



Township Council
1 Municipal Plaza
Bloomfield, NJ 07003

Louise M. Palagano
Municipal Clerk

<http://www.bloomfieldtwpnj.com>

Meeting: 07/14/14 07:00 PM

2014 ORDINANCE NEW ORDINANCE

14-33

**AN ORDINANCE TO CREATE CHAPTER 430, "Abandoned/Vacant Properties,"
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 article, the following terms shall have the meanings indicated:

OWNER

Includes 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 Public Law 2008, c. 127, Section 17, or any other entity determined by the Township 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, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation; provided, however, that any property that contains all building systems in working order and is being actively marketed by its owner for sale or rental shall not be deemed vacant. 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 article.

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

- A. The owner of any vacant property as defined herein shall, within 60 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 Code Enforcement Office on forms provided by the Township for such

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ON-BASIS OF FACTS SET FORTH

purposes. The registration shall remain valid for six months from the date of registration. The owner shall be required to renew the registration every six months as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed herein for each vacant property registered.

- B. Any owner of any building that meets the definition of "vacant property" prior to the effective date of this article shall file a registration statement for that property on or before the effective date of this article. The registration statement shall include the information required in this article, as well as any additional information that the Code Enforcement Office may reasonably require.
- C. The owner shall notify the Code Enforcement Office within 30 days of any change in the registration information by filing an amended registration statement on a form provided by the Code Enforcement Office 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 building.

§ 430-3 Registration statement requirements; property inspection.

After filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide access to the Township to conduct an exterior and interior inspection of the building to determine compliance with the municipal code, following reasonable notice, during the period covered by the initial registration or any subsequent renewal.

- A. 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.
- B. 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.
- C. By designating an authorized agent under the provisions of this section, the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated

an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the Code Enforcement Office of a change of 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 article.

§ 430-4 Registration fees.

- A. The initial registration fee for each building shall be \$500.
- B. The registration shall be renewable every six months at a fee of \$250 unless a violation exists. If there is a violation of any municipal code cited during the first renewal period, the registration fee shall be doubled (\$500). If a violation of the municipal code is cited during the second renewal period the registration fee shall be tripled (\$750). If there is a violation of the municipal code during the third renewal period, the registration fee shall be quadrupled (\$1,000).

§ 430-5 Requirements for owners of vacant property.

The owner of any building that has become vacant property, and any person maintaining, operating or collecting rent for any such building that has become vacant, shall, within 30 days:

- A. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the municipal code.
- B. Post a sign affixed to the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process and the person responsible for day-to-day supervision and management of the building, if such person is different from the owner holding title or the authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 18 inches by 24 inches; and
- C. Secure the building from unauthorized entry and maintain the sign until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete.
- D. Ensure that the vacant property is inspected on a monthly basis by the owners authorized and prepare inspection reports, which shall be forwarded to the Code Enforcement Office not later than the end of each month.
- E. Ensure that the property is maintained in accordance with property maintenance regulations of the Township.

§ 430-6 Administration. <

The Code Enforcement Office may issue rules and regulations for the administration of the provisions of this article.

§ 430-7 Violations and penalties.

- A. Any owner who is not in full compliance with this article or who otherwise violates any provision of this article or of the rules and regulations issued hereunder shall be subject to a fine of not less than \$500 and not more than \$1,000 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this article shall be recoverable from the owner and shall be a lien on the property.

- B. For 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, failure to submit inspection reports, or such other matters as may be established by the rules and regulations of the Code Enforcement Office shall be deemed to be violations of this article.

§ 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 buildings 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 any 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 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's 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.

§ 430-13 Imposition of liens for cost recovery.

The Township Administrator is authorized to impose liens for costs resulting from any action taken by the Township pursuant to this article, subject to the provisions of any law, regulation or ordinance governing the imposition of such liens

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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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 AUGUST 11, 2014

Louise M. Blazynski

 Municipal Clerk of the Township of Bloomfield

ME Vya

 Mayor of the Township of Bloomfield

✓ Vote Record - Ordinance 3629						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopt						
<input type="checkbox"/> Deny						
<input type="checkbox"/> Withdrawn	Elias N. Chalet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Not Discussed	Carlos Bernard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/> First Reading	Wartyna Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table with no Vote	Joseph Lopez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Approve	Carlos Pomares	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Veto by Mayor	Michael J. Venezia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Discussion						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Discussion No Vote						

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<input type="checkbox"/> Discussion						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Discussion No Vote						