

1.

## **Regular Council Meeting Agenda February 8, 2023**

### **Documents:**

February 8, 2023.pdf

2.

## **Ordinance 23-07 AN ORDINANCE AMENDING CHAPTER 22 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF POMPTON LAKES ENTITLED "REGISTRATION OF FORECLOSING MORTGAGED PROPERTY AND VACANT PROPERTY"**

### **Documents:**

23-07 Amending Chapter 22 Abandoned Propertieis.pdf

3.

## **Ordinance 23-08 AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER 2 OF THE MUNICIPAL CODE OF THE BOROUGH OF POMPTON LAKES, TRAILS COMMITTEE**

**Documents:**

23-08 Ord amend Chapter 2 of the Municipal Code - Trails Committee.pdf

**AGENDA  
REGULAR MEETING  
February 8, 2023**

The following is the Agenda for the Regular Council Meeting of the Borough of Pompton Lakes Mayor and Council, a Municipal Corporation in the County of Passaic. The Meeting will begin at 7:30pm on February 8, 2023 in the Municipal Building, 25 Lenox Avenue, Pompton Lakes, NJ 07442. Consistent with the New Jersey Open Public Meetings Act, the Meeting will be opened for public comments and shall be in accordance with terms and conditions of the Borough's Municipal Code and By-laws.

**1. CALL TO ORDER – Mayor Michael Serra**

**PRAYER**

**SALUTE TO FLAG**

**STATEMENT OF COMPLIANCE:** “In conformance with the Open Public Meetings Law, Public Law 1975, Chapter 231, adequate notice of this Meeting setting forth the time, date, place and purpose of this regular Meeting through notice posted on the Bulletin Board in the Municipal Building, mailed to all who had requested and paid for same, and published in the Suburban Trends.

**ROLL CALL:** Mayor Michael Serra

Council President Jennifer Polidori  
Councilman William Baig  
Councilman Bobby Cruz  
Councilman Erik DeLine  
Councilwoman Maria Kent  
Councilman Ekamon Venin

**Borough Officers:**

Mark J. Semeraro, Borough Attorney  
Paula Cozzarelli, Borough Administrator  
Elizabeth Brandsness, Municipal Clerk

**MAYOR PRESENTATIONS AND UPDATES:**

**2. MEETING OPEN FOR PUBLIC COMMENTS:**

Motion to open the Meeting for Public Comments \_\_\_Second \_\_\_ All in favor\_\_\_ Nays\_\_\_

Motion to close the Meeting for Public Comments \_\_\_Second \_\_\_ All in favor\_\_\_ Nays\_\_\_

**3. APPROVAL OF MINUTES:**

Motion to approve the following Minutes \_\_\_ Second \_\_\_. All in favor \_\_\_, Nays \_\_\_.

Regular Meeting Minutes January 25, 2023

Closed Session Meeting Minutes January 25, 2023

**4. AUTHORIZED BILLS AND CLAIMS:**

Motion to approve the following Bill Lists \_\_\_Second \_\_\_. All in favor \_\_\_ Nays \_\_\_.

Current Fund	\$
Capital Fund	\$
Recreation Trust	\$

Unemployment	\$
Dog Trust Account	\$
Other Trust Account	\$
Clerk’s Account	\$
Open Space Trust	\$

**5. PRESENTATION OF PETITIONS:**

**6. CONSENT AGENDA – RESOLUTIONS:**

*(Does Any Councilperson Require Any Consent Agenda Item To Be Pulled For Separate Action?)*

**WHEREAS**, the Mayor and Council of the Borough of Pompton Lakes has reviewed the Consent Agenda consisting of various proposed Resolutions; and

**WHEREAS**, the Mayor and Council of the Borough of Pompton Lakes (*does / does not*) desire to remove Resolutions for individual action from that Agenda.

