

# Borough of Stanhope

Sussex County, New Jersey

## ORDINANCE NO. 2023-07

### AN ORDINANCE TO AMENDING THE CODE OF THE BOROUGH OF STANHOPE TO REPEAL AND REPLACE EXISTING CHAPTER 110 “PROPERTIES, VACANT AND ABANDONED”

**WHEREAS**, the Borough of Stanhope previously adopted Ordinance 2015-12, which established Chapter 110, “Properties, Vacant and Abandoned”, and the Mayor and Council now desire to amend Chapter 110 in order to make it consistent P.L. 2021, Chapter 444, regarding requirements for municipal vacant and abandoned property registration for foreclosed properties, and to otherwise revise the Chapter to make revisions, including regarding registration fees for vacant and abandoned properties.

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Council of the Borough of Stanhope, Sussex County, New Jersey, that existing Chapter 110, of the Code of the Borough of Stanhope entitled “Properties, Vacant and Abandoned” is repealed and replaced as follows:

#### Chapter 110 Properties, Vacant and Abandoned

#### SECTION 1:

#### ARTICLE I – REGISTRATION OF VACANT PROPERTIES

#### SECTION 110-1 - DEFINITIONS

As used in this Chapter, the following terms shall have the meanings indicated:

- A. **ABANDONED PROPERTY** - As defined in accordance with the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., shall mean the following:
1. Except as provided in N.J.S.A. 55:19-83, any property that has not been legally occupied for a period of six (6) months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the Construction Official that:
    - (a) The property is in need of rehabilitation in the reasonable judgment of the Construction Official, and no rehabilitation has taken place during that six (6) month period;
    - (b) Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six (6) months as of the date of a determination by the Construction Official pursuant to

this section;

- (c) At least one installment of property tax remains unpaid and delinquent on that property in accordance with N.J.S.A. 54:4-1 et seq., as of the date of a determination by the Construction Official pursuant to this section; or
- (d) The property has been determined to be a nuisance by the Construction Official in accordance with N.J.S.A. 55:19-82.

2. A property which contains both residential and non-residential space may be considered abandoned pursuant to N.J.S.A. 55:19-78 et seq., so long as two-thirds (2/3) or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six (6) months at the time of the determination of abandonment by the Construction Official and the property meets the criteria of either Subsection (1)(a) or Subsection (1)(d) of this definition.

- B. **ACTIVELY MARKETED VACANT PROPERTIES** - Owners of properties meeting the definition of "Vacant Property" that are being bonafidely actively marketed for sale shall file a Registration Statement with the Borough in accordance with the terms and conditions of this Chapter, but shall be exempt from the payment of a registration fee. The owner of any such property in order to be exempt from the payment of a registration fee shall provide adequate proof to the Borough of the bonafide active marketing of the property for sale by providing such evidence of such bonafide active marketing activities as shall be reasonably required by the Borough, including but not limited to, copies of listing agreements and/or pending contracts of sale or other advertising or marketing efforts being made by the property owner directly to promote the sale of the property. Although exempt from the payment of any registration fee, in all other respects, the property owner of any vacant property that is being bonafidely actively marketed for sale shall be required to maintain the property while it is being bonafidely actively marketed in accordance with this Chapter and all other ordinances of the Borough of Stanhope.
- C. **CREDITOR** - A mortgagee or an agent or assignee of a mortgagee, such as the servicer, who has filed a complaint in the Superior Court seeking to foreclose upon a residential or commercial mortgage. If the entity seeking to foreclose upon the residential or commercial mortgage changes as a result of an assignment, transfer, or otherwise after the filing of the foreclosure complaint in the Superior Court, the new entity shall be deemed the Creditor for purposes of this Chapter. For purposes of this Chapter, a Creditor shall not include the State, a political subdivision of the State, a State, county or local government entity, or their agent or assignee, such as the servicer.

**D. EVIDENCE OF VACANCY OR ABANDONMENT -**

1. In addition to the definitions of vacant and abandoned property in this Chapter, a property shall be considered vacant and/or abandoned if it is not legally occupied by the owner or tenant(s), and which is in such condition that it cannot be legally reoccupied because of the presence or finding of at least two (2) of the following:
  - (a) overgrown or neglected vegetation;
  - (b) the accumulation of newspapers, circulars, flyers, or mail on the property;
  - (c) disconnected gas, electric or water utility services to the property;
  - (d) the accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
  - (e) the accumulation of junk, litter, trash, or debris on the property;
  - (f) the absence of window treatments such as blinds, curtains or shutters;
  - (g) the absence of furnishings and personal items;
  - (h) statements of neighbors, delivery persons, or government employees indicating that the property is vacant or abandoned;
  - (i) windows or entrances to the property that are boarded up or closed off, or multiple window panes that are damaged, broken and unrepaired;
  - (j) doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
  - (k) a risk to the health, safety, or welfare of the public or any adjoining or adjacent property owners due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
  - (l) an uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
  - (m) the mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
  - (n) a written statement issued by a mortgagor expressing the clear intent of all mortgagors to abandon the property; or
  - (o) any other reasonable indicia of abandonment.
  
