



CITY OF BEVERLY
FRANK R. COSTELLO MUNICIPAL BUILDING
446 Broad Street
Beverly, NJ 08010

\$300.00 Annual Fee

In-foreclosure, Foreclosed and Vacant Property Registration Form

New Update Renewal

A: Property Information (Please use a separate form for each property)

Property Address: _____ Block: _____ Lot: _____

Foreclosed (Vacant) *Foreclosed (Occupied)* *Vacant*

Is the property currently secured to prevent unauthorized entry? ____ Yes ____ No

Is the property posted with the appropriate contact information? ____ Yes ____ No

B: Property Owner Information

Name: _____

Physical Mailing Address: _____

City: _____ State: _____ Zip: _____

Other Contact Information: _____

C: Creditor/Lienholder Information

Name of Creditor/Institution: _____

Name of Point of Contact: _____

Physical Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____ Email: _____

D: In-State Representative per N.J.S.A. 46:10B-51(New Jersey Address and Contact ONLY)

Name of Agent/Company: _____

Name of Representative: _____

Physical Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____ Email: _____

Pursuant to N.J.S.A. 46:10B-51 et seq. and Ordinance 2015-8 of the City of Beverly, In-Foreclosure, Foreclosed, and Vacant Properties Registration requirements the responsible party hereby certifies:

1. That the information provided above is accurate and any amendments to the above must occur within 30 days of any change.
2. The property will be inspected by the Creditor or agent of the Creditor and no violations exist at the time of filing this registration.
3. Agree the property maintenance/management company shall inspect and maintain the subject property on a regularly basis for the duration of the vacancy, in accordance with relevant City Ordinances.

I, the undersigned hereby affirm that I am duly authorized to act on behalf of the responsible party in the above described property; that all information is true and correct; that all information herein will be updated and submitted to the City of Beverly and any all notices, including but not limited to legal service of process or citation shall be sufficient if actually received and that failure to comply with local codes/Ordinances, state sanitary codes, and all other laws applicable to this property, is subject to issuance of summons.

Signature of Registrant: _____ Date: _____

**CITY OF BEVERLY
COUNTY OF BURLINGTON**

ORDINANCE NO. 2015-8

**AN ORDINANCE ESTABLISHING A SYSTEM OF ANNUAL
REGISTRATION FOR AND MAINTENANCE OF
VACANT PROPERTIES AND
PROVIDING PENALTIES FOR VIOLATIONS**

WHEREAS, the existence of vacant and unmaintained properties in the City of Beverly has become a significant issue adversely impacting the health, safety and welfare of the City and its citizens; and

WHEREAS, such vacant properties are in violation of state and local housing and property maintenance codes; and

WHEREAS, such vacant properties are often also in violation of public health codes; and

WHEREAS, it is well established that such vacant properties cause severe harm to the community, including but not limited to, accumulation of trash and debris, attraction of vermin, increased risk of fire or collapse, increases in crime and vandalism, increases in public health risks, loss of revenue to the City, and the diminution of value in neighboring property; and

WHEREAS, these conditions cause the City to incur significant and disproportionate costs including added police and fire calls, increased need for property inspections, and increased need for City response for structural, maintenance and vermin issues;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by City Council of the City of Beverly, County of Burlington and State of New Jersey as follows:

Section One. Findings. The Common Council of the City of Beverly finds that the existence of significant numbers of vacant properties in the City causes severe harm to the public health, safety and welfare. Specifically, such properties lead, among other things, to increased problems with the accumulation of trash and debris, attraction of vermin, increased risk of disease, fire and crime, increased risk of collapse, increased vandalism, increased risks to children and youth attracted to such properties, loss of revenue to the City, and diminution of property values. The Council also finds that such properties cause a significant and disproportionate increase in costs to the City and its taxpayers through increased police and fire calls, more frequent need for property inspections and enforcement

activities, and responses for structural, maintenance, vermin and other health issues. These increased risks and costs are the result of negligent and irresponsible property owners and lienholders and should not be borne by the public at large.

