



**BOROUGH OF BOGOTA**

**PUBLIC HEARING AND ADOPTION**

**ORDINANCE NO. 1613**

**AN ORDINANCE AMENDING CHAPTER 9 OF THE  
BOGOTA CODE, ENTITLED "BUILDING AND HOUSING"**

**WHEREAS**, Chapter 9 of the Bogota Code sets forth the codes and regulations for buildings and properties located within the Borough of Bogota; and,

**WHEREAS**, Section 11 of Chapter 9 currently establishes a registry for all vacant and abandoned properties located within the Borough; and,

**WHEREAS**, after the aforementioned registry was established, the State of New Jersey adopted N.J.S.A. 40:48-2.12s3, which authorizes the Borough of Bogota to include foreclosed properties in the aforesaid registry, so as to identify and monitor residential and commercial property within the Borough for which a summons and complaint in an action to foreclose on a mortgage has been filed; and,

**WHEREAS**, Section 11 of Chapter 9 currently identifies "any foreclosing entity" as an "owner" under the vacant/abandoned property registry, but the current language limits registration to only foreclosed properties that are vacant and abandoned; and,

**WHEREAS**, the Mayor and Council wish to amend Section 11 to include all foreclosed properties in the aforementioned registry, as permitted by N.J.S.A. 40:48-2.12s3.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Bogota, that Section 11 of Chapter 9 of the Bogota Code, entitled "Registration and Maintenance of Vacant/Abandoned Properties" shall be renamed "Registration of



Vacant/Abandoned/Foreclosed Properties”, and that same shall be amended, revised and supplemented as follows:

**SECTION 1: AMENDMENT TO SECTION 9-11.1, ENTITLED “DEFINITIONS”.**

The definition of “Owner” is hereby amended, revised and supplemented as follows:

**OWNER**

Any 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 (P.L. 2008, c. 127, Sec. 17, as amended by P.L. 2009, c. 296),~~ or any other entity determined by the Borough of Bogota to have authority to act with respect to the property.

A new definition for “Creditor” shall be added, which shall read as follows:

**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 section. For purposes of this section, a creditor shall not include the State, a political subdivision of the State, a State, county or local government entity, or their agent or assigned, such as the servicer.

The definition of “Vacant Property” is hereby renamed to “Vacant/Abandoned Property”, and is hereby amended, revised and supplemented as follows:

Any vacant land, or *any residential or commercial structure* which is not legally occupied or at which substantially all lawful construction operations or ~~residential~~ occupancy has ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation, including, but not limited to, any property meeting the definition of "abandoned property" in N.J.S.A. 55:19-80; provided, however, that any property where all building systems are in working order, where the building and grounds are maintained in good order, or where the building is in habitable condition, and where the building is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property for purposes of this section.



**SECTION 2: AMENDMENT TO SECTION 9-11.6, ENTITLED “(RESERVED)”**

Section 9-11.6 shall be renamed “Requirements of Foreclosed Properties” and shall read as follows:

- (a) A creditor who files a summons and complaint in an action to foreclose shall, in addition to the notice provided to the Borough of Bogota pursuant to Section 17 of P.L. 2008, c. 127 (c. 46:10B-51) or Section 2 of P.L. 2021, c. 444 (C. 40:48-2.12s2), register the residential or commercial property with the Borough as a property in foreclosure and, as part of that registration: (a) provide the Borough with the information regarding the creditor required by paragraph (1) of subsection a. of section 17 of P.L.2008, c.127 (C.46:10B-51) or paragraph (1) of subsection a. of section 2 of P.L.2021, c.444 (C.40:48-2.12s2); (b) identify the date the summons and complaint in an action to foreclose on a mortgage was filed against the subject property, the court in which it was filed, and the docket number of the filing; and (c) identify whether the property is vacant and abandoned in accordance with the definition in the ordinance required by sub-paragraph (f) of this subsection;
- (b) The creditor shall update the information provided to the Borough within ten (10) days of any change in in the name, address, or telephone number of the 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.
- (c) If the creditor is located out-of-State, an in-State representative or agent shall be appointed to act for the foreclosing creditor. An out-of-State creditor who fails to appoint an in-State representative or agent pursuant to this Chapter shall be subject to a fine of two thousand five hundred (\$2,500) dollars for each day of the violation. The aforesaid fine shall commence on the day after the 10-day period for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served;
- (d) If the property shall become vacant and abandoned after being registered, as defined in sub-paragraph (f) of this sub-section, the creditor filing a summons and complaint in an action to foreclose shall update the property registration with the municipality to reflect the change in the property’s status;
- (e) 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;

