BOROUGH OF ROSELLE

ORDINANCE NUMBER 2500-14

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF ROSELLE BY AMENDING CHAPTER 54 OF THE CODE OF THE BOROUGH OF ROSELLE ENTITLED "VACANT AND ABANDONED PROPERTY MANAGEMENT AND REGISTRATION"

WHEREAS, recent events in the local and national economy and its associated housing market have led to a drastic rise in the number of foreclosed houses. In cities throughout the nation, businesses are closing and homes are being left vacant as families are forced to move out. Closed businesses and homes are frequently repossessed by banks, financial institutions and large real estate conglomerates who have little or no connection with the municipality in which they own property; and

WHEREAS, many of these businesses and homes are frequently vacated prior to the conclusion of the foreclosure process. Businesses and homes sit empty for months or years at a time awaiting foreclosure sale; often creating a substantial unattractive, unsafe public nuisance and neighborhood blight. In many instances, these businesses and homes are in violation of multiple aspects of state and local building, sanitary and nuisance codes. The mortgagees are large financial institutions located out of state and fail to adequately maintain and secure these vacant properties, making enforcement efforts very difficult; and,

WHEREAS, these code violations include, among other violations, unoccupied buildings susceptible to vandalism and/or open structures rendering them unsafe and dangerous, yards full of litter and debris, unlocked houses, un-shoveled snow that renders sidewalks dangerous and impassable, overgrown grass and bushes and unsecured swimming pools that are not only a threat to children, but become breeding grounds for infectious insects such as mosquitoes; and

WHEREAS, in addition to the dangerous conditions described in the aforementioned clauses, these violations, if left unabated tend to increase the negative economic and aesthetic impact on the Borough. Specifically, these eyesores contribute to lowered neighborhood property values and detract from any and all beautification efforts. Overall, foreclosures and vacant structures severely and appreciably impact the quality of life and the health, safety and welfare of the residents in the Borough of Roselle; and

WHEREAS, the presence of vacant residences can discourage potential buyers from purchasing a home adjacent to, or within neighborhoods with vacant residences; and

WHEREAS, foreclosures, closed businesses and vacant homes and their impact on local residents' quality of life have become a nationwide epidemic. Banks and other financial institutions are failing to adequately maintain properties they now own and municipal inspectors have turned into investigators as they try to find out who the new owners are and how to contact them to correct code violations; and

WHEREAS, several cities throughout the country have adopted laws in an attempt to combat this growing crisis. Others are considering similar legislation; and

WHEREAS, The Code Enforcement Department is currently administering and managing vacant property registration, vacant property maintenance and municipal code compliance; and

WHEREAS, the Borough of Roselle has the power to protect its neighborhoods from blight, decline and devaluation; and

WHEREAS, the Borough of Roselle contains a number of Buildings and unimproved properties that have been abandoned by their owners, and that are in a state of disrepair and neglect; and

WHEREAS, it has been established that vacant, abandoned and unimproved properties, by virtue of their condition and proximity to other buildings, are diminishing the value of neighboring properties, have a negative effect on the quality of life of adjacent residents and property owners, increasing risk of property damage through arson, vandalism and potentially increasing criminal activity and public health risks and discouraging neighborhood vitality, stability and revitalization; and

WHEREAS, many of these buildings and, or the land on which they are situated, can be used for productive purposes, which will further the revitalization of the Borough and improve its economic and social condition; and

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

WHEREAS, it is in the public interest for the Borough of Roselle to impose an escalating fee in conjunction with the registration of vacant and abandoned properties in light of the disproportionate costs imposed on the Borough; and

WHEREAS, fees generated by registration of Vacant Properties will be utilized to maintain safe conditions, address any quality of life violations, and for administrative costs; and

WHEREAS, the Borough desires to use the powers granted local governments under the laws of the State of New Jersey to address the conditions created by these buildings and unimproved properties, and further their reuse for productive purposes; and

WHEREAS, by providing for the identification of abandoned buildings and creating an abandoned property list, as set forth in Section 36 of P.L. 1996, c.62 (C.55:19-55) as amended by Section 28 of P.L. 2003, c.210, the Borough will better be able to address the conditions created by these buildings and unimproved properties, and further their reuse for productive purposes.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Roselle as follows:

SECTION 1. Chapter 54 "VACANT AND ABANDONED PROPERTY REGISTRATION, ADMINISTRATION AND MANAGEMENT" of the Code of the Borough of Roselle is hereby amended as follows:

(i) Delete "Chapter 54 "VACANT AND ABANDONED PROPERTY REGISTRATION, ADMINISTRATION AND MANAGEMENT" in its entirety.

