

ORDINANCE NO. 38-2023

**BOROUGH OF ROSELAND
COUNTY OF ESSEX, STATE OF NEW JERSEY**

AN ORDINANCE OF THE BOROUGH OF ROSELAND AMENDING AND SUPPLEMENTING CHAPTER 11 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ROSELAND ENTITLED "PROPERTY MAINTENANCE CODE", INCLUDING AMENDMENTS TO SECTION 11-2 ENTITLED "ABANDONED, VACANT, OR FORECLOSED PROPERTY" AND ADDING NEW SECTION 11-4 ENTITLED "LANDLORD REGISTRATION"

WHEREAS, the Borough Council desires to protect the public health, safety, and welfare of the citizens of the incorporated area of the Borough 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 Borough council wishes to amend the current property maintenance code to incorporate a more inclusive Property Maintenance Code, to better regulate building standards for the exterior of structures and the condition of the property as a whole; and

WHEREAS, N.J.S.A. 40:52-1, et seq. authorizes municipalities to regulate buildings used for sleeping, lodging, and occupancy purposes, including but not limited to boarding houses, rooming houses, and rental housing or living units; and

WHEREAS, N.J.S.A. 40:48-2.12(a) authorizes the governing body of any municipality to make, amend, repeal, and enforce ordinances to regulate buildings and structures and their use and occupation, to prevent and abate conditions therein harmful to the health and safety of occupants of said buildings and structures and the general public in the municipality; and

WHEREAS, the Borough Council recognizes in the best interest of the public health, safety, and welfare a more regulated method is desired to address neglected properties, and to that end, wishes to adopt the aforementioned Property Maintenance Code; and

WHEREAS, the Borough of Roseland Council desires to amend the Borough's code pursuant to P. L. 2021, c. 444, in order to establish a property registration process that will identify parties responsible to address safety and aesthetic concerns to minimize the negative impact and conditions that occur as a result of vacancy, absentee ownership and the foreclosure process; and

WHEREAS, the Borough Council has a vested interest in protecting neighborhoods against decay and concludes that it is in the best interest of the health, safety, and welfare of its citizens and residents to amend the current code.

WHEREAS, N.J.S.A. 40:52-1, et seq. authorizes municipalities to regulate buildings used for sleeping, lodging, and occupancy purposes, including but not limited to boarding houses, rooming houses, and rental housing or living units; and

WHEREAS, N.J.S.A. 40:48-2.12(a) authorizes the governing body of any municipality to make, amend, repeal, and enforce ordinances to regulate buildings and structures and their use and occupation, to prevent and abate conditions therein harmful to the health and safety of occupants of said buildings and structures and the general public in the municipality; and

WHEREAS, the Borough Council desires to protect the public health, safety, and welfare of the citizens of the incorporated area of the Borough and maintain a high quality of life for the citizens of the Borough through registration and inspection of non-owner-occupied rental properties;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Roseland that Chapter 17 of the Revised General Ordinances of the Borough of Roseland entitled "Water and Sewer" shall be amended to read as follows:

SECTION I

That Chapter 11 of the Revised General Ordinances of the Borough of Roseland entitled "Property Maintenance" shall be amended by adding the following **thus** and deleting the following ~~thus~~:

§ 11-1 PROPERTY MAINTENANCE CODE.

§ 11-1.1 Adoption of Code by Reference.

The "International Property Maintenance Code, ~~2015-2024~~ Edition", including Appendices A and B, published by the International Code Council is hereby adopted by reference as the Property Maintenance Code of the Borough of Roseland, and in the State of New Jersey, for the control of buildings and structures as therein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as is fully set out in this chapter.

§ 11-1.2 Public Record.

Three (3) copies of the code referred to in subsection **11-1.1** shall be placed on file in the Borough offices for the use and examination by the public.

§ 11-1.3 Definitions.

The following words and terms shall have the meanings herein indicated for the purposes of the "International Property Maintenance Code, ~~2015-2024~~ Edition:"

- a. Code Official shall ~~mean be the Borough Code Enforcement Officer. In the absence of a Code Enforcement Officer, the Code Official shall be~~ the Superintendent of Public Works of the Borough of Roseland or his/her designee with the concurrence of the Borough Administrator.

§ 11-1.4 Additions, Insertions, Deletions and Changes.

The following sections of the "International Property Maintenance Code, ~~2015-2024~~ Edition" are hereby revised to read as follows:

- a. Reserved.

§ 11-1.5 Effectiveness of Code.

Nothing in this section or in the International Property Maintenance Code, ~~2015-2024~~ Edition hereby adopted shall be construed to affect any suit or proceeding impending in any court or any rights acquitted, or liability incurred or any cause or causes of action required or existing, under any act or ordinance hereby repealed, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this section.

§ 11-1.6 Abandoned Buildings; ~~Exterior Maintenance of Property Other Than Multiple Dwellings.~~

The provisions of this chapter regarding property maintenance shall apply to any abandoned buildings. In addition, to all other provisions of this chapter, the following requirements shall apply to abandoned buildings in the Borough of Roseland:

~~a. Exterior; Boarding Up of Building. All store fronts and the exterior of every building, structure or appurtenance thereto shall be maintained in good repair and all exterior surfaces thereof shall be kept painted or otherwise provided with a protective treatment when necessary for purposes of preservation and appearance, and maintained free from broken or cracked glass, loose shingles or siding or crumbling masonry, excessively peeling paint or other condition indicating deterioration or inadequate maintenance.~~

