



**BOROUGH OF WANAUKE
COUNTY OF PASSAIC
STATE OF NEW JERSEY**



**ORDINANCE
#7-0-19**

AN ORDINANCE AMENDING CHAPTER 88 OF THE CODE OF THE BOROUGH OF WANAUKE TO ADD CHAPTER VII PERTAINING TO MAINTENANCE OF VACANT AND ABANDONED PROPERTIES DURING FORECLOSURE

WHEREAS, New Jersey Law and the New Jersey Foreclosure Fairness Act and N.J.S.A. 46:10b-51 requires Mortgagees to notify the Municipal Clerk of the commencement of the foreclosure actions against property owners, identifying the owners, the property involved and the representative of the Mortgagee responsible for receiving complaints of property maintenance violations of both State and Municipal Codes; and

WHEREAS, there have been numerous instances and complaints where homeowners, who are mortgagors, vacate and abandon their property after receiving notices of foreclosure actions or whose ownership has been foreclosed by virtue of such actions, have allowed the premises to fall into disrepair and violate the provisions of the Wanaque Property Maintenance Code, Chapter 88-1 et seq., and the mortgagors likewise failed to maintain the premises; and

WHEREAS, the lack of maintenance violates the purpose of Chapter 88 of the Wanaque Code,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF WANAUKE, PASSAIC COUNTY, NEW JERSEY AS FOLLOWS:

ARTICLE VII

MAINTENANCE OF VACANT AND ABANDONED PROPERTIES DURING FORECLOSURE

88.20 Mortgagee Responsibility

Pursuant to N.J.S.A. 46:10b-51, a creditor filing a summons and complaint to foreclose a lien on 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 the public officer pursuant to the provisions of this chapter, Chapter 88 of this *Code*, pursuant to the provisions of N.J.S.A. 2A:50-73, or otherwise.



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88.21 Notice to Mortgagee; Time to Correct Violations

If the public officer, or other authorized municipal officer, determines that a mortgagee obligated to care, maintain, secure and keep up a vacant and abandoned property has failed to do so in violation of the provisions of this chapter, the public officer or other authorized municipal official shall issue a notice of violation to the mortgagee that has filed a summons and complaint to foreclose on the property in question or its agent or designee. The notice shall require the person, entity or agent to correct the violation within thirty (30) days of receipt of the notice, or within ten (10) days of receipt of notice if the violation presents an imminent threat to the public health and safety. The issuance of this notice shall constitute evidence that a property is "vacant and abandoned" for purposes of N.J.S.A. 2A:50-73 and Chapter 88 of this Code.

88.22 Designated Representative of Out-of-State Creditor; Violation

An Out-of-state mortgagee shall include the full name and contact information of the State representative or agent in the notice required to be provided to the Municipal Clerk pursuant to N.J.S.A. 46:10B-51. An Out-of-State mortgagee found by a court of competent jurisdiction to have violated this provision shall be subject to a fine of \$2,500.00 for each day of the violation commencing on the day after the ten (10) day period set forth in paragraph one of N.J.S.A. 46:10b-51 with respect to notifying the Municipal Clerk that an action to foreclose on a property has been filed.

88.23 Violations and Penalties

If any mortgagee or its agent shall fail to correct the conditions set forth in the notice provided in subsection 88-21 within it shall be punishable by a fine of \$1,500.00 for each day of the violation. Except as set forth in subsection 88-22 herein, any person, firm, corporation or entity violating any provision of this chapter 88-28 shall, upon conviction, be punishable as provided therein.

88.24 Additional Notice Required

Notice of violations of property maintenance, building or other property codes for any property declared vacant and abandoned pursuant to this chapter shall be given to a foreclosing mortgagee or its agent pursuant to the procedures as required by law.



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88.25 Registration of Vacant and Abandoned Properties

(a) A mortgagee filing a summons and complaint in an action to foreclose on a Vacant and Abandoned property, or a mortgagee who has previously filed a summons and complaint to foreclose on a residential property which subsequently becomes Vacant and Abandoned, within ten (10) calendar days of receipt of notice from the Borough, and annually thereafter, file a registration statement for such Vacant and Abandoned property with the Municipal Clerk on forms provided by the Borough for such purposes. Any failure to receive notice from the Borough shall not constitute grounds for failing to register the Vacant and Abandoned property.

(b) Each Vacant and Abandoned property having a separate block and lot number as designated in the official tax maps of the Borough shall be registered separately.

(c) The registration statement shall include the name, street address, telephone number and email address (if applicable) of a person twenty-one (21) years or older, designated by the mortgagee or the owner 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 mortgagee in connection with the enforcement of any applicable code.

(d) The registration statement shall include the name, street address, telephone number and email (if applicable) of the firm and the actual name(s) of the mortgagee or Representative of the mortgagee of the Vacant or Abandoned property. The Mortgagee or the Representative of the Mortgagee responsible for maintaining the Abandoned or Vacant property shall be available by telephone or in person on a twenty-four-hour per day, seven-day per week basis. The Mortgagee must maintain offices in the State of New Jersey.