**NOW, THEREFORE, BE IT RESOLVED** that the following resolutions on the Consent Agenda are hereby approved:

1. Resolution 23-53 Authorizing a Contract For The Acquisition for Professional Services Pursuant NJSA 19:44A-20.5 With Andrew Brewer, Esq. Of Maraziti, Falcon, LLP To Serve As (*Attorney To The Redevelopment Agency*)
2. Resolution 23-54 Authorizing a Contract For The Acquisition for Professional Services Pursuant NJSA 19:44A-20.5 With Andrew Brewer, Esq. Of Maraziti, Falcon, LLP To Serve As (*Attorney To The Zoning Board of Adjustments*)
3. Resolution 23-55 Authorizing a Contract For The Acquisition for Professional Services Pursuant NJSA 19:44A-20.5 With Andrew Brewer, Esq. Of Maraziti, Falcon, LLP To Serve As (*Attorney To The Planning Board*)
4. Resolution 23-56 Authorizing a Contract For The Acquisition for Professional Services Pursuant NJSA 19:44A-20.5 With Maser Consulting, Inc./Colliers Engineering & Design To Serve As (*Engineer To The Redevelopment Agency*)
5. Resolution 23-57 Authorizing a Contract For The Acquisition for Professional Services Pursuant NJSA 19:44A-20.5 With Maser Consulting, Inc./Colliers Engineering & Design To Serve As (*Engineer To The Zoning Board of Adjustments*)
6. Resolution 23-58 Authorizing a Contract For The Acquisition for Professional Services Pursuant NJSA 19:44A-20.5 With Maser Consulting, Inc./Colliers Engineering & Design To Serve As (*Engineer To The Planning Board*)
7. Resolution 23-59 Authorizing a Contract For The Acquisition for Professional Services Pursuant NJSA 19:44A-20.5 With Maser Consulting, Inc./Colliers Engineering & Design To Serve As (*Planner to the Planning Board*)
8. Resolution 23-60 Authorizing a Contract For The Acquisition for Professional Services Pursuant NJSA 19:44A-20.5 With Maser Consulting, Inc./Colliers Engineering & Design To Serve As (*Planner to the Redevelopment Agency*)
9. Resolution 23-61 Authorizing a Contract For The Acquisition for Professional Services Pursuant NJSA 19:44A-20.5 With Maser Consulting, Inc./Colliers Engineering & Design To Serve As (*Planner to the Zoning Board of Adjustments*)
10. Resolution 23-62 Authorizing a Contract For The Acquisition for Professional Services Pursuant NJSA 19:44A-20.5 With Maser Consulting, Inc./Colliers Engineering & Design To Serve As (*Planner to the Borough*)
11. Resolution 23-63 Awarding An Agreement For Professional Services To Phoenix Advisors, LLC For Continuing Disclosure Services
12. Resolution 23-64 Awarding An Agreement For Professional Financial Services To NW Financial Group, LLC
13. Resolution 23-65 Amending Resolution NO. 23-50 Authorizing The Hiring Of Police Officers
14. Resolution 23-66 Awarding An Agreement For Professional Legal Services To Rini O’Neil, PC For Facility ID. No. 40078 WGHT

Motion to approve the Resolutions \_\_\_\_, Second \_\_\_\_\_. All in favor \_\_\_\_, Nays \_\_\_\_\_.

**7. RESOLUTIONS FOR SEPARATE ACTION (ROLL CALL)**

**8. INTRODUCTION OF ORDINANCES – FIRST READING AND INTRODUCTION:**  
(Ordinance will be presented for second reading and final adoption on )

**9. ORDINANCES FOR SECOND READING AND FINAL ADOPTION:** (These Ordinances have been advertised and posted on the Municipal Bulletin Board)

**ORDINANCE 23-07**

**AN ORDINANCE AMENDING CHAPTER 22 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF POMPTON LAKES ENTITLED “REGISTRATION OF FORECLOSING MORTGAGED PROPERTY AND VACANT PROPERTY”**

Motion to open the Meeting for public comments on Ordinance #23-07 \_\_\_\_, Second \_\_\_\_\_. All in favor \_\_\_\_, Nays \_\_\_\_\_.

Motion to close the meeting for public comments on Ordinance 23-07 \_\_\_\_, Second \_\_\_\_\_. All in favor \_\_\_\_, Nays \_\_\_\_\_.

Motion to approve Ordinance #23-07 for Final Adoption \_\_\_\_, Second \_\_\_\_\_.