2. Property determined to be "abandoned property" in accordance with the meaning of such term in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., shall also be deemed to be vacant property for the purposes of this section.

- E. OWNER -** Shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions of N.J.S.A. 46:10B-51, or any other entity determined by the Borough of

Stanhope to act with respect to the property. The term "Owner" shall not include any duly licensed real estate agent engaged solely in the sale of the property on behalf of the Owner.

- F. **PROPERTIES UNDER REPAIR OR RENOVATION** - Owners of properties meeting the definition of "vacant property" that are in the process of being repaired or renovated shall file a Registration Statement with the Borough in accordance with the terms and conditions of this chapter, but shall be exempt from the payment of a registration fee. The owner of any such property in order to be exempt from the payment of a registration fee shall have obtained all necessary permits and approvals from the Borough to repair or renovate the property and shall demonstrate proof to the Borough of diligent continuous efforts by the owner to promptly complete the repair or renovation of any such property.
- G. **PUBLIC OFFICER** - as designated in Section 110-14.
- H. **SEASONALLY OCCUPIED PROPERTIES** - Seasonally occupied properties shall be those properties in the Borough which are occupied on a limited, part-time or seasonal basis and not on a year-round basis by the owner. Owners of seasonably occupied residences shall be required to file a registration statement with the Borough, but shall be exempt from payment of any registration fee and the posting of a placard on the property as otherwise required by Section 110-5 of this Chapter.
- I. **VACANT PROPERTY** - Any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased for a period of at least three (3) 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 (3) three months, and which exhibits evidence of vacancy such that a reasonable person would believe that the property is vacant. Any property that contains all building systems in working order, is being maintained on a regular basis, has not been cited by the Borough for any violation of municipal ordinance within such time and is being actively marketed by its owner for sale or rental shall not be deemed vacant.

#### **SECTION 110-2 - GENERAL REQUIREMENTS.**

- A. The owner of any vacant or abandoned property as defined herein shall, within 30 days after the building becomes vacant or abandoned property or within 30 days after assuming ownership of the vacant or abandoned property, whichever is later, file a registration statement for each such vacant or abandoned property with the Borough of Stanhope on forms provided by the Borough of Stanhope for such purposes. The registration shall remain valid until the end of the calendar year. The owner shall be required to renew the registration annually, no later than January 31, as long as the building remains vacant or abandoned property and shall pay a registration or renewal fee in the amount prescribed in Subsection 110-4 of this Chapter for each vacant property registered. The initial and renewal fees shall be

prorated and or credited accordingly upon legal occupancy.

- B. Any owner of any building that meets the definition of "vacant property" or "abandoned property" prior to (adoption date) shall file a registration statement for that property on or before (adoption date plus 60 days). The registration statement shall include the information required under Section 110-3 of this Chapter, as well as any additional information that the Construction Official may reasonably require.
- C. The owner shall notify the Borough of Stanhope within 30 days of any change in the registration information by filing an amended registration statement on a form provided by the Borough of Stanhope for such purpose.
- D. The registration statement shall be deemed prima facie proof of the statement therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough of Stanhope against the owner or owners of the building.

**SECTION 110-3 - REGISTRATION STATEMENT REQUIREMENTS; PROPERTY INSPECTION**

- A. After filing a registration statement or a renewal of a registration statement, the owner of any vacant or abandoned property shall provide access to the Borough of Stanhope Construction Official if requested, following reasonable notice, during the period covered by the initial registration or any subsequent renewal. If an inspection is required of the interior of the property due to complaints or other cause, the fee for such inspection shall be the same as that for a Continued Certificate of Occupancy inspection as provided in the applicable provisions of the Code of the Borough of Stanhope.
- B. The registration statement shall include the name, street address, and telephone number of a natural person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of any applicable code. The designated agent must have a contact number that will be available 24 hours per day on an emergency basis. The statement shall also include the name of the person responsible for maintaining and securing the property, if different from the designated agent.
- C. An owner who is a natural person and who meets the requirements of this section as to availability of a contact number on a twenty-four-hour emergency basis may designate himself or herself as agent.
- D. By designating an authorized agent under the provisions of this section, the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative

enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purpose of this section until the owner notifies the Borough of Stanhope of a change of the authorized agent or until the owner files a new annual registration statement. The designation of an authorized agent in no way releases the owner from any requirement of this section.

