

Date of Registration _____

Registration Expires Dec, 31, 20_____

BASS RIVER TOWNSHIP
3 NORTH MAPLE AVENUE, P.O. BOX 307, NEW GRETN, NJ 08224
(609)296-3337

VACANT PROPERTY REGISTRATION STATEMENT FORM
AS REQUIRED BY ORDINANCE 2014-05

1. Vacant Property Address _____ Block _____ Lot _____
2. Owner(S) Information Name _____
 Address _____ City _____ State _____ Zip _____
 Day Phone # _____ Night Phone # _____
 Is Owner a Corporation _____ (Yes*/No)
 Is Owner a Partnership _____ (Yes*/No)
 *If yes, attach copies of Corporation/LLC Resolution to this Registration Statement)
3. Authorized Agent: Agent Name _____
 Address _____ City _____ State _____ Zip _____
 Day Phone # _____ Night Phone# _____
4. Superintendent/Janitor/Custodian or Other: The person responsible for maintaining and security of the property, if different.
 Name _____
 Address _____ City _____ State _____ Zip _____
 Day Phone # _____ Night Phone # _____
5. Owner(s) Emergency Contact: Name of an individual(s) who may be contacted in the event of an emergency when the owner(s) or authorized agent is unavailable.
 Name _____
 Address _____ City _____ State _____ Zip _____
 Day Phone # _____ Night Phone # _____
6. Vacant Property Utility Information: Have the following services been disconnected and/or winterized, as appropriate? Write "D" if disconnected; write "w" is winterized:
 ___ Heat ___ Electric ___ Gas ___ Water ___ Sewer ___ Cable ___ Phone Other _____
7. Requirements: Place your initials next to the following items to indicate that you are in compliance with these vacant property requirements:
 ___ Vacant Property has been secured against unauthorized entry as provided in the applicable provision of the City Code
 ___ A sign has been affixed to the inside of the vacant property indicating the name, address and telephone number of the owner(s) and/or the owner(s) authorized agent and the individual responsible for day-today-supervision of the vacant property if such person is so designated.
 ___ The required vacant property liability insurance in the amounts specified in the Ordinance is in full effect and a copy of said policy is attached to the registration statement
 ___ A Check or money order in the require amount for this registration statement is attached to this registration statement.
8. Owner/Agent Certification: Any owner(s) who is not in full compliance with this Article or who otherwise violates any provision of this Article, or of the rules and regulations issued, shall be subject to a fine of \$1,500.00 for each day of the violation. I hereby certify that all the above information is true to the best of my knowledge, and belief. I am aware that if the foregoing information is willfully false, that I am subject to violations and penalties.

Date: _____ Owner/Agent Signature _____

Please read Summary of Ordinance 2014-05 on the reverse side

Original: Town Hall

Yellow: Code Enforcement Officer

Pink: Owner(s)/Agent

ORDINANCE 2014-05

AN ORDINANCE OF THE TOWNSHIP OF BASS RIVER, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE OF THE TOWNSHIP OF BASS RIVER, SO AS TO CREATE A CHAPTER 8.21 ENTITLED "ABANDONED PROPERTY"

WHEREAS, the Township of Bass River (the "Township") 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, 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 Township 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

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

BE IT ORDAINED by the governing body of the Township of Bass River, County of Burlington, and State of New Jersey as follows:

SECTION 1. The Township Code of the Township of Bass River is hereby amended and supplemented so as to create Chapter 8.21, which shall be entitled "Abandoned Property," and which shall read as follows:

8.21.01 DEFINITIONS AND WORD USAGE.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein.

ABANDONED PROPERTY. Any property that is determined to be abandoned pursuant to the "Abandoned Properties Rehabilitation Act." N.J.S.A. 55:19-78.

LIEN HOLDER or MORTGAGE HOLDER. Any person or entity holding a note, mortgage or other interest secured by the building or any part thereof.

OWNER. The holder or holders of title to an abandoned property.

PROPERTY. Any building or structure and the land appurtenant thereto.

PUBLIC OFFICER. The person designated by the municipality pursuant to N.J.S.A. 40:48-2.5 or any other officer of the municipality qualified to carry out the responsibilities set forth in the Abandoned Properties Rehabilitation Act and designated by the Mayor.

QUALIFIED REHABILITATION ENTITY. An entity organized and authorized to do business under the New Jersey Statutes which shall have as one of its purposes the construction or rehabilitation of residential or non-residential buildings, the provisions of affordable housing, the restoration of abandoned property, the revitalization and improvement of urban neighborhoods, or similar purpose, and which shall be well qualified by virtue of its staff, professional consultants, financial resources, and prior activities set forth in N.J.S.A. 55:19-78 et seq. to carry out the rehabilitation of vacant buildings in urban areas.