- a. The boarding up of doors and windows shall not be permitted except with the permission of either the Construction Code Official, the Property Maintenance Official, the Fire Official or the Building Subcode Official of the Borough of Roseland in exercise of the authority granted to such officials under the Revised General Ordinances of the Borough and applicable law. Any boarding of property must be done in a professional workmanlike manner. ~~All boarding material must be of a type made for exterior use and all doors and windows shall be covered with no less than one half (1/2) inch exterior plywood or equivalent. All windows and doors must have a custom fit, with boards being securely attached within the door or window frames, and all bonding material must be of the same color as the building being boarded.~~ In no case shall boarding up of doors and windows be permitted in excess of six (6) months, provided that the Borough Official who approved the boarding of the doors and/or windows as described in this paragraph may grant one

additional six (6) month extension. All vacant structures shall be properly maintained and thoroughly secured so as to prevent unauthorized access and vandalism.

b. Exterior, Maintenance of Property Other Than Multiple Dwellings. All structures and premises in the Borough of Roseland shall be kept free of all of the following conditions:

~~1. Broken glass, excessive brush, weeds, stumps and roots, obnoxious growth, filth, garbage, trash, refuse and debris.~~

~~2. Dead and dying trees, limbs or other natural growths which by reason of rotting, deteriorating conditions, storm damage or weathering constitute a hazard to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions.~~

~~3. Loose and overhanging objects and accumulations of ice and snow which by reason of location above ground level constitute a danger of falling on persons in the vicinity thereof.~~

~~4. Holes, excavations, breaks, projections, obstructions, icy conditions and other safety hazards of walks, driveways, parking lots, parking areas and other parts of the premises which are accessible to and used by persons on the premises. All such holes and excavations shall be filled and repaired, walks and steps replaced and other conditions removed where necessary to eliminate safety hazards or unsanitary conditions.~~

~~5. Sources of infestation or potential infestation by rodents, mosquitoes, flies and other harmful vermin.~~

~~e. The exterior of every structure or accessory structure, including fences, shall be maintained in good repair, and all surfaces thereof shall be kept painted and finished where necessary for purposes of preservation and appearance. The same shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling of paint or other conditions reflecting weathering, deterioration or inadequate maintenance, to the end that the property itself may be preserved, safety and fire hazards eliminated and adjoining properties in the neighborhood protected from blighting influences.~~

~~f.c.~~ There shall not be stored or used, at a location visible from the sidewalk, streets or other public areas, equipment and materials relating to commercial or industrial uses, including, inter alia, commercial vehicles, snow plows and snow blowers, unless permitted under Chapter ~~XXX30~~, Land Development, of ~~this the Borough~~ Code for the particular premises.

~~e.d.~~ All brush, shrubs, grass and trees shall be maintained so as not to obstruct public access to specific sidewalks and roadways. Brush, shrubs and trees shall be kept trimmed so that they do not cross the line of the sidewalk from the ground to a height of seven (7) feet. Poison ivy, poison sumac, poison oak and similar noxious vegetation shall be removed from the vicinity of any public sidewalk or roadway. Lawn grass shall be trimmed and maintained so that it does not exceed a height of ten inches from the ground.

~~f.e.~~ Receptacles for garbage and recyclables shall be stored out of the sight of the public. Occupants of corner lots shall store garbage and recyclables in the back yard. They may be stored in the garage and placed at the curb of Township roadways not earlier than the evening of the day before the regularly scheduled pickup.

~~g. All parts of the premises shall be kept in a clean and sanitary condition, free of nuisance and free of health, safety and fire hazards.~~

~~h.f. Adequate runoff drains shall be provided and maintained to eliminate any recurrent or excessive accumulations of stormwater.~~

~~§ 11-1.7 Violations and Penalties: repeat offender~~

~~Any person, firm, or corporation who or which shall violate any of the provisions of this Chapter shall be subject to one or more of the fines set forth in § 1-5.1 through § 1-5.7 of the Borough Code.~~

~~§ 11-1.8 The Property Maintenance Code of the Borough of Roseland (Attached)~~

~~§ 11-2 ABANDONED, VACANT, OR FORECLOSED PROPERTY.~~

~~§11-2 Registration and Maintenance of Abandoned, Vacant and/or Foreclosing Property.~~

~~§ 11-2.1 Authority.~~

~~The Borough of Roseland hereby grants to itself all such powers granted to municipalities by the State of New Jersey for the rehabilitation of abandoned properties. Such powers are set forth, inter alia, in the "Abandoned Properties Rehabilitation Act" (N.J.S.A. 55:19-78 et seq.) and in applicable portions of the "New Jersey Urban Development Corporation Act" (N.J.S.A. 55:19-1 through -77). These State statutory powers are collectively referred to herein as the "enabling statutes."~~

~~§11-2.1 Establishment and purpose.~~

~~This chapter shall be known hereinafter as "Registration and Maintenance of Abandoned, Vacant, and/or Foreclosing Property." This chapter is intended to protect and preserve the public health, safety and welfare and security and quiet enjoyment of residents and neighborhoods by 1) requiring all residential property owners, including lenders, trustees and service companies, to properly maintain abandoned, vacant, and/or foreclosing properties; 2) regulating the maintenance of abandoned, vacant, and/or foreclosing properties in order to prevent blighted and unsecured residences; and 3) establishing a registry to identify and track abandoned, vacant, and/or foreclosing properties. In addition to any other remedies in law or equity not set forth herein, enforcement authority shall be vested in the Borough Code Enforcement Department; provided, however, that the Planning and Zoning Department, the Building Department, the Department of Public Works, and the Health Department, or such other department as designated by the Borough Administrator, shall also have enforcement authority under this chapter.~~

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~~§ 11-2.2 Public Officer.~~

~~The Zoning Officer shall serve as the Public Officer, as defined in N.J.S.A. 55:19-80. The Public Officer is responsible for executing the provisions of this chapter for the rehabilitation of abandoned property. The Public Officer is hereby directed to identify abandoned properties within the municipality, place said properties on an abandoned property list established as provided in Section 36 of P.L. 1996, c.62 (N.J.S.A. 55:19-55), as amended by Section 28 of P.L. 2003, c.210, and provide such notices and carry out such other tasks as are required to effectuate an abandoned property list as provided by law.~~