**SECTION 110-4 - FEE SCHEDULE: OWNERS**

The initial registration fee for each building shall be \$500. The fee for the first renewal is \$1,500. The fee for the second renewal is \$3,000. Subsequent renewals beyond the second renewal, shall be \$5,000. Initial fee shall be prorated according to the month of registration and renewal fees shall be credited when a property becomes legally occupied during a renewal period.

**Vacant and Abandoned Property Registration Fee Schedule**

<b>Registration</b>	<b>Fee</b>
Initial registration (per property)	\$500
First renewal of registration (per property)	\$1,500
Second renewal of registration (per property)	\$3,000
Subsequent renewals beyond second renewal	\$5,000

**SECTION 110-5 - REQUIREMENTS FOR OWNERS OF VACANT AND ABANDONED PROPERTY.**

- A. The owner of any building that has become vacant or abandoned property, and any person maintaining, operating or collecting rent for any such building that has become vacant, shall, immediately:
  - 1. Post a sign affixed to the inside of the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process (if designated pursuant to Subsection 110-3 of this section), and the person responsible for the day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 15 inches by 17 inches; and
  - 2. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Code of the Borough of Stanhope and maintain the sign required in Subsection 110-5.A(1) above until the building is again legally occupied or demolished or until repair or rehabilitation of the

building is complete; and

3. Make provision for the maintenance of the lawn and yard, including regular grass cutting and leaf and brush removal and shall also comply with all applicable provisions of the Code of the Borough of Stanhope; and;
4. Make provision for the cessation of the delivery of mail, newspapers and circulars to the property, including having the property listed on the exclusion list maintained by the Borough of Stanhope for the delivery of circulars and advertisements to the property; and
5. Make provision for the winterizing of the property by the cessation of water service to the property and the draining of water lines; other than buildings with a fire sprinkler system, and
6. Make provision for the cessation of electric or gas utility services to the property; other than buildings with a fire sprinkler system, and
7. Make provision for the regular maintenance of the exterior of the property.

#### **SECTION 110-6 - ADMINISTRATION**

The Borough of Stanhope Mayor and Committee may issue rules and regulations for the administration of the provisions of this section.

#### **SECTION 110-7 - VIOLATIONS AND PENALTIES**

- A. Any owner who is not in full compliance with this article or who otherwise violates any provision of this article or of the rules and regulations issued hereunder shall be subject to a fine of not less than \$500 and not more than \$1,000 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this article shall be recoverable from the owner and shall be a lien on the property.
- B. For purposes of this article, failure to file a registration statement in time, failure to provide correct information on the registration statement, failure to comply with the provisions of Section 110-5, or such other matters as may be established by the rules and regulations of the Borough of Stanhope shall be deemed to be a violation of this article.

#### **SECTION 110-8 - COMPLIANCE WITH OTHER PROVISIONS**

Nothing in this article is intended to nor shall be read to conflict or prevent the Borough of Stanhope from taking action against buildings found to be unfit for human habitation or unsafe structures as provided in applicable provisions of the Code of the Borough of Stanhope and/or the Uniform Construction Code. Further, any action taken under any such

code provision other than the demolition of a structure shall not relieve an owner from its obligations under this article.

### **SECTION 110-9 - REQUEST FOR EXEMPTION**

Any owner having received notice from the Borough that their property has been determined to be either vacant or abandoned may make a request in writing to the Borough for an exemption from any of the provisions of this chapter by demonstrating to the Borough such special circumstances peculiar to the property that warrants either a temporary or permanent exemption from any of the provisions of this Chapter. In the event of a denial of any such exemption request, the owner shall have the right to file an appeal in accordance with the provisions of Section 110-10 hereof.