(ii) Add "Chapter 54 "VACANT AND ABANDONED PROPERTY REGISTRATION, ADMINISTRATION AND MANAGEMENT" as follows:

Section 54-1 Title. This Chapter shall be known as and may be cited as "Vacant and Abandoned Property Registration, Administration and Management".

Section 54-2 Article I. Shall be known as and may be cited as "Vacant Property Registration, Maintenance and Compliance Monitoring Ordinance".

Section 54-3 Purpose.

It is the intent of this chapter and articles to, through the adoption of this ordinance, establish a vacant property management system and authorize new, and changes to, existing policies and procedures for the registration, maintenance and compliance monitoring of vacant properties as a mechanism to protect and preserve the public health, safety, welfare, security, neighborhood vitality, economic vitality and the quiet enjoyment of residents, by

(i) requiring all property owners, including lenders, trustees and service companies to properly maintain vacant, unimproved and/or foreclosing properties; and

(ii) regulating the maintenance of vacant, unimproved and/or foreclosing properties in order to prevent unsecured unsafe structures in neighborhoods and neighborhood blight.

In addition to any other remedies in law or equity not set forth herein, enforcement authority shall be vested in the Code Enforcement Department including, but not limited to the Code Enforcement Department and their respective inspectors, the Construction Department, Health Department, Police Department, Fire Department and the Department of Public Works shall also have enforcement authority with respect to this Ordinance. The Mayor, with the advice and consent of council, may also designate, when necessary, additional enforcement duties for other Borough Departments to protect neighborhoods from becoming blighted through the lack of adequate maintenance and security of vacant properties.

Section 54-4 Definitions.

For the purposes of this chapter, certain words and phrases used in this chapter are defined as follows:

"Abandoned Property List" - means inventory and identification of abandoned property. P.L. 1996 C. 62 (C.55:19-55). A qualified municipality that has designated or appointed a public officer pursuant to section 3 of P.L.1942, c.112 (C.40:48-2.5), may adopt an ordinance directing the public officer to undertake an inventory of abandoned property in those areas designated for redevelopment pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et seq.). The ordinance may direct the public officer to exclude from the inventory of abandoned property that property for which the expense to the municipality of determining the cost of environmental remediation required under State or federal law would be excessive, in the judgment of the municipal governing body. Each item of abandoned property on the inventory shall include the tax block and lot number, the name of the owner of record, if known, and the street address of the lot. In those municipalities in which an inventory has been conducted, the public officer shall maintain a list of abandoned property, to be known as the "abandoned property list." An abandoned property shall not be included on the abandoned property list if rehabilitation is being performed in a timely manner.

"Accessible property" - means a property that is accessible through direct access, a compromise/breached gate, fence, wall, etc.

"Accessible structure" - means a structure/building that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

"Agreement" - means any agreement or written instrument, which provides that title to a property, shall be transferred or conveyed from one owner to another owner after the sale, trade, transfer or exchange.

"Beneficiary" - means an entity under a note secured by a mortgage, deed of trust or similar document.

"Borough" - means Borough of Roselle

"Buyer" - means any person, co-partnership, association, corporation, or fiduciary who agrees to transfer anything of value in consideration for property described in an agreement of sale, as defined in this subsection.

"Dangerous building" - means any building/structure that is violation of any condition referenced in Chapter 48, "Buildings, Abandonment and Dangerous" of the Borough Code.

"Days" - means consecutive calendar days.

