT UPDATES:**

**Admin & Finance:**

Discuss the C.M.C. Board of Chosen Freeholders correspondence regard Coast Guard Community.

**Engineering:**

Nothing Pending.

**Construction:**

Nothing Pending.

**Legal:**

Discuss the Registration and Maintenance of Vacant Properties.

**RESOLUTIONS:**

Nothing Pending.

**ORDINANCES:**

Scheduled for Public Hearing on 05/05/2015:

Ord. #2015-02

An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S. 40A:4-45.14.

Ord. #2015-03

Bond Ordinance Authorizing the Completion of Various Capital Improvements in and for the Township of Dennis, County of Cape May, New Jersey; Appropriating the Sum of \$500,000 Therefor; Authorizing the Issuance of General Obligation Bonds or Bond Anticipation Notes of the Township of Dennis, County of Cape May, New Jersey, in the Aggregate Principal Amount of up to \$95,000 making certain Determinations and Covenants; and Authorizing Certain Related Actions in Connection with the Foregoing.

**MOTION TO ADJOURN THE MEETING:**

# BOARD of CHOSEN FREEHOLDERS

## COUNTY of CAPE MAY

4 Moore Road

Cape May Court House, N.J. 08210-1654

(609)465-1065 Fax: 465-6189

Website: [www.capemaycountygov.net](http://www.capemaycountygov.net)

GERALD M. THORNTON, Director  
*Administration,  
Revenue & Finance,  
Emergency Management*

LEONARD C. DESIDERIO  
VICE-DIRECTOR  
*Public Safety*

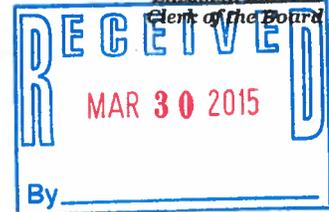
E. MARIE HAYES  
*Tourism & Public Information,  
Public Offices and Transportation*



WILL MOREY  
*Planning, Education,  
Engineering and  
Economic Development*

KRISTINE GABOR  
*Health and  
Human Services*

Elizabeth Bozzelli  
*Clerk of the Board*



March 25, 2015

Mayor John Murphy  
Township of Dennis  
571 Petersburg Rd.  
P.O. Box 204  
Dennisville, N.J. 08214

RE: Call to Action: Celebrating Our "Coast Guard Community" Status

Dear Mayor Murphy:

My colleagues and I were thrilled to learn that Cape May County received U.S. Coast Guard and U.S. Congressional approval as an official "Coast Guard Community." As you know, within our County the Coast Guard has gigantic economic benefit (over \$150 million annually) and tremendous social impact as well.

The "Coast Guard Community" designation extends to all 16 municipalities in the County, and I am reaching out to ask that you actively engage in honoring the designation both at an upcoming Festival and on a year-round basis. In recognition of the designation, the Freeholders at their March 10 meeting passed a Resolution honoring our long-standing relationship with the Coast Guard and establishing the first week in May as Coast Guard Community Week in Cape May County. A copy of our Resolution is enclosed.

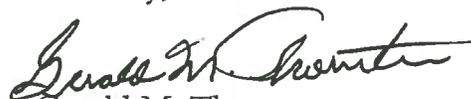
Your town can participate in many appropriate and purposeful ways. Those of you who plan to attend the May 8-10 "Coast Guard Community Festival" will be invited to VIP events along with national and regional dignitaries. But there is much that each municipality can do. As excellent ways to show your enthusiastic support as a Cape May County municipality, we ask that you consider taking prompt action on the following:

- Pass a Resolution supporting the “Coast Guard Community” designation; personalize it to describe your town’s contacts with the Coast Guard, and invite Captain Todd Prestidge, TRACEN’s Commanding Officer, or one of his officers, to attend the meeting at which the Resolution is adopted;
- Create a new Coast Guard-oriented event in your town, or include special recognition for Coast Guard personnel, families and retirees in an existing community event; and
- Recognize the Coast Guard, and the “Coast Guard Community” designation, on your Website, and encourage your business community to support Coast Guard families by offering courtesy discounts on products and services.

Cape May County towns also are welcome to support and display Coast Guard-related exhibits at the upcoming Festival. For 2015, I’m pleased to advise that Mayor Ed Mahaney, along with County Freeholder Will Morey, are Festival Co-Chairs. I’m also very pleased to remind you that your colleagues Marty Pagliughi (focusing on Emergency Management) and Bill Pikolycky (focusing on Festival-municipal liaison) serve on the Festival Planning Committee.