8.21.02 INVENTORY OF ABANDONED PROPERTY; LIST TO BE MAINTAINED; NOTICE TO OWNER; CHALLENGE BY OWNER.

The Township of Bass River may direct the public officer to identify abandoned property for the purpose of establishing an abandoned property list throughout the Township. Each item of abandoned property so identified shall include the block and lot, the name of the owner of record, the street address of the lot, and the basis for the determination that the property is abandoned.

- A. The public officer shall establish and maintain a list of abandoned property, to be known as the "Abandoned Property List." The Township of Bass River may add properties to the list at any time, and may delete properties at any time when the public officer finds that the property no longer meets the definition of an abandoned property.
- B. An interested party may request that a property be included on the abandoned property list following the procedure set forth at 55:19-105.

8.21.03 ABANDONED PROPERTY, CRITERIA

A. Any property that has not been legally occupied for a period of six months and which meets any of the following additional criteria may be deemed to be abandoned property upon a determination by the public officer that:

1. The property is in need of rehabilitation in the reasonable judgment of the public officer, and no rehabilitation has taken place during that six-month period;
2. Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of determination by the public officer pursuant to this section.
3. At least one installment of property taxes remains unpaid and delinquent on that property in accordance with Chapter 4 of Title 54 of the revised statutes as of the date of determination of the public officer pursuant to this section; or
4. The property has been determined to be a nuisance by the public officer in accordance with N.J.S.A. 55:19-82 for one or more of the following reasons:
 - (a) The property has been found to be unfit for human habitation, occupancy or use pursuant to N.J.S.A. 40:48-2.3;
 - (b) The condition and vacancy of the property materially increases the risk of fire to the property and adjacent properties;
 - (c) The property is subject to unauthorized entry leading to potential health and safety hazards; the owner has failed to take reasonable and necessary measures to secure the property; or the township has secured the property in order to prevent such hazards after the owner has failed to do so;
 - (d) The presence of vermin or the accumulation of debris, uncut vegetation or physical deterioration of the structure or grounds have created potential health and safety hazards and the owner has failed to take reasonable and necessary measures to remove the hazards; or
 - (e) The dilapidated appearance or other condition of the property materially affects the welfare, including the economic welfare, of the residents of the area in close proximity to the property, and the owner has failed to take reasonable and necessary measures to remedy the conditions.

B. Exceptions.

1. A property which contains both residential and nonresidential space may be considered abandoned pursuant to N.J.S.A. 55:19-78 et seq. so long as two-thirds or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six months at the time of the determination of abandonment by the Public Officer.
2. A property used on a seasonal basis shall be deemed abandoned only if it meets any two of the additional criteria set forth in N.J.S.A. 55:19-81.

8.21.04 ESTABLISHMENT OF ABANDONED PROPERTY LIST

A. The public office shall identify abandoned property within the Township of Bass River for the purpose of establishing an abandoned property list. The abandoned property list shall include, for each abandoned property identified, the tax block and lot number, the name of the owner of record, if known, and the street address of the lot. The Public Officer may add properties to the abandoned property list at anytime, and may delete properties at any time when he or she finds that the property no longer meets the definition of an abandoned property.

B. An abandoned property shall not be included on the abandoned property list if rehabilitation is being performed in a timely manner, as evidenced by building permits issued and diligent pursuit of rehabilitation work authorized by those permits. A property on which an entity other than the Township of Bass River has purchased or taken assignment from the township of a tax sale certificate which has been placed on the abandoned property list may be removed if the owner of the certificate pays all municipal taxes and liens due on the property within 30 days after the property is placed on the list; provided, however, that if the owner of the certificate fails to initiate foreclosure proceedings within six months after the property was first placed on the list, the property shall be restored to the abandoned property list in accordance with the provisions of N.J.S.A. 55:19-103.

