



Township Council
1 Municipal Plaza
Bloomfield, NJ 07003

Louise M. Palagano
Municipal Clerk

<http://www.bloomfieldtwpnj.com>

Meeting: 11/28/22 07:00 PM

2022 ORDINANCE AMENDMENT

AN ORDINANCE TO AMEND CHAPTER 430, "PROPERTIES, ABANDONED/VACANT" WITHIN THE TOWNSHIP CODE OF THE TOWNSHIP OF BLOOMFIELD

BE IT ORDAINED, by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey, as follows:

Section 1. Chapter 430 "Abandoned/Vacant Properties", of the Code of the Township of Bloomfield, County. Of Essex, State of New Jersey, is hereby created to read as follows:

Article I, Registration and Maintenance

§430-1. Definitions.

As used in this application of this article for which any property, vacant or abandoned, that any municipal ordinance applies, the following terms shall have the meanings indicated:

ABANDONED PROPERTY - 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. Each block and lot shall be a separate property.

CREDITOR - Means a mortgagee or an agent or assignee of a mortgagee, such as the servicer, who has filed a complaint in the Superior Court seeking to foreclose upon a residential or commercial mortgage. If the entity seeking to foreclose upon the residential or commercial mortgage changes as a result of an assignment, transfer, or otherwise after the filing of the foreclosure complaint in the Superior Court, the new entity shall be deemed the creditor for purposes of this section. For purposes of this section, a creditor shall not include the State, a political subdivision of the State, a State, county, or local government entity, or their agent or assignee, such as the servicer.

OWNER - Includes the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity to the provisions of Public Law 2008, c. 127, Section 17 (C. 46:10B-51) or section 2 of P.L.2021, c.444 (C.40:48-2.12s), any debtor in possession of the property, lienholder or mortgage holder, or any other entity determined by the Township to have authority to act with respect to the property.

REGISTRANT - Any person or entity who files a registration statement in accordance with this Ordinance shall be also known as a Registrant.

RESTORATION PERIOD - The time following an initial vacant property registration and acceptance of a vacant property fee abeyance request.

STRUCTURE - Any construction, production, or piece of work artificially built up or composed of parts purposefully joined to together.

VACANT PROPERTY -

Any residential or commercial structure that meets the following criteria shall be deemed vacant:

If it is not legally occupied by a mortgagor or tenant, which is in such condition that it cannot legally be reoccupied because of the presence or a finding of at least two of the following:

- (a) overgrown or neglected vegetation;
- (b) the accumulation of newspapers, circulars, flyers, or mail on the property;
- (c) disconnected gas, electric, or water utility services to the property;
- (d) the accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- (e) the accumulation of junk, litter, trash, or debris on the property;
- (f) the absence of window treatments such as blinds, curtains, or shutters;
- (g) the absence of furnishings and personal items;
- (h) statements of neighbors, delivery persons, or government employees indicating that the property is vacant or abandoned;
- (i) windows or entrances to the property that are boarded up or closed off, or multiple windowpanes that are damaged, broken, and unrepaired;
- (j) doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- (k) a risk to the health, safety, or welfare of the public or any adjoining or adjacent property owners due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
- (l) an uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
- (m) the mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
- (n) a written statement issued by a mortgagor expressing the clear intent of all mortgagors to abandon the property; or
- (o) any other reasonable indicia of abandonment.

Each block and lot shall be considered a separate property.

§430-2. Registration required; period of validity; general regulations.

- A. The owner of any vacant property as defined herein shall, within thirty (30) days after the structure becomes vacant property or within thirty (30) days after assuming ownership of the vacant property, or within ten (10) calendar days after receipt of notice from the Township, whichever is earlier, file a registration statement for each such vacant property with the Code Enforcement Office on forms provided by the Township for such purposes. The registration shall remain valid for twelve (12) months from the date of registration. The registrant shall be required to renew the registration every year as long as the

structure remains vacant property and shall pay a registration or renewal fee in the amount prescribed herein for each vacant property registered. The vacant property registration shall run with the land from the date the property is first determined to be vacant by the municipality.

