

ORDINANCE 23-33

BOROUGH OF POMPTON LAKES

**AN ORDINANCE, AMENDING THE FEES FOR CHAPTER 22 OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF POMPTON LAKES
ENTITLED "REGISTRATION OF FORECLOSING MORTGAGED
PROPERTY AND VACANT PROPERTY"**

WHEREAS, the Council recognizes properties subject to foreclosure action or foreclosed upon and vacant properties (hereinafter referred to as "Registrable Properties") located throughout the Borough lead to a decline in community and property value; create nuisances; lead to a general decrease in neighborhood and community aesthetic; create conditions that invite criminal activity; and foster an unsafe and unhealthy environment; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Council is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the municipality by law; and

WHEREAS, pursuant to P.L. 2021, c. 444, the Council is authorized to adopt or amend ordinances creating a property registration program for the purpose of identifying and monitoring properties within the municipality for which a summons and compliant in an action to foreclosure on a mortgage has been filed, regulate the care, maintenance, security and upkeep of such properties, and impose a registration fee on the Mortgagee of such properties; and

WHEREAS, the Council has a vested interest in protecting neighborhoods against decay caused by Registrable Property and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to amend in light of recent State legislation P.L. 2021, c. 444 registration requirements of Registrable Property located within the Borough to discourage Registrable Property Owners and Mortgagees from allowing their properties to be abandoned, neglected or left unsupervised.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Pompton Lakes, Passaic County, New Jersey, as follows:

Chapter 22, of the Municipal Code of the Borough of Pompton Lakes entitled "Registration of Foreclosure Mortgages and Vacant Property," fees shall be amended as follows:

§22-5. INSPECTION AND REGISTRATION OF REAL PROPERTY UNDER FORECLOSURE.

- (f) At the time of initial registration each registrant shall pay a non-refundable Annual Registration fee of five hundred dollars (\$500.00) for each property. Subsequent nonrefundable first renewal registrations of properties and fees in the amount of two thousand five hundred dollars (\$2,500.00) are due within ten (10) days of the expiration of the previous registration. Any subsequent nonrefundable renewal registrations of properties and fees in the amount of five thousand dollars (\$5,000.00) are due within ten (10) days of the expiration of the previous registration. 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 Ordinance, 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.

§22-7. INSPECTION AND REGISTRATION OF REAL PROPERTY THAT IS NOT SUBJECT TO A MORTGAGE IN FORECLOSURE.

- (c) At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee of five hundred dollars (\$500.00) for each Vacant property. All Subsequent first renewal non-refundable Semi-Annual renewal registrations of Vacant properties and fees in the amount of two thousand five hundred dollars (\$2,500.00) are due

within ten (10) days of the expiration of the previous registration. Any subsequent nonrefundable renewal registrations of properties and fees in the amount of five thousand dollars (\$5,000.00) are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Vacant properties, and (3) 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 Ordinance, and fulfilling the purpose and intent of this Chapter.

BE IT FURTHER ORDAINED as follows:

All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

This Ordinance shall take effect after approval of the Mayor or in accordance with law and publication and passage according to law.

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and Adopted on First Reading at the regular meeting of the Mayor and Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey held in the Municipal Building, 25 Lenox Ave., Pompton Lakes, NJ on November 8, 2023, and the same shall be presented to the Municipal Council for Second Reading and Final Adoption at the regular meeting held on the December 6, 2023, at which time, the public is given the opportunity to discuss the Ordinance. Said Ordinance will be in full force and effect in the Borough of Pompton Lakes after Second Reading and Final Adoption and publication in accordance with law.

Approved:

Michael Serra, Mayor

Elizabeth Brandsness, Borough Clerk