"Deed of Trust" - means an instrument by which title to real estate is transferred to a third party trustee as security for a real estate loan definition applies to any and all subsequent deeds of trust i.e.:2nd trust deed, 3rd deed, etc.

"Deed in lieu of foreclosure" - means a recorded document that transfers ownership of a property from the fee owner to a mortgagor, lien holder, or beneficiary of the deed of trust.

"Default" - means the failure to fulfill a contractual obligation, monetary or conditional.

"Evidence of vacancy" - means any condition that on its own, or combined with other conditions present would lead a reasonable person to believe that the property is vacant or has the potential to become vacant. Such conditions include but are not limited to, a property that is under a current Notice of Default and/or Notice of Sheriff's Sale and/or pending Tax Lien Sale or has been foreclosed upon by the Mortgagee or has been conveyed to the mortgagor, beneficiary or trustee via a Deed in lieu of Foreclosure; overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, past due utility notices and/or disconnected utilities, accumulation of trash, junk and/or debris, the absence of window coverings such as curtains, blinds and/or shutters, the absence of furnishings and/or personal items consistent with residential habitation, statements by neighbors, passerby, delivery agents, government employees that the property is vacant.

"Enforcement Authority" - means the Code Enforcement Department and their respective inspectors, including, but not limited to the Construction Department, Health Department, Police Department, Fire Department and Department of Public Works shall also have enforcement authority with respect to this Ordinance. The Mayor, with the advice and consent of council, may also designate, when necessary, additional enforcement duties for other Borough Departments

"Foreclosure" - means the process by which property, placed as security for a real estate loan, is prepared for sale to satisfy the debt if the borrower defaults.

"Initiation of the foreclosure process" – means any of the following actions taking by a mortgagee against the borrower or mortgagor of a property: (i) taking possession of the property; (ii) delivering a mortgagee's notice of intention to foreclose to the borrower; (iii) commencing a foreclosure action or filing a *lis pendens* in the Superior Court of New Jersey.

"Interested Party" - means any person, co-partnership, association, corporation, or fiduciary authorized by the Owner of Record to act in the owners behalf.

"Local" - means within ten (10) road/driving miles distance of the subject property.

"Mortgage" - means a lien against real estate granted to serve an obligation, including a deed of trust.

"Mortgagee" - means an individual, individuals or business entity to which a property is mortgaged, including but not limited to the creditor, 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 the mortgage agreement.

"Mortgagor" - means the person who has borrowed money and pledged his/her real property as security for the debt, i.e. granted a mortgage or gives property as security.

"Neighborhood Standard" - means those conditions that are present on a simple majority of properties within a One hundred (100) yard radius of an individual property. A property that is the subject of a neighborhood standard comparison, or any other property within the One hundred (100) yard radius, shall be counted toward the simple majority.

"Notice of Default" - means a recorded notice that a default has occurred under a mortgage or deed of trust and that the mortgagee or beneficiary intends to proceed with a foreclosure proceeding.

"Out of area" - means in excess of ten (10) road/driving miles distance of the subject property.

"Owner" – means every Mortgagor, Mortgagee, Trustee, Agent, Real Estate Agency, Property Manager or Interested Parties, who alone or severally with others:

1. Has legal or equitable title to any dwelling, dwelling unit, mobile dwelling unit or parcel of land, vacant or otherwise; or
2. has care, charge or control of any dwelling, dwelling unit or parcel of land, vacant or otherwise, in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or
3. is a mortgagee in possession of any such property; or
4. is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or
5. is an officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply as if he were the owner. However, this ordinance shall not apply to any Condominium Association or Co-op that forecloses or initiates the foreclosure process for unpaid assessments due or owing the Association; or
6. every person who operates a rooming house; or
7. is a trustee who holds, owns or controls mortgage loans for mortgage backed securities transactions and has initiated the foreclosure process.

"Owner of record" - means the person having recorded title to the property at any given point in time as set forth in the records recorded with the Registrar of Deeds of Union County.