Section Two. Definitions. The following definitions apply with respect to this ordinance:

- a. "Abandoned Property" means a property that has been found to be abandoned under the definitions of *N.J.S.A. 55:19-80*, *N.J.S.A. 2A:50-73* or other provision of State law or regulation.
- b. "Building" means any building, structure, or part thereof whether used for human habitation or otherwise and includes any outbuildings or accessory structures.
- c. "City" means the City of Beverly, its governing body and any agent or employee authorized to act on the City's behalf with respect to Vacant or Abandoned Property.
- d. "Maintained" means that the exterior of any building and grounds are being kept in compliance with applicable construction and maintenance codes. Compliance means without violation or, if cited for violation, the abatement of the violation within thirty (30) days of the receipt of notice from the City or confirmation of the violation in Municipal Court. Compliance includes the payment of all applicable fines and penalties.
- e. "Owner" or "Responsible Party" means the holder or holders of title to a property, an agent of the title holder authorized to act with respect to a vacant property, any foreclosing party required to provide notice to the City pursuant to *N.J.S.A. 46:10b-51*, or any other Party in Interest determined by the Public Officer to have authority to act with respect to the maintenance of a vacant property.
- f. "Party or Parties in Interest" means any individual or entity which has an interest of record in the building including an individual or entity designated as the Responsible Party or agent for a foreclosing party and/or anyone in actual possession of the property.
- g. "Public Officer" means the officer, officers, board or body authorized by ordinance adopted pursuant to *N.J.S.A. 40:48-2.3 et seq.*, or their designee, to exercise the powers granted therein and by law including such powers as are granted by *N.J.S.A. 55:19-55 et seq.*
- h. "Vacant Property" means any Building which (i) has been found to be unfit for human habitation by the Public Officer or otherwise; (ii) has been found to be Abandoned Property under the definitions found at *N.J.S.A. 55:19-81* or *N.J.S.A.*

55:19-82; (iii) has been found to be "vacant and abandoned" as that term is defined in *N.J.S.A. 2A:50-73*; or (iv) is not presently legally occupied, at which all lawful business, residential, or other occupancy has substantially ceased, and which is in such condition that it cannot be legally re-occupied without repair or rehabilitation. This term shall not include any property (i) where the building systems are in reasonably sound working order, the exterior and grounds are Maintained in compliance with applicable property maintenance codes, (ii) is habitable with the exterior and grounds being Maintained in compliance with applicable property maintenance codes and is being actively marketed by its owners for rental or sale; or (iii) is owned by a municipal, county, state or other government agency.

Section Three. Registration & Posting.

- a. The Owner, Party in Interest or Responsible Party of any Vacant Property as defined herein shall within thirty (30) days of the effective date of this ordinance or within thirty (30) days of the property becoming vacant shall complete and file a registration statement for such property with the City. A person or entity acquiring ownership of a vacant property shall file such registration within thirty (30) days of acquiring title to the same. Forms of registration statements will be provided upon request by the City. Registration of a vacant property shall also be required within fourteen (14) days of the receipt by the Owner, Party in Interest, or Responsible Party of a notice from the City that a property has been determined to be vacant. Nevertheless, failure to receive such notice shall not relieve an Owner, Party in Interest or Responsible Party of a vacant property from the obligation to register the property with the City.
- b. A separate registration shall be required for each Vacant Property having a separate tax block and lot number.
- c. The registrations shall include the following information: (i) the name, street address, mailing address, e-mail address and telephone number in the State of New Jersey of a natural person age 21 or older designated by the Owner, Party in Interest or Responsible Party as the authorized agent for receiving notices of code violations and for receiving process in any court or administrative enforcement proceeding on behalf of the Owner, Party in Interest or Responsible Party; (ii) the name, street address, mailing address, e-mail address and telephone number in the State of New Jersey of an individual or entity responsible for maintaining the property. The person or entity responsible for

maintaining the property shall be available by telephone on a 24-hour per day, seven days per week basis. An Owner may designate himself as the Responsible Party for receiving process or maintaining the property provided the necessary in State requirement is met.