C. The Public Officer shall establish the abandoned property list and any additions or deletions thereto by authorizing the publication of the list in the official newspaper of the Township of Bass River, which publication shall constitute public notice, and, within 10 days after publication, shall send a notice, by certified mail, return receipt request, and by regular mail, to the owner of record of every property included on the list. The published and mailed notices shall identify property determined to be abandoned setting forth the owner of record, if known, the tax lot and block number and street address. The Public Officer, in consultation with the tax collector, shall also send out a notice by regular mail to any mortgagee, servicing organization, or property tax processing organization that receives a duplicate copy of the tax bill pursuant to N.J.S.A. 54:4-64(d). When the owner of record is not known for a particular property and cannot be ascertained by the by the exercise of reasonable diligence by the tax collector, notice shall not be mailed but instead shall be posted on the property in the manner as provided in N.J.S.A. 40:48-2.7. The mailed notice shall indicate the factual basis for the Public Officer's finding that the property is abandoned property as that term is defined herein and in N.J.S.A. 55:19-54, and shall specify the information relied upon in making such finding. In all cases a copy of the mailed or posted notice shall also be filed by the Public Officer in the Office of the Burlington County Clerk. This filing shall have the same force and effect as a formal notice under N.J.S.A. 2A:15-6. The notice shall be captioned with the name of the Township of Bass River as "plaintiff" and the name of the property owner as "defendant," as though an action had been commenced by the Township against the owner.

D. An owner or lien holder may challenge the inclusion of his property on the abandoned property list by appealing that determination to the Public Officer within 30 days of the owner's receipt of the certified notice or 40 days from the date upon which the notice was sent. An owner whose identity was not known to the Public Officer shall have 40 days from the date upon which notice was published or posted, whichever is later, to challenge the inclusion of a property on the abandoned property list. For good cause shown, the Public officer shall accept a late filing of an appeal. Within 30 days of receipt of a request for an appeal of the findings contained in the notice, the Public Officer shall schedule a hearing for redetermination of the matter. Any property included on the list shall be presumed to be abandoned property unless the owner, through the submission of an affidavit or certification asserting that the property is not an abandoned property, can demonstrate that the property was erroneously included on the list. The affidavit or certification shall be accompanied by supporting documentation such as, but not limited to, photographs, repair invoices, bills and construction contracts. The sole ground for appeal shall be that the property in question is not abandoned property as that term is defined herein and in N.J.S.A. 50:19-54. The Public officer shall decide any timely filed appeal within 20 days of the hearing on the appeal and shall promptly, by certified mail, return receipt requested, and by regular mail, notify the property owner of the decisions and the reasons therefore.

E. The property owner may challenge an adverse determination of an appeal with the Public Officer pursuant to Subsection D of this section by instituting, in accordance with the New Jersey Court Rules, a summary trial proceeding in the Superior Court, Burlington Couth. Such action shall be instituted within 20 days of the date of the notice of decision mailed by the Public Officer. The sole ground for appeal and new hearing before the Superior Court shall be that the property in question is not an abandoned property as that term is defined in N.J.S.A 55:19-54. The failure to institute an action of appeal on a timely basis shall constitute a

jurisdictional bar to challenging the adverse determination, except that, for good cause shown, the Court may extend the deadline for instituting the action.

F. The Public Officer shall promptly remove any property from the abandoned property list that has been determined by him or on appeal not to be abandoned and may, in his discretion; remove properties from said list whenever he deems such removal appropriate under the circumstances.

G. The abandoned property list shall become effective, and the Township of Bass River shall have the right to pursue any legal remedy with respect to properties on the list, at any time after at least one property has been placed on the list and following the expiration of the period for appeal with respect to that first property or upon the denial of an appeal brought by the property owner of that first property.

08.21.04 REMOVAL OF PROPERTY FROM ABANDONED PROPERTY list

A. An owner may request removal of his or her property from the Abandoned Properties list prior to sale of the tax sale certificate by paying all taxes and Township liens due, including interest and penalties, and:

1. By posting cash or bond equal to the cost of remediating all conditions because of which the property has been determined to be abandoned pursuant to N.J.S.A 55:19-55 and by posting cash or bond to cover the cost of any environmental cleanup required on the property,, evidenced by a certification by a licensed engineer retained by the owner and reviewed and approved by the public Officer, stating that the cash or bond adequately covers the cost of the cleanup; or

2. By demonstrating to the satisfaction of both the Public officer and the Board of Commissioners that the conditions rendering the property abandoned have been remediated in full; provided, however, that where the Public Officer finds that the owner is actively engaged in remediating the conditions because of which the property was determined to be abandoned, as evidenced by significant rehabilitation actively on the property, the Public Officer may grant an extension of time of not more than 120 days for the owner to complete all work, during which time no further proceedings will be taken against the owner or the property.

