

Borough of Rockaway

MUNICIPAL BUILDING • 1 EAST MAIN STREET • ROCKAWAY, NEW JERSEY 07866



REGISTRATION STATEMENT FOR VACANT PROPERTY

Pursuant To New Jersey Statutes, N.J.S.A. 55:19-78, et seq.

Registration is valid until the end of the calendar year and must be renewed annually by January 31.

Initial Application Renewal Application Amended Application Date: _____

Registration Fee:

Initial: \$250 1st renewal: \$500 2nd, 3rd, or 4th renewal: \$1,000 After 5 years: \$5,000

Premises Covered by Registration:

Address: _____ Block No. _____ Lot No. _____

Owner of Premises:

Name: _____
Address: _____
Telephone Number: _____

Date Property Became Vacant: _____ Date Owner Acquired Property: _____

Name, Address and 24-Hour Telephone Number of Designated Agent Authorized to Accept Notices of Code Violations and Process in Any Court Proceeding or Administrative Enforcement Proceeding:

Name: _____
Address: _____
Telephone Number: _____

Name, Address and 24-Hour Telephone Number of Person Responsible for Maintaining and Securing Property (If Different From Designated Agent):

Name: _____
Address: _____
Telephone Number: _____

Premises Covered by Registration (From Page 1):

Address: _____ Block No. _____ Lot No. _____

In submitting this Registration Statement, I acknowledge that I have been given a copy of and read Ordinance 03-15, and agree to fully comply with all provisions, including:

- Notifying the Borough Clerk within 30 days of any change in the registration information by filing an amended registration statement (Section 197-36.C).
- Providing the Borough of Rockaway Construction Official or Code Enforcement Official with access to the property. If an inspection is required of the interior of the property due to complaints or other cause, the fee for such inspection shall be the same as that for a Certificate of Occupancy inspection (Section 197-37.A).
- Posting a sign affixed to the inside of the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process and the person responsible for the day-to-day supervision and management of the building, if different from the owner holding title or authorized agent (Section 197-39.A).
- Meeting minimum standards for basic equipment and facilities (Section 197-39.B).

Owner: _____
(Print Name) (Signature)

Address: _____
Telephone Number: _____

(FOR OFFICE USE ONLY)

Date Registration Statement Submitted: _____

For Calendar Year: _____

- Initial Application
- First Renewal
- Second Renewal
- Third Renewal
- Fourth Renewal
- Fifth Renewal or After

Date \$250 Fee Paid: _____
Date \$500 Fee Paid: _____
Date \$1,000 Fee Paid: _____
Date \$1,000 Fee Paid: _____
Date \$1,000 Fee Paid: _____
Date \$5,000 Fee Paid: _____

Copies to: Construction Official Fire Marshal Health Officer Public Works Dept. Police Dept.

ORDINANCE NO. 03-15

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL**

**AMENDING CHAPTER 197, PROPERTY MAINTENANCE,
TO PROVIDE FOR REGISTRATION OF ABANDONED PROPERTIES
AND PROPERTIES PENDING FORECLOSURE
AND CHAPTER A263, FEES,
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

WHEREAS, the Borough of Rockaway contains several structures which are vacant in whole or in large part; and

WHEREAS, in many cases the owners, foreclosing lenders or other responsible parties of these structures are neglectful of them, are not maintaining or securing them in adequate condition, or restoring them to productive use; and

WHEREAS, 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 risk; and

WHEREAS, it is in the public interest for the Borough of Rockaway to establish minimum standards of accountability on the owners, foreclosing lenders 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 of Rockaway; and

WHEREAS, it is also in the public interest for the Borough of Rockaway to establish a procedure for registration of vacant and abandoned properties and maintenance of those properties by owners, foreclosing lenders and other responsible parties, and to impose a fee for registration of same, in light of the disproportionate costs imposed on the Borough by the presence of these structures.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that the following amendments be made to the Code of the Borough of Rockaway:

Section I

1. Chapter 197, Property Maintenance, Article III, Vacant Residential and Nonresidential Premises, is hereby repealed in entirety and modified to read as follows:

"Article III, Vacant Residential and Nonresidential Premises

§ 197-35. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

ABANDONED PROPERTY - As defined in accordance with the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq., shall mean the following:

- A. Except as provided in section 6 of P.L.2003, c. 210 (N.J.S.A. 55:19-83), any property that has not been legally occupied for a period of six months and which meets any one 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 a determination by the public officer pursuant to this section;
 - (3) At least one installment of property tax remains unpaid and delinquent on that property in accordance with Chapter 4 of Title 54 of the Revised Statutes as of the date of a determination by 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 Section 5 of P.L.2003, c. 210 (N.J.S.A. 55:19-82).
- B. A property which contains both residential and non-residential space may be considered abandoned pursuant to P.L.2003, c. 210 (N.J.S.A. 55:19-78 et al.) 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 and the property meets the criteria of either subsection (1) or subsection (2) of this section.

EVIDENCE OF VACANCY - Any condition that on its own, or combined with other conditions present would lead a reasonable person to believe that the property is or has been vacant for three (3) or more months. Such evidence would include but is not limited to, evidence of the existence of two or more of the following conditions at a property: overgrown or dead vegetation; accumulation of newspapers, circulars, flyers or mail; past due utility notices or disconnected utilities; accumulation of trash, junk or debris; the absence of window coverings such as curtains, blinds or shutters; the absence of furnishings or personal items consistent with residential habitation; statements by neighbors, delivery agents, or government employees that the property is vacant or abandoned; infestation by insects, vermin, rats or other pests; windows or entrances that are boarded up or closed off; multiple window panes that are damaged, broken or unrepaired; doors that are smashed, broken, unhinged or continuously unlocked; a risk to the health, safety or welfare of the public, or any adjoining or adjacent property owners, exists due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property; or any uncorrected violation of a municipal building, housing or similar code during the preceding year. Property determined to be "abandoned property" in accordance with the meaning of such term in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq. shall also be deemed to be vacant property for the purposes of this ordinance.

OWNER - Shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions of C.46:10B-51 (P.L. 2008, c. 127, Sec. 17), or any other entity determined by the Borough of Rockaway to have authority to act with respect to the property.

VACANT PROPERTY - Any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased for a period of at least three months, and any commercial property that has not been legally occupied or at which

substantially all lawful construction operations have ceased for a period of at least three months, and which exhibits evidence of vacancy such that a reasonable person would believe that the property is vacant. Any property that contains all building systems in working order, is being maintained on a regular basis, has not been cited by the Borough for any violation of municipal ordinance within such time and is being actively marketed by its owner for sale or rental shall not be deemed vacant.

§ 197-36. General Requirements.

- A. The owner of any vacant property, as defined herein, shall within thirty (30) days after the building becomes vacant property or within 30 days after assuming ownership of the vacant property, whichever is later, file a registration statement for each such vacant property with the Borough of Rockaway Clerk on forms provided by the Clerk for such purposes, as well as any additional information that the Clerk may reasonably request. The registration shall remain valid until the end of the calendar year. The owner shall be required to renew the registration annually, no later than January 31 as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed in Chapter A263 for each vacant property registered.
- B. Any owner of any building that meets the definition of vacant property prior to the date of adoption of this ordinance shall file a registration statement for that property on or before May 31, 2015. The registration statement shall include the information required under Section 197-37 of this Article, as well as any additional information that the Borough may reasonably require.
- C. The owner shall notify the Clerk within thirty (30) days of any change in the registration information by filing an amended registration statement on a form provided by the Clerk for such purpose.
- D. The registration statement shall be deemed prima facie proof of the information therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough of Rockaway against the owner or owners of the property.

§ 197-37. Registration statement requirements; property inspection.