- B. Any owner of any structure that meets the definition of "vacant property" prior to the effective date of this article shall file a registration statement for that property in accord with Section A.
- C. The Registrant shall notify the Code Enforcement Office within ten (10) days of any change in the registration information including but not limited to change in ownership by filing an amended registration statement on a form provided by the Fire Official or his/her designee for such purposes.
- D. 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 structure.
- E. Any owner of vacant property who intends to restore the property to occupancy following the initial registration shall file a detailed plan for restoration returning the property to a habitable condition on a form issued by the Code Enforcement together with an amended registration statement.
 - a. During the restoration period, the owner shall be exempt for a period of twelve months from payment of the vacant property registration fee(s) as long as the property is being actively restored but shall comply with all other laws, regulations and municipal ordinances. Exception will terminate if the restoration activity ceases.
 - b. In the event the property has not been approved for occupancy at the end of the twelve-month period, the owner shall be liable for any fees waived. The Fire Chief or his/her designee may extend the waiver of the registration fee for not more than one additional twelve-month period in response to a written request, prior to the expiration of the initial twelve-month period, by the property owner where the Fire Chief or his/her designee finds compelling conditions existed outside the owner's control which inhibited the owner from restoring the property within the initial twelve-month period.

§430-3. Registration statement requirement; property inspection.

- A. After filing a registration statement or renewal of a registration statement, the owner or registrant of any vacant property shall provide access to the Township to conduct an exterior and interior inspection of the structure to determine compliance with the Municipal Code, following reasonable notice, during the period covered by the initial registration or any subsequent renewal.
- 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. This person must maintain an office in the State of New Jersey or reside within the State of New Jersey. The statement shall also include the name of the person responsible for maintaining and securing the property, if different.
- C. An owner who is a natural person and who meets the requirements of this article as to location of residence or office may designate himself 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 or any law concerning the registered structure 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 Fire Department of a change of authorized agent or until the owner files a new registration statement. The designation of an authorized agent in no way releases the owner from any requirement of this article.

§430-4. Registration fees.

- A. The registrant shall pay two thousand dollars (\$2,000.00) per property annually if the property is vacant or abandoned pursuant to the definition in the ordinance. This vacant property registration fee is separate and distinct from any fee owed because the property is in foreclosure.

§430-5. Requirements for owners of vacant property.

The registrant of any structure that has become vacant property, and/or any person maintaining, operating or collecting rent for any such structure that has become vacant, shall, within thirty (30) days from vacancy:

- A. Enclose and secure the structure against unauthorized entry as provided in the applicable provisions of the Municipal Code for the pendency of vacancy and restoration period.
- B. Post a sign affixed to the structure 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 structure, if such person is different from the owner holding title or the authorized agent. The sign shall be of a size and place 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 18 inches by 24 inches; and the sign shall remain in place for the pendency of vacancy.
- C. Maintain the vacant property for the entire period of vacancy in accordance with all applicable local and state property maintenance codes, ordinances or regulations, building codes, health codes and fire codes pertaining to the exterior condition and appearance of the structure, the safety and structural integrity of the structure, the outdoor portion of the property, the condition and safety of accessory structures on the property, and any conditions on the property which constitute a hazard or adversely affect the health and safety of persons who may have contact with the vacant property.
- D. Promptly repair all broken windows, doors and other openings and unsafe conditions. Boarding up of open and broken windows and doors is prohibited, except as a temporary measure for no longer than 45 consecutive days, which period may be extended at the discretion of the Fire Chief or his/her Designee. Boards or coverings must be installed and painted in accordance with Township specifications.
- E. Acquire and otherwise maintain liability insurance by procuring a vacancy policy, covering any damage to any person or any property caused by any physical condition of the property while registered with the property registration program in an amount of not less than not less than \$1,000,000 for any unit, structure, including, but not limited to, residential, structure designed 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 structure. Any insurance policy acquired or renewed after the structure has become vacant shall provide for written notice to the Fire Chief or his/her designee within thirty (30) days of any lapse, cancellation or change in coverage. The owner shall attach evidence of the insurance to the registration statement. Any registration statement submitted that does not include such evidence of insurance shall not be deemed to be a valid registration.

§430-6. Administration.