Roll Call:

**ORDINANCE 23-08**

**AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER 2 OF THE MUNICIPAL CODE OF THE BOROUGH OF POMPTON LAKES, TRAILS COMMITTEE**

Motion to open the Meeting for public comments on Ordinance #23-08 \_\_\_\_, Second \_\_\_\_\_. All in favor \_\_\_\_, Nays \_\_\_\_\_.

Motion to close the meeting for public comments on Ordinance #23-08 \_\_\_\_, Second \_\_\_\_\_. All in favor \_\_\_\_, Nays \_\_\_\_\_.

Motion to approve Ordinance #23-08 for Final Adoption \_\_\_\_, Second \_\_\_\_\_.

Roll Call:

**10. MAYOR REPORT:**

***Ex Officio Open Space Members As Follows:***

*Planning Board, Open Position*

*Zoning Board, Jared Luciani*

*Shade Tree, Randy Hinton*

*Recreation, Karen Murphy/Mike Berbera*

*Environmental, Mike Meeker*

*Flood Advisory, Julie Doncoes*

***Motion to appoint by Mayor with the advice and consent of Council as Regular Members for Open Space Committee:***

Mayor – Mike Serra

Mayor’s Alternate – Councilwoman Jennifer Polidori

Member 1<sup>st</sup> Vote District – Jason Lovasi

Member 2<sup>nd</sup> Vote District – Michael Fasouletos

Member 3<sup>rd</sup> Vote District – Mike Riga

Member 4<sup>th</sup> Vote District – Tim Troast

Member 5<sup>th</sup> Vote District – Dawn Zanetti

Member 6<sup>th</sup> Vote District – Lloyd Kent

(term to 12/31/23) \_\_\_\_, Second \_\_\_\_. All in favor \_\_\_\_, Nays \_\_\_\_.

**11. COUNCIL COMMITTEE REPORTS:**

Council President Polidori:

Councilman Baig:

Councilman Cruz:

Motion to approve request for Pompton Lakes/Riverdale Little League (PLRLL) to conduct the annual parade that leaves the Pompton Lakes High School parking lot and marches through the business district to the Joe Grill Little League complex near the south end of town for Opening Ceremonies scheduled for Saturday April 22, 2023 starting at 12pm. During the parade, the Police Department will temporarily close the route: portions of this route include County roads. (Notify Police/Fire/First Aid) \_\_\_\_, Second \_\_\_\_. All in favor \_\_\_\_ Nays \_\_\_\_.

Councilman DeLine:

Councilwoman Kent:

Councilman Venin:

**Professional Reports:**

**12. TABLED ITEMS:**

**13. MEETING OPEN FOR PUBLIC COMMENTS:**

Motion to Open Meeting for Public Comments \_\_\_\_, Second \_\_\_\_, All in favor \_\_\_\_, Nays \_\_\_\_.  
Motion to Close Meeting for Public Comments \_\_\_\_, Second \_\_\_\_, All in favor \_\_\_\_, Nays \_\_\_\_.

**14. PRIVILEGE OF THE FLOOR:**

**15. ADJOURN TO EXECUTIVE SESSION WHEN REQUIRED:**

Motion to Adjourn \_\_\_\_, Second \_\_\_\_. All in favor \_\_\_\_, Nays \_\_\_\_.

**Closed Session Time** \_\_\_\_\_ **Open Session Time** \_\_\_\_\_

Motion to Open \_\_\_\_, Second \_\_\_\_. All in favor \_\_\_\_, Nays \_\_\_\_.

**16. ADJOURNMENT:**

Motion to Adjourn \_\_\_\_, Second \_\_\_\_. All in favor \_\_\_\_, Nays \_\_\_\_.

Adjourn Time \_\_\_\_\_.

**ORDINANCE 23-07**

**BOROUGH OF POMPTON LAKES**

**AN ORDINANCE, AMENDING CHAPTER 22 OF THE REVISED  
GENERAL ORDINANCES OF THE BOROUGH OF POMPTON LAKES  
ENTITLED "REGISTRATION OF FORECLOSING MORTGAGED  
PROPERTY AND VACANT PROPERTY"**

**WHEREAS**, the Borough Council desires to protect the public health, safety, and welfare of the citizens of the incorporated area of the Borough of Pompton Lakes and maintain a high quality of life for the citizens of the Borough through the maintenance of structures and properties in the Borough; and

