

**BOROUGH OF NEW MILFORD  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE NO. 2019:08**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XII OF THE REVISED  
GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD AND TO  
ESTABLISH REGULATIONS GOVERNING ABANDONED AND VACANT  
PROPERTIES**

**WHEREAS**, the Borough Council of the Borough of New Milford (“Borough”) has determined that vacant and abandoned properties create a wide range of problems otherwise diminishing the quality of life for residents and business operators in the vicinity of those properties; and

**WHEREAS**, it is in the public interest for the Borough to impose a fee in conjunction with registration of vacant and abandoned structures in light of the disproportionate costs imposed on the Borough by the presence of these structures; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the Borough 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 Borough by law; and

**WHEREAS**, the State Legislature has provided authority under N.J.S.A. 55:119-78, et. seq. to address the problem of abandoned properties, and the Borough Council has determined that it is appropriate to incorporate those means and to have available the full range of options and procedures for addressing this problem; and

**WHEREAS**, the Borough Council wishes to adopt regulations concerning these issues and to provide for enforcement and penalty measures.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of New Milford as follows:

Section 1: *Section 12-2.2 of the code of the Borough of New Milford is to read as follows:*

**12-2.2 Adoption of Property Maintenance Code.**

- a. A certain document, three (3) copies of which are in file in the office of the Borough Clerk of the Borough of New Milford, being marked and designated as the 2018 International Property Maintenance Code, as written by the International Code Council, be and hereby is adopted as the Property Maintenance Code of the Borough of New Milford, in the State of New Jersey; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms

of said Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out at length in this section.

- b. Repealed.  
All ordinance provisions of the borough code inconsistent with section 12-2.2 (a) are repealed
- c. All future updates of the International Property Maintenance Code shall replace any prior version thereof in Section 12-2.2

*Section 2: Section 12-2.6 of the code of the Borough of New Milford- Property Maintenance Enforcement is amended by the following additions:*

- m. Vacant Properties.
- n. Violations of the International Property Management Code.

*Section 3: Section 12-3 of the Code of the Borough of New Milford is amended to read as follows:*

### **12-3 CARE, MAINTENANCE, SECURITY AND UPKEEP OF CERTAIN RESIDENTIAL PROPERTIES.**

#### **12-3.1 Creditor Responsibility for Vacant and Abandoned Properties.**

Pursuant to the provisions of NJSA 40:48-2.12 (s):

- a. A creditor filing a summons and complaint in an action to foreclose on a residential property within the Borough shall be immediately responsible for the care, maintenance, security, and upkeep of the exterior of the property, after the property becomes vacant and abandoned as defined in this section.
- b. Where a creditor is located out-of-State, the creditor shall be responsible for appointing an in-State representative or agent to act on the creditor's behalf for the purpose of satisfying the requirements of Paragraph a. of this section. Notice of said representative or agent shall be provided to the Borough Clerk in a manner that is consistent with N.J.S.A 46:10 B-51 (a)(1), and shall further include the full name and contact information of the in-State representative or agent.

#### **12-3.2 Notice.**

- a. Any public officer designated by the Borough or authorized municipal official responsible for the administration of any property maintenance or public nuisance code shall be authorized to issue a notice to a creditor that has filed a summons and complaint in an action to foreclose on a residential property within the Borough, if the public officer determines that the creditor has violated this section by failing to provide for the care, maintenance, security, and upkeep of the exterior of the property. Where a creditor is an

out-of-State creditor, the notice shall be issued to the representative or agent that has been identified by the creditor pursuant to subsection 12-3.1 of this chapter.