We encourage you to work closely with these liaisons in the weeks ahead. I also will be very pleased to assist you as we prepare for our collective honor of becoming a “Coast Guard Community.”

Sincerely,



Gerald M. Thornton  
Freeholder Director

By Email and by Regular Mail  
Enclosure

cc:

Municipal Clerk **Jacqueline Justice** (w/enclosure)  
By Email and By Regular Mail

**BOARD OF CHOSEN FREEHOLDERS  
CAPE MAY COUNTY, NEW JERSEY  
RESOLUTION**

*No. 201-15*

**RESOLUTION  
DESIGNATING FIRST FULL WEEK OF MAY EACH YEAR  
AS "COAST GUARD COMMUNITY WEEK" IN CAPE MAY COUNTY,  
AND ESTABLISHING 2015 "COAST GUARD COMMUNITY FESTIVAL"**

**WHEREAS**, Cape May County is home to the "USCG Training Center Cape May" ("TRACEN"), which is the fifth largest Coast Guard base in the world and the nation's only Coast Guard recruit training center, and which also houses tenant commands engaging in missions such as vessel support, participation in air/sea rescue, investigative services, communications and homeland security services; and

**WHEREAS**, after several levels of Coast Guard flag review and approval, and confirmation by the United States Congress, Cape May County has been awarded the designation of "Coast Guard Community," a distinction awarded to only one other county in the United States; and

**WHEREAS**, the designation of "Coast Guard Community" will endure for five years, at which time it shall be reviewed by the Coast Guard to determine whether it should be renewed for another five-year term; and

**WHEREAS**, the Coast Guard's involvement in Cape May County dates back over a century to that of its predecessor, the United States Life-Saving Service, with a significant ensuing presence in multiple towns throughout the County - ranging from the small life-saving stations that graced our coastlines before the advent of advanced search-and-rescue technologies, to the historic North Wildwood lighthouse tended for decades by Coast Guard keepers, to the Woodbine Uniform Distribution Center where uniforms and accessories such as service medals are shipped to Coast Guard bases around the world, to TRACEN's massive modern presence on hundreds of acres of land and coastline, with a complement of more than 850 full-time military and civilian personnel and a graduation rate of more than 2,300 recruits yearly; and

**WHEREAS**, Coast Guard families have become an integral part of our County's rich fabric as our family, our neighbors and our friends, participating in our interdependent "Cape economy" and engaging in daily activities that provide powerful steppingstones, as well as memories, for our futures; and

**WHEREAS**, the people of Cape May County desire to take all possible steps to acknowledge and protect the strength and enduring nature of these ties;

**BOARD OF CHOSEN FREEHOLDERS  
CAPE MAY COUNTY, NEW JERSEY  
RESOLUTION**

No. 201-15

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Chosen Freeholders of the County of Cape May, that:

1. The designation of "Coast Guard Community" shall be accepted by the County, as a great honor and with great pride, at a Proclamation Ceremony to take place on May 8 at TRACEN; and
2. To celebrate the designation and its status as a "Coast Guard Community," the County shall co-sponsor an annual "Coast Guard Community Festival," to be celebrated this year from May 8 to May 10; and
3. Beginning in 2015, the first full week of May of each year shall be celebrated as "Coast Guard Community Week" throughout Cape May County.

STATEMENT

*This Resolution designates the first full week of May each year as "Coast Guard Community Week" in Cape May County, and confirms May 8 through 10, 2015, as dates for the first annual "Coast Guard Community Festival" in Cape May County.*

STATE OF NEW JERSEY } ss.:  
COUNTY OF CAPE MAY }

I, Elizabeth Bozzelli, Clerk of the Board of Chosen Freeholders of the County of Cape May, State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Board at a meeting duly held on the 10th day of March, 2015.