**WHEREAS**, the Council recognizes properties subject to foreclosure action or foreclosed upon and vacant properties (hereinafter referred to as "Registrable Properties") located throughout the Borough lead to a decline in community and property value; create nuisances; lead to a general decrease in neighborhood and community aesthetic; create conditions that invite criminal activity; and foster an unsafe and unhealthy environment; and

**WHEREAS**, the Council has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

**WHEREAS**, the Council recognizes in the best interest of the public health, safety, and welfare a more regulated method is needed to discourage Registrable Property Owners and Mortgagees from allowing their properties to be abandoned, neglected or left unsupervised; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the Council is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the municipality by law; and

**WHEREAS**, pursuant to P.L. 2021, c. 444, the Council is authorized to adopt or amend ordinances creating a property registration program for the purpose of identifying and monitoring properties within the municipality for which a summons and compliant in an action to foreclosure on a mortgage has been filed, regulate the care, maintenance, security and upkeep of such properties, and impose a registration fee on the Mortgagee of such properties; and

**WHEREAS**, the Council has a vested interest in protecting neighborhoods against decay caused by Registrable Property and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to amend in light of recent State legislation P.L. 2021, c. 444 registration requirements of Registrable Property located within the Borough to discourage Registrable Property Owners and Mortgagees from allowing their properties to be abandoned, neglected or left unsupervised.

**(ORDINANCE)**

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

**Section I.** Chapter 22, of the Municipal Code of the Borough of Pompton Lakes entitled "Registration of Foreclosure Mortgages and Vacant Property," and shall read in its entirety as follows:

**CHAPTER 22**

**REGISTRATION OF FORECLOSING MORTGAGED  
PROPERTY AND VACANT PROPERTY**

**§22-1. PURPOSE AND INTENT.**

It is the purpose and intent of the Council to amend in light of recent State legislation P.L. 2021, c. 444 the process to address the deterioration, crime, and decline in value of Borough neighborhoods caused by property with foreclosing or foreclosed mortgages located within the Borough, and to identify, regulate, limit and reduce the number of these properties located within the Borough. It has been determined that Owner occupied structures are generally better

maintained when compared to vacant structures, even with a diligent off-site property Owner. Vacant structures or structures owned by individuals who are economically strained and unable to meet their mortgage obligations are often not properly or diligently maintained, which contribute to blight, declined property values, and have a negative impact on social perception of the residential areas where they are located. It is the Council's further intent to establish a registration program as a mechanism to help protect neighborhoods from becoming blighted through the lack of adequate maintenance of properties that are in Foreclosure or Foreclosed, and to provide a mechanism to avert foreclosure actions through timely intervention, education, or counseling of property Owners.

## **§22-2. DEFINITIONS.**

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

**Annual Registration** shall mean twelve (12) months from the date of the first action that requires registration, as determined by the Township, or its designee, and every subsequent twelve (12) months the property is Registrable. The date of the initial registration may be different than the date of the first action that required registration.

**Default** shall mean that the mortgagor has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.

**Enforcement Officer** shall mean any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector, building inspector, or other person authorized by the Borough to enforce the applicable code(s).

**Evidence of Vacancy** shall mean any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due Utility notices and/or disconnected Utilities; accumulation of trash junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents; and/or the presence of boards over doors, windows or other openings in violation of applicable code.

**Foreclosure or Foreclosure Action** shall mean the legal process by which a Mortgagee, or other lien holder, terminates or attempts to terminate a property Owner's equitable right of redemption to obtain legal and equitable title to the Real Property pledged as security for a debt or the Real Property subject to the lien. This definition shall include, but is not limited to, a complaint and summons filed with respect to foreclosure on a mortgage, a lis pendens filed against it by the lender holding a mortgage on the property, a deed-in-lieu of foreclosure, sale to the mortgagee or lien holder, certificate of title and all other processes, activities and actions, by whatever name, associated with the described process. The legal process is not concluded until the property obtained by the Mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

**Mortgagee** shall mean the creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement; or any other person or entity with the legal right to foreclose on the Real Property, excluding governmental entities.

**Owner** shall mean every person, entity, or Mortgagee, who alone or severally with others, has legal or equitable title to any Real Property as defined by this Chapter; has legal care, charge, or control of any such property; is in possession or control of any such property; and/or is vested with possession or control of any such property. The Property Manager shall not be considered the Owner.