- b. The notice referenced in paragraph a. of this section shall require the creditor to correct the violation(s) within 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.
- c. The issuance of a notice pursuant to paragraph a. of this section shall constitute proof that a residential property is “vacant and abandoned” for the purposes of this section and for purposes of N.J.S.A. 2A:50-73

### **12-3.3 Violations and Penalties.**

- a. A creditor subject to this section that is found by the Municipal Court of the Borough, 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 this section shall be subject to a fine of one thousand five hundred (\$1,500.00) dollars for each day of the violation. Any fines imposed pursuant to this subsection shall commence thirty-one (31) days following the creditor’s receipt of the notice, except where the violation is deemed to present an imminent risk to the public health and safety, in which case any fines shall commence eleven (11) days following receipt of the notice.
- b. An out-of-State creditor subject to this section that is found by the Municipal Court of the Borough, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent shall be subject to a fine of two thousand five hundred (\$2,500.00) dollars for each day of the violation. Any fines imposed on an out-of-State creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in paragraph (1) of subsection a. of section 17 of P.L. 2008, c.127 (C.46:10B-51) for providing notice to the Municipal Clerk that a summons and complaint in an action to foreclose on a mortgage has been served.
- c. No less than twenty (20%) percent of any money collected by the Borough pursuant to this section shall be utilized by the Borough for municipal code enforcement purposes

Section 4: *The Revised General Ordinances of the Borough of New Milford are hereby amended by the addition of a new section 12-4 to read as follows:*

## **12-4 REGISTRATION OF VACANT PROPERTIES:**

### **12-4.1 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

- a. Vacant Property.

Any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased, and

which is in such condition that it cannot legally be reoccupied without repair or rehabilitation, including but not limited to any property meeting the definition of abandoned property in N.J.S.A. 55:19-80: provided however, that any property where all building systems are in working order, where the building and grounds are maintained in good order, or where the building is in habitable condition, and where the building is being actively marketed by its owner for sale or rental, shall not be deemed vacant property for purposes of this ordinance.

b. Evidence of Vacancy.

- (1) Any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is or has been vacant for three or more months. Such evidence would include, but is not limited to, evidence of the existence of two or more of the following conditions at a property: overgrown or dead vegetation; accumulation of newspapers, circulars, flyers or mail; past-due utility notices or disconnected utilities; accumulation of trash, junk or debris; the absence of window coverings such as curtains, blinds or shutters; the absence of furnishings or personal items consistent with residential habitation; statements by neighbors, delivery agents, or government employees that the property is vacant or abandoned; infestation by insects, vermin, rats or other pests; windows or entrances that are boarded up or closed off; multiple window panes that are damaged, broken or unrepaired; doors that are smashed, broken, unhinged or continuously unlocked; or any uncorrected violation of a municipal building, housing or similar code during the preceding year.
- (2) Property determined to be "abandoned property" in accordance with the meaning of such term in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., shall also be deemed to be vacant property for the purposes of this section.

c. Owner.

Shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions of N.J.S.A. 46:10B-51 (P.L. 2008, c. 127, § 17as amended by P.L. 2009, c.296), or any other entity determined by the Borough to act with respect to the property.

## **12-4.2 General Requirements.**

The owner of any vacant property as defined herein shall, within 30 calendar days after the building becomes vacant property or within 30 calendar days after assuming ownership of the vacant property, whichever is later; or within 10 calendar days of receipt of notice by the municipality, file a registration statement for such vacant property with the Borough Clerk on forms provided by the Property Maintenance Officer for such purposes. Failure to receive notice by the municipality shall not constitute grounds for failing to register the property.

- a. Each property having a separate block and lot number as designated in the official records of the municipality shall be registered separately.
- b. The registration statement shall include the name, street address, telephone number, and e-mail address (if applicable) of a person 18 years or older, designated by the owner or owners 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 owner or owners in connection with the enforcement of any applicable code; and the name, street address, telephone number, and e-mail address (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the property. The individual or representative of the firm responsible for maintaining the property shall be available by telephone or in person on a 24 hour per day, seven-day per week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.
- c. The registration shall remain valid for one year from the date of registration except for the initial registration time which shall be pro-rated through December 31. The owner shall be required to renew the registration annually as long as the building remains a vacant property and shall pay a registration or renewal fee in the amount prescribed in this section for each vacant property registered. The owner shall be required to renew the registration annually as long as the building remains a vacant property and shall pay a registration or renewal fee in the amount prescribed in Section 4 of this ordinance, for each vacant property registered.
- d. The annual renewal shall be completed by January 1st each year. The initial registration fee shall be pro-rated for registration statements received less than two (2) months prior to that date.
- e. The owner shall notify the Clerk within 30 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Clerk for such purpose.
- f. The registration statement shall be deemed prima facie proof of the statement therein contained in any administrative enforcement or court proceeding instituted by the Borough against the owner or owners of the building.