B. If the owner has posted cash or bond in order to have a property removed from the abandoned property list and the conditions because of which the property was determined to be abandoned have not been fully remediated within one year of the date of posting the cash or bond, or, in the case of a property which requires a remediation of any known, suspected or threatened release of contaminants, if the owner has failed to enter into a memorandum of agreement with the New Jersey Department of Environmental Protection or an administrative consent order, as the case may be, or if any agreement or order is in effect but the owner has failed to perform the remediation in conformance with the agreement or order, then the cash or bond shall be forfeited to the Township which shall use the cash or bond and any interest which as accrued thereon for the purpose of demolishing or rehabilitating the property or performing the environmental remediation. Any funds remaining after the property has been demolished, rehabilitated or cleaned up shall be returned to the owner.

8.21.05 Registration Requirements.

Effective October 30,2014, the owner of any vacant property as defined herein shall, within thirty (30) calendar days after the building becomes vacant property or within thirty (30) calendar days after assuming ownership of the vacant property, whichever is later; or within ten (10) calendar days of receipt of notice from the municipality, file a registration statement for such vacant property with the Township Code Enforcement Officer on forms provided by the Township for such purposes. Any failure to provide notice by the municipality 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 municipality shall be registered separately.
- b. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of a person twenty-one (21) years 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.
- c. The registration statement shall include the name, street address, telephone number, and email 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 representative of the firm responsible for maintaining the property shall be available by telephone or in person on a 24-hour per day, seven-day per week basis. The two (2) 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.

- d. The registration shall remain valid for one (1) year from the date of registration except for the initial registration which shall be valid through December 31 of the year in which it was filed. 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 subsection 8.21.08 of this section for each vacant property registered.
- e. The annual renewal shall be completed by January 1st each year. The initial registration fee shall be pro-rated for registration statements received less than ten (10) months prior to that date.
- f. The owner shall notify the Clerk within thirty (30) calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Clerk for such purpose.
- g. 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.

8.21.06 Access to Vacant Properties.

The owner of any vacant property registered under this section shall provide access to the Township 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 between 9:00 a.m. and 4:00 p.m. or at such other time as may be mutually agreed upon between the owner and the Township.

8.21.07 Responsible Owner or Agent.

- a. An owner who meets the requirements of this section with respect to the location of his or her residence or workplace in the State of New Jersey may designate him 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 Township of Tabernacle 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 vacant property under the provisions of this section shall be deemed to consent to receive, by posting on the building in plain view, and by service of notice at the last known address of the owner of the property on record within the Township of Tabernacle 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.

8.21.08 Fee Schedule.

The initial registration fee for each building shall be five hundred (\$500.00) dollars. The fee for the first renewal is one thousand five hundred (\$1,500.00) dollars, and the fee for the second renewal is three thousand (\$3,000.00) dollars. The fee for any subsequent renewal beyond the second renewal is five thousand (\$5,000.00) dollars.

Vacant Property Registration Fee Schedule

- a. Initial Registration \$500.00
- b. First Renewal \$1,500.00
- c. Second renewal \$3,000.00
- d. Subsequent renewal \$5,000.00

8.21.09 Requirements of Owners of Vacant Property.

The owner of any building that has become vacant property and any person maintaining or operating or collecting rent for any such building that has become vacant shall within thirty (30) days of the inception of any vacancy:

- a. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Township Code, or as set forth in the rules and regulations supplementing those codes; and

- 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 subsection 9-6.2b. of this section), and the person responsible for the 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 placed 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 eight (8") inches by ten (10") inches; and
- 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; and
- d. Ensure that the exterior grounds of the structure, including yards, fences, sidewalks, walkways, right-of-ways, alleys, retaining walls, attached or unattached accessory structures and driveways, are well-maintained and free from trash, debris, loose litter, and grass and weed growth; and
- e. 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.

8.21.10 Violations.

- a. Any person who violates any provision of this section or of the rules and regulations issued hereunder shall be fined not less than one hundred (\$100.00) dollars and not more than one thousand (\$1,000.00) dollars 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 constitute a lien on the property.
- b. For purposes of this section, failure to file a registration statement within thirty (30) calendar days after a building becomes vacant property or within thirty (30) calendar days after assuming ownership of a vacant property, whichever is later, or within ten (10) calendar days of receipt of notice by the municipality, and failure to provide correct information on the registration statement, or failure to comply with the provisions of such provisions contained herein shall be deemed to be violations of this section.

08.21.11 SALE OF RESTRICTED TAX LIENS

A. Notwithstanding the provisions of N.J.S.A. 54:5-19, or the provisions of any other law to the contrary, if a property is included on the abandoned property list and the property taxes or other Township liens due on the property are delinquent for six or more quarters as of the date of expiration of the right to appeal the property's inclusion on the list, or, if an appeal has been filed, as of the date that all opportunities for appeal of inclusion on the list have been exhausted, then the tax lien on the property may be sold in accordance with the procedures of the Tax Sale Law, N.J.S.A. 54:5-1 et seq., on or after the 9th day following the expiration of that time of appeal or final determination on an appeal.

