

ORDINANCE

O-12-2023

BOROUGH OF NORTH CALDWELL, ESSEX COUNTY

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 77 OF THE CODE OF THE BOROUGH OF NORTH CALDWELL REGARDING VACANT/ABANDONED AND FORECLOSED PROPERTIES

WHEREAS, in January 2022 Assembly Bill A2877 was signed into law as P.L. 2021 c.444 (the “Law”) which requires: (1) all municipalities to revise and/or establish a Vacant/Abandoned Property Ordinance and Fee Schedule; (2) that a creditor serving a summons and complaint in an action to foreclose on a mortgage on commercial property in the Borough shall notify the Borough Clerk and the Mayor of the filing; and

WHEREAS, the Law also allows the Borough to revise and/or establish a Property Registration Program and Fee Schedules for properties where a summons and complaint for foreclosure has been served; and

WHEREAS, the Borough Council recognizes that the Borough of North Caldwell (the “Borough”) contains structures that are vacant and/or abandoned in whole or in part and properties where foreclosure complaints have been filed; and

WHEREAS, properties in foreclosure proceedings can involve properties that are vacant and abandoned or have an increased risk of becoming vacant and abandoned during the foreclosure proceeding; and

WHEREAS, in many cases the owners, creditors or other responsible parties of these vacant and/or abandoned structures are neglectful of them, and are failing to maintain them or secure them to adequate standards, or restore them to productive use; and

WHEREAS, many of these structures are in violation of state and local housing and property maintenance codes; 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, loss of property tax revenues, accumulations of debris, increased risk of fire, and potential increases in criminal activity and public health risk; and

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

WHEREAS, the Borough Council determined it is in the public interest for the Borough to establish minimum standards of accountability on the Creditors 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, the Borough Council determined that it is in the public interest for the Borough to establish a Property Registration Program and impose fees in conjunction with such program; and

WHEREAS, the Borough Council of the Borough of North Caldwell (the “Council”) desires to amend and add to the language of the Code of the Borough of North Caldwell (the “Borough”), Chapter 77; and

WHEREAS, the Council hereby finds and declares that it is in the best interest of the Borough and its residents to amend and readopt the language of the Borough Code, Chapter 77 and adopts the amendments to same; and

NOW THEREFORE, be it ordained by the Borough Council of the Borough of North Caldwell, County of Essex as follows:

Section 1.

Chapter 77 Property Maintenance §77-1 through §77-20 be listed as Article I.

Section 2.

Chapter 77 of the Code of the Borough of North Caldwell is hereby amended and supplemented as follows:

ARTICLE II VACANT PROPERTY REGISTRATION

§ 77-21 Findings.

Pursuant to P.L. 2021 c.444 all municipalities are required to revise and/or establish a Vacant/Abandoned Property Ordinances and Fee Schedules. Additionally, the Borough Council determined that it is in the public interest for the Borough of North Caldwell to establish minimum standards of accountability, including an applicable fee schedule, 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 of North Caldwell.

§ 77-22 Definitions.

As used in this article, the following terms have the meanings set forth:

RESPONSIBLE PARTY

The title holder; any agent of the title holder having authority to act with respect to a vacant and abandoned property; a creditor or any foreclosing entity subject to the provisions of N.J.S.A. 46:10B-51, and any amendments or supplements thereto; or any other entity determined by the Township to have authority with respect to the property.

VACANT AND ABANDONED PROPERTY

Any building or structure to be used as a residence or commercial or industrial facility which is not legally occupied by a mortgagor or tenant or at which substantially all lawful construction operations or residential occupancy has ceased, and which is in such condition that it cannot be legally reoccupied without repair or rehabilitation, and at which at least two of the following conditions exist:

- (1) Overgrown or neglected vegetation;
- (2) Dead Trees
- (3) The accumulation of newspapers, circulars, flyers, or mail on the property;
- (4) Disconnected gas, electric, or water utility services to the property;
- (5) The accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- (6) The accumulation of junk, litter, trash, or debris on the property;
- (7) The absence of window treatments such as blinds, curtains, or shutters;
- (8) The absence of furnishing and personal items;
- (9) Statements of neighbors, delivery persons, or government employees indicating that the property is vacant and abandoned;
- (10) Windows or entrances to the property that are boarded up or closed off, or multiple window panes that are damaged, broken, and unrepaired;
- (11) Doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- (12) 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;
- (13) 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;
- (14) 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;
- (15) A written statement issued by a mortgagor expressing the clear intent of all mortgagors to abandon the property; or
- (16) Any other reasonable indicia of abandonment.

provided, however, that any property where all building systems are in working order, where the building and grounds are maintained in good order, or where the building is in habitable condition, and where the building is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property.

§ 77-23 Registration Requirements for Vacant & Abandoned Properties.

- A. The Responsible Party of any vacant property, shall file a registration statement for that property with Clerk of the Borough on forms provided by the Borough.
- B. The registration statement must be filed no later than ninety (90) days after the property becomes vacant, or within thirty (30) of the assumption of ownership of vacant property, whichever is later; or no later than ten (10) days after receiving written notice from the Borough after the enactment of this Ordinance. Failure to receive notice from the Borough does not constitute grounds for failure to register.
- C. Each vacant property having a separate block and lot number as designated in official records of the Borough must be separately registered.
- D. The registration statement must include the following information:
 - (1) Name, street address, telephone number, and e-mail address (if applicable) of a natural person who resides or maintains an office within the State and who is either the Responsible Party or an authorized agent designated by the Responsible Party to receive notices and complaints of property maintenance and code violations and for receiving process in any court proceeding or administrative enforcement action;
 - (2) Name, street address, telephone number, and e-mail address (if applicable) of the entity, and the names of the individual principals thereof, if any, responsible for managing and maintaining the property, if different; and
 - (3) Evidence of any liability insurance.
- E. The registration is effective for the calendar year in which issued and must be renewed annually on or before January 31 if the property remains vacant and abandoned.
- F. The Responsible Party, or his or her authorized agent, must file an amended registration certificate no later than 30 days following any change of information required to be included thereon.
- G. The Responsible Party or authorized agent must certify to the truth of all information provided on the registration statement. False or misleading information on the registration statement constitutes a violation of this article.

§ 77-24 Access to Vacant Properties.

The owner or authorized agent thereof, of vacant property registered under this article must provide the Borough with access thereto for the purpose of conducting interior and exterior inspections to determine compliance with all applicable laws, regulations, codes, and ordinances. The Borough shall provide the owner or authorized agent with reasonable notice of such inspections, which will be carried out during regular business hours, or at such other times as circumstances warrant or as agreed to by the parties.

§ 77-25 Responsible Party or Agent.

- A. The owner must appoint an authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement action. The owner may serve in this capacity, or may designate a third party to do so.
- B. By designating an authorized agent as provided hereunder, the owner consents to receive, by service of process on the authorized agent, any and all notices of code violations, and service of process in any court proceeding or administrative enforcement action, concerning the registered vacant property.
- C. The authorized agent designated pursuant to this subsection and identified on the registration statement pursuant to § 77-23(D)(1) and (2) is hereby deemed to continue in that capacity until the filing of an amended registration statement designating a replacement.
- D. Owners who fail to register vacant properties pursuant to this article are hereby deemed to have consented to receive any and all notices of code violations and process in any court proceeding or administrative enforcement actions served in the following manner:
 - (1) by plain-view posting on the structure; and
 - (2) service of notice, via regular and certified mail, at the owner's last known address on record with the Borough.
- E. Out-of-state creditors must include the full name and contact information of the in-state representative or agent, and any other person or entity retained by the creditor or representative of the creditor in the notice provided pursuant to N.J.S.A. 46:10B-51.
- F. Any creditor serving a summons and complaint in an action to foreclose on a mortgage on commercial property within the Borough shall, within 10 -days of serving the summons and complaint, notify the Borough Clerk and the Public Officer that at a summons and complaint in an action to foreclose on a mortgage has been filed against the subject property.

