

### **§ 10-3. PROPERTY MAINTENANCE CODE.**

#### **§ 10-3.1. Title. [1967 Code § 76-1; Ord. #82-960]**

This section shall be known as the "Property Maintenance Code of the Borough" and may be referred to in this section as the "Property Maintenance Code".

#### **§ 10-3.2. Purpose. [1967 Code § 76-2; Ord. #82-960]**

The purpose of this section is to:

- a. Provide for the public health, safety and welfare.
- b. Avoid, prevent and eliminate the maintenance or creation of hazards to the public health or safety.
- c. Avoid, prevent and eliminate conditions which, if permitted to exist or continue, will depreciate or tend to depreciate the value of adjacent or surrounding properties.
- d. Prevent the creation, continuation, extension or aggravation of blight.
- e. Preserve property values in the Borough.
- f. Prevent the physical deterioration or progressive downgrading of the quality of housing facilities in the Borough.
- g. Maintain the value and economic health of the commercial properties and businesses that serve and help to support the Borough and its citizens.
- h. Prevent and eliminate physical conditions in or on property which constitute nuisances and are thereby potentially dangerous or hazardous to the life, health or safety of persons on or near the premises where such conditions exist.
- i. Establish minimum standards governing the maintenance and condition of land, buildings, structures and premises in the Borough.
- j. Fix responsibilities and duties therefor upon owners, lessees, operators and occupants of property.
- k. Provide for administration and enforcement.
- l. Fix penalties for the violation of this Code.

#### **§ 10-3.3. Definitions. [1967 Code § 76-3; Ord. #82-960]**

As used in this section:

EXTERIOR OF PREMISES — Shall mean those portions of a building or structure which are exposed to public view or are visible from adjoining or adjacent lots, including all outside surfaces and appurtenances thereto, and the open land space of any premises outside of any building or structure erected thereon.

NUISANCE — Shall mean:

- a. Any public or private condition that would constitute a nuisance according to the statutes, laws and regulations of the State of New Jersey, its governmental agencies or the ordinances of the Borough.
- b. Any physical condition existing in or on the exterior of any premises which is potentially dangerous, detrimental or hazardous to the life, health or safety of persons on, near or passing within the proximity of premises where such condition exists.
- c. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations and unsafe fences or structures.
- d. Any premises which are manifestly capable of being a fire hazard or are manifestly unsafe or insecure as to endanger life, limb or property.
- e. Any premises which are unsanitary or which are littered with rubbish or garbage or which have an uncontrolled growth of weeds.
- f. Any structure or building that is in a state of dilapidation, deterioration or decay; faulty in construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent as not to provide shelter; or in danger of collapse or failure and is dangerous to anyone on or near the premises.

**OCCUPANT** — Shall mean any person residing, living or sleeping in or on the premises or having actual possession, use or occupancy of a dwelling premises or rooming unit, or any person or entity in possession of or using any premises, or part thereof, whether or not the owner thereof and regardless of the duration of time of such possession, use or occupancy.

**OPERATOR** — Shall mean any person, persons or entity, not the owner, who has charge, care or control of a dwelling or premises, or a part thereof, with or without the knowledge, consent or authority of the owner.

**OWNER** — Shall mean any person, persons or entity who shall have legal or equitable title in any form whatsoever to any premises, or part thereof, with or without accompanying actual possession thereof, or who shall have charge, care or control of any lot, premises, building, structure, or part thereof, as owner or agent of the owner or as a fiduciary, trustee, receiver, guardian, lessee or mortgagee in possession, regardless of how such possession was obtained. Any person, group of persons or entity who is a lessee, sublessee or assignee of a lessee of any part or all of any building, structure or land shall be deemed to be a co-owner with the lessor for the purposes of this section and shall have responsibility over the portion of the premises so sublet, leased or assigned.

**PREMISES** — Shall mean a lot, plot or parcel of land or a right-of-way, or multiples thereof, including the buildings or structures thereon.