(e) The registration shall remain valid for one year from the date of registration except for the initial registration which shall be valid through December 31st of the year in which it was filed. The owner of the property or the Mortgagee shall be required to renew the registration annually as long as the building remains Vacant and Abandoned.

(f) The Mortgagee shall notify the Municipal Clerk within thirty (30) calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Municipal Clerk for such purposes.



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(g) 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 Borough against the Mortgagee.

88.26 Evidence of Vacant Property

The building is not legally occupied, abandoned and vacant when any condition visible from the exterior that on its own, or combined with the other conditions present, would lead a reasonable person to conclude that the property is so vacant and abandoned. Such conditions include, but are not limited to, overgrown and/or dead vegetation, infestation by insects, vermin, rats or other pests, accumulation of newspapers, circulars, flyers and/or mail, past due utility notices and/or disconnected utilities, accumulation of trash, junk and/or debris, the absence of window coverings such as curtains, blinds and/or shutters, the absence of furnishings and/or personal items consistent with residential habitation, statements by neighbors, passers-by, delivery agents, or government employees that the property is vacant and abandoned. It shall also include those factors set forth in N.J.S.A. 2A:50-73.

88.27 Fee Schedule

The initial registration fee for each Vacant and Abandoned property under the provisions of this Section shall be one thousand (\$1,000.00) dollars. The fee for the first annual renewal shall be two thousand (\$2,000.00) dollars and the fee for the second annual renewal shall be three thousand (\$3,000.00) dollars. The fee for any subsequent annual renewal beyond the second renewal shall be three thousand (\$3,000.00) dollars.

88.28 Failure to Register

A Mortgagee who fails to file a Registration Statement, or fails to provide correct information on the Registration Statement shall be subject to a fine of one thousand (\$1,000.00) dollars for each day of the offense. Fines assessed shall be a lien on the property.

88.29 Severability

Should any section, part of any section, or clause or phrase of this Ordinance for any reason be held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance.



**BOROUGH OF WANAUQUE
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88.30 Effective Date

This Ordinance shall become effective twenty (20) days following final passage and publication as required by law.

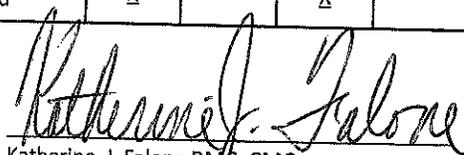
Dated: July 8, 2019


Katherine J. Falone, RMC, CMC
Municipal Clerk

RECORD OF COUNCIL VOTE

Councilman	Motion	Second	Yes	No	Abstain	Councilman	Motion	Second	Yes	No	Abstain
Balunis		X	X			Pasquariello			X		
Cortellessa			X			Pettet			X		
Leonard	X		X			Willse			X		

ATTEST:


Katherine J. Falone RMC, CMC
Municipal Clerk


Daniel Mahler
Mayor

This resolution, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.



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**ORDINANCE
#7-0-19**

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was Introduced at a Regular Meeting of the Mayor and Council of the Borough of Wanaque, Passaic County, New Jersey, held on the 8th day of July 2019, and passed on first reading, and the same was then ordered to be published according to law; and that such Ordinance will be further considered for final passage at a meeting of said Mayor and Council to be held in the Municipal Building, 579 Ringwood Avenue, Wanaque, New Jersey, on August 12th, 2019, at 8:00 P.M., at which time and place or at any time and place to which said meeting shall be from time to time adjourned, all persons interested will be given an opportunity to be heard concerning said Ordinance.

BY ORDER OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WANAQUE

Dated: July 8, 2019


Katherine J. Falone, RMC, CMC
Municipal Clerk



**BOROUGH OF WANAQUE
COUNTY OF PASSAIC
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**ORDINANCE
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BE IT RESOLVED that an Ordinance entitled

**AN ORDINANCE AMENDING CHAPTER 88 OF THE CODE OF THE BOROUGH OF WANAQUE TO ADD CHAPTER VII
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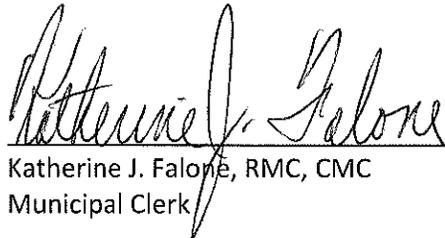
passed first reading, and that said Ordinance be further considered for final passage and adoption at a Regular meeting of the Borough Council to be held on the 12th day of August 2019, at the Municipal Building in the Borough of Wanaque, at 8:00 P.M., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance.

AND BE IT FURTHER RESOLVED that the Borough Clerk be instructed to publish in the manner provided by law a copy of said Ordinance, together with introduction thereof and notice when same will be considered for final passage and adoption.

Passed: 7/8/19

Filed: 7/8/19

Approved: 7/8/19



Katherine J. Falone, RMC, CMC
Municipal Clerk