The Fire Chief or his/her designee may issue rules and regulations for the administration of the provisions of this article.

§430-7. Violations and penalties.

- A. Any registrant who is not in full compliance with this article or who otherwise violates any provision of this article or who otherwise violated any provision of this article or rules and regulations issued hereunder shall be subject to a fine of not more than \$2,000 for each offense. Every day that a violation continues shall constitute a separate and distinct offense and shall be subject to imposition of a separate penalty for each day of the violation as any Court of competent jurisdiction may determine. Fines assessed under this article shall be recoverable from the owner and shall be a lien on the property.
- B. For the purposes of this section, failure to file a registration statement in time, failure to provide correct information on the registration statement, failure to comply with the provisions of this article, or such other matters as may be established by the rules and regulations of the Fire Department shall be deemed to be violations of this article.
- C. Property registration fees imposed pursuant to 249-1, et. seq. of this section shall be considered a municipal charge pursuant to the "tax sale law," *R.S.54:5-1 et seq.*
- D. In any case in which the municipality abates a nuisance, corrects a defect, or puts the premises in a condition so as to comply with the requirements of §430-1, et. seq., any municipal ordinance or State Law applicable, the cost thereof shall be certified by the ordering Municipal Official to the governing body, which shall examine such certificate of cost and, if it finds said certificate to be correct, shall cause such cost to be charged against the real estate. The amount so charged shall thereupon become a lien and tax upon said real estate and be added to and be a part of the taxes next to be levied and assessed thereon, and enforced and collected, with interest, by the same officers and in the same manner as other taxes. The imposition and collection of a penalty by any Court for violations of the provisions of §430-1, et. seq., or any ordinance or state law shall not constitute any bar to the right of the Township to collect such assessment of costs as certified for the necessity to abate a nuisance, defect or remedy necessary to put the premises in proper condition in the manner herein authorized.
- E. After initial notification, any subsequent violation of any subsection of the article will be considered to be in violation and shall be subject to a special complaint or summons without a further notification. All notifications are considered for a two-year period after the initial notification.

§430-8. Effect on other laws; interpretation of provisions.

Nothing in this article is intended to or shall be read to conflict or prevent the Township from taking action against structures found to be unfit for human habitation or unsafe structures, as provided in

applicable provisions of the Code of the Township of Bloomfield, or imposing a lien for costs on any property to the full extent permitted by law. Further, any action taken under such code provision other than the demolition of a structure shall relieve an owner from its obligations under this article.

Article II, Abandoned Property List

§430-9. Authorization and duties of Township Administrator.

The public officer that is designated is the Township Administrator or his/her designee (both collectively referred to hereafter simply as the "Township Administrator"), and he/she is hereby directed to identify abandoned properties within the municipality, place said properties on an Abandoned Property List established as provided in Section 36 of P.L. 1996, c. 62 (N.J.S.A. 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.

§430-10. Applicability.

The Abandoned Property List shall apply to the Township of Bloomfield as a whole.

§430-11. Report.

The public officer shall provide a report to the Township Administrator and 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 municipality 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 Township of Bloomfield.

§430-12. Effect on Uniform Construction Code.

No provision hereof shall be construed as restricting or otherwise abrogating the enforcement and other powers of the Township Construction Code Official under the New Jersey Uniform Construction Code, including, without limitation, N.J.S.A. 52:27D-123, et. seq. and N.J.A.C. 5:23-1.1 et. seq. (collectively, the "code"). The provisions hereof shall be construed as consistent with the enforcement and other powers of the Township's Construction Code Official under the code.

Article III.

§ 430-13. Additional Requirements for Properties Subject to Foreclosure.