§11-2.2 Authority

~~The Borough of Roseland hereby grants to itself all such powers granted to municipalities by the State of New Jersey for the rehabilitation of abandoned properties. Such powers are set forth, inter alia, in the "Abandoned Properties Rehabilitation Act" (N.J.S.A. 55:19-78 et seq.) and in applicable portions of the "New Jersey Urban Development Corporation Act" (N.J.S.A. 55:19-1 through -77). These State statutory powers are collectively referred to herein as the "enabling statutes."~~

~~§ 11-2.3 Abandoned Property.~~

~~The Public Officer shall designate a property as an "abandoned property" if said property meets the criteria set forth in N.J.S.A. 55:19-81 (abandoned property criteria) and/or N.J.S.A. 55:19-82 (nuisance property criteria). The Public Officer's designation is limited by the provisions of N.J.S.A. 55:19-83.~~

§11-2.3 Definitions.

As used in this chapter, 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:

a. 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 Borough Code Enforcement Officer that:

- 1. The property is in need of rehabilitation and no rehabilitation has taken place during that six-month period;
- 2. Construction was initiated on the property and was discontinued prior to completion, leaving it unsuitable for occupancy, and no construction has taken place for at least six months as of the date of a determination by the Code Enforcement Officer pursuant to this chapter;

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3. At least one installment of property tax remains unpaid and delinquent on that property in accordance with N.J.S.A. 54:4-1 et seq., as of the date of a determination made by the Code Enforcement Officer pursuant to this chapter; or

4. The property has been determined by the Code Enforcement Officer to be a nuisance in accordance with N.J.S.A. 55:19-82.

b. A property which contains both residential and nonresidential space may be considered abandoned so long as 2/3 or more of the total net square footage of the property 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 made by the Code Enforcement Officer and the property meets the criteria of this section.

AUTHORIZED AGENT

Person the owner designates to receive any and all notices of code violations concerning the abandoned, vacant, and/or foreclosing property and all service of process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered property. Any owner who has designated an authorized agent 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 Clerk in writing of a change of authorized agent or until the owner files a new annual registration statement.

CREDITOR

A state-chartered bank, savings bank, savings and loan association or credit union, person or entity required to be licensed under the provisions of the New Jersey Residential Mortgage Lending Act, any foreclosing entity subject to N.J.S.A. 46:10B-51, and any entity acting on behalf of the creditor named in the debt obligation.

DAYS

Consecutive calendar days.

DEFAULT

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 AUTHORITY

The primary enforcement authority shall be the Code Enforcement Officer; provided, however, that the Planning and Zoning Department, the Building Department, the Department of Public Works, and the Health Department, or such other Department as designated by the Borough Administrator, shall also have enforcement authority under this chapter.

FORECLOSING

The process by which property is placed as security for a real estate loan to satisfy the debt if the borrower defaults.

FORECLOSURE or FORECLOSURE ACTION

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

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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 nonrelated bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

INITIATION OF THE FORECLOSURE PROCESS

Any of the following actions taken by the mortgagee against the borrower of a property:

1. delivering a mortgagee's notice of intention to foreclose to the borrower;
2. commencing a foreclosure action by filing a lis pendens in the Superior Court of New Jersey;
3. taking legal possession of the property.

MORTGAGEE

The creditor, including, but not limited to, service companies, lenders in a mortgage agreement and any agent, servant or employee of the mortgagee, or any successor in interest and assignee of the mortgagee's rights, interests or obligations under the mortgage agreement.

OWNER

Every person, entity, service company, property manager or real estate agency, who alone or with others:

- a. Has legal or equitable title to any dwelling, dwelling unit, mobile dwelling unit or parcel of land, vacant or otherwise;
- b. Has care, charge, or control of any dwelling, dwelling unit or parcel of land, vacant or otherwise, in any capacity, including but not limited to an agent, executor, executrix, administrator, administratrix, trustee or guardian, trustee or guardian of the estate of the holder of legal title;
- c. Is a mortgagee who has filed a notice of intent to foreclose or has filed a foreclosure complaint;
- d. Is an agent, trustee, or other person appointed by the courts and vested with possession or control of any such property;
- e. Is an officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply as if he were the owner. However, this section shall not apply to any condominium association or co-op that forecloses or initiates the foreclosure process for unpaid assessments due or owing the association;
- f. Operates a boarding house; or
- g. Is a trustee who holds, owns, or controls mortgage loans for mortgage-backed securities transactions and has initiated the foreclosure process.

PROPERTY

Any real estate, residential property, or portion thereof, located within the Borough of Roseland, including buildings or structures situated on the property. For purposes of this section only, property does not include property owned or subject to the control of the Borough of Roseland, or any of its governmental bodies, or agencies.

PROPERTY MANAGER

Any in-state party designated by the owner or mortgagee as responsible for inspecting, maintaining, and securing the property as required in this chapter. The in-state property manager shall be capable of receiving notices issued for violations of Borough codes or summons to appear in court, unless a different in-state individual has been identified for that purpose.

REGISTRY

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.

RESIDENTIAL PROPERTY

Any property that contains one or more dwelling units used, intended or designed to be occupied for living purposes.

SECURING

Taking measures that assist in making the property inaccessible to unauthorized persons.

VACANT PROPERTY

Any property 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 has been vacant for three or more months. Such evidence would include, but is not limited to, evidence of the existence of 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; 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.

§ 11-2.4 Abandoned Property List.