**REFUSE OR RUBBISH** — Shall mean all discarded, useless, unusable, unused or worthless solid waste matter or materials, combustible or noncombustible, including but not limited to garbage, trash, ashes, paper, paper goods and products, wrappings, cans, bottles, containers, yard clippings, garden waste, debris, junk, glass, boxes, crockery,

wood, mineral matter, plastic, rubber, leather, furniture, household goods, appliances, bedding, scrap lumber, scrap metal, construction material, inoperable machinery or parts thereof, garden or farming implements and supplies, dead or rotting vegetation, tires, abandoned, inoperative or unusable automobiles and vehicles and solid commercial or industrial waste.

**§ 10-3.4. Compliance Required. [1967 Code § 76-4; Ord. #82-960]**

Every residential and nonresidential building, structure or lot, on the premises or part of the premises on which it is situated in the Borough, previously or presently used or intended to be used for dwelling, commercial, business, recreational, service, transportation, institutional, religious, charitable, quasi-public, professional or industrial occupancy, and uses accessory thereto, shall comply with the provisions of this section, whether or not any such building or structure shall have been constructed, altered or repaired before or after the enactment hereof and irrespective of any permits or licenses which may have been issued for the use or occupancy of such building or for the installation or repair of equipment or facilities prior to the effective date hereof. Vacant lots, lands and premises are also required to comply with the provisions of this section.

**§ 10-3.5. Higher Standard to Prevail. [1967 Code § 76-5; Ord. #82-960]**

In any case where the provisions of this section impose a higher or stricter standard than set forth in any other section or regulation of the Borough or under the laws or regulations of the State of New Jersey or any of its agencies, then the standards as set forth herein shall prevail, but if the provisions of this section impose a lower or lesser standard than any other regulation or ordinance of the Borough or of the laws and regulations of the State of New Jersey or any of its agencies, then the higher standard contained in any such other ordinance, regulation or law shall prevail.

**§ 10-3.6. Effect on Compliance with Other Ordinances. [1967 Code § 76-6; Ord. #82-960]**

Compliance with this section shall not constitute a defense against any violation of any other ordinance of the Borough applicable to any structure or premises, nor shall any one act of compliance constitute a defense against any subsequent or other violation of this section.

**§ 10-3.7. Responsibilities of Owner, Operator and Occupant To Be Independent. [1967 Code § 76-7; Ord. #82-960]**

Owners, operators and occupants shall have all the duties, obligations and responsibilities prescribed in this section, and no such person or entity shall be relieved of any such duty, obligation or responsibility hereunder by, nor be entitled to assert as a defense against any charge made against him or them for violation of this section, the fact that another owner, operator or occupant or any other third person or entity is also responsible therefor and in violation thereof.

**§ 10-3.8. Application of Building Standards. [1967 Code § 76-8; Ord. #82-960]**

Any alterations to buildings, structures or appurtenances thereto, or change of use therein, which may be caused directly or indirectly by the enforcement of this section shall be done in accordance with all applicable sections of the Building Code of the Municipality.

**§ 10-3.9. Effect on Zoning Regulations. [1967 Code § 76-9; Ord. #82-960]**

Nothing contained in this section or any requirement of compliance herewith shall be deemed to alter, impair or affect the application of the Zoning Ordinance or other ordinances regulating land use of the Municipality.

**§ 10-3.10. Effect on Existing Remedies. [1967 Code § 76-10; Ord. #82-960]**

Nothing in this section shall be deemed to abolish or impair existing remedies of the Municipality or its officers or agencies relating to the removal or demolition of any buildings or structures which are deemed to be dangerous, unsafe or unsanitary.

**§ 10-3.11. Duties of Owner, Occupant and Operator. [1967 Code § 76-11; Ord. #82-960]**

In furtherance of the purposes of this section, it shall be the duty and responsibility of the owner, operator or occupant of premises to comply with any or all of the requirements and standards hereof, to keep the premises free of conditions which constitute violations hereof and to promptly remove, prevent or abate such conditions.