### **SECTION 110-10 - APPEALS**

Any owner having received notice from the Borough that their property has been determined to be either vacant or abandoned shall have the right to appeal any such determination by any Borough official directly to the Governing Body of the Borough of Stanhope. Any such appeal shall be taken within forty-five (45) days of the date of the receipt of notice from the Borough of such vacant or abandoned property determination. The appeal shall be in writing and served on the Borough Clerk with a copy to the Borough's Construction Official. Upon the filing of the appeal, all proceedings against the property shall be stayed pending the appeal process. The Governing Body shall schedule a hearing on the appeal as soon as practical at a regularly scheduled or special meeting of the Borough Committee, at which time the property owner shall have the right to present relevant evidence to the Borough Committee that the property is neither vacant or abandoned. Any such property owner shall have the right to be represented at any such hearing and shall have the right to call witnesses and present other relevant proof. The Mayor shall preside all such hearings, which shall to the extent applicable, be in accordance with the provisions of N.J.S.A. 40:55D-10.

## **ARTICLE II - FORECLOSURES**

### **SECTION 110-11 - RESIDENTIAL OR COMMERCIAL FORECLOSURES**

- A. The Creditor filing a summons and complaint in an action to foreclose shall, in addition to the notice provided to the municipality pursuant to N.J.S.A. 46:10B-51, register the residential or commercial property with the Borough's Property Registration Program as a property in foreclosure.
- B. Registration as a Property in Foreclosure. The Creditor must provide the municipality with:
  - 1. The information pursuant to Sections 110-2 and 110-3 and comply with Section 110-5;



2. The date the summons and complaint in an action to foreclose on a mortgage that was filed against the subject property, the court in which it was filed and the docket number of the filing;
  3. Identify whether the property is vacant and abandoned in accordance with the definitions in Section 110-1.
  4. If there is any change in the name, address or telephone number for a representative, agent or individual authorized to accept service on behalf of a Creditor required to register pursuant to the Property Registration Program following the filing of the summons and complaint, the Creditor shall update the Property Registration Program within ten (10) days of the change in that information;
  5. If there is any change in the property's status, update the property registration with the Borough's Property Registration Program to reflect the change;
  6. If the Creditor is located out-of-state, the information of an in-state representative or agent to act for the foreclosing Creditor.
- C. The Creditor filing a summons and complaint in an action to foreclose shall be responsible for the care, maintenance, security, and upkeep of the exterior of the property if the property is vacant and abandoned at any time while the property is registered with the Property Registration Program.
- D. A foreclosed property is considered vacant and/or abandoned if it meets the definitions of Section 110-1.
- E. In the case of a violation for failure to provide care, maintenance, security, and upkeep of the exterior of vacant and abandoned property, such notice shall require the person or entity to correct the violation within thirty (30) days of receipt of the notice, or within ten (10) days of receipt of the notice if the violation presents an imminent threat to public health and safety. In addition, Sections 110-7 and 110-10 shall apply.
- F. Fees. The Creditor will pay an annual registration fee of:
1. \$500.00 per property annually for any property that is required to be registered because a summons and complaint in an action to foreclose was filed by the Creditor.
  2. An additional \$2,000.00 per property annually if the property is vacant or abandoned when the summons and complaint in an action to foreclose is filed, or becomes vacant and abandoned pursuant to the definition in the ordinance at any time thereafter while the property is in foreclosure.
  3. The registration fee shall be due on January 1 of each year, following initial registration.
- G. Any fines imposed pursuant to this section shall commence thirty-one (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 eleven (11) days following receipt of the notice.

- H. Penalties of out-of-state Creditors. An out-of-state Creditor who fails to appoint an in-state representative or agent after the 10<sup>th</sup> day of the period set forth in N.J.S.A. 46:10B-51 shall be subject to a fine of \$2,500.00 for each day of the violation.
- I. 20% of any money collected pursuant to his section shall be utilized by the municipality for code enforcement.

**SECTION 110-12 - PROVISIONS ONLY APPLICABLE TO COMMERCIAL PROPERTIES**

- A. For the purposes of this section only, "Creditor" means a State chartered bank, savings bank, savings and loan association or credit union, any person required to be licensed under the provisions of the "New Jersey Residential Mortgage Lending Act," N.J.S.A. 17:11C-51 through -89, and any entity acting on behalf of the Creditor named in the debt obligation including, but not limited to, servicers. For purposes of this section, a Creditor shall not include the State, a political subdivision of the State or a State, county or local government entity, or their agent or assignee, such as the servicer.
- B. A Creditor serving a summons and complaint in an action to foreclose on a mortgage on commercial property shall, within ten (10) days of serving the summons and complaint, notifying the Borough Clerk that a summons and complaint in an action to foreclose on a mortgage has been filed against the subject property.
- C. The notice shall contain the full name, address, and telephone number for the representative of the Creditor who is responsible for receiving complaints of property maintenance and code violations and the full name and contact information for any person or entity retained by the Creditor or a representative of the Creditor to be responsible for any care, maintenance, security or upkeep of the property.
- D. The notice may contain information about more than one property, and shall be provided by mail and electronic mail communication.
- E. The Borough Clerk shall forward a copy of the notice to the Public Officer or shall otherwise provide it to any other local official responsible for administration of any property maintenance or public nuisance code.
- F. The notice shall also include the street address, lot and block number of the property.
- G. If there is any change in the name, address, or telephone number for a representative, agent, or individual authorized to accept service on behalf of a Creditor required to be provided in a notice pursuant to this paragraph following