Signed, \_\_\_\_\_

*Elizabeth Bozzelli*  
Clerk of the Board /s/

RECORD OF VOTE						
Freeholders	Ayes	Nayes	Abstain	Absent	Moved	Second
Mr. Desiderio	✓					
Ms. Gabor	✓					✓
Ms. Hayes	✓					
Mr. Morey	✓				✓	
Mr. Thornton	✓					

V - Indicates Vote Moved-Resolution Offered Second-Resolution Seconded

**BOROUGH OF WOODBINE  
COUNTY OF CAPE MAY**

**ORDINANCE NO. 547-2014**

**AN ORDINANCE REQUIRING THE REGISTRATION AND MAINTENANCE OF  
VACANT PROPERTIES.**

**WHEREAS**, the Borough of Woodbine (the "Borough") contains structures which are vacant in whole or large part; and

**WHEREAS**, in many cases, the owners or responsible parties of these structures are neglectful of them or are not maintaining or securing them to an adequate standard or restoring them to productive use; and

**WHEREAS**, it has been established that vacant and abandoned structures cause severe harm to the health, safety, and general welfare of the community, including diminution of neighboring property values, increased risk of fire and potential increases in criminal activity and public health risks; and

**WHEREAS**, the Borough incurs disproportionate costs in order to deal with the problems of vacant and abandoned structures, including but not limited to, excessive police calls, fire calls, and property inspections and maintenance; and

**WHEREAS**, it is in the public interest for the Borough to establish minimum standards of accountability on the owners, creditors or other responsible parties of vacant and abandoned structures in order to protect the health, safety and general welfare of the residents of the Borough; and

**WHEREAS**, it is in the public interest for the Borough to impose a fee in conjunction with registration of vacant and abandoned structures and to require creditors to be responsible for the maintenance of abandoned residential structures under certain circumstances in light of the disproportionate costs imposed upon the Borough by the presence of these structures.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF  
THE BOROUGH OF WOODBINE, AS FOLLOWS:**

**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 1<sup>st</sup> 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 3<sup>rd</sup> 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.

**BE IT FURTHER ORDAINED** that if any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

**BE IT FURTHER ORDAINED** this Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

\_\_\_\_\_  
**WILLIAM PIKOLYCKY, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**LISA GARRISON, CLERK**

**INTRODUCED: SEPTEMBER 4, 2014**

**ADOPTED: SEPTEMBER 18, 2014**

**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.

  
\_\_\_\_\_  
WILLIAM PIKOLYCKY, MAYOR

ATTEST:  
  
\_\_\_\_\_  
LISA GARRISON, Clerk

**INTRODUCED: OCTOBER 2, 2014**

**ADOPTED: OCTOBER 16, 2014**

**WITHDRAWN at 12-15-14 Committee meeting.**

**Motion by Richard Palombo to withdraw Ordinance second by John Coggins during roll call vote all five Committee members voted in the affirmative.**

**TOWNSHIP OF UPPER**

**CAPE MAY COUNTY**

**ORDINANCE**

**ORDINANCE NO. 015-2014**

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE  
CHAPTER X OF THE CODE OF UPPER TOWNSHIP TO PROVIDE FOR  
REGISTRATION AND MAINTENANCE OF VACANT PROPERTIES**

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**BE IT ORDAINED** by the Township Committee, in the Township of Upper, County of Cape May and State of New Jersey, as follows:

**SECTION 1.** Chapter 10, Section 6 of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

**10-6 VACANT PROPERTY REGISTRATION.**

**10-6.1 Purpose.** This ordinance governs the maintenance of vacant properties in the Township of Upper, implementing registration requirements and registration fees for owners of vacant properties.

**10-6.2 Definitions.**

**Owner** – The title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions of N.J.S.A. 46:10B-51 (P.L. 2008, c. 127, Sec. 17) or any other entity determined by the Township of Upper to have authority to act with respect to the property.

**Vacant Property** – Any building used or to be used which is not legally occupied or at which substantially all lawful construction operations or occupancy has ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation; provided, however, that any property that contains all building systems in working order and is being actively marketed by its owner for sale or rental or is being used on a seasonal basis, shall not be deemed vacant. Notwithstanding the foregoing,

property determined to be “abandoned property” in accordance with the meaning of such term in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq. shall also be deemed to be vacant property for the purposes of this ordinance.

**10-6.3 Registration statement required.**

- A. Effective January 1, 2015, the owner of any vacant property as defined herein shall within sixty (60) days after the building becomes vacant property or within thirty (30) days after assuming ownership of the vacant property, whichever is later, file a registration statement for each such vacant property with the Zoning Officer or his or her designee on forms provided by that Zoning Officer or his or her designee for such purposes. The registration shall remain valid for one year from January 1 until December 31 of that year. The owner shall be required to renew the registration annually as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed in Section 10-6.5 of this chapter for each vacant property registered.
- B. Any owner of any building that meets the definitions of vacant property prior to January 1, 2015 shall file a registration statement for that property on or before January 31, 2015. The registration statement shall include the information required under Section 10-6.4 of this chapter, as well as any additional information that the Zoning Officer or his or her designee may reasonably require.
- C. The owner shall notify the Zoning Officer or his or her designee within thirty (30) days of any change in the registration information by filing an amended registration statement on a form provided by the Zoning Officer or his or her designee for such purpose.
- D. 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 Township against the owner or owners of the building.

