

ORDINANCE NO. 5698

**AN ORDINANCE TO AMEND THE CODE OF THE
CITY OF ELIZABETH CHAPTER 8.80 ENTITLED
“VACANT AND FORECLOSING RESIDENTIAL
PROPERTIES”**

WHEREAS, abandoned properties, both residential and commercial, create a wide range of problems, such as fostering criminal activity, creating public health problems and otherwise diminishing the quality of life for residents and business operators in those areas; and

WHEREAS, abandoned properties, both residential and commercial, diminish the property values of neighboring properties and have a negative effect on the quality of life of adjacent property owners, increasing the risk of property damage through arson and vandalism and discouraging neighborhood stability and revitalization; and

WHEREAS, the continued presence of abandoned properties, both residential and commercial, which are presumptively considered to be nuisances in view of their negative effects on nearby properties and the residents or users of those properties, in the City of Elizabeth acts a significant barrier to the City's continued progress, development, and revitalization; and

WHEREAS, on November 12, 2008, the City Council of the City of Elizabeth adopted Ordinance 4002 establishing Chapter 8.80 of the Code of the City of Elizabeth entitled “Vacant and Foreclosing Residential Properties” which established the municipal registration fee program for residential properties; and

WHEREAS, on January 18, 2022, the State of New Jersey signed into law Public Law 2021, c. 444, allowing for all real property to be registered; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, this Governing Body 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 City by law; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH:

SECTION 1. Section 8.80.020 of the Code of the City of Elizabeth entitled “Definitions” is hereby amended to read as follows:

“Initiation of the foreclosure process” means any of the following actions taken by a mortgagee against the borrower or mortgagee of a property:

1. Commencing a foreclosure action by filing complaint for foreclosure or a lis pendens in the Superior Court of New Jersey.
2. Taking legal possession of the property.

SECTION 2. Section 8.80.030 of the Code of the City of Elizabeth entitled “Registration of vacant and/or foreclosing properties; duty to provide written notice of vacant property and/or mortgage foreclosure” is hereby amended:

All owners must register vacant and not properly maintained properties with the department of planning and community development. Mortgagees must register foreclosure properties, regardless of occupancy, upon the filing of a foreclosure complaint on forms to be provided. All registrations must state the individual owners or mortgagees and agent's name, phone number and mailing address. The mailing address may not be a P.O. Box. This registration must also certify that the property was inspected and identify whether the property is vacant at the time of

PRESENTED to the Mayor for
APPROVAL or DISAPPROVAL ON

SEP 28 2022

CITY CLERK

filing. If the property is vacant, the owner and/or registrant must designate and retain an individual or property management company responsible for the security and maintenance of the property. This designation must state the individual or company's name, phone number and local mailing address. The mailing address may not be a P.O. Box. If the property is in the process of foreclosure, then the registration must be received within seven (7) days of the initiation of the foreclosure process as defined in section 8.80.020. If the enforcement authority determines that the property is vacant and the foreclosure proceedings have not been initiated, the registration must be received within fourteen (14) days of the enforcement authority's first notice of violations or summons for improper maintenance. All owners must also provide proof of utility (gas, electric, water) connections or disconnections which must be submitted to the department of planning and community development.

All property registrations of properties not subject to foreclosure are valid for one year from the date of the registration. The initial registration fee shall be one thousand dollars (\$1,000.00) and must accompany the registration form. Subsequent annual registration fees shall be one thousand five hundred dollars (\$1,500.00) for the first renewal, two thousand dollars (\$2,000.00) for the second renewal, and three thousand dollars (\$3,000.00) for all subsequent renewals. All applications and fees are due by October 1st. Registration fees and renewal fees will not be prorated or refunded.

All property registrations of properties subject to foreclosure are valid for one year from the date of the registration. The registration fee shall be five hundred dollars (\$500.00) for occupied properties with renewals for occupied properties being five hundred dollars (\$500.00) and two thousand dollars (\$2000.00) for vacant properties with renewals being two thousand dollars (\$2000.00) so long as the property remains vacant. Registration fees and renewal fees will not be prorated or refunded.

Once the property that is not subject to foreclosure is no longer vacant or is sold or otherwise transferred, the owner must provide proof of sale, transfer or occupancy to the enforcement authority within thirty (30) days of sale, transfer or occupancy.

Properties that are subject to foreclosure will remain under the requirements of registration until such time as the property is transferred via a bona fide arm's length transaction.

If the Vacant, 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.

SECTION 3. Section 8.80.040 of the Code of the City of Elizabeth entitled "Maintenance requirements" is hereby amended:

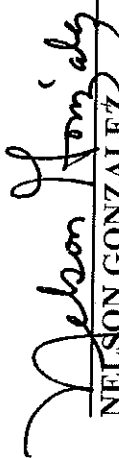
Adherence to this section does not relieve the owner or mortgagee of any applicable obligations set forth in the Code of the city of Elizabeth, covenant conditions and restrictions, and/or homeowners' association rules and regulations.

SECTION 4. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

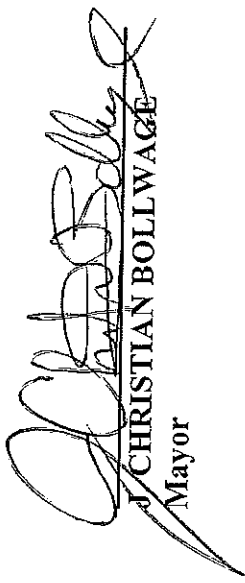
SECTION 5. If any portion or clause of this ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this ordinance.


SECTION 6. The effective date of this ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor at the time and in the manner provided by law.

PASSED: 9/27/22


NELSON GONZALEZ
President of City Council

APPROVED: 9/28/22


CHRISTIAN BOLLWAGE
Mayor

ATTEST:

YOLANDA M. ROBERTS, R.M.C.
Municipal Clerk