

**BOROUGH OF HAMBURG  
ORDINANCE # 07-2019**

**AN ORDINANCE ESTABLISHING NEW CHAPTER 156 A ENTITLED  
“REGISTRATION STATEMENT OF VACANT AND ABANDONED RESIDENTIAL  
PROPERTIES DURING FORECLOSURE” OF THE GENERAL CODE OF THE  
BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO  
REQUIRE CREDITORS TO FILE A REGISTRATION STATEMENT FOR VACANT  
AND ABANDONED PROPERTIES WITH THE MUNICIPAL CLERK AND TO  
PROVIDE FOR ANNUAL RENEWAL REGISTRATION FEES.**

BE IT ORDAINED by the Mayor and Council of the Borough of Hamburg, County of Sussex, State of New Jersey, that there is hereby established Chapter 156 A Entitled - “Registration Statement of Vacant and Abandoned Residential Properties During Foreclosure” of the General Code of the Borough of Hamburg.

**156 A-1 Registration of Vacant and Abandoned Properties.**

(a) A Creditor filing a summons and complaint in an action to foreclose on a Vacant and Abandoned property, or a Creditor who has previously filed a summons and complaint to foreclose on a residential property which subsequently becomes Vacant and Abandoned, or within ten (10) calendar days of receipt of notice from the Borough, and annually thereafter, file a registration statement for such Vacant and Abandoned property with the municipal clerk on forms provided by the Borough for such purposes. Any failure to receive notice from the Borough shall not constitute grounds for failing to register the Vacant and Abandoned property.

(b) Each Vacant and Abandoned property having a separate block and lot number as designated in the official tax maps of the Borough shall be registered separately.

(c) The registration statement shall include the name, street address, telephone number and email address (if applicable) of a person twenty-one (21) years or older, designated by the Creditor or the owner 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 Creditor in connection with the enforcement of any applicable code.

(d) The registration statement shall include the name, street address, telephone number and email address (if applicable) of the firm and the actual name(s) of the Creditor or Representative of the Creditor of the Vacant or Abandoned property. The Creditor or the Representative of the Creditor responsible for maintaining the Abandoned or Vacant property shall be available by telephone or in person on a twenty-four-hour per day, seven-day per week basis. The Creditor must maintain offices in the State of New Jersey.

(e) The registration shall remain valid for one year from the date of registration except for the initial registration which shall be valid through December 31<sup>st</sup> of the year in which it was filed. The owner of the property or the Creditor shall be required to renew the registration annually as long as the building remains Vacant and Abandoned and shall pay a registration or renewal fee in the amount prescribed in Paragraph 14-1.8 of this Section for each Vacant and Abandoned property registered.

(f) The Creditor shall notify the municipal clerk within thirty (30) calendar days of any change in the registration information by filing an amended registration statement on a form provided by the municipal clerk for such purposes.

(g) The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough against the Creditor.

#### **156 A-2 Evidence of Vacant Property.**

The building is not legally occupied or any condition visible from the exterior that on its own, or combined with other conditions present, would lead a reasonable person to conclude that the property is vacant and abandoned. Such conditions include, but are not limited to, overgrown and/or dead vegetation, infestation by insects, vermin, rats or other pests, accumulation of newspapers, circulars, flyers and/or mail, past due utility notices and/or disconnected utilities, accumulation of trash, junk and/or debris, the absence of window coverings such as curtains, blinds and/or shutters, the absence of furnishings and/or personal items consistent with residential habitation, statements by neighbors, passers-by, delivery agents, or government employees that the property is vacant and abandoned.

#### **156 A-3 Fee Schedule.**

The initial registration fee for each Vacant and Abandoned property under the provisions of this Section shall be one thousand (\$ 1,000.00) dollars. The fee for the first annual renewal shall be two thousand (\$ 2,000.00) dollars and the fee for the second annual renewal shall be three thousand (\$ 3,000.00 ) dollars. The fee for any subsequent annual renewal beyond the second renewal shall be three thousand (\$ 3,000.00) dollars.

#### **156 A-4 Failure to Register.**

A Creditor who fails to file a Registration Statement, or fails to provide correct information on the Registration Statement shall be subject to a fine of \$1,000.00 for each day of the offense. Fines assessed shall be a lien on the property.

**156 A-5 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 A-6 Effective Date.**

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

**CERTIFICATION**

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Mayor and Council of the Borough of Hamburg, held on August 5, 2019 at 7:00 p.m. and will be considered for final passage at a regular meeting of the Mayor and Council on September 4, 2019 at 7:00 p.m. or as soon thereafter as same can be considered, in the Municipal Building located at 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 and acquisition during regular business hours.

Doreen Schott, RMC  
Municipal Clerk

**STATEMENT**

The above ordinance was adopted by roll call vote on the September 4, 2019 regular meeting of the Hamburg Mayor and Council.

Roll Call

Ayes	Krasnomowitz, Oehler, Burd, Law, Garrett
Nays	none
Abstain	none
Absent	Sena

  
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Doreen Schott, RMC  
Municipal Clerk