- A. After filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide the Borough of Rockaway Construction Official or Code Enforcement Official with access to the property, following reasonable notice, during the period covered by the initial registration or any subsequent renewal. If an inspection is required of the interior of the property due to complaints or other cause, the fee for such inspection shall be the same as that for a Certificate of Occupancy inspection as provided in Section A263-1.C.(2)(c)[2].
- B. The registration statement shall include the name, street address, and telephone number of a natural person 21 years of age 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. The designated agent must have a contact number that will be available 24 hours per day on an emergency basis. The statement shall also include the name of the person responsible for maintaining and securing the property, if different from the designated agent.

- C. An owner who is a natural person and who meets the requirements of this Ordinance as to availability of a contact number on a 24-hour emergency basis may designate him or herself as agent.
- D. 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 purpose of this section until the owner notifies the Borough of Rockaway of a change of the authorized agent or until the owner files a new annual registration statement. The designation of an authorized agent in no way releases the owner from any requirement of this ordinance.

§ 197-38. Fee schedule.

The registration fee for each building that has become vacant or abandoned property shall be as provided in Chapter A263, Fees.

§ 197-39. Requirements for owners and other persons as to vacant and abandoned property.

- A. The owner of any building that has become vacant or abandoned property, and any person maintaining, operating or collecting rent for any such building that has become vacant, shall immediately post a sign affixed to the inside of 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 Section 197-37), 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 locations so as to be legible, to the extent possible, from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 15" x 17".
- B. Basic equipment and facilities. Every unoccupied or vacant residential or nonresidential property must comply with the following minimum standards for basic equipment and facilities:
 - (1) Plumbing. All plumbing fixtures shall be properly installed and be in sound condition and good repair. The property shall be winterized, by the cessation of water service to the property, and the draining of water lines.
 - (2) Electricity. Every existing outlet and fixture shall be properly connected. Wiring and service lines shall be maintained in good and safe working condition.
 - (3) Heating plant. The heating plant shall be maintained in a safe condition.
 - (4) Cooking equipment. All cooking equipment shall be maintained in a safe condition.
 - (5) Electrical and gas utility services shall be discontinued until the property is again legally occupied or demolished, or until repair or rehabilitation of the property is complete.
- C. Storage and boarding up of building.

- (1) No room within any vacant or unoccupied property shall be used for storage or junk, rubbish or wastes, furniture or building materials not intended to be used in the existing property.
- (2) The boarding up of doors and windows shall not be permitted except with the permission of the enforcement officer in emergency situations. When doors and windows are boarded up, they shall be covered with no less than one-half-inch exterior plywood or equivalent.
- (3) Buildings on vacant properties shall be secured against unauthorized entry until the building is again legally occupied or demolished, or until repair or rehabilitation of the property is complete.

D. Safe and sanitary maintenance. All unoccupied or vacant properties shall comply with the following minimum standards for safe and sanitary maintenance:

- (1) Every foundation, exterior wall or exterior roof shall be weathertight, watertight and rodent-proof, shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.
- (2) Every floor, interior wall and ceiling shall be substantially rodent-proof, shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.
- (3) Every window, exterior door and basement or cellar door and hatchway shall be weathertight, watertight, rodent-proof and locked and shall be kept in sound condition and good repair.
- (4) Every inside and outside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.
- (5) Every yard shall be properly graded so as to prevent the accumulation of stagnant water.
- (6) There shall be a controlled method of disposing of water from roofs by use of gutters and downspouts, which shall be installed and maintained in sound condition, free of leaks and obstructions.
- (7) Every dwelling's cellar, basement and crawl space shall be maintained from excessive dampness and leakage.
- (8) The exterior of every structure or accessory structure shall be maintained free of broken windows, loose shingles, crumbling stone or brick or excess peeling paint.
- (9) The exterior of the premises and the condition of accessory structures shall be maintained so that the appearance of the premises and all buildings thereof shall reflect a level of maintenance in keeping with the standards of the neighborhood and such that the appearance of the premises and structures shall not constitute a blighting factor for adjoining property owners nor an element leading to the progressive deterioration and downgrading of the neighborhood with the accompanying diminution of property values.