B. The township of Bass River may, at its option, may require that the sale of the tax sale certificate or any subsequent assignment or transfer of a tax sale certificate held by the Township be subject to the express condition that the purchaser or assignee shall be obliged to perform and conclude any rehabilitation or repairs necessary to remove the property from the abandoned property list pursuant to N.J.S.A. 55:19-55 and to post a bond in favor of the Township to guarantee the rehabilitation or repair of the property. The Public Officer may waive a requirement to post a bond imposed by the Township for any purchases, assignee or transferee of a tax sale certificate that provides documentation acceptable to the Public Officer that the purchaser, assignee or transferee is a qualified rehabilitation entity as defined in N.J.S.A. 55:19-80. The cost of rehabilitation and repairs and the cost of the bond shall be added to the amount required to be paid by the owner for redemption of the property. The purchaser, assignee or transferee of the tax sale certificate who is required to rehabilitate and repair the property shall be required to file the appropriate affidavits with the tax collector, pursuant to N.J.S.A. 54:5-62, representing the amounts of monies expended periodically toward the rehabilitation or repair of the property. A purchaser, assignee or transferee shall be entitled to interest on the amounts expended, as set forth in the affidavits, at the delinquent rate of interest for delinquencies in excess of \$1,500 in effect for the time period when the amounts were expended, pursuant to N.J.S.A. 54:4-67. The tax sale certificate purchaser, assignee or transferee, with the authority of the Township of Bass River, shall be permitted to enter in and upon the property for the purposes of appraising the costs of rehabilitation and repair and to perform all other acts required to guarantee the completion of the rehabilitation or repair of the property. No rehabilitation or repair work shall be commenced, however, until proof of adequate liability insurance and an indemnification agreement, holding the Township of Bass River harmless, has been filed with the Public Officer.

C. If the Township of Bass River acquires the tax sale certificate for a property on the abandoned property list, then, upon 10 days' written notice to the property owner and any mortgagee as of the date of the filing of the notice pursuant to N.J.S.A. 55:19-55, the Township shall be permitted to enter upon the property and remediate any conditions that caused the property to be included on the abandoned property list. No remediation shall be commenced, however, if within that 10 day period the owner or mortgagee shall have notified the Township in writing that the owner or mortgagee has elected to perform the remediation itself. When the owner or mortgagee elects to perform the remediation itself, it shall be required to post bond in favor of the Township of Bass River in order to ensure performance. The amount and conditions of the bond shall be determined by the Public Officer.

D. The cost of remediation incurred by the Township of Bass River, as so certified by the entity incurring the cost upon completion of the remediation, shall constitute a lien upon the property first in time and right to any other lien, whether the other lien was filed prior to or after the filing of any lien by the Township, except for Township taxes, liens and assessments and any lien imposed pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq., together with any interest thereon. The certification of cost shall be filed and recorded as a lien by the entity incurring the cost with the Burlington County Clerk.

E. The clearance, development, redevelopment, or repair of property being maintained as an abandoned property pursuant to this chapter shall be considered a public purpose and public use for which the power of eminent domain may be lawfully exercised.

08.21.12 SPECIAL TAX SALE AND CRITERIA FOR BIDDERS

A. The Township of Bass River may hold special tax sale with respect to those properties eligible for tax sale pursuant to N.J.S.A. 54:5-19 which are also on the abandoned property list.

B. The Public officer, with the advice and consent of the Township board of Commissioners, shall establish criteria for eligibility to bid on properties at the sale, which may include, but need not be limited to:

1. Documentation of the bidder's ability to rehabilitate or otherwise reuse the property consistent with Township's plans and regulations; commitments by the bidder to rehabilitate or otherwise reuse the property, consistent with Township's plans and regulations;

2. Commitments by the bidder to take action to foreclose on the tax lien by a date certain; and

3. Such other criteria as the Public officer, with the advice and consent of the Board of Commissioners, may determine are necessary to ensure that the properties to be sold will be rehabilitated or otherwise reused in a manner consistent with the public interest.

C. The Public Officer, with the advice and consent of the Board of Commissioners, may establish minimum bid requirements for a special tax sale that are less than the full amount of the taxes, interest and penalties due, to help ensure that the properties will be rehabilitated or otherwise utilized in a manner consistent with the public interest.