**Property Manager** shall mean any party designated by the Owner as responsible for inspecting, maintaining and securing the property as required in this Chapter.

**Real Property** shall mean any residential or commercial land and/or buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in the Borough limits.



**Registrable Property** shall mean:

- a. Any Real Property located in the Borough, whether vacant or occupied, that is encumbered by a mortgage subject to an ongoing Foreclosure Action by the Mortgagee or Trustee, has been the subject of a Foreclosure Action by a Mortgagee or Trustee and a Judgement has been entered, or has been the subject of a Foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the Foreclosure and any properties transferred under a deed in lieu of foreclosure/sale. The designation of a "foreclosure" property as "registrable" shall remain in place until such time as the property is sold to a nonrelated bona fide purchaser in an arm's length transaction or the Foreclosure Action has been dismissed; or
- b. Any property that is vacant for more than thirty (30) days or any cancellation of Utility or Service, whichever occurs first.

**Registry** shall mean a web-based electronic database of searchable Real Property records, used by the Borough to allow Mortgagees and Owners the opportunity to register properties and pay applicable fees as required in this Chapter.

**Semi-Annual Registration** shall mean six (6) months from the date of the first action that requires registration, as determined by the Borough, or its designee, and every subsequent six (6) months. The date of the initial registration may be different than the date of the first action that required registration.

**Utilities and Services** shall mean any utility and/or service that is essential for a building to be habitable and/or perform a service necessary to comply with all Borough codes. This includes, but is not limited to, electrical, gas, water, sewer, lawn maintenance, pool maintenance, and snow removal.

**Vacant** shall mean any parcel of land in the Borough that contains any building or structure that is not lawfully occupied.

### **§22-3. APPLICABILITY AND JURISDICTION.**

This Chapter applies to Foreclosing, Foreclosed, and Vacant property within the Borough.

### **§22-4. ESTABLISHMENT OF A REGISTRY.**

Pursuant to the provisions of Section 22-5, the Borough, or its designee, shall establish a registry cataloging each Registrable Property within the Borough, containing the information required by this Chapter.

### **§22-5. INSPECTION AND REGISTRATION OF REAL PROPERTY UNDER FORECLOSURE.**

- (a) Any Mortgagee who holds a mortgage on Real Property located within the Borough shall perform an inspection of the property upon default by the mortgagor as evidenced by the filing of a Foreclosure Action.
- (b) Property inspected pursuant to subsection (a) above that remains in Foreclosure shall be inspected every thirty (30) days by the Mortgagee or Mortgagee's designee. If an inspection shows a change in the property's occupancy status the Mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property registration.
- (c) Within ten (10) days of the date any Mortgagee files a Foreclosure Action, the Mortgagee shall register the Real Property with the Borough Registry, and, at the time of registration, indicate whether the property is Vacant, and if so shall designate in writing a Property Manager to inspect, maintain, and secure the Real Property subject to the mortgage under a Foreclosure Action when legally possible. A separate registration is required for each property under a Foreclosure Action, regardless of whether it is occupied or vacant.
- (d) Initial registration pursuant to this section shall contain at a minimum the name of the Mortgagee, the mailing address of the Mortgagee, e-mail address, telephone number and name of the Property Manager and said person's address, e-mail address, and telephone number.