E. Further responsibilities of owners. All owners of unoccupied or vacant buildings shall be required to comply with the following standards:

- (1) Any yard area (front, side and rear) adjacent to an unoccupied or vacant building shall be cleared and maintained free of trash, solid debris or any other materials that cause litter to accumulate to unhealthy and blighting proportions.
- (2) Grass and weeds shall not be permitted to grow or remain on the side, front and/or rear yards of any unoccupied or vacant building so as to exceed a height of 10 inches.
- (3) Unoccupied or vacant buildings shall not be utilized for storage of any hazardous materials, whether solid or liquid, including the yard portion of that building.
- (4) When a vacant dwelling is found to be infested with rats, termites, roaches and/or any other insects and vermin, the owner shall undertake an expedient means of extermination of such nuisances.
- (5) All doors and/or lids on appliances, on furniture utilized for storage or on heating furnaces shall be locked in order to deny entry to an individual where the potential for physical harm or death may result should said door or lid close and prevent the individual's escape.
- (6) Provision shall be made for the cessation of the delivery of mail, newspapers and circulars to the property.

F. The standards and requirements of this section shall apply as long as any dwelling remains vacant or unoccupied. Upon occupancy, the other appropriate sections of this chapter shall prevail.

§ 197-40. Administration; enforcement.

- A. The Borough of Rockaway Mayor and Council may issue rules and regulations for the administration of the provisions of this Article.
- B. The provisions of this article shall be enforced as set forth and pursuant to §§ 197-22 through 197-33 of the Code of the Borough of Rockaway, to the full extent applicable.

§197-41. Violations; penalties.

- A. Any owner who is not in full compliance with this ordinance or who otherwise violates any provision of this ordinance or of the rules and regulations issued hereunder shall be subject to a fine of not less than \$500.00 dollars and not more than \$2,000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this ordinance shall be recoverable from the owner and shall be a lien on the property.
- B. For purposes of this ordinance, failure to file a registration statement in time, failure to provide correct information on the registration statement, failure to comply with the provisions of Section 197-37, or such other matters as may be established by the rules and regulations of the Council of the Borough of Rockaway shall be deemed to be violation of this ordinance.

§ 197-42. Compliance with other provisions

Nothing in this ordinance is intended to nor shall be read to conflict or prevent the Borough of Rockaway from taking action against buildings found to be unfit for human habitation or unsafe structures as provided in applicable provisions of the Borough Code and/or the Uniform Construction Code. Further, any action taken under any such code provision other than the demolition of a structure shall not relieve an owner from its obligations under this Article."

Section II - Article IV, Buildings Pending Foreclosure

1. Chapter 197, Property Maintenance, of the Code of the Borough of Rockaway is amended by adding thereto a new Article IV, Buildings Pending Foreclosure, to read as follows:

"Article IV, Buildings Pending Foreclosure

§ 197-43. Purpose.

The intent of this Article is to provide for the enforcement of Borough property maintenance standards and the State Housing Code against vacant properties pending foreclosure, and to provide for responsibility on the part of foreclosing creditors for the care, maintenance, security and upkeep of residential properties.

§ 197-44. Service of notice, contents.

- A. A creditor serving a summons and complaint in an action to foreclose on a mortgage on property located within the Borough of Rockaway shall serve the Borough Clerk with a notice indicating that a summons and complaint in an action to foreclose on a mortgage has been filed against the subject property. The Notice may contain information about more than one property and shall be provided by mail or electronic communication at the discretion of the Borough Clerk.
- B. The Notice shall be served within 10 days of service of a summons and complaint in an action to foreclose on a mortgage against the subject property.
- C. By May 31, 2015, any creditor that has initiated a foreclosure proceeding on any residential property which is pending in Superior Court shall provide to the Borough Clerk with a notice as described below for all residential properties in the Borough for which the creditor has pending foreclosure actions.
- D. The notice shall contain:
 - (1) The name and contact information for the representative of the creditor who is responsible for receiving complaints of property maintenance and code violations;
 - (2) Whether the property being foreclosed on is an affordable unit pursuant to the "Fair Housing Act";
 - (3) The street address, lot and block number of the property; and
 - (4) The full name and contact information of an individual located within the state authorized to accept service on behalf of the creditor.