D. The Public Officer, with the advice and consent of the Board of Commissioners, may combine properties in said special tax sale into bid packages, and require that bidders place a single bid on each package, rejecting any and all bids on individual properties that are submitted.

E. The Public Officer, with the advice and consent of the Board of Commissioners, may sell said properties subject to provision that, if the purchaser fails to carry out any commitment that has been set forth as a condition of sale or misrepresents any material qualification that has been established as a condition of eligibility to bid pursuant thereto, then the properties and any interest thereto acquired by the purchaser shall revert to the Township, and any amount paid by the purchaser at the special tax sale shall be forfeited to the Township.

F. In the event there are two or more qualified bidders for any property or bid package in a special tax sale, the Township may designate the unsuccessful qualified bidder whose bid was closest to the successful bid as an eligible purchaser. In the event that the selected purchaser of that property or bid package fails to meet any of the conditions of sale established by the township pursuant to this section and his or her interest in the property or properties reverts to the Township, the Township may

subsequently designate the entity previously designed as an eligible purchaser as the winning bidder for the property or properties, and assign the tax sale certificates to that entity on the basis of that entity's bid at the special tax sale, subject to the terms and conditions of the special tax sale.

G. The Township of Bass River shall provide notice of a special tax sale pursuant to N.J.S.A. 54:5-25. The notice shall include any special terms of sale established by the Township pursuant to this section. Nothing shall prohibit the Township from holding a special tax sale on the same day as a standard or accelerated tax sale.

08.21.13 EXPEDITED ACTION TO FORECLOSE RIGHT OF REDEMPTION

A. When a person or entity other than the Township of Bass River acquires a tax sale certificate for a property on the abandoned property list at tax sale, the purchaser may institute an action to foreclose the right of redemption at any time after the expiration of just six months following the date of the sale of the tax sale certificate.

B. When the Township of Bass River is the purchaser of tax sale of any property on the abandoned property list pursuant to N.J.S.A. 54:5-34, an action to foreclose the right of redemption may be instituted in accordance with the provisions of Subsection b of N.J.S.A. 54:5-77

C. After the foreclosure action is instituted, the right to redeem shall exist and continue to exist until barred by the judgment of the Superior Court; provided, however, that no redemption shall be permitted except where the owner:

1. Posts cash or a bond equal to the cost of remediating the conditions because of which the property was determined to be abandoned pursuant to N.J.S.A. 55:19-56, as determined by the court; or

2. Demonstrates to the Court that the conditions because of which the property was determined to be abandoned have been remedied in full.

08.21.14 ABANDONED PROPERTY STATUS DURING EXPEDITED FORECLOSURE

A. If an entity other than the Township of Bass River has purchased or taken assignment from the Township of a tax sale certificate on a property that has not been legally occupied for a period of six months that property shall not be added to the abandoned property list under the following limited circumstances:

B. A determination that a property is abandoned property under the provisions of this chapter and N.J.S.A. 55:19-78 et seq. shall not constitute a finding that the use of the property has been abandoned for purposes of municipal zoning or land use regulations.

C. Upon the request of a purchaser or assignee of a tax sale certificate seeking to bar the right of redemption on an abandoned property pursuant to Subsection b of N.J.S.A. 54:5-86, the Public Officer or the Tax Collector shall, in a timely fashion, provide the requester with a certification that the property fulfills the definition of an "abandoned property" according to the criteria established in N.J.S.A. 55:19-81 and N.J.S.A. 55:19-82.

D. Nothing in this chapter shall preclude the Township from addressing concerns regarding the condition of the property through the Township of Bass River property maintenance hearing process, established by Title 8 of the Township Code, irrespective of any ongoing foreclosure proceedings.

08.21.15 SUMMARY ACTION FOR CONTROL AND POSSESSION OF ABANDONED PROPERTY

A. A summary action or other action to transfer possession and control of abandoned property in need of rehabilitation to the Township of Bass River may be brought by the Township in the Superior Court, Burlington County. If the Court shall find that the property is abandoned and that the owner or party in interest has failed to submit and initiate a rehabilitation plan, then the Court may authorize the Township to take possession and control of the property and to develop its own rehabilitation plan for the property.

B. Where the Township has been granted possession and control, the Township may commence and maintain those further proceedings for the conservation, protection and disposal of the property, or any part thereof, that are required to rehabilitate the property, recoup the cost and expenses of rehabilitation and for the sale of the property; provided, however that the Court shall not direct the sale of the property if the owner applies to the Court for reinstatement of control and possession of the property as permitted by N.J.S.A. 55:19-92.

