

**BOROUGH OF BERGENFIELD**

**PUBLIC NOTICE**

**ORDINANCE 14-2474 – AN ORDINANCE AMENDING CHAPTER 232 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED “PROPERTY MAINTENANCE” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BERGENFIELD, COUNTY OF BERGEN AND STATE OF NEW JERSEY**

was introduced at a regular meeting of the Mayor and Council of the Borough of Bergenfield, in the County of Bergen, New Jersey, held on Tuesday, November 25, 2014, and will be further considered for final passage after public hearing at a regular meeting of the Mayor and Council to be held in the Council Chambers, Bergenfield Municipal Center, 198 North Washington Avenue, Bergenfield, New Jersey on Tuesday, December 16, 2014 at 8:00 P.M. prevailing time, or as soon thereafter as the matter can be heard.

A clear and concise statement of this ordinance is to add under Article II, Safety Standards in Residential Occupancies, Section 232-10, entitled “Maintenance of Properties in Foreclosure”, as set forth in the ordinance.

A copy of this ordinance may be obtained without cost between the hours of 8:30 a.m. and 4:30 p.m. at the Office of the Borough Clerk, 198 North Washington Avenue, Bergenfield, New Jersey.

Anne Dodd, RMC  
Borough Clerk

## **BOROUGH OF BERGENFIELD**

### **ORDINANCE NO. 14-2474 – AN ORDINANCE AMENDING CHAPTER 232 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED “PROPERTY MAINTENANCE” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BERGENFIELD, COUNTY OF BERGEN AND STATE OF NEW JERSEY**

**WHEREAS**, Chapter 232 of the Code of the Borough of Bergenfield sets forth all regulations regarding Property Maintenance within the Borough of Bergenfield; and,

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Bergenfield, County of Bergen and State of New Jersey that those portions of the aforesaid set forth below are hereby amended as follows and that those portions of the Ordinance not set forth below shall remain unchanged.

Chapter 232-10, entitled “Maintenance of Properties in Foreclosure”.

**WHEREAS**, the Borough of Bergenfield (the “Borough”) contains structures which are vacant and/or abandoned in whole or large part and in foreclosure; and

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

**WHEREAS**, it is in the public interest for the Borough to establish minimum standards of accountability on 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 Borough; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2.12s, the Governing Body of any municipality may adopt ordinances to regulate the care, maintenance, security, and upkeep of the exterior of vacant and abandoned residential properties on which a summons and complaint in an action to foreclose has been filed.

#### **DEFINITIONS.**

Vacant and Abandoned Property – any residential real estate that is vacant and has been abandoned by the mortgagor or tenant.

#### **SECTION 1.**

Responsible Agent – The creditor filing the summons and complaint in an action to foreclose shall be responsible for the care, maintenance, security, and upkeep of the exterior of the vacant and abandoned residential property and if located out of state, shall be responsible for appointing an in-state representative or agent to act for the foreclosing creditor.

Authorized Public Officer – A public officer appointed pursuant to P.L. 1942, c. 112 (C.40:48-2.3 et seq.) or any other local official responsible for administration of any property maintenance or public nuisance code to issue a notice to the creditor filing the summons and complaint in an action to foreclose if the public officer or other authorized municipal official determines that the creditor has violated the ordinance by failing to provide for the care, maintenance, security and upkeep of the exterior of the property. Such notice shall require the person or entity to correct the violation within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety. The issuance of a notice shall constitute proof that a property is “vacant and abandoned” for the purposes of P.L. 2012, c.70 (C.2A:50-73).

Out of State Creditor – An out of state creditor shall be required to include the full name and contact information of the in state representative or agent in the notice required to be provided.

Violations – A creditor found to be in violation of the requirement to correct a care, maintenance, security or upkeep violation cited in a notice issued pursuant to this ordinance shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence 31 days following receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

Creditor Notice Requirement –(1) A creditor serving a summons and complaint in an action to foreclose on a mortgage on residential property in the state shall, within 10 days of serving the summons and complaint, notify the municipal clerk of the Borough of Bergenfield that a summons and complaint in an action to foreclose on a mortgage has been filed against the subject property the notice shall contain the name and contact information for the representative of the creditor who is responsible for receiving complaints of property maintenance and code violations may contain information about more than one property, and shall be provided by mail or electronic communications, at the discretion of the municipal clerk. In the event the creditor that has served a summons and complaint in an action to foreclose on a residential property is located out of state, the notice shall also contain the full name and contact information of an in state representative or agent who shall be responsible for the care, maintenance, security and upkeep of the exterior of the property if it becomes vacant and abandoned. The municipal clerk shall forward a copy of the notice to the public officer or shall otherwise provide it to any other local official responsible for administration of any property maintenance or public nuisance code. In the event the property being foreclosed on is an affordable unit pursuant to the “Fair Housing Act” then the creditor shall identify that the property is subject to the “Fair Housing Act.” The notice shall also include the street address, lot and block number of the property and the full name and contact information of an individual located within the State who is authorized to accept service on behalf of the creditor. The notice shall be provided to the municipal clerk within ten (10) days of service of a summons and complaint in an action to foreclose on a mortgage against the subject property.

(2) Any creditor that has initiated a foreclosure proceeding on any residential property which is pending in Superior Court shall provide to the municipal clerk of the Borough of Bergenfield, a listing of all residential properties in the municipality for which the creditor has foreclosure actions pending by street address and lot and block number. The municipal clerk shall forward a copy of the notice to the public officer, or shall otherwise provide it to any other local official responsible for administration of any property maintenance or public nuisance code.

Notification by Authorized Municipal Official – If the owner of a residential property vacates or abandons any property on which a foreclosure proceeding has been initiated or if a residential property becomes vacant at any point subsequent to the creditor’s filing the summons and complaint in an action to foreclose on a mortgage against the subject property, but prior to vesting of title in the creditor or any other third party, and the exterior of the property is found to be a nuisance or in violation of any

applicable State or local code, the local public officer, municipal clerk or other authorized municipal official shall notify the creditor or the representative or agent of an out-of-State creditor as applicable, which shall have the responsibility to abate the nuisance or correct the violation in the same manner and to the same extent as the title owner of the property, to such standard or specification as may be required by State law or municipal ordinance. The municipality shall include a description of the conditions that gave rise to the violation with the notice of violation and shall provide a period of not less than 30 days from the creditor's receipt of the notice for the creditor to remedy the violation. If the creditor fails to remedy the violation within that time period, the municipality may impose penalties allowed for the violation of municipal ordinance pursuant to R.S.40:49-5.

Violation – If the municipality expends public funds in order to abate a nuisance or correct a violation on a residential property in situations in which the creditor was given notice pursuant to the provisions of Notification by Authorized Municipal Official, but failed to abate the nuisance or correct the violation as directed, the municipality shall have the same recourse against the creditor as it would have against the title owner of the property, including but not limited to the recourse provided under section 23 of P.L. 2003, c. 210 (C.55:19-100).

Severability All provisions of this Ordinance are severable. If for any reason, any provision of this Ordinance is held to be invalid, the validity of the remainder of the Ordinance shall not be affected.

Effective Date. This Ordinance shall become effective upon final approval and publication, pursuant to law, and upon completion of all outstanding cases.