~~The Zoning Officer shall serve as the "Public Officer" for the purpose of enforcing this Section and shall establish an abandoned property list pursuant to N.J.S.A. 55:19-55. An interested party (as that term is defined in N.J.S.A. 55:19-105a) may request that the Public Officer include a property on the abandoned property list, pursuant to N.J.S.A. 55:19-105. The abandoned property list shall apply to the Borough of Roseland as a whole as set forth below. The Public Officer shall provide a report to the Mayor and Governing Body every six months with respect to the number and location of properties on the abandoned property list; the status of those properties; and any actions taken by the municipality or by any qualified rehabilitation entity designated pursuant to the authority granted the public officer with respect to any~~

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~~property on the list or any other abandoned property within the Borough of Roseland.~~

§ 11-2.4 Public Officer.

~~The Code Enforcement Officer shall serve as the Public Officer, as defined in N.J.S.A. 55:19-80. The Public Officer is responsible for executing the provisions of this chapter for the rehabilitation of abandoned property. The Public Officer is hereby directed to identify abandoned properties within the municipality, place said properties on an abandoned property list established as provided in Section 36 of P.L. 1996, c.62 (N.J.S.A. 55:19-55), as amended by Section 28 of P.L. 2003, c.210, and provide such notices and carry out such other tasks as are required to effectuate an abandoned property list as provided by law. The Public Officer's designation is limited by the provisions of N.J.S.A. 55:19-83.~~

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§ 11-2.5 Rights of Owner of Abandoned Properties.

~~The owner of a property on the abandoned property list has such rights designated to said owner by the enabling statutes. Such powers include but are not limited to:~~

- ~~a. Challenging the inclusion of a property on the abandoned property list, pursuant to N.J.S.A. 55:19-55e;~~
- ~~b. Seeking removal from said list, pursuant to N.J.S.A. 55:19-57 and 55:19-103;~~
- ~~e. Petitioning for reinstatement of control and possession, pursuant to N.J.S.A. 55:19-92 et seq.~~

§ 11-2.5 Abandoned Property List.

~~The Public Officer, or its designee, shall enforce this Section and shall establish an abandoned property list pursuant to N.J.S.A. 55:19-55. An interested party (as that term is defined in N.J.S.A. 55:19-105a) may request that the Public Officer include a property on the abandoned property list, pursuant to N.J.S.A. 55:19-105. The abandoned property list shall apply to the Borough of Roseland as a whole as set forth below: The Public Officer shall provide a report to the Mayor and Governing Body every six months with respect to the number and location of properties on the abandoned property list; the status of those properties; and any actions taken by the municipality or by any qualified rehabilitation entity designated pursuant to the authority granted the Public Officer with respect to any property on the list or any other abandoned property within the Borough of Roseland.~~

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§ 11-2.6 Municipal Powers.

~~The Borough of Roseland has such powers and rights regarding abandoned properties as set forth in the enabling statutes. Such powers include but are not limited to:~~

- ~~a. Sale of tax lien, pursuant to N.J.S.A. 55:19-56;~~
- ~~b. Special tax sales, pursuant to N.J.S.A. 55:19-101;~~
- ~~c. Foreclosing the right to redemption, pursuant to N.J.S.A. 55:19-58;~~
- ~~d. Recourse directly against property owner, pursuant to N.J.S.A. 55:19-100;~~
- ~~e. Possession and control of property, pursuant to N.J.S.A. 55:19-84 to 55:19-92 et seq.;~~

- ~~f. Rehabilitation and reuse of property, while in possession and control, pursuant to N.J.S.A. 55:19-90;~~
- ~~g. Borrowing money and making applications for rehabilitation of property, while in possession and control, pursuant to N.J.S.A. 55:19-91;~~
- ~~h. Sale of property, pursuant to N.J.S.A. 55:19-96;~~
- ~~i. Purchase of property, pursuant to N.J.S.A. 55:19-96;~~
- ~~j. Recover rehabilitation costs by lien on property, pursuant to N.J.S.A. 55:19-98;~~
- ~~k. Clearance, development, redevelopment or repair of property through power of eminent domain, pursuant to N.J.S.A. 55:19-56, 55:19-102.~~

§ 11-2.6 Establishment of a Registry.

~~Pursuant to the provisions of §11-2.3, the Borough, or its designee, shall establish a registry cataloging each registrable property within the Borough, containing the information required by this chapter.~~

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§ 11-2.7 Rights of Utilities.

~~Electric and natural gas utilities are granted such rights to abandoned properties as are set forth in N.J.S.A. 55:19-106.~~

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§11-2.7 Registration of vacant and/or abandoned properties.

~~a. All owners of vacant and/or abandoned property must file a registration statement with the Borough Clerk for each such property within 30 days after it becomes vacant and/or abandoned or within 30 days after assuming ownership of the vacant and/or abandoned property, whichever is later. Forms for such purposes shall be provided at the Borough Clerk's office. Such forms must state:~~

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- ~~1. The name, street address, email address, and telephone number of a natural person who resides or maintains an office within the state and who is either the owner or an authorized agent of the property;~~
- ~~2. The name, street address, email address, and telephone number of the person responsible for maintaining the property, if different;~~
- ~~3. Evidence of liability insurance required under § 11-2.10 hereunder;~~
- ~~4. Whether the property was inspected by the Borough; and~~
- ~~5. Whether the property is vacant and/or abandoned at the time of filing.~~

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~~b. If the enforcement authority determines that the property is vacant and/or abandoned, and foreclosure proceedings have not been initiated, the registration statement must be received within 14 days of the enforcement authority's first notice of code violations or summons for improper maintenance. Failure to receive notice from the Borough of Roseland shall not constitute grounds for failing to register the vacant and/or abandoned property. If foreclosure proceedings have been initiated, then the registration statement must be received within seven days of initiation of the foreclosure proceedings.~~

c. All registrations are valid for one year from the date of registration. The owner shall be required to renew the registration annually as long as the property remains vacant and/or abandoned and shall pay a registration or renewal fee in the amount prescribed herein for each property registered.

d. The initial registration fee shall be \$500 and must accompany the registration statement. Subsequent annual registration fees shall be \$1,000 for the first renewal, \$2,000 for the second renewal, and \$3,000 for all subsequent renewals.

e. Each vacant and/or abandoned property having a separate block and lot number as designated in the official tax maps for the Borough of Roseland shall be registered separately.

f. Once the property is no longer vacant and/or abandoned, or is sold or otherwise transferred, the owner must provide proof of sale, transfer or occupancy to the enforcement authority within 30 days of the sale, transfer or occupancy in order to remove the property from the registry.