"Property" – means any unimproved or improved real property, real estate, residential property, commercial property or portion thereof, located in the Borough of

Roselle, including buildings or structures situated on the property regardless of condition. For the purposes of this section only, property does not include property owned or subject to the control of the Borough or any of its governmental bodies or agencies including, but not limited to, property owned or controlled by the Federal Department of Housing and Urban Development.

"Quality of Life" shall encompass the Borough of Roselle Ordinance Chapter 87.

"Residential Property" – means any property that contains one or more dwelling units used, intended or designed to be occupied for living purposes.

"Residential Building" - means any improved real property, or portion thereof, situated in the Borough, designed or permitted to be used for dwelling purposes, and shall include the buildings and structures located on such improved real property. This includes any real property being offered for sale, trade, transfer, or exchanges as "residential" whether or not it is legally permitted and/or zoned for such use.

"Securing" - means such measures as may be directed by the Borough Code Enforcement Officer or his or her designee that assist in rendering the property inaccessible to unauthorized persons, including but not limited to the repairing or replacement of fences and walls, chaining/pad locking of gates, the repair, replacement or boarding of door, window and/or other openings. Boarding shall be completed to a minimum of the current HUD securing standards at the time the boarding is completed or required.

"Trustee" - means the person, firm or corporation holding a Deed of Trust on a property.

"Trustor" - means a borrower under a deed of trust, who deeds property to a trustee as security for the payment of a debt.

"Vacant" - means a building, structure, property or unimproved land that is unoccupied, not legally occupied, not properly maintained or not properly secured.

Section 54-5 Recordation of Transfer of Loan/Deed of Trust/Assignment of Rents

Within ten (10) days of the acquisition of title by Deed in lieu of foreclosure or Sheriff Sale by the Mortgagor/Trustee or Interested Party, such party shall record, with the Borough of Roselle Code Enforcement Department, documents that lists the name of the corporation, and/or individual, the mailing address and contact phone number of the new owner/beneficiary/trustee responsible for receiving payments associated with the mortgage/deed of trust.

Section 54-6 Registration

Any mortgagor, mortgagee, trustee or owner, who holds a deed or a mortgage on a vacant and/or foreclosing property located within the Borough of Roselle, must register the property with the Code Enforcement Department and perform an inspection of the property.

If the property is found to be vacant or shows evidence of vacancy, by the mortgagor, mortgagee, trustee, owner or enforcement authority, it is, by this chapter, deemed vacant and each of the mortgagor, mortgagee, trustee, or owner shall, within thirty (30) days of the inspection, register the property with the Code Enforcement Official, or his or her designee on forms provided by the Borough.

All registrations must state the Mortgagor, Mortgagee, Trustee, Owner, Agent, Property Manager or other Interested Parties; that are responsible for the security maintenance and marketing of the property, direct name, phone number and mailing address. The mailing address may not be a P.O. Box. This registration must also certify that the property was inspected and identify whether the property is vacant at the time of filing.

If the property is vacant, the Mortgagor, Mortgagee, Trustee, Owner, Agent, Property Manager or other Interested Parties must designate and retain an individual, property management company or Interested Party; responsible for the security and maintenance of the property. This designation must state the individual, property Management Company or Interested Parties direct name, phone number and mailing address. The mailing address may not be a P.O. Box. If the property is in the process of foreclosure, then the registration must be received within seven (7) days of the "initiation of the foreclosure process" as defined in Section 54-4 "definitions" hereinabove. If the enforcement authority determines that the property is vacant and the foreclosure proceedings have not been initiated, the registration must be received within thirty (30) days of the enforcement authority's first notice of violations or summons for improper security and/or maintenance.

The registration shall include the insurance certificate required under Section 54-8 Maintenance Requirements; as defined therein as well as any additional information that the enforcement authority may reasonably require. Each property having a separate tax block and lot number shall be registered separately.

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 property.

An annual escalating registration fee shall accompany the registration form. The fee and registration shall be valid for the calendar year, or remaining portion of the calendar year in which the registration was initially required. All fees are non-refundable. In the event the property remains vacant subsequent registrations and fees are due January 1st of each year and must be received no later than January 31st of the year due.