§ 77-26 Fee Schedule.

Registration on vacant and abandoned properties under this section is subject to the following fees:

- (1) Initial Registration and renewals: \$250.00;
- (2) Renewal fee if there is an outstanding property maintenance or code violation that remains unabated at the time of renewal: \$500.00;
- (3) Renewal fee for a second or subsequent renewal if there continues to be an outstanding property maintenance or code violation or there is a new violation that remains unabated at the time of renewal: \$750.00.

§ 77-27 Standards for Maintenance.

The Responsible Party, or authorized agent thereof, and any person or entity maintaining, operating, or collecting rent for any structure that has become vacant as defined in this article, must within forty-five (45) days after notification that the property is vacant and abandoned and until the property is reoccupied, undertake all of the following measures:

- A. Enclose and secure the structure as provided by the applicable section of the Borough Property Maintenance Code, Chapter 77, et seq., and as set forth in rules and regulations adopted by the Public Officer to implement those codes.
- B. Ensure that the grounds of the structure, including yards, sidewalks, walks, and driveways, are well-maintained and kept free from trash or debris.
- C. Post a sign affixed to the inside of the property and visible to the public indicating the name, address, and telephone number of the Responsible Party and the Responsible Party's authorized agent for the purpose of service of process; and the name, address, and telephone number of the person or entity responsible for maintenance of the property, if different.
- D. Maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition, and ensure that the sign is visible and intact until the building is again occupied or demolished, or until repair or rehabilitation of the building is complete.
- E. Acquire or 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.
- F. Any commercial property must be compliant with the New Jersey Fire Code. Temporarily unoccupied buildings, structures, premises, or portions thereof, including tenant spaces shall be safeguarded and maintained.
- G. Fines and penalties imposed under this article for failing to properly register are recoverable from the Responsible Party and, if not paid, will be enforced and recorded as a judgment against the property. To the extent that Borough must perform work to maintain and secure a registered property, such costs shall be imposed as a lien against the property.

§ 77-28 Enforcement.

- A. The Municipal Code Enforcement Officer is hereby charged with the enforcement of this article, with the assistance, as circumstances warrant, of other Borough agencies within their respective jurisdictions such as Zoning, Construction, Health, Fire, and Police.
- B. Any person or entity violating this article shall be subject to a penalty of not less than \$500.00 and not more than \$1,000.00.
- C. Each day that a violation continues constitutes a separate and distinct offense.
- D. Fines and penalties imposed under this article are recoverable from the owner and, if not paid, may be imposed as a lien against the property.
- E. No less than 20% of any money collected by the Borough pursuant to this article shall be earmarked for code enforcement purposes.
- F. For purposes of this section, failure to file a registration statement within thirty (30) calendar days after assuming ownership of a vacant property, whichever is later, or within ten (10) calendar days of receipt of notice by the municipality, and failure to provide correct information on the registration statement, or failure to comply with the provisions of such provisions contained herein shall be deemed to be a violation of this section.

ARTICLE III FORECLOSURE PROPERTY REGISTRATION

§ 77-29 Findings.

Pursuant to P.L. 2021 c.444 municipalities are allowed to establish a Property Registration Program and Fee Schedules relative to properties within the municipality where a summons and comments for foreclosure are filed. Additionally, the Borough Committee determined that it is in the public interest for the Borough of North Caldwell to establish a Property Registration Program and applicable fee schedule, on the creditors or other responsible parties of properties against which a summons and complaint for foreclosure are filed, in order to protect the health, safety and general welfare of the residents of the Borough of North Caldwell.

§ 77-30 Definitions.

For the purpose of this section:

Creditor shall mean 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 the 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, or a State, county, or local government entity, or their agent or assignee, such as the servicer.