- (e) If the Mortgagee is located outside of New Jersey, it must provide the full name, mailing address, and direct-dial telephone number of an in-State representative or agent for the Mortgagee.
- (f) At the time of initial registration each registrant shall pay a non-refundable Annual Registration fee of five hundred dollars (\$500.00) for each property. Subsequent nonrefundable Annual renewal registrations of properties and fees in the amount of five hundred dollars (\$500.00) are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Defaulted properties, 3) post-closing counseling and Foreclosure intervention limited to Owner-occupied persons in Default, which may not include cash and mortgage modification assistance, and (4) for any related purposes as may be adopted in the policy set forth in this Chapter. Said fees shall be deposited to a special account in the Borough's Department dedicated to the cost of implementation and enforcement of this Ordinance, and fulfilling the purpose and intent of this Chapter. None of the funds provided for in this section shall be utilized for the legal defense of Foreclosure Actions.
- (g) Each individual property on the Registry that has been registered for six (6) months or more prior to the Effective Date shall have thirty (30) days to renew the registration and pay the non-refundable annual registration fee. Properties registered less than six (6) months prior to the Effective Date shall renew the registration every twelve (12) months from the expiration of the original registration renewal date and shall pay the non-refundable annual registration fee.
- (h) If the mortgage and/or servicing on a Registrable Property is sold or transferred, the new Mortgagee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Mortgagee shall register the property or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Registrable Property.
- (i) If the Mortgagee sells or transfers the Registrable Property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including, but not limited to, unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous Mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Foreclosed Property.
- (j) If the Foreclosing or Foreclosed Property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the Annual Registration fee shall be charged for every thirty-day period (30), or portion thereof, the property is not registered and shall be due and payable with the registration.
- (k) This section shall also apply to properties that have been the subject of a foreclosure sale where title is transferred to the Mortgagee as well as any properties transferred to the Mortgagee under a deed in lieu of foreclosure or by any other legal means.
- (l) Properties subject to this section shall remain subject to the Annual Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property remains Registrable Property.
- (m) Failure of the Mortgagee and/or property Owner of record to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Chapter and shall be subject to enforcement by any of the enforcement means available to the Borough.
- (n) If any property is in violation of this Chapter the Borough may take the necessary action to ensure compliance with and/or place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.

- (o) Registration of foreclosure property does not alleviate the Mortgagee and/or Owner from obtaining all required licenses, permits and inspections required by applicable code or State Statutes. Acquisition of required licenses, permits and inspections or registration of rental property does not alleviate the requirement for the property to be registered under this section. Mortgagee and/or Owner is expected to update the status of the property in the event of a Mortgagee managed rental.

#### **§22-6. AMENDMENTS.**

Registration fees and penalties outlined in this Chapter may be modified by amendment to this Chapter, passed and adopted by the Board of Commissioners.

#### **§22-7. INSPECTION AND REGISTRATION OF REAL PROPERTY THAT IS NOT SUBJECT TO A MORTGAGE IN FORECLOSURE.**

- (a) Any Owner of Vacant property located within the Borough shall within ten (10) days after the property becomes Vacant, register the Real Property with the Borough Registry.
- (b) Initial registration pursuant to this section shall contain at a minimum the name of the Owner, the mailing address of the Owner, e-mail address, and telephone number of the Owner, and if applicable, the name and telephone number of the Property Manager and said person's address, e-mail address, and telephone number.
- (c) At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee of five hundred dollars (\$500.00) for each Vacant property. Subsequent non-refundable Semi-Annual renewal registrations of Vacant properties and fees in the amount of five hundred dollars (\$500.00) are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Vacant properties, and (3) for any related purposes as may be adopted in the policy set forth in this Chapter. Said fees shall be deposited to a special account in the Borough's Department dedicated to the cost of implementation and enforcement of this Ordinance, and fulfilling the purpose and intent of this Chapter.
- (d) If the property is sold or transferred, the new Owner is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Owner shall register the Vacant property or update the existing registration. The previous Owner(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Owner's involvement with the Vacant property.
- (e) If the Vacant property is not registered, or either the registration fee or the Semi-Annual Registration fee is not paid within thirty (30) days of when the registration or Semi-Annual Registration is required pursuant to this section, a late fee shall be equivalent to ten percent (10%) of the Semi-Annual Registration fee shall be charged for every thirty (30) day-period, or portion thereof, the property is not registered and shall be due and payable with the registration. This section shall apply to the initial registration and registrations required by subsequent Owners of the Vacant property.
- (f) Properties subject to this section shall remain subject to the Semi-Annual Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property is Vacant.
- (g) Failure of the Owner to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Chapter and shall be subject to enforcement by any of the enforcement means available to the Borough.
- (h) If any property is in violation of this Chapter the Borough may take the necessary action to ensure compliance with and place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.
- (i) Properties registered as a result of this section are not required to be registered again pursuant to the Foreclosure mortgage property section.