- (f) A property shall be considered vacant and abandoned if it is not legally occupied by a mortgagor or tenant, which is in such condition that it cannot be legally reoccupied, because of the presence or finding of at least two of the following:
- (i) overgrown or neglected vegetation;
  - (ii) the accumulation of newspapers, circulars, flyers, or mail on the property;
  - (iii) disconnected gas, electric, or water utility services to the property;
  - (iv) the accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
  - (v) the accumulation of junk, litter, trash, or debris on the property;
  - (vi) the absence of window treatments such as blinds, curtains, or shutters;
  - (vii) the absence of furnishings and personal items;
  - (viii) statements of neighbors, delivery persons, or government employees indicating that the property is vacant and abandoned;
  - (ix) windows or entrances to the property that are boarded up or closed off, or multiple window panes that are damaged, broken, and unrepaired;
  - (x) doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
  - (xi) 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;
  - (xii) 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;
  - (xiii) 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;
  - (xiv) a written statement issued by a mortgagor expressing the clear intent of all mortgagors to abandon the property; or
  - (xv) any other reasonable indicia of abandonment.
- (g) The Code Enforcement Officer for the Borough of Bogota shall be designated to enforce the provisions of this Chapter. In the case of a violation for failure to provide care, maintenance, security and upkeep to the exterior of a vacant and abandoned property, such notice shall require the person or entity to correct the violation 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.

**SECTION 2: AMENDMENT TO SECTION 9:11-5, ENTITLED "FEE SCHEDULE"**

Section 9:11-5 shall be amended, revised and supplemented as follows:

- A. *For all properties not subject to the provisions of Section 9:11-6, the initial registration of the property shall be two hundred fifty (\$250.00) dollars. Upon renewal of the registration for the second year, the registration fee shall be five hundred (\$500.00) dollars, renewal for the third year shall be one thousand (\$1000.00) dollars, renewal for the fourth year shall be two thousand five hundred (\$2,500.00) dollars, and for every year thereafter said registration fee shall be five thousand (\$5,000.00) dollars.*
- B. *For all properties subject to the provisions of Section 9:11-6, the registration of the property shall be two hundred fifty (\$250.00) dollars for the first year. Upon renewal of the registration for the second year and subsequent years, the registration fee shall be five hundred (\$500.00) dollars annually. If the property is vacant or abandoned, as defined in Section 9:11-6(f) of this Chapter, then an additional two thousand (\$2,000) dollar registration fee shall be paid annually.*

**SECTION 3: AMENDMENT TO SECTION 9:11-9, ENTITLED "VIOLATIONS"**

Section 9:11-9 is hereby amended, revised and supplemented as follows:

- a. *For all properties not subject to the provisions of Section 9:11-6, any person who violates any provision of this section or of the rules and regulations issued hereunder shall be fined not less than \$100.00 and not more than \$2,000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this subsection shall be recoverable from the owner and shall be a lien on the property; and*



- b. *For all properties subject to the provisions of Section 9:11-6, any creditor found to be in violation of the ordinance, with the exclusion of Section 9:11-6(c), shall be subject to a fine of one thousand five hundred (\$1,500) dollars for each day of the violation. Any fines imposed pursuant to this Section shall commence 31 days following receipt of the notice of violation, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice. No less than twenty (20%) percent of any money collected pursuant to this subsection shall be utilized by the Borough for municipal code enforcement purposes.*
- c. For purposes of this section, failure to file a registration statement within thirty (30) calendar days after a building becomes vacant property or within thirty (30) calendar days after assuming ownership of a vacant property, whichever is later, or within ten (10) calendar days of receipt of notice by the municipality, and failure to provide correct information on the registration statement, or failure to comply with the provisions of such provisions contained herein shall be deemed to be violations of this section.

**SECTION 4: SEVERABILITY.**

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

**SECTION 5: INCONSISTENCY.**

Any and all ordinances, or parts thereof, in conflict or inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent.



**SECTION 6: EFFECTIVE DATE**

This ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

**PUBLIC HEARING OPEN**

Councilperson	Motion	Second	Yes	No	Absent	Abstain
Council President Carpenter			✓			
Councilwoman Kohles	✓		✓			
Councilman McHale			✓			
Councilman Mitchell		✓	✓			
Councilwoman Vergara			✓			
Councilman Robbins			✓			

COMMENTS: *No Comments*

**PUBLIC HEARING CLOSED**

Councilperson	Motion	Second	Yes	No	Absent	Abstain
Council President Carpenter	✓		✓			
Councilwoman Kohles		✓	✓			
Councilman McHale			✓			
Councilman Mitchell			✓			
Councilwoman Vergara			✓			
Councilman Robbins			✓			





**INTRODUCTION:** February 15, 2024

**ADOPTION:** March 21, 2024

Councilperson	Motion	Second	Yes	No	Absent	Abstain
Council President Carpenter	✓		✓			
Councilwoman Kohles	✓	✓	✓			
Councilman McHale			✓			
Councilman Mitchell			✓			
Councilwoman Vergara			✓			
Councilman Robbins			✓			

✓

ATTEST:

\_\_\_\_\_  
Borough Clerk

APPROVED:

\_\_\_\_\_  
Mayor

I, Yenlys Flores-Bolivar, Municipal Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of an Ordinance adopted by the Borough of Bogota at a meeting held on March 21, 2024.