

Resolutions from 2-27-23

**BOROUGH OF DEMAREST
COUNTY OF BERGEN
ORDINANCE 1117-23**

**AN ORDINANCE GOVERNING THE REGISTRATION AND MAINTENANCE
OF VACANT PROPERTY**

Section 1. The Code of the Borough of Demarest be and is hereby amended and supplemented to add a new section to Chapter 135 Property Maintenance as follows:

CHAPTER § 135-20. REGISTRATION AND MAINTENANCE OF VACANT PROPERTY.

A. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, unless a different meaning clearly appears from the context:

ENFORCEMENT OFFICER — Any construction code official, zoning officer, law enforcement officer, code enforcement officer, fire inspector, building inspector, board of health inspector, or other person authorized by the Borough to enforce the applicable code(s).

EVIDENCE OF VACANCY — Any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due utility notices and/or disconnected utilities; accumulation of trash, junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/ or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents; and/or the presence of boards or other coverings of a temporary nature over doors, windows or other openings in violation of applicable code.

REGISTRABLE PROPERTY — Any property that is vacant for more than 30 days or any cancellation of utility or service, whichever occurs first.

B. Inspection and registration of real property

1. Any owner of vacant property located within the Borough shall, within 10 days after the property has become a Registrable Property, register the real property with the Borough Clerk.
2. Initial registration pursuant to this section shall contain at a minimum the name of the owner, the current mailing address of the owner, email address, and telephone number of the owner, and if applicable, the name and telephone number of the property manager and said person's address, email address, and telephone number.
3. At the time of initial registration each registrant shall pay a nonrefundable semiannual registration fee of \$100 for each vacant property, payable within thirty days of the property becoming vacant. Subsequent nonrefundable semiannual renewal registrations of vacant properties and fees in the amount of \$100 are due within 10 days of the expiration of the previous

6 month 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 chapter, and fulfilling the purpose and intent of this chapter.

4. If the property is sold or transferred, the new owner is subject to all the terms of this chapter. Within 10 days of the transfer, the new owner shall register the vacant property or update the existing registration. The previous owner(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that owner's involvement with the vacant property.
5. If the vacant property is not registered, or either the registration fee or the semiannual registration fee is not paid within 30 days of when the registration or semiannual registration is required pursuant to this section, a late fee shall be equivalent to 10% of the semiannual registration fee shall be charged for every thirty-day period, or portion thereof, the property is not registered and shall be due and payable with the registration. This section shall apply to the initial registration and registrations required by subsequent owners of the vacant property.
6. Properties subject to this section shall remain subject to the semiannual registration requirement, and the inspection, security, and maintenance standards of this section as long as the property is vacant.
7. Failure of the owner to properly register or to modify the registration to reflect a change of circumstances as required by this chapter is a violation of this chapter and shall be subject to enforcement by any of the enforcement means available to the Borough.
8. If any property is in violation of this chapter the Borough may take the necessary action to ensure compliance with and place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.

C. Maintenance requirements.

1. Properties subject to this chapter shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material, or any other items or conditions which constitute evidence of vacancy. Boarded up windows and doors in existence for more than thirty (30) days are also prohibited on any vacant property
2. Registrable property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
3. Front, side, and rear yards, including landscaping, of registrable property shall be maintained in accordance with the applicable code(s) at the time registration is required.
4. Registrable yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
5. Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of

required ground cover or landscape and removal of all trimmings.

6. Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
7. Failure of the owner to properly maintain the property as required by this chapter may result in a violation of the applicable code(s) and issuance of a citation or notice of violation in accordance with the applicable code of the Borough. Pursuant to a finding and determination by the Borough Sheriff, Magistrate or a court of competent jurisdiction, the Borough may take the necessary action to ensure compliance with this section.
8. In addition to the above, the property is required to be maintained in accordance with the applicable code(s) of the Borough, including without limitation Chapter 339 (Property Maintenance) of the Borough Code.