- d. Each registration shall be accompanied by proof of the insurance required by Section 7 of this ordinance.
- e. Each registration shall be valid for a period of one (1) year except as otherwise set forth herein. The Owner, Party in Interest or Responsible Party shall be required to annually renew the Vacant Property registration for so long as the property remains a Vacant Property as defined herein. The City Administrator, for ease of operations, may designate a single date per year when all registrations shall expire and require renewal. In such case, the initial registration fee shall be pro-rated.
- f. In addition to registration, each Owner, Party in Interest or Responsible Party of a Vacant Property shall post and maintain a notice on the property with the words "For problems with this building call" and the 24-hour phone number of the person or entity responsible for maintenance of the building.
- g. The Owner, Party in Interest or Responsible Party shall notify the City in writing of any change in registration information within fourteen (14) days of such change on a form provided by the City including a change in the person or entity responsible for maintenance of the building pursuant to *N.J.S.A.46:10B-51* or otherwise.
- h. The information provided on the registration statement or any change of registration information form shall be deemed *prima facie* evidence of the truth of the statements contained thereon in any court or administrative enforcement proceeding instituted by the City against the Owner.

Section Four. Fees. The registration and renewal fee for each Vacant Property shall be Three Hundred Dollars (\$300.00) per year. There will be no charge for a change of registration information form.

Section Five. Reduction of Fees. Any Owner of a Vacant Property may submit to the Public Officer plans and specifications that provide for the repair or renovation of the Vacant Property so as to restore it to code compliant and Maintained condition. Alternatively, the Owner may submit plans and specifications for the demolition of the property. If the Public Officer is satisfied that the submitted plans upon execution will result within six (6) months in the property no longer being classed as Vacant Property and

construction or demolition permits have been issued for the performance of the work, the Public Officer, in the sole exercise of his discretion, may reduce the registration fee by 50%, provided, however, that if the construction or demolition is not completed within the six (6) month period the balance of the full fee shall become immediately due and payable.

Section Six. Disposition of Fees. Fees collected pursuant to this Vacant Property registration program shall be used to defray the costs of inspections, enforcement and response efforts on registered property and non-compliant property. To the extent that the fees collected exceed such costs, they shall be designated and reserved for the remediation of violations, repair, closing and demolition of Vacant Property as permitted by law.

Section Seven. Duties of Vacant Property Owner. The Owner, Party in Interest or Responsible Party of Vacant Property shall (i) cause the structure to be secured from entry and the intrusion of weather; (ii) if heat is not maintained, winterize the property to prevent the freezing of pipes and other damage to the interior of the property; (iii) secure all accessory structures from entry or use; (iv) keep the grounds including fences, sidewalks, driveways and yards, free from trash and debris; (v) keep lawns and shrubbery trimmed in accordance with City Code requirements; (vi) remove snow and ice from walkways on or adjacent to the property commonly used by members of the public in accordance City Code requirements; and (vii) maintain the notice required by Section 3f, above. In addition, the Owner, Party in Interest or Responsible Party of a Vacant Property consisting of a one to four unit residential dwelling shall maintain liability and bodily injury insurance in an amount of not less than \$300,000.00 single limit. The owner of a mixed use, commercial or industrial property classed as a vacant property shall maintain liability and bodily injury insurance in an amount of not less than \$750,000.00 single limit.

Section Eight. Property Access. The Owner, Party in Interest or Responsible Party of a Vacant Property shall cooperate with City code inspection and enforcement personnel and shall permit access to the property for the purpose of code inspections or enforcement actions upon reasonable notice to the Owner, Party in Interest, Responsible Party or his designated agent.

Section Nine. The Public Officer shall make reasonable efforts to notify the Owners, Parties in Interest and Responsible Parties of Vacant Property of the requirements of this ordinance including notification to any foreclosing party providing a notice of foreclosure and a representative or agent in charge of the care, maintenance, security and upkeep of the exterior of any premises in the City. Failure to provide such notice shall not, however, relieve the Owner, Party in Interest or Responsible Party of its obligation to comply with the terms of this ordinance. Notices to the Owner, Party in Interest or Responsible Party under

this ordinance made by personal delivery or by regular mail to the address of record in the office of the City Clerk and/or Tax Collector shall be considered a reasonable effort at notice.