the filing of the summons and complaint, the Creditor shall provide a notice to the Borough Clerk containing the updated name, address or telephone number within ten (10) days of the change in that information.

- H. If the owner of a commercial property vacates or abandons any property on which a foreclosure proceeding has been initiated or if a commercial property becomes vacant at any point subsequent to the Creditor's filing the summons and complaint in an action to foreclose on a mortgage against the subject property, but prior to vesting of title in the Creditor or any other third party, and the exterior of the property is found to be a nuisance or in violation of any applicable State or local code, the Borough Clerk shall notify the Creditor or the representative or agent.
- I. The Borough shall include a description of the conditions that give rise to the violation with the notice of violation and shall provide a period of not less than thirty (30) days from the Creditor's receipt of the notice for the Creditor to remedy the violation.
- J. If the Creditor fails to remedy the violation within that time period, the Borough may impose penalties allowed for the violation of municipal ordinances.
- K. If the Borough expends public funds in order to abate a nuisance or correct a violation on a commercial property in situations in which the Creditor was given notice pursuant to the provisions of subsection h of this section, but failed to abate the nuisance or correct the violation as directed, the Borough shall have the same recourse against the Creditor as it would have against the title owner of the property, including, but not limited to, the recourse provided under N.J.S.A. 55:19-100.

### **ARTICLE III - MUNICIPAL POWERS TO REHABILITATE ABANDONED PROPERTIES**

#### **SECTION 110-13 - MUNICIPAL POWERS TO REHABILITATE ABANDONED PROPERTY**

The Borough of Stanhope hereby grants to itself all such powers granted to municipalities by the State of New Jersey for the rehabilitation of abandoned property. 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."

#### **SECTION 110-14 - PUBLIC OFFICER**

The Public Officer, as defined in N.J.S.A. 55:19-80, who is responsible for executing the provisions of this chapter for the rehabilitation of abandoned property, and enforce the

requirements of Chapter 110 shall be designated by resolution of the Borough Council and/or shall be the Construction Official.

#### **SECTION 110-15 - 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.

#### **SECTION 110-16 - ABANDONED PROPERTY LIST**

The Public Officer 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.

#### **SECTION 110-17 - RIGHTS OF OWNER OF ABANDONED PROPERTIES**

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

#### **SECTION 110-18 - MUNICIPAL POWERS**

- A. The Borough of Stanhope has such powers and rights regarding abandoned properties as set forth in the enabling statutes. Such powers include but are not limited to:
1. Sale of tax lien, pursuant to N.J.S.A. 55:19-56;
  2. Special tax sales, pursuant to N.J.S.A. 55:19-101;
  3. Foreclosing the right to redemption, pursuant to N.J.S.A. 55:19-58;
  4. Recourse directly against property owner, pursuant to N.J.S.A. 55:19-100;
  5. Possession and control of property, pursuant to N.J.S.A. 55:19-84 to 55:19-92 et seq.;

6. Rehabilitation and reuse of property, while in possession and control, pursuant to N.J.S.A. 55:19-90;
7. Borrowing money and making applications for rehabilitation of property, while in possession and control, pursuant to N.J.S.A. 55:19-91;
8. Sale of property, pursuant to N.J.S.A. 55:19-96;
9. Purchase of property, pursuant to N.J.S.A. 55:19-96;
10. Recover rehabilitation costs by lien on property, pursuant to N.J.S.A. 55:19-98;
11. Clearance, development, redevelopment or repair of property through power of eminent domain, pursuant to N.J.S.A. 55:19-56, 55:19-102.

**SECTION 110-19 - 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.

**SECTION 110-20 - INTERPRETATION**

All references in this chapter 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.

**SECTION 2 - SEVERABILITY**

If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

**SECTION 3 - REPEALER**

All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

**SECTION 4: EFFECTIVE DATE**

This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

ATTEST: \_\_\_\_\_  
Ellen Horak, Borough Clerk

SIGNED: \_\_\_\_\_  
Patricia Zdichocki, Mayor