D. Security requirements.

1. Properties subject to this chapter shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
2. A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that will preclude a child to access the interior of the property or structure. Broken windows, doors, gates, and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by reglazing of the window.
3. If a property is registrable, and the property has become vacant or blighted, a property manager shall be designated by the owner to perform the work necessary to bring the property into compliance with the applicable code(s), and the property manager must perform regular inspections to verify compliance with the requirements of this chapter, and any other applicable laws.
4. In addition to the above, the property is required to be secured in accordance with the applicable code(s) of the Borough.
5. When a property subject to this chapter becomes vacant, it shall be posted with the name and twenty-four-hour contact telephone number of the property manager. The property manager shall be available to be contacted by the Borough Monday through Friday between 8:30 a.m. and 4:30 p.m., legal holidays excepted. The sign shall be placed in a window facing the street and shall be visible from the street. Unless otherwise limited by a Borough ordinance, the posting shall be no less than 18 inches by 24 inches and shall be of a font that is legible from a distance of 45 feet. The posting shall contain the following language with supporting information:

THIS PROPERTY IS MANAGED BY _____

AND IS INSPECTED ON A REGULAR BASIS. _____

THE PROPERTY MANAGER CAN BE CONTACTED _____

BY TELEPHONE AT _____

OR BY EMAIL AT _____

6. The posting required in Subsection 5 above shall be placed on the interior of a window facing the street to the front of the property so that it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so that it is visible from the street or, if no such area exists, on a stake of sufficient size to support the posting in a location that is at all times visible from the street to the front of the property but not readily accessible to vandals. Exterior posting shall be constructed of and printed with weather-resistant materials.
7. Failure of the property owner of record to properly inspect and secure a property subject to this chapter, and post and maintain the signage noted in this section, is a violation and shall be subject to enforcement by any of the enforcement means available to the Borough. The Borough may take the necessary action to ensure compliance with this section, and recover costs and expenses in support thereof.

E. Window displays/coverings.

Each owner to a vacant commercial or retail space shall maintain at least one of the following types of displays on or inside all ground-floor windows visible from public rights-of-way or public places:

1. Faux window dressings containing goods or services with the appearance of a vibrant business using background panels or other methods to screen views of the vacant commercial space from public rights-of-way and public places; or
2. Works of art, including paintings or sculptures or other displays of cultural, historical, or educational value, utilizing colorful and vibrant materials, and using background panels or other methods to screen views of the vacant commercial space from public rights-of-way and public places; or
3. Paintings applied directly to the window surface featuring visually appealing, colorful, vibrant scenes, shapes, or images visible from public rights-of-way and public places; or
4. Historic photographs applied directly to the interior window surface featuring historic images of the Borough visible from public rights-of-way and public places; all photographs must be printed on fade-resistant paper and laminated to ensure longevity of the photo and the photograph content shall be approved in advance by the Borough Administrator; or
5. Other measures pre-approved by the Borough Administrator in writing that achieve the purposes of this Section to avoid visual blight in the Business District and to enliven pedestrian experiences there.

SECTION 2. REPEALER.

All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

SECTION 3. SAVINGS AND CONSTRUCTION. This ordinance shall be construed consistent with the purpose stated hereof. Any ambiguities in this ordinance shall be construed in accordance with the purpose of this ordinance. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This Ordinance is amendatory and supplementary to existing provision of the Northvale Code.

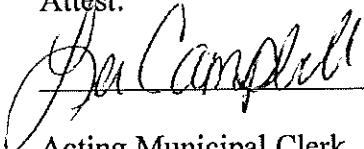
SECTION 4. CODIFICATION. This ordinance shall be codified to the chapters set forth herein.

Effective Date. This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.

Adopted ____ / ____ / ____ on a roll call vote:

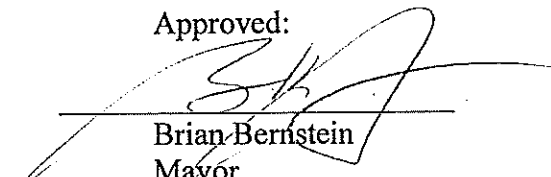
Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang						
Fox						
Marks						
Slowikowski						
Hamilton						
LaPira						

Attest:



Acting Municipal Clerk

Approved:



Brian Bernstein
Mayor

Introduced: _____

Adopted: _____