- (5) 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.

§ 197-45. Creditor responsibility.

- A. Pursuant to the provisions of N.J.S.A. 40:48-2.12s and N.J.S.A. 46:10B-51, a creditor filing a summons and complaint to foreclose a lien on a residential property that is vacant and abandoned, whether the filing of the summons and complaint is made before or after the determination that the property is vacant and abandoned, shall be responsible for the care, maintenance, security, and upkeep of the exterior of the residential property. This obligation applies whether the determination that the property is vacant and abandoned is made by a public officer pursuant to the provisions of this Chapter or other applicable law.

§ 197-46. Violation of state or local law at property on list; responsibility of creditor.

- A. The appropriate local public officer shall notify the creditor if:
 - (1) the owner of a property vacates or abandons any property on which a foreclosure proceeding has been initiated or if a property is otherwise vacated subsequent to the filing of the summons and complaint, but prior to the vesting of title in any third party; and
 - (2) If the property is found to be nuisance or in violation of any applicable state or local code.
- B. The creditor shall have the responsibility to abate the nuisance or correct the violation in the same manner and in the same extent as the title owner of the property, to such standard or specification as may be required by State law or by ordinance.

§ 197-47. Notification of violation.

In the event of a violation of state law or a local ordinance, the Borough shall serve the creditor with a notice that shall include a description of the condition(s) that gave rise to the violation and the state law or local ordinance that has been violated, 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, provided that in the event that the violation presents an imminent threat to public health and safety, the notice may, in the discretion of the Borough, provide that the violation shall be remedied within 10 days of the creditor's receipt of the notice.

§ 197-48. Repair by Borough.

If the Borough expends public funds in order to abate a nuisance or correct a violation at a property in which the creditor was given notice pursuant to the provisions of Section 197-47, but failed to abate the nuisance or correct the violation as directed, the Borough shall have the same recourse against the creditor as it would have had against the title owner of the property, including but not limited to the recourse provided at N.J.S.A. 55:19-100.

§ 197-49. Violations and penalties.

- A. An out-of-State creditor subject to this Article found by the municipal court, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent pursuant to this Article shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on a creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in paragraph (1) of subsection a. of Section 17 of P.L.2008, c.127 (N.J.S.A. 46:10B-51) and Section 197-44 of this Ordinance for providing notice to the Borough Clerk that a summons and complaint in an action to foreclose on a mortgage has been served.
- B. A creditor subject to this Article found by the municipal court, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to this Article 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."

Section III

1. Chapter A263, Fees, Section A263-1, Fees established, Subsection I, Chapter 197, Property Maintenance, is hereby modified to add the following:

"I. Chapter 197, Property Maintenance.

- (3) The registration fee for each building that has become vacant or abandoned property shall be:
- (a) Initial: \$250.
 - (b) First renewal: \$500.
 - (c) Second, third or fourth renewal: \$1,000.
 - (d) After five years: \$5,000."

Section IV

1. This Ordinance may be renumbered for codification purposes.
2. All Ordinances of the Borough of Rockaway which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
3. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.
4. This Ordinance shall take effect April 1, 2015.

Date: February 12, 2015

Borough of Rockaway

Attest: Sheila Seifert, Borough Clerk

By: Russell Greuter, Mayor

CERTIFICATION

I, Sheila Seifert, Borough Clerk of the Borough of Rockaway, in the County of Morris, do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Mayor and Council at a meeting held on February 12, 2015.

Sheila Seifert
Borough Clerk