

**TOWNSHIP OF WATERFORD
COUNTY OF CAMDEN
STATE OF NEW JERSEY**

ORDINANCE # 2016 - 24

**ORDINANCE OF THE TOWNSHIP OF WATERFORD
AMENDING ORDINANCE 2015-18 CAPTIONED "AN
ORDINANCE OF THE TOWNSHIP OF WATERFORD
GOVERNING THE MAINTENANCE OF VACANT AND
ABANDONED PROPERTIES, ESTABLISHING REGISTRATION
REQUIREMENTS AND LEVYING A REGISTRATION FEE ON
OWNERS OF VACANT PROPERTY"**

WHEREAS, the Township of Waterford adopted the above captioned Ordinance on October 28, 2015; and

WHEREAS, it is now necessary to amend said Ordinance in order to establish requirements for registration on vacant/abandoned properties by Mortgagees.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Committee of the Township of Waterford, County of Camden, and State of New Jersey, that it hereby amends Ordinance

2015-18 as follows:

SECTION 1.

A. The captioned of the Ordinance shall be amended to read as follows:

"An Ordinance of the Township of Waterford Governing the Maintenance of Vacant and Abandoned Properties, Establishing Registration Requirements and Levying Registration Fees on Owners and Mortgagees of Vacant Properties".

B. Section 1 captioned "Maintenance of Vacant/Abandoned Properties" shall be amended as to the definition of "vacant property" as follows:

"Vacant Property" shall mean any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation, including but not limited to properly meeting the definition of abandoned property in N.J.S.A. 55:19-80.

A new definition shall be added captioned "Registerable Property" as follows:

"Registerable Property shall mean any real property located in the County, whether vacant or occupied, that is encumbered by a mortgage in default, is subject to an ongoing foreclosure action by the Mortgagee or Trustee or has been the subject of a foreclosure sale where the Title is transferred to the beneficiary of a Mortgagee involved in the foreclosure and any properties transferred under a Deed In Lieu Of Foreclosure/Sale. The designation of a default/foreclosure property as registerable 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 and any default on the mortgage has been cured."

A new subsection (2) shall be added captioned "Registration of Defaulted Mortgage Real Property" which shall read as follows:

- a) "Any Mortgagee who holds a mortgage on real property located within the County 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 Sheriff's Department, or its designee, on forms or other manner as directed, 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) Registration pursuant to this section shall contain the name, direct mailing address, a direct contact name, telephone number, and e-mail address for the Mortgagee/Trustee, and the Servicer, and the name and twenty-four (24) hour contact phone number of the local property management company responsible for the security and maintenance of the property who has the authority to make decisions concerning the abatement of nuisance conditions at the property, as well as any expenditure in connection therewith.
- c) Mortgagees who have existing registrable property on the effective date of this ordinance have 30 calendar days from the effective date to register the property with the Sheriff's Department, or its designee, on forms or other manner as directed, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is vacant or occupied.
- d) If the mortgage on a registrable property is sold or transferred, the new Mortgagee is subject to all the terms of this Article and within 5 days of the transfer register the property and pay a registration fee in accordance with this Article. Any previous unpaid annual registration fees are the responsibility of the new Mortgagee or Trustee and are due and payable with their initial registration.
- e) If the Mortgagee owner of a foreclosed real property sells or transfers the property to a non-arm's length related person or entity, the transferee is subject to all the terms of this Article and within 5 days of the transfer register the property and pay a registration fee in accordance with this Article. Any previous unpaid annual registration fees are the

responsibility of the new Registrable property owner and are due and payable with their initial registration.

- f) As long as the property is Registrable it shall be inspected by the Mortgagee, or designee, monthly. If an inspection shows a change in the property's occupancy status the mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property registration.
- g) A non-refundable annual registration fee of \$500.00, shall accompany each registration pursuant to this section.
- h) All registration fees must be paid directly from the Mortgagee, Trustee, Servicer, or Owner. Third Party Registration fees are not allowed without the consent of the County and/or its authorized designee.
- i) 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 are registrable.
- j) Until the mortgage or lien on the property in question is satisfied, or legally discharged, the desire to no longer pursue foreclosure, the filing of a dismissal of lis pendens and/or summary of final judgment and/or certificate of title, voluntary or otherwise, does not exempt any Mortgagee holding the defaulted mortgage, from all the requirements of this article as long as the borrower is in default.
- 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 and any resulting monetary penalties.
- m) Pursuant to any administrative or judicial finding and determination that any property is in violation of this article, the County 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."

All following Subsections shall be renumbered.

SECTION 2. Should any section, subsection, part, clause or phrase of this Amended Ordinance shall be declared unconstitutional or invalid for any reason, the remaining portions of

this Ordinance shall not be affected thereby and shall remain in full force and effect, and to that end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 3. All Ordinances or parts of Ordinances, are inconsistent with this amending Ordinance, are hereby repealed to the extent of such inconsistency only.

SECTION 4. This Ordinance shall take effect after final adoption and publication as required by law.


Lori A. Friddell, RMC
Township Clerk


William A. Richardson, Jr.
Mayor

Introduced: November 9, 2016
Tabled: November 21, 2016
Removed from Table: December 14, 2016
Hearing: December 14, 2016
Adopted: December 14, 2016

Certified to be a true copy of an Ordinance adopted by the Mayor and Township Committee of the Township of Waterford at a regular meeting held on December 14, 2016.

Date: December 14, 2016


Lori A. Friddell, RMC
Township Clerk