§ 11-2.8 Statutory References.

~~All references in this section to State statutes include reference to all amendments thereto. References to particular sections of the enabling statutes are for ease of reference, but may not be exhaustive and are not meant to be exclusive of other applicable statutory provisions contained in the enabling statutes or elsewhere in the New Jersey statutes.~~

§11-2.8 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 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 10 days of that inspection, update the occupancy status of the property registration.

c. Within 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. A separate registration is required for each property under a foreclosure action, regardless of whether 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 in-state property manager and said person's address, e-mail address, and telephone number. The said person's address shall not be limited to a post office box, but shall specify a physical location where such In-state property manager may be found during normal business hours.

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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. The initial registration fee shall be \$500 and must accompany the registration statement. Subsequent annual registration fees shall be \$1,000 for the first renewal, \$2,000 for the second renewal, and \$3,000 for all subsequent renewals. 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 chapter 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. If the mortgage and/or servicing on a registrable property pursuant to this section is sold or transferred, the new mortgagee is subject to all the terms of this chapter. Within 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.

h. 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 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 foreclosure property.

i. If the foreclosure property is not registered, or the registration fee is not paid within 30 days of when the registration is required pursuant to this section, a late fee equivalent to 10% of the annual registration fee shall be charged for every thirty-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 transferees, owners and mortgagees of the foreclosure property.

j. 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.

k. 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 a registrable property.

l. 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 chapter is a violation of this chapter and shall be subject to enforcement by any of the enforcement means available to the Borough.

m. 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.

n. Properties registered as a result of this section are not required to be registered again pursuant to the real property that is not subject to a mortgage in foreclosure section.

o. Registration of foreclosure property does not alleviate the mortgagee and/or property 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 property owner is expected to update the status of the property in the event of a mortgagee managed rental.

§11-2.9 Maintenance requirements.

a. The owner and any individual or property management company responsible for maintenance of the property that has become vacant and/or abandoned and/or is in a state of foreclosure shall, within 45 days of the property becoming vacant, abandoned, or the filing of a foreclosure action, or 30 days of the owner taking title to the property:

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1. Post a sign affixed to the interior of the property and visible to the public indicating the name, address, and telephone number of the owner, authorized agent, and the party responsible for maintenance of the property. 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 8½ inches by 11 inches in dimension. If the property is set back from the street, the sign may be posted on a well-secured post or stake in the front yard of the property.

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2. Enclose and secure the property against unauthorized entry as provided in the applicable provisions of the Code for the Borough of Roseland and maintain the sign above until the property is again legally occupied or demolished, or until repair or rehabilitation of the property is complete.

3. Make provisions for the:

a. maintenance of the lawn and yard, including regular grass cutting as required by the applicable provisions of the Code of the Borough of Roseland;

b. maintenance of the fences, sidewalks, walks and driveway and ensure that same are kept free from trash and debris;

- c. cessation of delivery of mail, newspapers and circulars to the property, including having the property listed on any then-existing exclusion list maintained by the Borough of Roseland for the delivery of circulars and advertisements to the property;
 - d. winterization of the property by the cessation of water service to the property and the draining of water lines;
 - e. cessation of electric or gas utility services to the property; and
 - f. regular maintenance of the exterior of the property.
- b. A creditor filing a summons and complaint in an action to foreclose on a residential property within the Borough of Roseland shall be immediately responsible for maintenance, security and upkeep of the exterior of the vacant and/or abandoned property.
- c. Adherence to this section does not relieve the owner of any other obligations set forth in the Code of the Borough, or of any covenants or restrictions, or homeowners' association rules and regulations.
- d. This section shall not be construed to diminish any property maintenance responsibilities of property owners who are not subject to the provisions of the section.

§11-2.10 Requirement to maintain liability insurance.

The owner of any vacant and/or abandoned property shall acquire or otherwise maintain liability insurance, in an amount of not less than \$300,000, for properties designed primarily for one- to four-unit residential use and not less than \$1,000,000 for any other property, including, but not limited to, buildings designed for multifamily, manufacturing, storage, or commercial uses, covering any damage to any person or property caused by any physical condition of the property. Any insurance policy acquired or renewed after the property has become vacant and/or abandoned shall provide for written notice to the Borough Clerk within 30 days of any lapse, cancellation, or change in coverage. The owner shall attach evidence of the insurance to the registration statement. Any registration statement submitted that does not include such evidence shall not be deemed to be a valid registration.

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§ 11-2.11 Rights of Owner of Abandoned Properties.

The owner of a property on the abandoned property list has such rights designated to said owner by the enabling statutes. Such powers include but are not limited to:

- a. Challenging the inclusion of a property on the abandoned property list, pursuant to N.J.S.A. 55:19-55e;
- b. Seeking removal from said list, pursuant to N.J.S.A. 55:19-57 and 55:19-103;
- c. Petitioning for reinstatement of control and possession, pursuant to N.J.S.A. 55:19-92 et seq.

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§ 11-2.12 Inspections.

The enforcement authority shall have the duty and responsibility to inspect properties subject to this chapter for compliance and to issue summonses for any violations.

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§ 11-2.13 Enforcement and penalties.

a. Failure to file a registration statement within the time periods set forth herein is punishable by a fine of up to \$1,000. If applicable, failure to correctly identify the name of the owner (or authorized agent) and the individual or property management company responsible for maintenance of the property is punishable by a fine of up to \$1,000.

