

**ORDINANCE No. 3-2014  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF  
PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER XI, “BUILDING AND  
HOUSING,” TO ADD A NEW SECTION 11-8, ENTITLED “VACANT AND ABANDONED  
PROPERTIES,” TO THE CODE OF THE BOROUGH OF BLOOMINGDALE**

**WHEREAS**, the Administration finds that vacant and abandoned properties can lead to neighborhood decline and become attractive nuisances causing the Borough to incur significant costs in the form of staff time for code enforcement actions seeking to maintain and ensure the acceptable condition of these properties; and

**WHEREAS**, vacant and abandoned properties act as a significant financial drain on municipalities requiring a disproportionate amount of municipal resources while providing minimal ratables; and

**WHEREAS**, a study in Richmond, Virginia indicated that of all the economic and demographic variables tested, vacant and abandoned properties had the highest correlation of incidents of crime, and

**WHEREAS**, the National Vacant Properties Campaign shows that vacant properties are an increasing expense with every year a property remains vacant or abandoned as such vacant properties produce minimal tax ratables and require significant time, attention and funds from departments such as nuisance abatement, crime, fire prevention and an overall decrease in neighboring property values; and

**WHEREAS**, vacant and abandoned properties are a strain on the resources of local Police, Fire, Building and Health Departments, depreciate property values, reduce property tax revenue, attract crime and degrade the quality of life for remaining residents, and

**WHEREAS**, taxpayers who take care of their homes and properties should not have to subsidize these properties and, accordingly, a registration fee should be assessed to cover such costs; and

**WHEREAS**, it is necessary to take steps to monitor such properties and protect Borough residents.

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Bloomingdale, in the County of Passaic and State of New Jersey, as follows:

**SECTION 1.** A new section 11-8 is to be added to the Code of the Borough of Bloomingdale, entitled "Vacant and Abandoned Properties," providing as follows:

**11-8.1 Definitions.**

As used in this section, 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:

(1) 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 Construction Official that:

(a) The property is in need of rehabilitation in the reasonable judgment of the Construction Official, and no rehabilitation has taken place during that six-month period;

(b) 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 Construction Official pursuant to this section;

(c) 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 (see N.J.S.A. 54:4-1 et seq) as of the date of a determination by the Construction Official pursuant to this section; or

(d) The property has been determined to be a nuisance by the Construction Official in accordance with Section 5 of P.L. 2003, c. 210 (N.J.S.A. 55:19-82).

(2) 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 seq.) 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 Construction Official and the property meets the criteria of either Subsection (1)(a) or Subsection (1)(d) of this Subsection 8.1

## **EVIDENCE OF VACANCY-**

(1) 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 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; or any uncorrected violation of a municipal building, housing or similar code during the preceding year.

(2) 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 section.

## **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, § 17), or any other entity determined by the Borough of Bloomingdale 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.

### **11-8.2 General requirements.**

(1) The owner of any vacant property as defined herein shall, within 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 Bloomingdale on forms provided by the Borough of Bloomingdale for such purposes. 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 Subsection 8.4 of this section for each vacant property registered. The initial and renewal fees shall be prorated and or credited accordingly upon legal occupancy.

(2) Any owner of any building that meets the definition of "vacant property" prior to **adoption date**, shall file a registration statement for that property on or before **adoption date plus 60 days**. The registration statement shall include the information required under Subsection 8.3 of this section, as well as any additional information that the Construction Official may reasonably require.

(3) The owner shall notify the Borough of Bloomingdale within 30 days of any change in the registration information by filing an amended registration statement on a form provided by the Borough of Bloomingdale for such purpose.

(4) The registration statement shall be deemed prima facie proof of the statement therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough of Bloomingdale against the owner or owners of the building.

### **11-8.3 Registration statement requirements; property inspection.**

(1) After filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide access to the Borough of Bloomingdale Construction Official if requested, 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 Continued Certificate of Occupancy inspection as provided in the applicable provisions of the Code of the Borough of Bloomingdale.

(2) 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.

(3) An owner who is a natural person and who meets the requirements of this section as to availability of a contact number on a twenty-four-hour emergency basis may designate himself or herself as agent.

(4) 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 Bloomingdale 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 section.

#### **11-8.4 Fee schedule.**

The initial registration fee for each building shall be \$250. The fee for the first renewal is \$500. The fee for any subsequent renewal is \$1,000. After five years, the registration fee shall be \$5,000. Initial fee shall be prorated according to the month of registration and renewal fees shall be credited when a property becomes legally occupied during a renewal period.

#### **Vacant and Abandoned Property Registration Fee Schedule**

<b>Registration</b>	<b>Fee</b>
Initial registration	\$250
First renewal	\$500
Any subsequent renewal up to five years	\$1,000
After five years	\$5,000

#### **11-8.5 Requirements for owners of vacant and abandoned property.**

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

(1) 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 Subsection 8.3 of this section), 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 location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 15 inches by 17 inches; and

- (2) Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Code of the Borough of Bloomingdale and maintain the sign required in Subsection 8.5(1) above until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete; and
- (3) Make provision for the maintenance of the lawn and yard, including regular grass cutting as required by the applicable provisions of the Code of the Borough of Bloomingdale; and
- (4) Make provision for the cessation of the delivery of mail, newspapers and circulars to the property, including having the property listed on the exclusion list maintained by the Borough of Bloomingdale for the delivery of circulars and advertisements to the property; and
- (5) Make provision for the winterizing of the property by the cessation of water service to the property and the draining of water lines; other than buildings with a fire sprinkler system, and
- (6) Make provision for the cessation of electric or gas utility services to the property; other than buildings with a fire sprinkler system, and
- (7) Make provision for the regular maintenance of the exterior of the property.

#### **11-8.6 Administration.**

The Borough of Bloomingdale Mayor and Council shall issue rules and regulations for the administration of the provisions of this section.

#### **11-8.7 Violations and penalties.**

- (1) Any owner who is not in full compliance with this section or who otherwise violates any provision of this section 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 section shall be recoverable from the owner and shall be a lien on the property.
- (2) 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 Subsection 8.5 of this section, or such other matters as may be established by the rules and regulations of the Borough of Bloomingdale shall be deemed to be a violation of this section.

### **11-8.8 Compliance with other provisions.**

Nothing in this section is intended to nor shall be read to conflict or prevent the Borough of Bloomingdale 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 Borough of Bloomingdale 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 section.

**SECTION 2.** All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

**SECTION 4.** This law shall take effect immediately upon final passage, approval and publication as required by law.

#### **NOTICE**

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the Work Session Meeting of the Governing Body of the Borough of Bloomingdale held in the Municipal Building on the 6<sup>th</sup> day of May, 2014, and the same shall come up for final passage at the Regular Business Meeting of the Governing Body to be held on the 10th day of June, 2014, at 7:00 P.M., at which time any persons interested shall be given the opportunity to be heard concerning said Ordinance

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Jane McCarthy, Municipal Clerk