**10-6.4 Registration statement requirements; property inspection.** After filing a registration statement or a renewal of a

registration statement, the owner of any vacant property shall provide access to the Township to conduct an exterior and interior inspection of the building to determine compliance with the Municipal Code, following reasonable notice, during the period covered by the initial registration or any subsequent renewal.

- A. The registration statement shall include the name, street address and telephone number of a natural person twenty-one (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. This person must maintain an office in the State of New Jersey or reside within the State of New Jersey. The statement shall also include the name of the person responsible for the maintenance and security of the property, if different.
- B. An owner who is a natural person and who meets the requirements of this ordinance as to location of residence or office may designate him or herself as agent.
- C. 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 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 Zoning Officer or his or her designee of a change of authorized agent or until the owner files a new annual registration statement. The designation of an authorized agent in no way releases the owner from any requirement of this ordinance.

**10-6.5 Fee schedule.** The registration fee for each building shall be Five Hundred Dollars (\$500) each year. For any partial year, there shall be no proration of the fee.

**10-6.6 Requirements for owners of vacant property.** The owner of any building that has become vacant property, and any person maintaining, operating or collecting rent for any such building that has become vacant shall, within thirty (30) days:

- A. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Code of the Township of Upper or the laws of the State of New Jersey.
- B. Post a sign affixed to the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process (if designated, pursuant to Section 10-6.4 of this chapter), and the person responsible for day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and place in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 18" x 24";
- C. Secure the building from unauthorized entry and maintain the sign until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete.
- D. Post the property with No Trespassing signs of a nature sufficient to give notice to any person entering upon the property that it is against the law to enter the property without permission of the owner.

**10-6.7 Administration.** The Zoning Officer or his or her designee may issue rules and regulations for the administration of the provisions of this ordinance.

**10-6.8 Violations and penalties.**

- A. Any owner who is not in full compliance with this ordinance or who otherwise violates any provision of this ordinance or of the rules and regulations issued hereunder shall be subject to a fine of not less than

Five Hundred Dollars (\$500) and not more than One Thousand Dollars (\$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 shall be a lien on the property.

- B. For purposes of this section, failure to file a registration statement in time, failure to provide correct information on the registration statement, failure to comply with the provisions of Section 10-6.4 of this chapter, or such other matters as may be established by the rules and regulations of the Zoning Officer or his or her designee shall be deemed to be violations of this ordinance.

**10-6.9 Other regulations not affected.** Nothing in this ordinance is intended nor shall be read to conflict or prevent the Township from taking action against buildings found to be unfit for human habitations or unsafe structures as provided in applicable provisions of the Code of the Township of Upper or any other applicable statute or regulation. Further, any action taken under any such Code provisions, statute or regulation, other than the demolition of a structure, shall not relieve an owner from its obligations under this ordinance.

**SECTION 2: REPEALER:** All Ordinances or parts of Ordinances which are in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency or conflict only.

**SECTION 3: SEVERABILITY:** If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

**SECTION 4: EFFECTIVE DATE:** This Ordinance shall take effect upon final adoption and publication as required by law.

**SECTION 5: CODIFICATION:** This Ordinance shall be codified in the  
Upper Township Code at the sections referred to above.

ATTEST:

\_\_\_\_\_  
BARBARA L. YOUNG, Township Clerk

\_\_\_\_\_  
RICHARD PALOMBO, Mayor

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 24<sup>th</sup> DAY OF NOVEMBER, 2014 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 15<sup>th</sup> DAY OF DECEMBER, 2014 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.

BARBARA L. YOUNG, TOWNSHIP CLERK  
TOWNSHIP OF UPPER

Legislative History:

Introduced: November 24, 2014

Publication: \_\_\_\_\_

Newspaper(s): The Press of Atlantic City

Second Reading & Public Hearing: December 15, 2014

Final Adoption: \_\_\_\_\_

Final Publication Date: \_\_\_\_\_

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on \_\_\_\_\_ and notice of adoption was thereafter published pursuant to law in the Press of Atlantic City on \_\_\_\_\_.

\_\_\_\_\_  
BARBARA L. YOUNG, Township Clerk