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b. Any person who violates any provision of this chapter shall be subject to a fine of not less than \$500 and not more than \$2,000 for each offense. Each day that a violation continues shall constitute a separate and distinct offense. Any fines imposed shall commence 30 days following receipt of notice of code violations or a summons for improper maintenance, 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.

c. Nothing contained herein shall prevent the Borough of Roseland from taking all such action it deems necessary to clean up and maintain the property on an as-needed basis when the property is found to be unsafe or unfit for human habitation. The Borough of Roseland may impose a lien against the property for costs associated with such cleanup and maintenance. Any such actions taken under this provision shall not relieve the owner from its obligations.

d. The enforcement authority shall be authorized to issue a notice to the creditor if it is determined that the creditor has failed to provide for the maintenance of the exterior of the abandoned, vacant, and/or foreclosing property. The notice shall require the creditor to correct the violation(s) within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety. A creditor that is found to be in violation of the maintenance requirements shall be subject to a fine not exceeding \$2,000. Any fines imposed on a creditor shall commence 11 days following receipt of notice from the Borough of Roseland.

e. Any fine or cost associated with cleaning up the property that remains uncollected or unpaid shall, by resolution of the Borough Council, become a lien upon the property, which lien shall hereafter form part of the taxes next to be assessed and levied upon said property, the same to bear interest at the same rate as taxes to be collected and enforced by the same officers and in the same manner as taxes in accordance with the provisions of N.J.S.A. 40:48-2.14.

§ 11-2.14 Municipal Powers.

The Borough of Roseland has such powers and rights regarding abandoned properties as set forth in the enabling statutes. Such powers include but are not limited to:

- a.** Sale of tax lien, pursuant to N.J.S.A. 55:19-56;
- b.** Special tax sales, pursuant to N.J.S.A. 55:19-101;
- c.** Foreclosing the right to redemption, pursuant to N.J.S.A. 55:19-58;

- d. Recourse directly against property owner, pursuant to N.J.S.A. 55:19-100;
- e. Possession and control of property, pursuant to N.J.S.A. 55:19-84 to 55:19-92 et seq.;
- f. Rehabilitation and reuse of property, while in possession and control, pursuant to N.J.S.A. 55:19-90;
- g. Borrowing money and making applications for rehabilitation of property, while in possession and control, pursuant to N.J.S.A. 55:19-91;
- h. Sale of property, pursuant to N.J.S.A. 55:19-96;
- i. Purchase of property, pursuant to N.J.S.A. 55:19-96;
- j. Recover rehabilitation costs by lien on property, pursuant to N.J.S.A. 55:19-98;
- k. Clearance, development, redevelopment or repair of property through power of eminent domain, pursuant to N.J.S.A. 55:19-56, 55:19-102.

§ 11-2.15 Rights of Utilities.

Electric and natural gas utilities are granted such rights to abandoned properties as are set forth in N.J.S.A. 55:19-106.

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§ 11-2.16 Statutory References.

All references in this section to State statutes include reference to all amendments thereto. References to particular sections of the enabling statutes are for ease of reference, but may not be exhaustive and are not meant to be exclusive of other applicable statutory provisions contained in the enabling statutes or elsewhere in the New Jersey statutes.

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§ 11-3 RODENT AND RAT EXTERMINATION.

§ 11-3.1 Findings; Eradication Required.

~~Whereas it is the intent of the Borough Council to eradicate the presence of rats or other rodents that pose a public health hazard, exclusive of those rodents accepted as pets and confined as pets within the Borough, and whereas this intent is within the public interest and for purposes of the public health and welfare, all buildings, lots and premises shall be kept free from rats and other rodents.~~

~~When any building, lot or premises is found to be subject to infestation or inhabitation by rats or other rodents, the person in control of the premises, lot or building shall apply continuous eradication measures to remove the rats or other rodents that pose a public health hazard.~~

§ 11-3.2 Definitions.

- ~~a. Eradication Measures. The elimination of rodents and rats from any building, lot or premises through the use of traps, poisons, fumigation or any other acceptable method. All such methods shall be performed by a licensed and competent exterminator licensed to do business within the State of New Jersey.~~
- ~~b. Person in Control. The owner or part owner of a building, lot or premises and/or any~~

~~person authorized to exercise powers of or for an owner of property for purposes of purchase, sale, use, occupancy or maintenance, and/or any other person having use or custody of the property or any part thereof.~~

~~§ 11-3.3 Demolition of Building.~~

~~No person shall demolish or cause to be demolished any building or structure within the Borough without first filing with the Construction Official a certificate from a licensed exterminator that the building has been exterminated of rats and other rodents.~~

~~The certificate shall set forth the date of extermination by the licensed exterminator. The date shall not be less than seven (7) nor more than twenty (20) days prior to the date of demolition. No demolition permit shall be issued by the Construction Official until a certificate has been filed with the office of the Construction Official. The Construction Official, upon receipt of the certificate, shall file a copy of the certificate with the Board of Health.~~

~~In the event of a delay in demolition beyond the date set forth in the application and permit, reinspection and re-filing of a certificate by a licensed exterminator certifying the premises to be free from rats and other rodents shall be required.~~

~~§ 11-3.4 New Construction; Improvements, Modifications.~~

~~If deemed necessary by the Health Authority and/or Construction Official, no person shall obtain a building permit within the Borough to permit new construction or any improvement to or modification of existing structures without first filing with the Construction Official a certificate from a licensed exterminator that the building and premises has been exterminated of rats and other rodents and that the premises, building and lot are free of rats and other rodents. The certificate shall be a prerequisite to issuance of any building permit within the Borough and the certificate by the licensed exterminator shall state that extermination or the inspection resulting in a finding of no rats or other rodents or evidence of same was made within not less than seven (7) nor more than twenty (20) days prior to application for the permit.~~

~~§ 11-3.5 Inspections.~~

~~The Health Authority and/or the Construction Official shall cause an inspection to be made of any lot, building or premises in the Borough which he has good reason to believe is infested with or contains rats or other rodents or on which a complaint has been received. If as a result of such inspection evidence is found of presence of rats or other rodents, the owner or person in control shall be notified and shall comply with the provisions of The Health Code.~~

~~§ 11-3.6 Penalty for Violation.~~

~~In the event of a violation of any of the provisions of this section any person, upon conviction, shall be liable to the penalty as stated in Chapter I, Section 1-5.~~

~~Each failure of the person in control to apply continuous eradication measures as provided in subsection 11-3.1, after notice, shall be deemed to be a separate violation of this section and shall be so treated.~~

§11-4 LANDLORD REGISTRATION

§11-4.1 Definitions.