#### **12- 4.3 Access to Vacant Properties.**

The owner of any vacant property registered under this Article shall provide access to the Borough to conduct exterior and interior inspections of the building to determine compliance with municipal codes, upon reasonable notice to the property owner or designated agent. Such inspections shall be carried out on weekdays during the hours of 9:00 am and 4:00 pm, or such other time as may be mutually agreed upon between the owner and the Borough.

#### **12-4.4 Responsible Owner or Agent.**

- a. An owner who meets the requirements of this Article with respect to the location of his or her residence or workplace in the State of New Jersey may designate him or herself as agent or as the individual responsible for maintaining the property.
- b. By designating an authorized agent under the provisions of this section the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforcement code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has consent to the continuation of the agent's designation for the purposes of this section until the owner notices the Borough of New Milford in writing of a change of authorized agent or until the owner files a new annual registration statement.
- c. Any owner who fails to register vacant property under the provisions of this Article shall further be deemed to consent to receive, by posting on the building, in plain view, and by service of notice at the last known address of the owner of the property on record within the Borough of New Milford by regular and certified mail, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

#### **12-4.5 Vacant Property Registration Fee Schedule.**

The initial registration fee for each building shall be \$500.00.

The fee for the first renewal is \$1,500.00.

The fee for the second renewal is \$3,000.00.

The fee for any subsequent renewal beyond the second renewal is \$5,000.00.

#### **12- 4.6 Obligations of Owners of Vacant Property.**

The owner of any building that has become vacant property, and any person maintaining or operating or collecting rent for any such building that has become vacant shall, within thirty days thereof:

- a. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Ordinances and Codes of the Borough of New Milford, or as set forth in the rules and regulations supplementing the Ordinances and Codes; and
- b. Secure the building from unauthorized entry; and
- c. Ensure that the exterior grounds of the structure, including yards, fences, sidewalks, walkways, right-of-ways, alleys, retaining walls, attached or unattached accessory structures and driveways, are well-maintained and free from trash, debris, loose litter, snow, ice, and grass and weed growth; and
- d. Continue to maintain the structure in a secure and closed condition and keep the grounds in a clean and well-maintained condition.

#### **12- 4.7 Compliance with other provisions.**

Nothing in this section is intended nor shall be read to conflict or prevent the Borough from taking action against buildings found to be unfit for human habitation or unsafe structures as provided in applicable provisions of the Ordinances and Codes of the Borough and/or the Uniform Construction Code. Further, any action taken under any such code provision other than the demolition of a structure shall not relieve an owner from its obligations under this section.

#### **12- 4.8 Violations.**

- a. Any person who violates any provisions of this section of the rules and regulations issued hereunder shall be fined not less than \$100.00 and not more than \$1000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this section shall be recoverable from the owner and shall be a lien on the property.
- b. For purposes of this section, failure to file a registration statement within 30 calendar days after a building becomes vacant property or within 30 calendar days after assuming ownership of a vacant property, whichever is later or within 10 calendar days or receipt of notice by the municipality, and failure to provide correct information on the registration statement, or failure to comply with the provisions of such provisions contained herein shall be deemed to be violations of this ordinance.

*Section 5: The Revised General Ordinances of the Borough of New Milford are hereby amended by the addition of a new section 12-5 to read as follows:*

#### **12-5 ABANDONED PROPERTIES:**

##### **12-5.1 Purpose, rights and obligations.**

The purpose of this chapter is to notify property owners, lienholders and other interested parties of property within the Borough of New Milford of the intent of the Borough to adopt the Abandoned Properties Rehabilitation Act (N.J.S.A. 55:19-78 et seq.), its provisions, procedures, authority and lawful remedies, empowering the Borough and its officials to act under the authority of same. This chapter modifies the Abandoned Properties Rehabilitation Act only for purposes of notification, order and context and preserves all substantive rights and obligations of the Act.