Vacant and Abandoned Property shall mean a property that is not legally occupied by a mortgagor or tenant, which is in such condition that it cannot be legally reoccupied, because of the presence of finding of at least two of the following:

- (a) Overgrown or neglected vegetation;
- (b) Dead Trees
- (c) The accumulation of newspapers, circulars, flyers, or mail on the property;
- (d) Disconnected gas, electric, or water utility services to the property;
- (e) The accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- (f) the accumulation of junk, litter, trash or debris on the property;
- (g) the absence of window treatments such as blinds, curtains, or shutters;
- (h) the absence of furnishing and personal items;
- (i) statements of neighbors, delivery persons or government employees indicating that the property is vacant and abandoned;
- (j) windows or entrances to the property that are boarded up or closed off, or multiple window panes that are damaged, broken, and unrepaired;
- (k) doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- (l) 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;
- (m) 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;
- (n) 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;
- (o) a written statement issued by a mortgagor expressing the clear intent of all mortgagors to abandon the property; or
- (p) any other reasonable indicia of abandonment.

Vacant and abandoned residential property means residential real estate with respect to which the mortgagee proves, by clear and convincing evidence, that the mortgaged real estate is vacant and has been abandoned or where a notice of violation has been issued. Where a notice of violation has not been issued pursuant to this Ordinance, real property shall be deemed "vacant and abandoned" if the court finds that the mortgaged property is not occupied by a mortgagor or tenant as evidenced by a lease agreement entered into prior to the service of a notice of intention to commence foreclosure according to section 4 of the "Fair Foreclosure Act," P.L.1995, c.244 (C.2A:50-56), and at least two of the following conditions exist:

- (1) overgrown or neglected vegetation;

- (2) the accumulation of newspapers, circulars, flyers or mail on the property;
- (3) disconnected gas, electric, or water utility services to the property;
- (4) the accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- (5) the accumulation of junk, litter, trash or debris on the property;
- (6) the absence of window treatments such as blinds, curtains or shutters;
- (7) the absence of furnishing and personal items;
- (8) statements of neighbors, delivery persons, representatives of a common interest community association, or government employees indicating that the residence is vacant and abandoned;
- (9) windows or entrances to the property that are boarded up or closed off or multiple window panes that are damaged, broken and unrepaired;
- (10) doors to the property that are smashed through broken off, unhinged, or continuously unlocked;
- (11) 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;
- (12) an uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by the Borough authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
- (13) 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;
- (14) a written statement issued by any mortgagor expressing the clear intent of all mortgagors to abandon the property;
- (15) any other reasonable indicia of abandonment.

Except that a residential property shall not be considered “vacant and abandoned” if, on the property:

- (1) there is an unoccupied building which is undergoing construction, renovation, or rehabilitation that is proceeding diligently to completion, and the building is in compliance with all applicable ordinances, codes, regulations, and statutes;
- (2) there is a building occupied on a seasonal basis, but otherwise secure; or
- (3) there is a building that is secure, but is the subject of a probate action, action to quiet title, or other ownership dispute.

§ 77-31 Foreclosure Properties Notification.

- A. A creditor serving a summons and complaint in an action to foreclose on a mortgage on commercial property in the Borough shall, within ten (10) days of serving the summons and complaint, notify the Borough Clerk and the Mayor that a summons and complaint in an action to foreclose on a mortgage has been filed against the subject property.
- B. The notice shall contain the full name, address, and telephone number for the representative of the creditor who is responsible for receiving complaints of property maintenance and code violations and the full name and contact information for any person or entity retained by the creditor or a representative of the creditor to be responsible for any care, maintenance, security, or upkeep of the property. The notice shall also include the street address, lot, and block number of the property. The notice may contain information about more than one property, and shall be provided by regular mail or electronic communication. The Borough Clerk shall forward a copy of the notice to Public Officer.
- C. In the event the creditor that has served a summons and complaint in a foreclosure action on a commercial property and the creditor is located out-of-State, the notice shall also contain the full name, address, and telephone number 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.
- D. If there is any change in the name, address, or telephone number for a representative, agent or individual authorized to accept service on behalf of a creditor required to be provided in a notice following the filing of the summons and complaint, the creditor shall provide a notice to the Borough Clerk containing the updated name, address, or telephone number within ten (10) days of the change in that information.

