

ORDINANCE NO. 03-2015

AN ORDINANCE ESTABLISHING CHAPTER 156 ENTITLED  
“MAINTENANCE OF VACANT AND ABANDONED RESIDENTIAL  
PROPERTIES DURING FORECLOSURE” OF THE CODE  
OF THE BOROUGH OF HAMBURG, COUNTY  
OF SUSSEX, STATE OF NEW JERSEY TO PROVIDE FOR THE  
MAINTENANCE OF VACANT AND ABANDONED RESIDENTIAL  
PROPERTIES  
DURING FORECLOSURE PURSUANT TO THE AUTHORITY  
OF P. L. 2014, CHAPTER 35.

BE IT ORDAINED by the Mayor and Council of the Borough of Hamburg, County of Sussex, State of New Jersey, that Chapter 156 - Maintenance of Vacant and Abandoned Residential Properties During Foreclosure of the Code of the Borough of Hamburg is hereby established to include the following provisions:

156.1 Creditor Responsibility.

Pursuant to the provisions of the Public Laws of 2014, Chapter 35, a creditor filing a summons and complaint to foreclose a lien on a residential property that is vacant and abandoned, whether the filing of the summons and complaint is made before or after the determination that the property is vacant and abandoned, shall be responsible for the care, maintenance, security and upkeep of the exterior of the residential property. This obligation applies whether the determination that the property is vacant and abandoned is made by the public officer pursuant to the provisions of this Chapter, Chapter 155 of this Code, pursuant to the provisions of N.J.S.A. 2A:50-73, or otherwise.

156.2 Notice to Creditor; Time to Correct Violations.

If the public officer, or other authorized municipal official, determines that a creditor obligated to care, maintain, secure and keep up a vacant and abandoned property has failed to do so in violation of the provisions of this Chapter or Chapter 155 of this Code the public officer or other authorized municipal official shall issue a notice of violation to the creditor that has filed a summons and complaint to foreclose on the property in question. The 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 notice if the violation presents an imminent threat to public health and safety. The issuance of this notice shall constitute evidence that a property is “vacant and abandoned” for purposes of N.J.S.A. 2A:50-73.

156.3 Designated Representative of Out-of-State Creditor ; Violation.

An out-of-State creditor shall include the full name and contact information of the State representative or agent in the notice required to be provided to the municipal clerk pursuant to paragraph one of N.J.S.A. 46:10B-51. An out-of-State creditor found by a court of competent jurisdiction to have violated this provision shall be subject to a fine of \$2,500.00 for each day of the violation commencing on the day after the ten (10) day period set forth in paragraph one of N.J.S.A. 46:10b-51 with respect to notifying the municipal clerk that an action to foreclose on the property has been filed.

#### 156.4 Violations and Penalties.

Except as set forth in Section 156.3 and herein, any person, firm, corporation or entity violating any provision of this Chapter or Chapter 155 of this Code shall, upon conviction, be punishable as provided in Chapter 1, General Provisions, Article III of this Code. A creditor required to care, maintain, secure and keep up a property under this Chapter cited in a notice issued pursuant to Section 156.2 shall be subject to a fine of \$1,500.00 for each day of the violation.

#### 156.5 Additional Notice Required.

Notice of violations of property maintenance, building or other property codes for any property declared vacant and abandoned pursuant to this Chapter shall be given to a foreclosing creditor pursuant to the procedures of Section 156.2 of this code as required by P.L. 2014, c. 35.

#### 156.6 Severability.

Should any section, part of any section, or clause or phrase of this ordinance for any reason be held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance.

#### 156.7 Effective Date.

This Ordinance shall become effective upon passage and publication as required by law.

#### CERTIFICATION

NOTICE is hereby given that the above ordinance was introduced and passed on first reading of the Mayor and Council of the Borough of Hamburg, held on Monday, March 2, 2015 at 7:30 p.m. and will be considered for a final passage at the regular meeting of the Mayor and Council to be held on Monday, April 6, 2015 at 7:30 p.m. or as soon thereafter as same can be considered, in the Municipal Building 16 Wallkill Avenue, Hamburg, New Jersey at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same. A copy of said ordinance is on file in the Office of the Borough Clerk, Municipal Building, 16 Wallkill Avenue, Hamburg, New Jersey and is available for public inspection during regular business hours. During the week prior and up to the time of public hearing, copies of said Ordinance will be available to member of the general public who requests the same.

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Doreen Schott, RMC  
Municipal Clerk