Section Ten. Violations and Penalties. Failure to comply with any provision of this ordinance, including late registration, shall result in a fine of not less than \$300.00 nor more than \$1,000.00 for each offense. Each day that a violation continues shall be a separate and distinct offense. Fines imposed under this section shall be recoverable from the Owner, Party in Interest or Responsible Party and unpaid fines, upon certification to the City Collector of Taxes may become liens against the property in question.

Section Eleven. Repealer. Any ordinances with provisions inconsistent with the provisions of this ordinance are repealed to the extent of such inconsistency.

Section Twelve. Severability. Should any provision of this ordinance be found void or unenforceable by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

Section Thirteen. Effective Date. This ordinance shall take effect immediately upon passage and publication according to law.

I certify that the foregoing ordinance was Introduced at a regular meeting of City Council held on May 12, 2015 and adopted after a duly advertised public hearing on May 26, 2015.



Donna F. Snyder, RMC, CMR, CPM
Municipal Clerk

Introduced: May 12, 2015

Published: May 19, 2015

Adopted: May 26, 2015

Published: June 3, 2015

ORDINANCE NO. 2016-7

AN ORDINANCE AMENDING ORDINANCE 2015-8 WHICH ESTABLISHED A SYSTEM OF ANNUAL REGISTRATION FOR AND MAINTENANCE OF VACANT PROPERTIES REQUIRING ADDITIONAL POSTINGS AND CLARIFYING DEFINITIONS

WHEREAS, upon review of Ordinance 2015-8 the City Council of the City of Beverly, has determined that it is in the best interest to expand and clarify the definition of "Vacant Property" contained within the existing Ordinance; and

WHEREAS, the City believes it is also necessary to amend Ordinance No. 2015-8 to address the ever increasing issue of trespassing within and around the structures to be regulated.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by City Council of the City of Beverly, in the County of Burlington, State of New Jersey as follows:

Section One.

Section Two (h) of Ordinance 2015-8 shall be amended to read as follows:

"Vacant Property" means any Building which (i) has been found to be unfit for human habitation by the Public Officer or otherwise; (ii) has been found to be Abandoned Property under the definitions found at *N.J.S.A. 55:19-81* or *N.J.S.A. 55:19-82*; (iii) has been found to be "vacant and abandoned" as that term is defined in *N.J.S.A. 2A:50-73*; (iv) any property which has been vacant or abandoned as described in *N.J.S.A. 46:10B-51*; or (v) is not presently legally occupied, at which all lawful business, residential, or other occupancy has substantially ceased, and which is in such condition that it cannot be legally re-occupied without repair or rehabilitation. This term shall not include any property (i) where the building systems are in reasonably sound working order, the exterior and grounds are maintained in compliance with applicable property maintenance codes, (ii) is habitable with the exterior and grounds being maintained in compliance with applicable property maintenance codes and is being actively marketed by its owners for rental or sale; or (iii) is owned by a municipal, county, state or other government agency.

Section Three (f) of Ordinance 2015-8 shall be amended to read as follows:

In addition to registration, each Owner, Party in Interest or Responsible Party of a Vacant Property shall post and maintain a notice on the property with the words "For Problems with this building call" and the 24-hour phone number of the person or entity responsible for maintenance of the building. Furthermore, such posting shall include a

notice that Trespassing is strictly prohibited. In the absence of such notice being posted by the Owner, Party in Interest or Responsible Party, the City may place such notices on the property at the sole cost and expense of the Owner, Party in Interest or Responsible Party.

Section Two. Except as revised herein, the remainder of the Code of the City of Beverly shall remain in full force and is unaffected by this Ordinance.

Section Three. Repealer. Any ordinances with provisions inconsistent with the provisions of this ordinance are repealed to the extent of such inconsistency.

Section Four. Severability. Should any provision of this ordinance be found void or unenforceable by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

Section Five. Effective Date. This ordinance shall take effect immediately upon passage and publication according to law.

Introduced: June 14, 2016
Published: BCT June 21, 2016

Adopted: June 28, 2016
Published: BCT July 7, 2016

I certify that the foregoing Ordinance was Introduced at a regular meeting of City Council held on June 14, 2016, and Adopted after a duly advertised public hearing on June 28, 2016.



Donna F. Snyder, RMC/CMR/CPM
Municipal Clerk