This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a deed of trust or mortgage and any properties transferred under a deed in lieu of foreclosure.

Properties subject to this chapter shall remain under the annual registration requirement, security and maintenance standards of this section as long as such properties remain vacant.

Once the property is no longer vacant or is sold or otherwise transferred, the owner must provide proof of sale, transfer or occupancy to the Code Enforcement within thirty (30) days of sale, transfer or occupancy.

No governmental agency is required to pay the annual Registration fee.

Governmental agencies are required to follow Section 54-8, 9 and 10 Maintenance, Security and Additional Authority hereinafter defined.

Any person, firm or corporation that has registered a property under this chapter must report any change of information contained in the registration within ten (10) days of the change.

Section 54-7 Annual Escalating Fee Schedule

The initial fee for registering a vacant property shall be $500. The initial Registration fee shall be prorated at a rate of $41.66 per month or the initial registration fee divided by twelve (12) multiplied by the remaining number of months in the initial registration calendar year. The fee for the first renewal is $1,500.00, and the fee for the second renewal is $3,000.00. The fee for any subsequent renewal beyond the second renewal is $5,000.00.

Vacant property registration fee schedule

Initial registration	$ 500.00
First Renewal	$1,500.00
Second Renewal	$3,000.00
Any Subsequent Renewal	$5,000.00

Section 54-8 Issuing Rules and Regulations

The Code Enforcement Officer; may issue rules and regulations for the administration of the provisions of this ordinance.

Section 54-9 Maintenance Requirements

Properties subject to the requirements of this section must be maintained in accordance with all applicable federal, state and local laws, rules and regulations. The Mortgagor, Mortgagee, Trustee, Owner, Agent, Real Estate Agency, Property Manager and/or other Interested Parties must inspect the property twice a month for the duration of the vacancy.

Properties subject to this section shall be, in comparison to the neighborhood standard, kept free of weeds, dry bush, dead vegetation, trash, junk, debris, building materials, un-registered vehicles, internal combustion engine vehicles, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is vacant.

The property shall be maintained free of graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure.

Front, Rear and Side yards shall be landscaped and maintained to the neighborhood standard at the time registration was required.

Landscape includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed especially for residential or commercial installation.

Maintenance includes, but is not limited to the removal or repair of, gravel, broken concrete, asphalt, decomposed granite, plastic sheeting, mulch, indoor-outdoor carpet or any similar material; in addition to regular watering, irrigation, cutting, pruning and mowing of required landscaped and removal of all trimmings.

Pools and spas shall be kept in working order so the water remains clear and free of pollutants and debris or drained and kept dry. In either case properties with pools and/or spas must comply with the minimum security fencing requirements of the Borough.

Insurance Certificates – The owner of any vacant property shall acquire or otherwise maintain liability insurance, in an amount of not less than $300,000.00 for buildings designated primarily for use as residential units and not less than $1,000,000.00 for any other building, including, but not limited to, buildings designated 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. Any insurance policy acquired or renewed after the building has become vacant shall provide for written notice to the Code Enforcement Department within 30 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 form submitted that does not include such evidence shall not be deemed to be a valid registration.

Adherence to this section does not relieve the Mortgagor, Mortgagee, Real Estate Agency, Trustee, Owner, Agent, Property Manager or Interested Parties of any obligations set forth in any the Laws of the State of New Jersey, any applicable regulations of any State Agency having jurisdiction, Code of the Borough of Roselle, Covenants, Conditions and Restrictions set forth in any deed, and/or Home Owners Association rules and regulations which may apply to the property.

Section 54-10 Security Requirements

Properties subject to this section shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

Secure manner includes but is not limited to the closure and locking of windows, doors (walkthrough, sliding and garage) gates and any other opening of such size that it may allow a child to access the interior of the property and or structure(s). In the case of broken windows securing means the re-glazing or boarding of the window.