##### **12-5.2 Public Officer.**

The public officer shall be the Property Maintenance Officer

### **12-5.3 Abandoned property; Definition and criteria (N.J.S.A. 55:19-81).**

- a. Except as provided in Section 6 of P.L. 2003, c. 210 (N.J.S.A. 55:19-83), any property that has not been legally occupied for a period of six months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the public officer that:
  - (1) The property is in need of rehabilitation in the reasonable judgment of the public officer, and no rehabilitation has taken place during that six-month period;
  - (2) Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of a determination by the public officer pursuant to this section;
  - (3) At least one installment of property tax remains unpaid and delinquent on that property in accordance with Chapter 4 of Title 54 of the Revised Statutes (N.J.S.A. 54:4-1 et seq.) as of the date of a determination by the public officer pursuant to this section; or
  - (4) The property has been determined to be a nuisance by the public officer in accordance with Section 5 of P.L. 2003, c. 210 (N.J.S.A. 55:19-82).
- b. A property which contains both residential and nonresidential space may be considered abandoned pursuant to P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et seq.), so long as two-thirds or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six months at the time of the determination of abandonment by the public officer and the property meets the criteria of either Subsection A(1) or (4) of this section.

### **12-5.4 Nuisance property; criteria (N.J.S.A. 55:19-82).**

- a. A property may be determined to be a nuisance if:
  - (1) The property has been found to be unfit for human habitation, occupancy or use pursuant to Section 1 of P.L. 1942, c. 112 (N.J.S.A. 40:48-2.3);
  - (2) The condition and vacancy of the property materially increases the risk of fire to the property and adjacent properties;
  - (3) The property is subject to unauthorized entry leading to potential health and safety hazards; the owner has failed to take reasonable and necessary measures to secure the property; or the Borough of New Milford has secured the property in order to prevent such hazards after the owner has failed to do so;
  - (4) The presence of vermin or the accumulation of debris, uncut vegetation or physical deterioration of the structure or grounds has created potential health and safety hazards and the owner has failed to take reasonable and necessary measures to remove the hazards; or
  - (5) The dilapidated appearance or other condition of the property materially affects the welfare, including the economic welfare, of the residents for the area in close



proximity to the property, and the owner has failed to take reasonable and necessary measures to remedy the conditions.

- b. A public officer who determines a property to be a nuisance pursuant to Subsection A(2) through (5) of this section shall follow the notification procedures set forth in P.L. 1942, c. 112 (N.J.S.A. 40:48-2.3 et seq.).

**12-5.5 Inventory of abandoned property; list to be maintained; publication in official newspaper; notice to owner of record; challenge by owner (N.J.S.A. 55:19-55).**

- a. The Borough Administrator may direct the public officer to identify "abandoned property" for the purpose of establishing an abandoned property list throughout the Borough, or within those parts of the Borough as the Administrator may designate. Each parcel so identified shall include the tax lot and block number, the name of the owner of record, if known, and the street address of the lot.
- b. The public officer may add properties to the abandoned property list at any time and alternatively may delete or remove properties from the list at any time when the public officer finds that the property no longer meets the criteria of an abandoned property.
- c. An abandoned property shall not be included on the abandoned property list if rehabilitation is being performed in a timely manner, as evidenced by building permits issued and diligent pursuit of rehabilitation work authorized by the permits. Removal of certain properties from the abandoned property list may be performed in accordance with any and all provisions of the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:1-78 et seq.
- d. The public officer shall establish the abandoned property list by publication in an official newspaper of the Borough, which publication shall constitute public notice, and, within 10 days after publication, the public officer shall send a notice, by regular and certified mail, return receipt requested, to the record owner of each and every property included on the published list. The publication shall include the name of the record owner, tax lot and block number and street address. The public officer, in consultation with the Assessor, shall also send out notice by regular mail to any known mortgagee, servicing organization, or property tax processing organization that regularly receives a duplicate copy of the tax bill for the property. The mailed notice shall indicate the factual basis for the public officer's determination that the property is abandoned property, specifying the rules and regulations promulgated and the information relied upon in making such finding. The public officer is further required to satisfy all other prescribed notices and filings pursuant to the Abandoned Properties Rehabilitation Act and entitled to all other remedies and available procedures afforded by same.
- e. An owner or lienholder may challenge the inclusion of his/her property on the abandoned property list as authorized above by appealing that determination to the public officer within 30 days of the owner's receipt of the certified or regular mailed notice or 40 days from the date upon which the notice was sent. An owner whose identity was not known