- E. Within 30 days following the effective date of this Ordinance, any creditor that has initiated a foreclosure proceeding on any commercial property that is pending in Superior Court shall provide to the Borough Clerk, a listing of all commercial properties in the Borough for which the creditor has foreclosure actions pending by street address and lot and block number. The Borough Clerk shall forward a copy of the notice to the Public Officer.
- F. If the owner of a commercial property vacates or abandons any property on which a foreclosure proceeding has been initiated or if a commercial 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 Borough Clerk or her designee 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 required by State law and Borough ordinance.
- G. In addition to the notice of violation, the municipality shall include a description of the conditions that gave rise to the violation. The creditor shall have thirty (30) days receipt of the notice to remedy the violation. If the creditor fails to remedy the violation within that time period, the Borough shall impose penalties allowed for the violation of Borough Ordinances.
- H. If the Borough expends public funds in order to abate a nuisance or correct a violation on a commercial property after the creditor was given notice, as set forth herein, 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 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).

§ 77-32 Foreclosure Properties Registration.

- A. In addition to the Notice requirements set forth in § 77-31, residential and commercial properties within the Borough for which a summons and complaint has been filed in a foreclosure action must be registered with the Borough of North Caldwell Property Registration Program as a property in foreclosure.
- B. As part of the registration the creditor shall provide:
 - (i) the information as required in § 77-31 above;
 - (ii) identify the date the summons and complaint in an action to foreclosure on a mortgage was filed against the subject property, the court in which it was filed and the docket number of the filing; and
 - (iii) identify whether the property is vacant and abandoned in accordance with the definition set forth in § 77-30.
- C. If there is any change in the name, address or telephone number for a representative, agent, or individual authorized to accept service on behalf of a creditor, the creditor shall update the property registration program within ten (10) days of the change in that information.
- D. If the registered property becomes vacant and abandoned after the property is initially registered with the Borough, the creditor shall update the property registration with the Borough to reflect the change in the property's status.
- E. The creditor shall be responsible for the care, maintenance, security and upkeep of the exterior of the property if the property is vacant and abandoned at any time while the Property is registered with the Property Registration Program.
- F. A creditor located out-of-State shall be responsible for appointing an in-State representative or agent to act for the Creditor.
- G. If the property is or becomes vacant and abandoned, the creditor shall maintain the property clean of debris and in good repair, free of broken window glass, loose shingles, crumbling stone or excessive peeling paint or other condition reflective of deterioration

or inadequate maintenance, the Property shall be secure against unauthorized entry and post a sign affixed to the inside of the property and visible to the public indicating the name, address, and telephone number of the creditor or an out-of-State creditor's in-State representative or agent for the purpose of receiving service of process or 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 Borough's Property Registration Program.