If the property is owned by a corporation and/or out of area mortgagor, mortgagee, trustee or owner, a local property management company or individual, shall be contracted to perform bi-weekly inspections to verify that the requirements of this section, and any other applicable laws, are being met.

The property shall be posted with name and a 24-hour contact phone number of the local property Management Company or Interested Party. The posting shall be no less than 18" X 24" and shall be of font that is legible from a distance of forty-five (45) feet and shall contain along with the name and 24-hour contact number the words "THIS PROPERTY MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS CALL". The posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so it is visible from the street or if no such area exists, on a stake of sufficient size to support the posting in a location that is visual from the street to the front of the property but not readily accessible to vandals.

Exterior postings must be constructed of and printed with weather resistant materials.

The local property Management Company or responsible party shall inspect the property on a bi-weekly basis to determine if the property is in compliance with the requirements of this chapter.

Section 54-11 Additional Authority

In addition to the enforcement remedies established in Chapter 54 of the Borough Code, the Code Enforcement Officer or his or her designee shall have the authority to require any mortgagor, mortgagee, trustee, owner and/or owner of record of any property affected by this section, to implement additional maintenance and/or security measures including but not limited to, securing any/all door, window or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of on-site security guard or other measures as may be reasonably required to arrest the decline of the property.

Section 54-12 Inspections

At any time after filing a registration form or renewal of registration form, the owner of any vacant property shall provide access to the Enforcement Authority to conduct exterior and interior inspections of the building to determine compliance with municipal codes, on reasonable notice to the property owner or interested party and to issue summonses for any violations.

Section 54-13 Enforcement

The Code Enforcement Officer in the Code Enforcement Department, in addition to all other Borough officials empowered by the Borough Code or general law to take enforcement action or issue summons for violations of State Statutes and/or the provisions of

the Borough Code are hereby authorized to enforce this Chapter and issue summons for violations of any section of this Chapter.

Any mortgagor, mortgagee, trustee, owner and/or owner of record who fails to register a vacant property under the provisions of this ordinance shall further be deemed to consent to receive, by posting at the building, any and all notices of code violations and all processes in an administrative proceeding brought to enforce code provisions concerning the property.

Section 54-14 Violation/Penalty

Violations of this chapter shall be treated as a strict liability offense regardless of intent. Any person, firm and/or corporation that violate any portion of this chapter shall be subject to prosecution, administrative enforcement and or placement of the property on the Borough of Roselle Abandoned Properties List. Any person who shall violate any of the provisions of this article shall, upon conviction, be punished by a fine not less than $300.00 and not more than $1,000 for each offence or be subject to imprisonment in the county jail for a period of 90 days or by a period of community service not exceeding 90 days. Every day that a violation continues shall constitute a separate and distinct offence. Fines assessed under this chapter shall be recoverable from the owner and shall be a lien on the property.

Failure to initially register with the Code Enforcement Department is punishable by a fine of three hundred ($300.00) dollars.

If applicable, failure to properly designate the name of the individual, Interested Party or property management company is punishable by a fine of three hundred ($300.00) dollars.

Failure to maintain the property as noted in section 54-8, 9, and 10 hereinabove, or respond to the notice as set forth in Section 54-13 hereinabove, is punishable by a fine up to three hundred ($300.00) dollars, plus costs associated with the cleanup, securing and/or maintenance of the property to include, but not be limited to tipping fees and overtime for use of personnel and equipment.

The Court may impose all, some or any combination of these sanctions.

Nothing contained herein shall prevent the Department of Public Works, in a case of an unregistered or delinquent registered Mortgagor, Mortgagee, Trustee, Owner, Agent, Real Estate Agency, Property Manager or Interested Parties, from cleaning up the property on an as needed basis and imposing a lien against the property for associated costs as set forth in paragraph 4 of this Section.

Any fine(s) or cost(s) associated with cleaning up the property that remains uncollected or unpaid shall, by resolution of the Borough Council, become a lien upon the property, which lien shall hereafter form part of the taxes next to be assessed and levied upon said lands, the same to bear interest at the same rate as taxes to be collected and enforced by the same officers and in the same manner as taxes in accordance with the provisions of N.J.S.A. 40:48-2.14 and Chapter 54 of the Code of the Borough of Roselle.