to the public officer shall have 40 days from the date upon which notice was published or posted, whichever is the later, to challenge the inclusion of the property on the abandoned property list. For good cause shown to the public officer, a late challenge shall be accepted by the public officer. Within 30 days of receipt of a challenge, the public officer shall schedule a hearing for a redetermination of the inclusion. Any property included on the list is presumed to have satisfied the criteria for inclusion, and the burden is on the property owner to submit the proper paperwork and/or testimony that can demonstrate that the property was erroneously included on the list. The affidavit or certification shall be accompanied by supporting documentation, which may include but not be limited to photographs and repair invoices, bills and construction contracts. The sole ground for appeal shall be the property in question is not abandoned property. The public officer shall promptly, by certified mail, return receipt requested, and by regular mail notify the property owner of the decision and the reasons therefor.

- f. The owner or lienholder may challenge an adverse determination of an appeal with the public officer pursuant to Subsection (e) of this section by instituting, in accordance with the New Jersey Court Rules, a summary proceeding in the Superior Court, Law Division, sitting in the county in which the property is located, which action shall be tried de novo. Such action shall be instituted within 20 days of the date of the notice of decision mailed by the public officer pursuant to Subsection E of this section. The sole ground for appeal shall be that the property in question is not abandoned property as that term is defined in Section 35 of P.L. 1996, c. 62 (N.J.S.A. 55:19-54). The failure to institute an action of appeal on a timely basis shall constitute a jurisdictional bar to challenging the adverse determination, except that, for good cause shown, the court may extend.

**12-5.6 Property deemed not abandoned; criteria; certification of abandonment provided upon request (N.J.S.A. 55:19-83).**

- a. If an entity other than the Borough of New Milford has purchased or taken assignment for the Borough of a tax sale certificate on a property that has not been legally occupied for a period of six months, that property shall not be placed on the abandoned property list pursuant to Section 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-55) if the owner of the certificate has continued to pay all Borough of New Milford taxes and liens on the property in the tax year when due; and the owner of the certificate takes action to initiate foreclosure proceedings within six months after the property is eligible for foreclosure pursuant to either Subdivision (a) or (b) of N.J.S.A. 54:5-86, as appropriate, and diligently pursues foreclosure proceedings in a timely fashion thereafter.
- b. A property which is used on a seasonal basis shall be deemed to be abandoned only if the property meets any two of the additional criteria set forth in Section 4 of P.L. 2003, c. 210 (N.J.S.A. 55:19-81).
- c. A determination that a property is abandoned property under the provisions of P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et seq.), shall not constitute a finding that the use of the property has been abandoned for purposes of municipal zoning or land use regulation.

- d. Upon request of a purchaser or assignee of a tax sale certificate seeking to bar the right of redemption on an abandoned property pursuant to Subdivision b of N.J.S.A. 54:5-86, the public officer or the tax collector shall, in a timely fashion, provide the requester with a certification that the property fulfills the definition of abandoned according to the criteria set forth in Sections 4 and 5 of P.L. 2003, c. 210 (N.J.S.A. 55:19-81 and 55:19-82).