The following words 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:

AGENT

The individual or individuals designated by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner by this chapter. The term does not necessarily mean a licensed real estate broker or salesperson of the State of New Jersey as those terms are defined by N.J.S.A. 45:15-3; however, such term may include a licensed real estate broker or salesperson of the State of New Jersey if such person is designated by the owner as the owner's agent.

APARTMENT OR DWELLING UNIT

Any room or rooms or suite or apartment thereof, whether furnished or unfurnished, which is occupied or intended, arranged, or designated to be occupied for sleeping and dwelling purposes by one or more persons, including but not limited to the owner thereof or any of his servants, agents or employees, and shall include all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy thereof, and which shall include a single-family detached residence designed for use by one family or household unit for living and sleeping purposes.

FAMILY

An individual or two (2) or more persons related by blood, marriage or law, living together in a dwelling unit. Servants having common housekeeping facilities with a family consisting of an individual or two (2) or more persons related by blood, marriage or law are a part of the family for this chapter.

LANDLORD

The legal entity listed upon the title as it appears in the public records after the deed is properly recorded.

LET

Includes the leasing, rental or other granting of occupancy for any period of time where title to the residential unit is not transferred to the actual occupant at the time such occupancy commences.

OCCUPANT

Any person residing, living or sleeping in or on the premises or having actual possession or use of the premises or any part thereof, whether or not the owner thereof and regardless of the duration of time of such possession or use.

OWNER

Any person or group of persons, firm, corporation or officer thereof, partnership, association, or trust which owns, operates, exercises control over or is in charge of a rental facility.

OWNER-OCCUPIED

A portion of a rental facility, dwelling, commercial unit or dwelling unit shall be considered owner-occupied if the owner makes his primary residence therein.

PERSON

An individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof.

PREMISES

A lot, plot or parcel of land, including the buildings or structures thereon.

RENTAL OR RENTAL FACILITY

Every building, group of buildings or a portion thereof which is kept, used, maintained, advertised, or held out to be a place where living accommodations are supplied, whether furnished or unfurnished, for pay or other consideration, to one or more individuals and is meant to include apartments and apartment complexes.

RENT OR RENTED

An apartment or dwelling unit occupied by any person or persons other than the owner, regardless of whether there is a written or oral agreement and regardless of whether the

owner receives consideration for occupancy, and regardless of whether there is a written lease, sublease or oral understanding.

STRUCTURE

Anything that is built or constructed and affixed on or under the ground or upon another structure or building.

§11-4.2 Landlord registration required.

- a. Registration required. No person(s), corporation or business entity shall offer any residential property for rent, lease or let any residential property to any person(s) without first filing a Landlord Registration Form with the Borough. The Landlord Registration Form may be obtained from the Code Enforcement Official or his designee during normal business hours. Registration shall not be required for individual units contained within an entire structure containing three or more units that are owned by one person or party and where none of the individual units is a stand-alone parcel as defined by having a unique lot identifier on the tax rolls of the Borough of Roseland.
- b. The initial registration shall occur within 30 days following the final adoption of this chapter. The initial term for the landlord registration shall be for a term not to exceed 15 months, or December 31, 2024. Thereafter, the landlord registration shall be renewed annually and amended, as necessary, within 20 days of each change of ownership or occupancy of any rental unit. No rental unit shall hereafter be rented unless the rental unit is registered in accordance with this chapter. The landlord registration shall not include approval for the use and occupancy of a rental unit. Consistent with Chapter 10, a Certificate of Continued Occupancy inspection is required for each unit. Such Landlord Registration Form, or Renewal Form, shall be submitted within 5 business days of the application for a Certificate of Continued Occupancy (CCO), certifying that the building and premises are in compliance with all ordinances of the Borough of Roseland, which shall be obtained from the Code Enforcement Official or the appropriate official as designated by the governing body of the Borough of Roseland.

§11-4.3 Rental property registration.

- a. The owner of every rental property, with the exception of owner-occupied properties in the Borough of Roseland shall file a Landlord Registration Form with the Code Enforcement Official or his designee. The Code Enforcement Official or his designee shall provide a copy of same to the Chief of Police/Director of Public Safety, Borough Clerk and Fire Chief. When providing a copy of same to any other person or entity requesting same, the Borough Clerk, Code Enforcement Office and Fire and Police Departments shall redact the names and addresses of the tenants.

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b. The landlord registration form shall be filed on an annual basis on or before the 31st of January of each year.

c. Without in any way intending to infringe upon the requirements of N.J.S.A. 46:8-28, all rental units shall be registered as provided herein. Every owner shall file with the Code Enforcement Official, or his designee, a Landlord Registration Form, for each residential unit contained within a single-family or two-family building or structure, which shall include the following information:

1. The name, address and telephone number of the owner or owners of the premises and the record owner or owners of the rental business, if not the same person(s). In the case of a partnership, the names and addresses of all general partners shall be provided, together with the telephone numbers for each individual partner, indicating where such individual may be reached both during the day and evening hours. If the record owner is a corporation, the name and address of the registered agent and corporate officers of said corporation shall be provided, together with the telephone number for each such individual, indicating where such individual may be reached both during day and evening hours. If the record owner is an LLC, the name and address of the managing member(s) shall be provided, for each such member, indicating where such member (or its principal officers if a corporation) may be reached both during day and evening hours. All registration addresses shall be physical addresses; post office boxes are insufficient.