**§ 10-3.12. General Maintenance Standards. [1967 Code § 76-12; Ord. #82-960]**

- a. Scope. The provisions of this section shall govern the minimum conditions for maintenance of exterior property, premises and structures. Premises shall comply with the conditions herein prescribed insofar as they are applicable.
- b. Responsibility. The owner of the premises shall maintain such structures and premises in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or use premises which do not comply with the following requirements of this section. Without limitation by the following requirements of this section, it shall also be the duty and responsibility of owners, occupants or operators to keep the exterior of all premises structurally sound, in good general repair and sufficiently maintained, to an extent so as to prevent and avoid conditions that violate the purposes of this section, as hereinabove set forth in subsection 10-3.2.
- c. Vacant Structures and Land. All vacant structures, and premises thereof, or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

**§ 10-3.13. Maintenance of Premises. [1967 Code § 76-13; Ord. #82-960; Ord.**

**#89-170, § 1; Ord. #91-Code-214, § 1; Ord. #03-Code-467, § I]**

- a. Sanitation. All exterior property areas and premises shall be maintained in a clean, safe and sanitary condition, free from any accumulation of rubbish or garbage.
- b. Containers. The operator of every commercial and industrial establishment producing garbage, vegetable wastes or other putrescible materials shall provide, and at all times cause to be used, leakproof approved containers, provided with close-fitting covers, for the storage of such materials until removed from the premises for disposal.
- c. Grading and Drainage. All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon or within any structure located thereon.
- d. Paved Areas.
  - 1. In commercial and industrial areas, all driveways, parking areas, loading areas, automobile service stations and drive-in food establishments shall be paved with bituminous concrete or equivalent surfacing and shall be free from dirt and other litter and kept in good repair. Pavement which is severely cracked with a deteriorated surface, frost heaved or with potholes shall be repaired. When lighted for nighttime use, lights shall not be permitted to cast directly upon dwellings nearby. All motor vehicles will park only on paved areas.
  - 2. In residential areas, all driveways of residents shall be constructed with bituminous concrete or equivalent material or stone and shall be kept in good repair and order and free of litter and debris.
- e. Traffic Safety Maintenance. All traffic-flow and control signs, whether painted on pavement or vertical structures, shall be properly maintained in a functional condition. Bent and leaning sign poles shall be replaced and/or straightened. Painted directional and parking-bay strips shall be maintained in a readable condition. Bent and broken traffic control guardrails and fencing shall be replaced.
- f. Litter and Maintenance of Solid Waste Disposal Facilities. All industrial and commercial sites shall be kept free from noticeable accumulation of paper and solid waste debris. Common refuse storage areas shall be kept in a clean and repaired state in full conformance with the site plan provisions for such facilities. All parking areas, walkways, sidewalks and pathways on industrial and commercial sites shall be cleared of snow and ice within 24 hours of the end of any snow or ice storm.
- g. Insect and Rat Control. An owner of a structure or property shall be responsible for the extermination of insects, rats, vermin or other pests in all exterior and interior areas of the premises. Whenever infestation exists in the shared or public parts of the premises of other than a single-family dwelling, extermination shall be the responsibility of the owner.
- h. Public Areas. All sidewalks, steps, driveways, parking spaces and similar paved areas for public use shall be kept in a proper state of repair.

- i. Noxious Weeds. All areas shall be kept free from weeds or plant growth which is noxious or detrimental to the public health and welfare.
- j. Exhaust Vents. A person shall not construct, maintain or operate pipes, ducts, conductors, fans or blowers discharging gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes so as to discharge directly upon abutting or adjacent public and private property or that of another tenant.
- k. Accessory Structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in compliance with subsections 10-3.14 and 10-3.15.
- l. Prohibited Conditions. The exterior of all premises shall be kept free of the following matter, materials or conditions:
  1. Abandoned, uncovered or structurally unsound wells, shafts, towers, exterior cellar openings, basement hatchways, foundations or excavations.
  2. Abandoned iceboxes, refrigerators, heaters, television sets and other similar major appliances.
  3. Animal excrement.
  4. Hidden or uncovered ground or surface hazards, such as holes, sudden depressions, sharp or jagged projections or obstructions.
  5. Buried rubble, refuse or rubbish.
  6. Nuisances as hereinabove defined.
  7. Vehicles or parts thereof, including boats and trailers, motorized or not, that are not licensed, registered or insured, as required by State Law, for the current year, or vehicles or parts thereof that are junked, abandoned, dismantled or are in a state of disrepair.
  8. Dangerously loose and overhanging objects, including but not limited to dead trees or tree limbs, accumulations of ice or any object, natural or man-made, which could threaten the health and safety of persons if caused to fall or other similar dangerously loose and overhanging objects, which, by reason of their location above ground level, constitute an actual hazard to persons or vehicles in the vicinity thereof.
  9. Structurally unsound, loose, dangerous, crumbling, missing, broken, rotten or unsafe exterior portions of buildings or structures, including but not limited to porches, landings, balconies, stairways, handrails, steps, walls, overhangs, roofs, fences, supporting members, timbers, abutments, fire escapes, signs or loose, crumbling or falling bricks, stones, mortar or plaster.
  10. Exterior surfaces or parts of buildings or structures containing sharp, rough or projecting surfaces or objects which might cause injury to persons coming in contact therewith.