1. Any creditor filing a summons and complaint in an action to foreclose shall, in addition to the notice provided to the municipality pursuant to section 17 of P.L.2008, c.127 (C.46:10B-51) or section 2 of P.L.2021, c.444 (C.40:48-2.12s2), register the residential or commercial property with the municipality's property registration program as a property in foreclosure and, as part of that registration: (a) provide the municipality with the information regarding the creditor required by paragraph (1) of subsection a. of section 17 of P.L.2008, c.127 (C.46:10B-51) or paragraph (1) of subsection a. of section 2 of P.L.2021, c.444 (C.40:48-2.12s2); (b) identify the date the summons and complaint in an action to foreclose on a mortgage was filed against the subject property, the court in which it was filed, and the docket number of the filing; and (c) identify whether the property is vacant or abandoned in accordance with the definition in the ordinance;
2. Any creditor filing a summons and complaint in an action to foreclose on a vacant and abandoned residential property shall be responsible for the care, maintenance, security, and upkeep of the exterior of the subject property,

3. The registrant shall pay five hundred dollars (\$500.00) per property annually for any property that is required to be registered in accordance with §249-13, et. seq.

4. If the registered property becomes vacant or abandoned in accordance with §249-1, et. seq. after the property is initially registered with the municipality, an updated property registration must be filed with the municipality to reflect the change in the property's status and all applicable fees as provided in §249-4 must be paid.

5. Any creditor filing a summons and complaint in an action to foreclose on residential or commercial mortgage shall Register with the municipality in accordance with §430-1, et. seq. and pay the registration fee as provided in §430-4. If located out-of-State, shall be responsible for appointing an in-State representative or agent to act for the foreclosing creditor.

6. Adhere to all requirements of §249-1, et. seq. and all municipal ordinances, state and federal laws, rules, and regulations.

7. The Administrator, or his/her designee or delegate, or any Zoning and Code Enforcement Inspector or any other local official responsible for administration of any property maintenance or public nuisance code (a "public officer"), is hereby authorized pursuant to P.L.1942, c.112 (C.40:48-2.3 et seq.), 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 pursuant to this paragraph shall constitute proof that a property is "vacant and abandoned" for the purposes of P.L.2012, c.70 (C.2A:50-73).

8. An out-of-State creditor filing a summons and complaint in an action to foreclose on a vacant or abandoned residential property shall include the full name and contact information of the in-State representative or agent in the notice required to be provided pursuant to paragraph (1) of subsection a. of section 17 of P.L.2008, c.127 (C.46:10B-51).

9. Violations of this ordinance is punishable as follows:

(a) An out-of-State creditor subject to this ordinance 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 the ordinance 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 (C.46:10B-51) for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

(b) A creditor subject to the requirements of this ordinance 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 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.

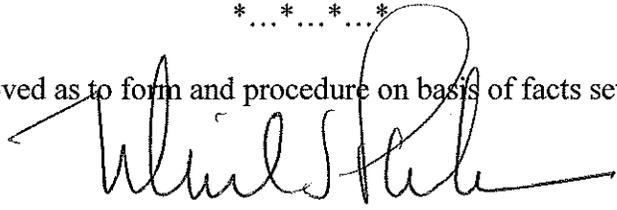
(c) No less than 20 percent of any money collected pursuant to this ordinance shall be utilized by the municipality for municipal code enforcement purposes.

Section 2. All ordinances inconsistent herewith are hereby repealed.

Section 3. This ordinance shall take effect upon final passage and publication in accordance with the law.

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Approved as to form and procedure on basis of facts set forth.

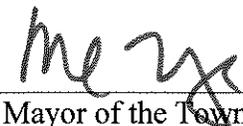


Director of Law-Township Attorney

I hereby certify that the above ordinance was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on November 28, 2022.



Municipal Clerk of the Township of Bloomfield



Mayor of the Township of Bloomfield

✓ Vote Record - Ordinance						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopt	Jenny Mundell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Deny	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Sarah Cruz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Table	Wartyna Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Not Discussed	Ted Gamble	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/> First Reading	Richard Rockwell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table with no Vote	Michael J. Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Approve						
<input type="checkbox"/> Veto by Mayor						
<input type="checkbox"/> Discussion						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Discussion No Vote						

✓ Vote Record - Ordinance						
		Yes/Aye	No/Nay	Abstain	Absent	
<input checked="" type="checkbox"/> Adopt	Jenny Mundell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Deny	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Sarah Cruz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table	Wartyna Davis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Not Discussed	Ted Gamble	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> First Reading	Richard Rockwell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table with no Vote	Michael J. Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Approve						
<input type="checkbox"/> Veto by Mayor						
<input type="checkbox"/> Discussion						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Discussion No Vote						