#### **12-5.7 Removal of property from list of abandoned properties; remediation (N.J.S.A. 55:19-57).**

- a. An owner may remove a property from the list of abandoned properties prior to sale of the tax sale certificate by paying all taxes and Borough liens due, including interest and penalties, and:
  - (1) By posting cash or a bond equal to the cost of remediating all conditions because of which the property has been determined to be abandoned pursuant to Section 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-55) and depositing cash or a bond to cover the cost of any environmental cleanup required on the property, evidenced by a certification by a licensed engineer retained by the owner and reviewed and approved by the public officer stating that the cash or bond adequately covers the cost of the cleanup; or
  - (2) By demonstrating to the satisfaction of the public officer that the conditions rendering the property abandoned have been remediated in full; provided, however, that where the public officer finds that the owner is actively engaged in remediating the conditions because of which that property was determined to be abandoned pursuant to Section 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-55), as evidenced by significant rehabilitation activity on the property, the public officer may grant an extension of time of not more than 120 days for the owner to complete all work, during which time no further proceeding will be taken against the owner or the property.
- b. If the owner has posted cash or a bond in order to have a property removed from the abandoned property list and the conditions because of which the property was determined to be abandoned have not been fully remediated within one year of the date of posting the cash or bond, or, in the case of a property which requires a remediation of any known, suspected or threatened release of contaminants, if the owner has failed to enter into a memorandum of agreement with the Department of Environmental Protection or an administrative consent order, remediation in conformance with the agreement or order, then the cash or bond shall be forfeited to the Borough, which shall use the cash or bond and any interest which has accrued thereon for the purpose of demolishing or rehabilitating the property or performing the environmental remediation.<sup>[1]</sup> Any funds remaining after the property has been demolished, rehabilitated or cleaned up shall be returned to the owner.

#### **12-5.8 Municipal Powers to Rehabilitate Abandoned Property**

The Borough of New Milford hereby grants to itself all such powers granted to municipalities by the State of New Jersey for the rehabilitation of abandoned property. Such powers are set

forth, inter alia, in the “Abandoned Properties Rehabilitation Act” (N.J.S.A. 55:19-78 et seq.) and in applicable portions of the “New Jersey Urban Development Corporation Act” (N.J.S.A. 55-19-1 through -77). These state statutory powers are collectively referred to herein as the “enabling statutes”. Such powers include but are not limited to:

- (1) Sale of tax lien, pursuant to N.J.S.A. 55:19-56;
- (2) Special tax sales, Pursuant to N.J.S.A. 55:19-101;
- (3) Foreclosing the right to redemption, pursuant to N.J.S.A. 55:19-58;
- (4) Recourse directly against property owner, pursuant to N.J.S.A. 55:19-100;
- (5) Possession and control of property pursuant to N.J.S.A. 55:19-84 to 55:19-92;
- (6) Rehabilitation and reuse of property, while in possession and control, Pursuant to N.J.S.A 55:19-90;
- (7) Borrowing money and making applications for rehabilitation of property, while in possession and control, pursuant to N.J.S.A. 55:19-91;
- (8) Sale of property, pursuant to N.J.S.A. 55:19-96;
- (9) Purchase of Property, pursuant to N.J.S.A. 55:19-96;
- (10) Recover rehabilitation costs by lien of Property, pursuant to N.J.S.A 55:19-98;
- (11) Clearance, development, redevelopment, or repair of Property through power of eminent domain, pursuant to N.J.S.A 55:19-56, 55:19-102;

#### **12-5.9 Violations and penalties.**

Any person, firm, corporation or entity violating any provision of this section 12-5 shall, upon conviction, be punishable as provided for in this Section 12-2.10 of this code. A creditor required to care, maintain, secure and keep up a property under this Chapter cited in a notice issued shall be subject to a fine of \$1,500.00 for each day of the violation.

#### **Section 6: *Severability.***

If any section, paragraph, sentence, clause, phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

#### **Section 7: *Repealer***

All ordinances, sections or subsections of the Revised General Ordinances of the Borough of New Milford which are inconsistent with this ordinance are hereby repealed.

#### **Section 8: *Effective date***

This ordinance shall take effect upon its final passage, adoption and publication on the earliest date permitted by law