2. If the address of the owner of record is not located in the County of Essex, the name, address and telephone number of a person who resides in the County of Essex and who is authorized to accept notices from a tenant and to issue receipts therefor and to accept service of process on behalf of the owner of record.

3. The name and address of the managing agent of the premises, if any, and the telephone number where such individual may be reached both during day and evening hours.

4. The name and address of the superintendent, janitor, custodian or other individual employed by the owner of record or managing agent to provide regular maintenance service, if any, and telephone number where such individual may be reached both during day and evening hours.

5. The name, address, telephone number, and cellular telephone number of at least one individual representative of the owner of record or managing agent who may be reached or contacted at any time in the event of an emergency affecting the premises or any unit of dwelling space therein, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in

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connection therewith and shall, at all times, have access to a current list of building tenants that shall be made available to emergency personnel as required in the event of an emergency.

6. The names and addresses of all holders of recorded mortgages on the property.

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7. The owner shall be obligated to supply the required fuel type or energy utilized by the heating system and maintain said heating system in good operating condition so that it can supply heat as required, notwithstanding any contractual provision seeking to delegate or shift responsibility to the occupant or third person, except that the owner shall not be required to supply fuel or energy for heating purposes to any unit where the occupant thereof agrees in writing to supply heat to his own unit of dwelling space and the said unit is served by its own exclusive heating equipment for which the source of heat can be separately computed and billed.

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8. For each such rental unit the landlord shall provide:

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a. A description by number or letter and floor of each such rental unit.

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b. The name of each and every tenant in each unit, including children. The information contained in the Landlord Registration Form must set forth information for each unit within the rental property and must include all tenants in each unit.

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c. A certification as to who is paying the property taxes and water/sewerage charges.

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d. The information may be provided by attaching the landlord registration statement mandated by N.J.S.A. 46:8-28 certifying that the information contained therein remains true and accurate or, in the event of any change, amend said registration accordingly.

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e. A copy of the completed Federal Lead Based Paint Disclosure Form, if applicable.

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f. Such other information as may be prescribed by the Borough on the appropriate landlord registration form or otherwise by ordinance or resolution.

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§11-4.4 Amended registration.

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Every person required to file a Landlord Registration Form pursuant to this chapter shall file an amended registration form within 20 days after any change in the information required to be included thereon.

§11-4.5 Occupancy of unregistered premises prohibited.

No person shall hereafter occupy any rental unit, nor shall the owner permit occupancy of any rental unit within the Borough, which is not registered.

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§11-4.6 Nonregistered Tenants.

Only those occupants whose names are on file with the Borough as required in this Section §11-4 may reside in the licensed premises. It shall be unlawful for a nonregistered person to reside in said premises and any owner, agent, tenant or registered tenant allowing a nonregistered person to reside in said premises and the nonregistered person shall be in violation of this subsection.

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§11-4.7 Inspections.

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a. Complaint-based inspections, inspection following a finding of nonvalid Certificate of Continued Occupancy, and/or those inspections required as a result of a finding of no prior Certificate of Continued Occupancy, shall be performed by such person, persons or agency duly authorized and appointed by the Borough pursuant to the direction of the Code Enforcement Official. Inspections made by persons or an agency other than the duly authorized and appointed person, persons or agency of the Borough shall not be used as a valid substitute. Such inspection shall be for purpose of determining if the property complies with the Uniform Construction Code, the current Borough Property Maintenance Code, housing code and/or building code and the Uniform Fire Safety Act.

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b. Unsatisfactory inspection. In the event that the inspection(s) of a rental unit indicates the need for maintenance and/or repairs, such property shall not thereafter be registered, and the landlord of the property, or his agent, shall not lease or rent such property, nor shall any tenant occupy the property, until the necessary maintenance, repairs and corrections have been made so as to bring the property and rental unit into compliance with the applicable code(s) and the property is thereafter subsequently reinspected, approved, and registered. In the event that the property is occupied when such conditions are discovered, all such corrections shall be made within 30 days, and if not made within that time period, the owner shall be deemed in violation of this article and every day that the violation continues shall constitute a separate and distinct violation, subject to one or more of the fines as set forth in §1-5.1 through §1-5.7 of the Borough Code.

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§ 11-4.8 Violations and Penalties.

a. If a Borough Official determines that a property owner has failed to comply with the requirements of this Section, the property owner shall be given a thirty-day notice to cure any violation. If the property owner has not cured the violation within 30 days,

the owner shall be subject to a penalty not to exceed \$100 per week until the violation has been cured.

SECTION I

If any section or provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION II

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION III

This ordinance shall take effect in accordance with applicable law.

DATE OF INTRODUCTION: November 21, 2023

Motion to Introduce by: Councilman Bardi
Motion Seconded by: Councilwoman Perrotti
Introduction Approved: 3-0 Voice Vote (Fishman, Freda, Trillo absent)

DATE OF ADOPTION: December 19, 2023

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Councilman Bardi	X		X				
Councilwoman Fishman		X	X				
Councilman Freda							X
Council President Perrotti			X				
Councilwoman Tolli			X				
Councilman Trillo			X				
Mayor Spango (In case of tie)							
VOTE:			5	0			

I hereby certify that the above Ordinance was duly adopted by the Mayor and Council of the Borough of Roseland at a meeting of Borough Council held on the 19th day of December, 2023.

James R. Spango, Mayor

Jock H. Watkins, Borough Clerk

Date of Publication: December 28, 2023, The Progress

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