Section 54-15 Article II Title. This Article shall be known as and may be cited as "Abandoned Property List; Maintenance and Compliance Monitoring Ordinance".

Section 54-16 Purpose

It is the intent of this Article to, through the adoption of this article, establish an Abandoned Property List and Management System, authorize new, and changes to, existing policies and procedures for the Inventory, Identification, maintenance and compliance monitoring of Abandoned Properties as a mechanism to protect and preserve the public health, safety, welfare, security, neighborhood vitality, economic vitality and quiet enjoyment of residents, by

(i) managing the process of returning abandoned improved and unimproved properties as viable assets in the Borough, and

(ii) regulating the maintenance of abandoned, improved and unimproved properties in order to prevent unsecured unsafe structures in neighborhoods and neighborhood blight.

In addition to any other remedies in law or equity not set forth herein, enforcement authority shall be vested in the Code Enforcement Department and their respective inspectors, including, but not limited to the Construction Department and Health Department, Police Department, Fire Department and Department of Public Works shall also have enforcement authority with respect to this Ordinance. The Mayor, with the advice and consent of council, may also designate, when necessary, additional enforcement duties for other Borough Departments to protect neighborhoods from becoming blighted through the lack of adequate maintenance and security of abandoned properties.

Section 54-17 Abandoned Property List Effectuation

The Public Officer as designated herein is hereby directed to identify abandoned properties within the municipality, place said properties in an abandoned property list as provided in Section 36 of P.L.1996, c.62 (C.55:19-55), as amended by Section 28 of P.L.2003, c.210, and provide such notices and carry out such other tasks as are required to effectuate an abandoned property list as provided by law.

Section 54-18 Abandoned Property List Coverage Area

The abandoned property list shall apply to the Borough of Roselle as a whole.

Section 54-19 Designation of Public Officer

The Code Enforcement Officer and the Borough Administrator, is hereby designated as the Public Officer for the purpose of carrying out the responsibilities established by this ordinance, and shall have all the responsibilities and powers provided by law.

Section 54-20 Designation of Rehabilitation Entity

The Public Officer as designated herein shall exercise the authority granted the municipality pursuant to section 13 of P.L.2003, c. 210, to designate qualified rehabilitation entities to act as a designee of the municipality with respect to provisions of that section.

Section 54-21 Reporting

The public officer shall provide a report to the governing body every six months, with respect to the number and location of properties on the abandoned property list, the status of those properties, and any actions taken by the Borough or by any qualified rehabilitation entity designated pursuant to the authority granted the public officer with respect to any property on the list or any other abandoned property within the Borough of Roselle.

Section 54-22 Maintenance Requirements

Properties subject to this section shall be required to comply with the standards set forth in Section 54-8 above.

Section 54-23 Security Requirements

Properties subject to this section shall be maintained in accordance with the requirements of Section 54-9 set forth above.

SECTION 2. Severability.

Should any provision, section, paragraph, sentence or word of this chapter be determined or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this chapter shall remain in full force and effect.

SECTION 3. The remaining provisions of the Borough Code shall continue in full force and effect to the same extent as if herein fully repeated.

SECTION 4. If any section, subsection, provision, clause, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such adjudication shall not affect the remaining sections, subsections, provisions, clauses, or portions, which shall be deemed severable therefrom.

SECTION 5. This Ordinance shall take effect at the time and in the manner provided by law.

Recorded Vote on Introduction Ordinance No. 2500-14

	Motion	Second	Ayes	Nays	Abstain	Absent
Councilwoman Dansereau			x			
Councilwoman Shaw			x			
Councilwoman Staten			x			
Councilman Hayman		x	x			
Councilman Locke						x
Councilman Aubourg	x		x			

__ Approved on First Reading and Introduction

Jamel C. Holley, Mayor

8/21/14
Date: 8/21/14

Lydia D. Agbejimi
Deputy Municipal Clerk

8/21/14
Date 8/21/14