C. Failure by the owner, mortgage holder or lien holder to submit a plan for rehabilitation to the Township, obtain appropriate construction permits or, in the alternative, submit formal applications for funding the cost of rehabilitation to local, state or federal agencies providing such funding within the initial six-month period shall be deemed clear evidence that the owner has failed to take any action to further the rehabilitation of the property.

D. An owner may defend against a complaint filed pursuant to N.J.S.A. 55:19-84 by submitting a plan for the rehabilitation and reuse of the property which is the subject of the complaint and by posting a bond equal to 125% of the amount determined by the Public Officer or the Court to be the projected cost of rehabilitation.

E. Any plan submitted by an owner to defend against a complaint shall be submitted within 60 days after the complaint has been filed, unless the Court provides the owner with an extension of time for good cause shown. A plan submitted by an owner pursuant to this section shall include, but not be limited to:

1. A detailed financial feasibility analysis, including documentation of the economic feasibility of the proposed reuse, including operating budgets or resale prices, or both, as appropriate;

2. A budget for the rehabilitation of the property, including sources and uses of funds, based on the terms and conditions of realistically available financing including grants and loans;

3. A timetable for the completion of rehabilitation and reuse of the property, including milestones for performance of major steps leading to and encompassing the rehabilitation and reuse of the property; and

4. Documentation of the qualifications of the individuals and firms that will be engaged to carry out the planning, design, financial packaging, construction, and marketing or rental of the property.

F. Where the Court approves the rehabilitation plan of the owner or other party in interest, then it may appoint the Public Officer to act as monitor of compliance and progress. If the owner fails to carry out any step in the approved plan, then the Township may apply to the Court to have the posted bond forfeited, to transfer possession of the building to the Township to complete the rehabilitation plan, and to grant authorization to use the bond proceeds for the rehabilitation. The owner or other party in interest shall provide quarterly reports to the Public Officer on its activities and progress toward rehabilitation and reuse of the property.

G. If an owner is unsuccessful in defending against a complaint filed pursuant to N.J.S.A. 55:19-84, the mortgage holder or lien holder may seek to be designed in possession of the property by submitting a plan and posting a bond meeting the same conditions as set forth in N.J.S.A. 55:19-87. Their plan must be submitted within 60 days following the Court's rejection of the owner's plan, unless the Court provides the mortgage holder or lien holder with an extension of time for good cause shown. If the Court approves any such mortgage holder or lien holder's plan, it shall designate the party to be in possession of the property for purposes of ensuring its rehabilitation.

H. The mortgage holder or lien holder, as the case may be, shall provide quarterly reports to the Court and the Public Officer on its activities and progress toward rehabilitation and reuse of the property. If the mortgage holder or lien holder fails to carry out any material steps in the approved plan, then the Public Officer shall notify the Court, which may order the posted bond forfeit, grant the Township possession of the property, and authorize the Township to use the proceeds of the bond for rehabilitation of the property.

I. Any sums incurred or advanced for the purpose of rehabilitating the property by a mortgage holder or lien holder granted possession of a property, including Court costs and reasonable attorney's fees, may be added to the unpaid balance due to the mortgage holder or lien holder, with interest calculated at the same rate set forth in the note or security agreement; or, in the case of a tax lien holder, at the statutory interest rate for subsequent liens.

J. If no mortgage holder or lien holder meets the conditions of N.J.S.A. 55:19-88, then the Township may submit a plan to the Court which confirms with the provisions of N.J.S.A. 55:19-87. Such plan shall designate whether the Township or a qualified rehabilitation entity shall undertake the rehabilitation plan in accordance with the provisions of N.J.S.A. 55:19-90.

08.21.16 TOWNSHIP REHABILITATION OR DESIGNATION OF QUALIFIED REHABILITATION ENTITY

A. The Public Officer, with the advice and consent of the Township Board of Commissioners, may designate a qualified rehabilitation entity for the purpose of exercising the Township's rights, where that designation will further the rehabilitation and reuse of the property consistent with Township's plans and objectives.

B. Regardless of whether the Township exercises its rights directly or the Public Officer designates a qualified rehabilitation entity pursuant to this section, while in possession of a property, the Township shall maintain, safeguard, and maintain insurance on the property. Notwithstanding the Township's possession of the property, the owner of the property shall not be relieved of any civil or criminal liability or any duty imposed by reason of acts or omissions of the owner.