## **§22-8. MAINTENANCE REQUIREMENTS.**

- (a) Properties subject to this chapter shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material, or any other items that give the appearance that the property is abandoned.
- (b) Registrable Property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- (c) Front, side, and rear yards, including landscaping, of Registrable Property shall be maintained in accordance with the applicable code(s) at the time registration is required.
- (d) Registrable yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
- (e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.
- (f) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- (g) Failure of the Mortgagee, Owner, and transferees to properly maintain the property as required by this Chapter may result in a violation of the applicable code(s) and issuance of a citation or notice of violation in accordance with the applicable code of the Borough. Pursuant to a finding and determination by the Borough Sheriff, Magistrate or a court of competent jurisdiction, the Borough may take the necessary action to ensure compliance with this section.
- (h) In addition to the above, the property is required to be maintained in accordance with the applicable code(s) of the Borough.

## **§22-9. SECURITY REQUIREMENTS.**

- (a) Properties subject to these Sections shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- (b) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates, and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by re-glazing of the window.
- (c) If a property is Registrable, and the property has become vacant or blighted, a Property Manager shall be designated by the Mortgagee and/or Owner to perform the work necessary to bring the property into compliance with the applicable code(s), and the Property Manager must perform regular inspections to verify compliance with the requirements of this Chapter, and any other applicable laws.
- (d) In addition to the above, the property is required to be secured in accordance with the applicable code(s) of the Borough.
- (e) When a property subject to this Chapter becomes Vacant, it shall be posted with the name and twenty-four (24) hour contact telephone number of the Property Manager. The Property Manager shall be available to be contacted by the Borough Monday through Friday between 9:00 a.m. and 5:00 p.m., legal holidays excepted. The sign shall be placed in a window facing the street and shall be visible from the street. The posting shall be no less than eighteen (18) inches by twenty-four (24) inches and shall be of a

font that is legible from a distance of forty-five (45) feet. The posting shall contain the following language with supporting information:

THIS PROPERTY IS MANAGED BY \_\_\_\_\_  
AND IS INSPECTED ON A REGULAR BASIS. \_\_\_\_\_  
THE PROPERTY MANAGER CAN BE CONTACTED \_\_\_\_\_  
BY TELEPHONE AT \_\_\_\_\_.  
OR BY EMAIL AT \_\_\_\_\_

- (f) The posting required in subsection (e) above shall be placed on the interior of a window facing the street to the front of the property so that it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so that it is visible from the street or if no such area exists, on a stake of sufficient size to support the posting in a location that is at all times visible from the street to the front of the property but not readily accessible to vandals. Exterior posting shall be constructed of and printed with weather-resistant materials.
- (g) Failure of the Mortgagee and/or property Owner of record to properly inspect and secure a property subject to this Chapter, and post and maintain the signage noted in this section, is a violation and shall be subject to enforcement by any of the enforcement means available to the Borough. The Borough may take the necessary action to ensure compliance with this section, and recover costs and expenses in support thereof.

#### **§22-10. PROVISIONS SUPPLEMENTAL.**

The provisions of this Chapter are cumulative with and in addition to other available remedies. Nothing contained in this Chapter shall prohibit the Borough from collecting on fees, fines, and penalties in any lawful manner; or enforcing its codes by any other means, including, but not limited to, injunction, abatement, or as otherwise provided by law or ordinance.

#### **§22-11. PUBLIC NUISANCE.**

All Registrable Property is at risk of being a public nuisance and if vacant or blighted can constitute a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare, and safety of the residents of the Borough.

#### **§22-12. ADDITIONAL AUTHORITY.**

- (a) If the Enforcement Officer has reason to believe that a property subject to the provisions of this Chapter is posing a serious threat to the public health, safety, and welfare, the code Enforcement Officer may temporarily secure the property at the expense of the Mortgagee or Owner, and may bring the violations before the code enforcement, Council or special magistrate as soon as possible to address the conditions of the property. Nothing herein shall limit the Borough from abating any nuisance or unsafe condition by any other legal means available to it.
- (b) The Sheriff, code enforcement, Council or special magistrate shall have the authority to require the Mortgagee or Owner affected by this section, to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.
- (c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety, and welfare, then the Sheriff, code enforcement, Council or special magistrate may direct the Borough to abate the violations and charge the Mortgagee or Owner with the cost of the abatement.
- (d) If the Mortgagee or Owner does not reimburse the Borough for the cost of temporarily securing the property, or of any abatement directed by the Sheriff, code enforcement officer, code enforcement, Council or special magistrate, within thirty (30) days of the Borough sending the Mortgagee or Owner the invoice then the Borough may lien the property with such cost, along with an administrative fee as determined in the Borough's fee ordinance to recover the administrative personnel services. In addition to filing a lien the Borough may pursue financial penalties against the Mortgagee or Owner.