- H. Any commercial property must be compliant with the New Jersey Fire Code. Temporarily unoccupied buildings, structures, premises or portions thereof, including tenant spaces shall be safeguarded and maintained.
- I. The creditor of such a residential or commercial property shall pay a registration fee of \$500.00 per property annually to register the property in the Borough's Property Registration Program. However, if the property is vacant or abandoned when the summons and complaint is filed in an action to foreclose or becomes vacant and abandoned at any time thereafter while the property is in foreclosure, an additional \$2,000.00 shall be paid annually by the Creditor.
- J. Notwithstanding the provisions of N.J.S.40A:5-15 to the contrary, any property registration fees imposed pursuant to this Ordinance and collected by a third-party entity shall be paid over to the Borough within the timeframe specified in the contract between the Borough and the third-party entity. Amounts collected by the third-party entity on behalf of the Borough shall be paid over in full to the Borough without any amount deducted as payment for services rendered by the third-party entity. Once the collected fees are paid over to the Borough, the officer charged with custody of the general funds shall deposit all such funds within 48 hours after the receipt thereof to the credit of the Borough in its designated legal depository. A third-party entity shall collect and pay over to the Borough any interest and penalties, based upon the rate of interest and penalties fixed by the governing body of the Borough for late payment of property taxes, assessments, and other Borough charges pursuant to R.S.54:4-67, for late payment of the property registration fees imposed herein. The third-party entity shall at least once a year, or as requested by the Borough's Tax Collector to enforce tax liens for all unpaid property registration program fees due and owing at the time the certification is filed.
- K. The Municipal Code Enforcement Officer or his/her designee shall issue a notice of violation to the Creditor for any violations of this Ordinance. If the violation is for failure to provide care, maintenance, security or upkeep of the exterior of vacant and abandoned property, the notice shall require the Creditor to correct the violation within thirty (30) days of receipt of the notice. However, if the violation presents an imminent threat to the public health and safety the Creditor shall correct the violation within ten (10) days of receipt of the notice.
- L. An out-of-state creditor found by the Borough's 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 Ordinance shall be subject to a fine of \$2,500.00 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 § 77-31 for providing notice to the Borough Clerk that a summons and complaint in an action to foreclose on a mortgage has been served.
- M. A creditor found in violation of this Ordinance other than the violation above, shall be subject to a fine of \$1,500.00 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence 31 days following receipt of the notice of violation, 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.
- N. No less than 20 percent of any monies collected pursuant to this Ordinance shall be utilized for the Borough's code enforcement purposes.

- O. The Borough may contract with and set the compensation of a private entity, pursuant to the “Local Public Contracts Law,” P.L.1971, c.198 (C.40A:11-1, et seq.), to assist in the implementation and administration of the Property Registration Program established herein. Further, the Borough may delegate to such private entity some or all duties of the Borough under the Property Registration Program, including and without limitation, identifying properties located within the municipality that are subject to the registration requirements, maintaining and updating the property registrations for the Borough, communicating with the Creditors and/or in-State representatives of agents appointed by out-of-State Creditors, invoicing and collecting payment from the creditors for such properties any fees authorized by the ordinance and P.L. 2021 c.444.
- P. The Borough may enter into a shared services agreement pursuant to a shared services agreement subject to the “Uniform Shared Services and Consolidation Act,” P.L.2007, c.63 (C.40A:65-1, et al.).
- Q. Property Registration Fees imposed pursuant to this Ordinance shall be considered a municipal charge pursuant to the “tax sale law,” R.S.54:5-1 et seq., regardless of whether the fees are being collected by a third-party entity or by the municipality directly.
- R. The Local Finance Board of the Department of Community Affairs may adopt rules and regulations pertaining to contracts, entered pursuant to this subsection, with third-party entities for the implementation and administration of a property registration program.

Section 3. Severability.

If any portion of this ordinance shall be deemed invalid by any court of competent jurisdiction, the remainder shall survive in full force and effect.

Section 4. Repealer.

All ordinances and parts of ordinances or resolutions inconsistent herewith are hereby repealed.

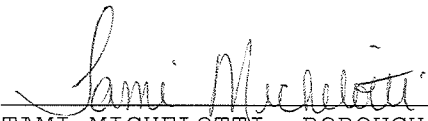
Section 5. When Effective.

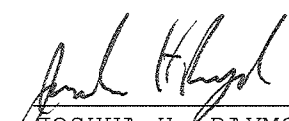
This ordinance shall be effective immediately upon adoption and publication in accordance with law.

INTRODUCED: July 18, 2023
PUBLIC HEARING: August 15, 2023
ADOPTED: August 15, 2023

Moved By: Councilman Atlas
Seconded By: Councilman Weinstein

COUNCIL MEMBER	YES	NO	ABSTAIN	ABSENT	COUNCIL MEMBER	YES	NO	ABSTAIN	ABSENT
ATLAS	X				REES	X			
FLORIA-CALLORI	X				TILTON	X			
KESSLER	X				WEINSTEIN	X			


TAMI MICHELOTTI, BOROUGH CLERK


JOSHUA H. RAYMOND, MAYOR