C. The Court may approve the borrowing of funds by the Township of Bass River to rehabilitate the property and may grant a lien or security interests with priority over all other liens or mortgages other than municipal liens. Prior to granting this lien priority, the Court must find as follows:

1. The Township sought to obtain the necessary financing from the senior lien holder, which declined to provide such financing on reasonable terms;

2. The Township sought to obtain a voluntary subordination from the senior lien holder, which refused to provide such subordination;

3. Lien priority is necessary in order to induce another lender to provide financing on reasonable terms. No lien authorized by the Court shall take effect unless recorded with the Clerk of Burlington County.

D. Where the Township has designated a qualified rehabilitation entity to act on its behalf, the qualified rehabilitation entity shall provide quarterly reports to the Public Officer on its activities and progress toward rehabilitation and reuse of the property. The Township or qualified rehabilitation entity, as the case may be, shall provide such reports to the Court as the Court determines to be necessary. If the Court finds that the Township or its designee has failed to take diligent action toward rehabilitation of the property within one year from the grant of possession, then the Court may request the Township to designate another qualified rehabilitation entity to exercise its rights, or if the Township fails to do so, may terminate the order of possession and return possession and control of the property to its owner.

E. The Township of Bass River shall file a notice of completion with the Court, and shall also serve a copy on the owner and any mortgage holder or lien holder, at such time as the Township has determined that no more than six months remain to the anticipated date on which rehabilitation will be complete. This notice shall include an affidavit of the Public Officer, attesting that the rehabilitation is anticipated to be completed within six months, and a statement setting forth the actions as it plans to undertake consistent with the plan.

08.21.17 PETITION FOR REINSTATEMENT OF CONTROL AND POSSESSION BY OWNER

A. An owner may petition for reinstatement of control and possession of the property at any time after one year from the Court's removal or possession, but no later than 30 days after the Township of Bass River has filed a notice of completion with the court or, in the event the notice of completion is filed within less than one year of the grant of possession, within 30 days after the township has filed said notice.

B. The Court may allow additional time for good cause if that additional times does not materially delay completion of the rehabilitation, place undue hardship on the township or affect any of the terms or conditions under which the Township has applied for or received financing for the rehabilitation of the property.

C. If the owner fails to petition for the reinstatement of control and possession of the property within 30 days after the Township has filed a notice of completion or, in any event, within two years after the initial grant of possession, or it's the owner fails to meet

any conditions that may be set by the Court in granting a reinstatement petition, the Court may grant the Township title or authorize the Township to sell the property, subject to the provisions of N.J.S.A. 55:19-96.

08.21.18 PROCEDURES FOR TOWNSHIP TO PLACE LIENS, OBTAIN TITLE AND SELL PROPERTY

A. The Public Officer, with the approval of the Court, may place a lien on the property to cover any costs of the Township in connection with any proceeding under N.J.S.A. 55:19-78 et seq. incurred prior to the grant by the Court of an order of possession, which may include costs incurred to stabilize or secure the property to ensure that it can be rehabilitated in a cost-effective manner. Any such lien shall be considered a Township lien for the purposes of N.J.S.A.54:5-9, with the rights and status of a Township lien pursuant thereto.

B. Where the Township seeks to gain title to the property, it shall purchase the property for fair market value on such terms as the Court shall approve, and may place the proceeds of sale in escrow with the Court.

C. The Court may authorize the Township of Bass River to sell the building free and clear of liens, claims and encumbrances, in which event all such liens, claims and encumbrances shall be transferred to the proceeds of sale with the same priority as existed prior to resale in accordance with the provisions of this section, except that municipal liens shall be paid at settlement. The proceeds of the purchase of the property shall be distributed as set forth in N.J.S.A. 55:19-97.

D. Upon approval by the Court, the Township shall sell the property in such terms and at such price as the Court shall approve, and may place the proceeds of sale in escrow with the Court. The Court shall order a distribution of the proceeds of sale after paying Court Costs in the order of priority set forth in N.J.S.A. 55:19-97.

E. With the exception of the holding of special tax sales pursuant to N.J.S.A. 55:19-101, the remedies available under N.J.S.A. 55:19-78 et seq. shall be available to the Township with respect to any abandoned property, whether or not the Township has established an abandoned property list and whether or not the property at issue has been included on any such list.

SECTION 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 3. This ordinance shall take effect after second reading and publication as required by law.

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FOR TOWNSHIP OF BASS RIVER OFFICIAL USE ONLY

Property secured against break in _____ Utility Report _____ Fee Paid Y/N _____ Amount Paid \$ _____

Information, Addresses/Contacts Confirmed: _____ Open Violations or Penalties? _____ Corrected? _____

Date of Property Inspection _____ Inspection Completed by _____

Notes _____