- (e) The Borough may contract with an entity to implement this Chapter, and, if so, any reference to the Enforcement Officer herein shall include the entity the Borough contract with for that purpose.

**§22-13. OPPOSING, OBSTRUCTING ENFORCEMENT OFFICER; PENALTY.**

It shall be a violation of this Chapter 10 obstruct or resist any Enforcement Officer or any person authorized by the enforcement office in the discharge of duties as provided in this chapter.

**§22-14. IMMUNITY OF ENFORCEMENT OFFICER.**

Any Enforcement Officer or any person authorized by the Borough to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon Real Property while in the discharge of duties imposed by this Chapter.

**§22-15. PENALTIES.**

The violation of any provision of this Chapter shall be subject to the penalties provided below.

(a) As authorized under P.L. 2021, Chapter 444, C.40:48-2.12s3 g.(1), if an out-of-State Mortgagee that is subject to Section 340-4. of this ordinance, is found by the municipal court of the municipality in which the property subject to this ordinance is located, 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 Mortgagee 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.

(b) As authorized in P.L. 2021, Chapter 444, C.40:48-2.12s3 g.(2), if an out-of-State Mortgagee that is subject to Section 340-4. of this ordinance, is found by the municipal court of the municipality in which the property subject to the ordinance is located, or by any other court of competent jurisdiction, to be in violation, excluding only a violation addressed by paragraph (a) of this Section, 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 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.

**BE IT FURTHER ORDAINED** as follows:

All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

This Ordinance shall take effect after approval of the Mayor or in accordance with law and publication and passage according to law.

**NOTICE**

**NOTICE IS HEREBY GIVEN**, that the above Ordinance was introduced and Adopted on First Reading at the regular meeting of the Mayor and Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey held in the Municipal Building, 25 Lenox Ave., Pompton Lakes, NJ on January 25, 2023, and the same shall be presented to the Municipal Council for Second Reading and Final Adoption at the regular meeting held on the February 8, 2023, at which time, the public is given the opportunity to discuss the Ordinance. Said Ordinance will be in full force and effect in the Borough of Pompton Lakes after Second Reading and Final Adoption and publication in accordance with law.

Approved:

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Michael Serra, Mayor

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Elizabeth Brandsness, Borough Clerk

**ORDINANCE NO.: 23-08**

**BOROUGH OF POMPTON LAKES**

**AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER 2 OF  
THE MUNICIPAL CODE OF THE BOROUGH OF POMPTON LAKES  
TRAILS COMMITTEE**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic and State of New Jersey that the following sections of Chapter 2 of the Borough Administrative Code shall be amended as follows:

1. “§2-64.3-6.4 Duties and Responsibilities.

C. Also, the committee shall refrain from the following, **unless authorized by the Borough Administrator or their designee:**

1. Spending Borough funds in the carrying out of the committee's duties and responsibilities; and
2. Relying upon or using Borough employees in carrying out the work of the committee.

2. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

3. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

4. This Ordinance shall take effect after approval of the Mayor or in accordance with law and publication and passage according to law.

**NOTICE**

**NOTICE IS HEREBY GIVEN**, that the above Ordinance was introduced and Adopted on First Reading at the regular meeting of the Mayor and Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey held in the Municipal Building, 25 Lenox Ave., Pompton Lakes, NJ on January 25, 2023, and the same shall be presented to the Municipal Council for Second Reading and Final Adoption at the regular meeting held on the February 8, 2023, at which time, the public is given the opportunity to discuss the Ordinance. Said Ordinance will be in full force and effect in the Borough of Pompton Lakes after Second Reading and Final Adoption and publication in accordance with law.

Approved:

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Michael Serra, Mayor

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Elizabeth Brandsness, Borough Clerk