

First Reading:	03-05-2020
Publication:	03-12-2020
Second Reading:	03-19-2020
Publication:	03-26-2020

ORDINANCE NO. 2613

AN ORDINANCE AMENDING CHAPTER XIX, INSERTING SECTION 19-7 OF THE CODE OF THE BOROUGH OF ROSELLE PARK, TO BE ENTITLED "MAINTENANCE AND REGISTRATION OF VACANT AND ABANDONED STOREFRONTS"

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter XIX of the Code of the Borough of Roselle Park be and hereby is amended as follows:

SECTION 1. Section Established

19-7 MAINTENANCE AND REGISTRATION OF VACANT AND ABANDONED STOREFRONTS.

SECTION 2. Legislative Intent

19-7.1 Purpose.

The purpose of this Section shall be to create regulation regarding the registration and maintenance of vacant and/or abandoned non-residential properties.

SECTION 3. Definitions Established

19-7.2 Definitions

The following terms and definitions shall be established and in effect for this Section:

- a. **"Owner" shall mean 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, Sec. 17 as amended by P.L. 2009, c. 296), or any other entity determined by the Borough of Roselle Park to have authority to act with respect to the property.**
- b. **"Vacant Storefront" shall mean any area within a building or structure that may be individually leased or rented for any purposes other than residential use which is not occupied or at which all lawful business or construction operations or other occupancy have substantially ceased for a period of six (6) months.**

SECTION 4. Registration Required

19-7.3 Registration Requirements.

The owner of any vacant storefront as defined herein shall, within thirty (30) calendar days after the building becomes a vacant or within thirty (30) calendar days after assuming ownership of the vacant storefront, whichever is later, or within ten (10) calendar days of receipt of notice by the municipality, file a registration statement for such vacant storefront with the Municipal Clerk on such forms as provided by the Borough for such purposes. Failure to receive notice by the municipality shall not constitute grounds for failing to register the storefront.

- a. Each storefront having a separate and distinct mailing address as designated in official records of the municipality shall be registered separately.
- b. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of a 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 proceedings on behalf of such owner or owners in connection with the enforcement of any applicable code; and the name, street address, telephone number, and email (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the property. The individual or representative of the firm responsible for maintaining the property shall be available by telephone or in person on a twenty-four hour per day, seven day per week basis. The two (2) entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey as applicable.
- c. The registration shall remain valid for one (1) year from the date of registration, except for the initial registration which shall expire December 31st regardless of when it is filed. The owner shall be required to renew the registration annually as long as the building remains a vacant and abandoned property and shall pay a registration or renewal fee in the amount prescribed in this Section for each vacant storefront registered.
- d. The annual renewal shall be completed by January 31st each year.
- e. The owner shall notify the Municipal Clerk within thirty (30) calendar days of any change in the registration information by filing an amended registration statement.
- f. 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 owner or owners of the building.

SECTION 5. Access

19-7.4 Access to Vacant Storefronts.

The owner of any vacant storefront registered under this Section shall provide access to the Borough to conduct exterior and interior inspections of the building to determine compliance with municipal codes, upon reasonable notice to the property owner or the designated agent. Such inspections shall be carried out on weekdays during the hours of 8:30 a.m. to 4:30 p.m., or such other time as may be mutually agreed upon between the owner and the Borough.

SECTION 6. Responsible Parties

19-7.5 Responsible Owner or Agent.

- a. An owner who meets the requirements of this Section with respect to the location of his or her residence or workplace in the State of New Jersey may designate himself or herself as agent or as the individual responsible for maintaining the property.

- b. 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 storefront and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered property 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 purposes of this section until the owner notifies the Borough of Roselle Park in writing of a change of authorized agent or until the owner files a new annual registration statement.
- c. Any owner who fails to register a vacant storefront under the provisions of this Section shall further be deemed to consent to receive, by posting on the building, in plain view, and by service of notice at the last known address of the owner of the property on record within the Borough of Roselle Park by regular and certified mail, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

SECTION 7. Fees

19-7.6 Registration Fee Schedule.

- a. The initial registration fee for each vacant storefront shall be \$500.00. The fee for the first renewal is \$1,500.00 and the fee for the second renewal is \$3,000.00. The fee for any subsequent renewal beyond the second renewal is \$5,000.00. In the event that a property meets the definition of both a "vacant property" and "vacant storefront," and it contains the same block and lot number as designated in official records of the municipality, there shall only be one registration fee applied.

SECTION 8. Penalties and Fines

19-7.7 Violations and Penalties.

- a. An owner subject to this Section that is found by the Roselle Park Municipal Court or by any other court of competent jurisdiction, to be in violation of the requirement to correct, care, maintenance, secure, or upkeep violation cited in a notice issued pursuant to this chapter shall be subject to a fine of one thousand five hundred (\$1,500.00) dollars for each day of the violation. Any violation imposed pursuant to this paragraph shall commence thirty-one (31) days following the receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any violation shall commence eleven (11) days following receipt of the notice.
- b. The duty of administering and enforcing the provisions of this chapter is conferred upon the Municipal Clerk, Director of Code Enforcement, Zoning Officer, Deputy Code Enforcement Officer, or their respective designees.

SECTION 9. No Accommodation of Preexisting Conditions

19-7.8 Grandfathering.

- a. **No properties and/or buildings shall be grandfathered for the purposes of enforcement of this Section.**

SECTION 10. Inconsistent Ordinances Repealed.

All Ordinances or parts of Ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

SECTION 11. Captions.

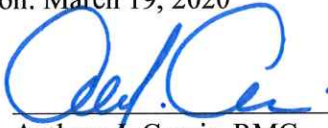
Captions contained in this Ordinance have been included only for the purpose of facilitating reference to the various sections and are not intended and shall not be utilized to construe the intent and meaning of the text of any section. Likewise, all strike through text ~~thus~~ should be considered a deletion from Borough Code, and all bolded text **thus** should be considered an addition to Borough Code.

SECTION 12. Effective Date.

This Ordinance shall become effective upon publication and in accordance with law.

Introduction: March 5, 2020

Adoption: March 19, 2020

Attest: 
 Andrew J. Casais, RMC
 Borough Clerk


 Joseph Signorello III
 Mayor

Record of Vote – Introduction				
	Aye	Nay	Abstain	Absent
Petrosky	X			
Fahoury	X			
Connelly	X			
Negron	X			
Delorio	X			
Mathieu	X			

Record of Vote – Adoption				
	Aye	Nay	Abstain	Absent
Petrosky	X			
Fahoury	X			
Connelly	X			
Negron	X			
Delorio	X			
Mathieu	X			

Copy To: F. Genova (Code Enforcement), P. Picarelli (Code Enforcement), R. Belluscio (Zoning).