11. Broken glass or windows or rotted, missing or substantially destroyed window frames and sashes, door frames, exterior doors or other major exterior component parts of buildings or structures.
  12. No refuse or rubbish shall be placed at the curbside or property line of any premises whether in receptacles or containers or not prior to 6:00 p.m. prevailing time on the date prior to a scheduled garbage collection.
  13. All garbage cans, containers and other receptacles for garbage, trash, rubbish, and recyclables shall be promptly removed from the curbside or property line of any premises after collection and not later than 9:00 p.m. prevailing time on the day of collection.
- m. Sidewalks. The owner or occupant of premises on which there is any sidewalk shall maintain such sidewalk at all times in good repair and passable condition.

**§ 10-3.14. Maintenance of Exterior Structure. [1967 Code § 76-15; Ord. #82-960]**

- a. General. The exterior of a structure shall be maintained structurally sound and sanitary so as not to pose a threat to the health and safety of the occupants and so as to protect the occupants from the environment.
- b. Structural Members. All supporting structural members of all structures shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them.
- c. Exterior Surfaces (foundations, walls and roof). Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rats.
- d. Foundation Walls. All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads and shall be maintained plumb and free from open cracks and breaks, so as not to be detrimental to public safety and welfare.
- e. Exterior Walls. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface materials, including wood, composition or metal siding, shall be maintained weatherproof and shall be properly surface-coated when required to prevent deterioration.
- f. Roofs. The roof shall be structurally sound and tight and shall not have defects which might admit rain, and roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building.
- g. Chimneys. All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe, sound and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint, or similar surface

treatment where necessary.

- h. Stairs and Porches. Every stair, porch and balcony, and all appurtenances attached thereto, shall be so constructed as to be safe to use and capable of supporting the loads to which they are subjected and shall be kept in sound condition and good repair.

**§ 10-3.15. Maintenance of Interior Structure. [1967 Code § 76-15; Ord. #82-960; New]**

- a. General. The interior of a structure and its equipment shall be maintained structurally sound and in a sanitary condition so as not to pose a threat to the health and safety of the occupants and to protect the occupants from the environment.
- b. Structural Members.
  - 1. The supporting structural members of every building shall be maintained structurally sound, not showing any evidence of deterioration which would render them incapable of carrying the imposed loads.
  - 2. In every existing building used for business, industrial, mercantile or storage occupancy, in which heavy loads or concentrations occur or in which machinery is introduced, the owner or occupant shall cause the weight that each floor will safely sustain to be calculated by a registered architect or engineer and filed with the Construction Official and, after such acceptance by the Construction Official, posted on each floor in a conspicuous place.
- c. Lead-Based Paint. Lead-based paint with a lead content of more than 0.5% shall not be applied to any interior or exterior surface of a dwelling, dwelling unit or child-care facility, including fences and outbuildings at these locations. Existing interior and exterior painted surfaces of dwelling units and child-care facilities that contain an excess of 0.5% lead shall be removed or covered with paneling or other suitable covering approved by the code official.
- d. Exit Doors. Every door available as an exit shall be capable of being opened easily from the inside and without the use of a key.
- e. Stairs, Porches and Railings. Stairs and other exit facilities shall be adequate for safety as provided in the Building Code.
- f. Exit Facilities. All interior stairs and railings and other exit facilities of every structure shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting the anticipated loads.

