

**BOROUGH OF HOPATCONG  
ORDINANCE #36-2014**

**AN ORDINANCE AMENDING CHAPTER 179 ENTITLED "PROPERTY  
MAINTENANCE" TO REQUIRE CREDITORS TO CARE FOR AND MAINTAIN  
THE EXTERIOR OF VACANT AND ABANDONED PROPERTIES UNDER  
FORECLOSURE**

**BE IT ORDAINED** by the Council of the Borough of Hopatcong, in the County of Sussex and State of New Jersey that Chapter 179 of the Code of the Borough of Hopatcong entitled "Property Maintenance" is hereby amended as follows:

**SECTION I.** Chapter 179 entitled "Property Maintenance," is hereby amended, supplemented, and revised by adding Section 179-7.1 entitled "Responsibilities of Creditors, violations and fines" as follows:

**§179-7.1. Responsibilities of Creditors, violations and fines.**

- A. Pursuant to the provisions of N.J.S.A. 40:48-2.12s , the creditor filing the summons and complaint in an action to foreclose shall be responsible for the care, maintenance, security, and upkeep of the exterior of the vacant and abandoned residential property. This obligation applies whether the determination that the property is vacant and abandoned is made by the public officer pursuant to Chapter 179 "Property Maintenance", Chapter 78 "Buildings and Structures, Unsafe", Chapter 81 "Buildings, Unfit", N.J.S.A. 2A:50-73, or otherwise.
- B. If the creditor is located out-of-State, the creditor shall be responsible for appointing an in-State representative or agent to act for the foreclosing creditor.
- C. An out-of-State creditor shall include the full name and contact information of the in-State representative or agent in the notice required to be provided to the municipal clerk pursuant to N.J.S.A. 46:10B-51(a)(1).
- D. An out-of-State creditor found by the municipal court, or by any other court of competent jurisdiction, to be in violation of §179-7.1(B) 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 N.J.S.A. 46:10B-51(a)(1) for providing notice to the municipal clerk that a summons and complaint in an action to foreclose has been served.
- E. A public officer appointed pursuant to N.J.S.A. 40:48-2.3 et seq., or any enforcement officer described in §179-14, shall be authorized to issue a notice to the creditor filing the summons and complaint in an action to foreclose, if the public officer or enforcement officer determines that the creditor has violated this chapter by failing to provide for the care, maintenance, security, and upkeep of the exterior of the property. 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 the notice if the violation presents an imminent threat to public health and safety. The issuance of this notice shall constitute proof that a property is "vacant and abandoned" for purposes of N.J.S.A. 2A:50-73.
- F. A creditor found by the municipal court, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to §179-7.1(E) shall be subject to a fine of \$1,500 for each day of the violation commencing thirty one (31) days following receipt of the notice, 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.

**SECTION II.** Chapter 179 entitled "Property Maintenance," is hereby amended, supplemented, and revised by deleting Section 179-15(C) in its entirety and replacing same as follows:

**§179-15. Enforcement procedure.**

Except as set forth in §179-7.1(E), the notice of violation shall state that unless the alleged violation is abated, removed or cured within 10 days of the date of service (exclusive of the date of service), then a summons shall be issued. The code enforcement officer may, in his/her discretion, extend the time period for compliance if, in his/her judgment, it is believed that the alleged violation cannot reasonably be completely corrected within 10 days. In such case the notice of violation shall set forth the length of the time period to cure.

**SECTION III.** Chapter 179 entitled "Property Maintenance," is hereby amended, supplemented, and revised by deleting Section 179-19 in its entirety and replacing same as follows:

**§179-19. Violations and penalties.**

Except as set forth in §179-7.1(D) and (F), any person or entity who shall violate any of the provisions of this chapter or any order promulgated hereunder shall, after summons is issued under the terms hereof, upon conviction, be punished by a fine not to exceed \$500. Each violation of any of the provisions of this chapter and each day that each such violation shall continue may be deemed to be a separate and distinct offense.

**SECTION IV.** If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

**SECTION V.** In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

**SECTION VI.** This Ordinance shall take effect immediately upon final passage and publication according to law. A certified copy of this ordinance shall be forwarded to the New Jersey Department of Transportation for approval of the "intersection" designations.

**NOTICE**

**NOTICE** is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Hopatcong held on October 15 2014, at 7:30 p.m. and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Borough Council to be held on November 5, 2014, at 7:30 p.m., or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 111 River Styx Road, Hopatcong, New Jersey 07843, at which time all persons interested may appear for or against the passage of said Ordinance.

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Catherine Schultz  
Borough Clerk

**CERTIFICATION**

I, Catherine Schultz, Clerk of the Borough of Hopatcong, do hereby certify that the Borough of Hopatcong Council duly adopted the foregoing Ordinance on the \_\_\_\_ day of October \_\_\_\_, 2014.

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Catherine Schultz, Clerk  
Borough of Hopatcong

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Sylvia Petillo, Mayor