**§ 10-3.16. Enforcement Officer. [1967 Code § 76-16; Ord. #82-960; Ord. #84-25; Ord. #86-72, § 2]**

The provisions of this section shall be enforced by the enforcement officer, who shall be



the Construction Official and/or the Borough Zoning Officer and/or the Health Officer with the assistance of the Police Department, the Fire Prevention Bureau and the Health Department.

**§ 10-3.17. Service of Notice; Failure to Comply. [1967 Code § 76-17; Ord. #82-960; Ord. #93-272, § 1]**

Whenever the enforcement officer determines that there is or has been a violation of any provision of this section, he shall give notice of such violation to the person, persons or entities responsible thereof under this section. Such notice shall be in writing and shall include a concise statement of the reasons for its issuance. Such notice shall be deemed to be properly and sufficiently served if a copy thereof is sent by registered or certified mail to the last known address of the person or entity upon which the same is served, as shown by the most recent tax lists of the Municipality, or if a copy thereof is handed to such person or persons or if a copy thereof is left at the usual place of abode or office of such persons or entities. Notice shall be given as aforesaid within or without the Municipality. The notice shall also state that unless the violation is abated, removed, cured, prevented or desisted from within 10 days of the date of service of such notice (exclusive of the date of service), a summons shall issue for such violation. The enforcement officer may, at the time he issues the notice, extend the period for compliance with the violation stated in the notice for a period in excess of the aforesaid 10 days if, in his judgment, the abatement, removal, prevention, cessation of or cure of the condition violated cannot reasonably be effected within the ten-day period, and in such cases the enforcement officer shall state such reasonably required extended period in the notice, which shall then be applicable instead of the aforesaid 10 days. In the event that the violation is not abated, removed, cured, prevented or desisted from or otherwise fully remedied within the ten-day period or within such extended period as set forth in the notice pursuant to the foregoing, a summons shall then issue against the person, persons, entity or entities so notified. This provision as to notice shall not apply as to snow and ice removal.

**§ 10-3.18. Emergency Conditions. [1967 Code § 76-18; Ord. #82-960]**

Whenever the enforcement officer finds that an emergency condition in violation of this section exists, which condition requires immediate attention in order to protect the public health or safety, he may issue an order by service of notice as set forth in subsection 10-3.17, reciting the existence of such an emergency condition and requiring that such action be taken by the violator as soon as is reasonably necessary to meet the emergency. Notwithstanding any other provision of this section, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon objection in writing to the enforcement officer, any such person shall be afforded a hearing before the governing body of the Borough as soon as is reasonably possible. After such a hearing and decision by the governing body as to the existence or nonexistence of the emergency condition, the governing body may continue such order in effect or modify or withdraw it, subject to issuance of a summons for violation thereof if such order is continued.

**§ 10-3.19. Abatement of Violation by the Borough and Imposition of Lien. [Ord. #09-Code-599, § I]**

Upon a conviction in the Municipal Court or in the event of an emergency condition as previously defined, the Borough shall have the right to abate the nuisance and/or offending condition as follows.

Where abatement of any nuisance, Property Maintenance Code violation, correction of a defect in the premises or work necessary to place the premises in a proper condition so as to conform to ordinances of the Borough or applicable laws of the State of New Jersey requires expending Borough monies, the Enforcement Official shall present a report of work proposed to be done to accomplish the foregoing to the Borough Administrator. Said report shall detail the proposed work to be undertaken to correct the violation, the costs thereof, and a history of enforcement actions undertaken to that date.

In the event that the property owner fails to voluntarily abate the violation, the Borough Administrator may thereupon, subject to proper identification of adequate funds, authorize the abatement of the nuisance, correction of the defect or work necessary to place the premises in proper condition and in compliance with this Code. The Enforcement Official shall cause the correction of the violation in an amount not to exceed that specified by the Borough Administrator, and shall, upon completion thereof, submit a report of the monies expended and costs to the Borough Administrator. After review of the report, the Borough Administrator may approve the expenses and costs and the Council shall adopt resolution indicating the cost to become a lien against the premises, collectible as provided by law. A copy of the report and resolution approving the expenses and costs, shall be certified by the Borough Clerk and filed with the Tax Collector of the Borough, who shall be responsible for the collection, and a copy of the report and the expenditure shall be sent by certified mail, return receipt requested, to the owner.