

Chapter 193, PROPERTY MAINTENANCE

[HISTORY: Adopted by the Mayor and Council of the Borough of Laurel Springs 12-27-1990 by Ord. No. 461 (Ch. 61 of the 1973 Code); amended in its entirety 8-3-1998 by Ord. No. 571. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

- Brush, grass and weeds -- See Ch. 83.
- Uniform construction codes -- See Ch. 101.
- Dumpsters and construction waste containers -- See Ch. 117.
- Garbage, rubbish and refuse -- See Ch. 146.
- Littering -- See Ch. 162.
- Nuisances -- See Ch. 178.

ARTICLE I, Adoption of International Code EN

§ 193-1. Adoption of standards by reference.

There is hereby adopted the International Property Maintenance Code (2003) as published by the International Code Council as Article I of the Property Maintenance Code of the Borough of Laurel Springs, State of New Jersey, for the control of buildings and structures as therein provided in each and all of the regulations, provisions, penalties, conditions and terms of said code are hereby referred to, adopted and made a part hereof, as if fully set forth in this article, with the additions, insertions, deletions and changes, if any, proscribed in § 193-2 of this article.

§ 193-2. Amendments to standards.

The Property Maintenance Code is hereby amended and revised as follows:

- A. Section PM-101.1 (page 1, second line). Insert: Borough of Laurel Springs.
- B. Section PM-106.4. Revise to read as follows:

Section PM-106.4 Penalty: Any person violating any of the provisions of this code, shall be imprisoned in the county jail for a period not exceeding 90 days, or shall be subject to a fine of not less than \$100 nor more than \$2,000, or both, or be required to serve a period of community service not exceeding 90 days in addition to a monetary fine as set forth herein, in the discretion of the Court, and each day's continuance of the violation shall constitute a separate and distinct violation.

- C. Section PM 304.14 (page 10, first and second lines). Insert: April 1 to October 1.
- D. Section PM-602.3 (page 17, fifth line). Insert: September 15 to April 15.
- E. Section PM-602.4 (page 17 third line). Insert: September 15 to April 15.

ARTICLE II, Property Maintenance Regulations

§ 193-3. Definitions. EN

The following terms, wherever used herein or referred to in this code, shall have the respective meanings assigned to them, unless a different meaning clearly appears from the context:

DETERIORATION -- The condition of a building or part thereof characterized by holes, breaks, rot, crumbling, peeling, rusting or other evidence of physical decay or neglect, lack of maintenance or excessive use.

EXPOSED TO PUBLIC VIEW -- Any premises or any part thereof or any building or any part thereof which may be lawfully viewed by the public.

EXTERIOR OF THE PREMISES -- Open space on the premises outside of any building thereon.

EXTERMINATION -- The control and elimination of insects, rodents and vermin.

GARBAGE -- Putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food. (See also "refuse" and "rubbish.")

HABITABLE ROOMS -- Rooms used or designed for use by one or more persons for living or sleeping or cooking and eating, but not including bathrooms, water closet compartments, laundries and serving and storage pantries. Corridors, foyers, vestibules, cellars, heater rooms, boiler rooms, utility rooms and other rooms or spaces that are not used frequently or for an extended period of time or that have less than 50 square feet of superficial floor area shall not be considered as habitable rooms.

INFESTATION -- The presence of insects, rodents, vermin or other pests on the premises which constitutes a health hazard.

JUNK -- Any old, discarded or unused waste iron or other metal or substance, glass, paper, used lumber, rags, machine parts, accessories, machinery, machines, unregistered motor vehicles which are unfit for reconditioning, used parts of motor vehicles and any material commonly known and generally referred to as "junk" in the ordinary and accepted meaning of the word.

JUNKYARD -- Any tract of land within the Borough of Laurel Springs on which junk is placed, collected, stored, kept, maintained or located.

MIXED OCCUPANCY -- Any building containing one or more dwelling units or rooming units and/or having a portion thereof devoted to nondwelling uses or used as a hotel.

NUISANCE

- A. Any public nuisance as defined by statute or ordinance.
- B. Any attractive nuisance which may prove detrimental to the health or safety of children, whether in a building, on the premises of a building or upon an unoccupied lot This includes but is not limited to abandoned motor vehicles, abandoned cesspools, abandoned wells, shafts, basements, excavations, abandoned iceboxes, refrigerators, motor vehicles, any structurally unsound fences or structures, lumber, trash, fences, debris or vegetation, such as poison ivy, poison oak or poison sumac, which may prove hazardous for inquisitive minors.
- C. Physical conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist.

- D. Overcrowding of a room with occupants in violation of this code.
- E. Insufficient ventilation or illumination in violation of this code.
- F. Inadequate or unsanitary sewage or plumbing facilities in violation of this code.
- G. Unsanitary conditions or anything offensive to the senses or dangerous to health, in violation of this code.
- H. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings.
- I. Fire hazards.
- J. Weeds and grass.

OPERATOR -- Any person who has charge, care or control of a dwelling or premises or a part thereof, whether with or without the knowledge and consent of the owner.

OWNER -- Any person or entity who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without accompanying actual possession thereof, or shall have charge, care or control of any dwelling unit as owner or as executor, executrix, administrator, administratrix, trustee, receiver or guardian of the estate or as a mortgagee in possession, regardless of how such possession was obtained. Any person who is a lessee subletting or reassigning any part or all of any dwelling or dwelling unit shall be deemed to be a co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by said lessee.

PARTIES IN INTEREST -- All individuals, associations and corporations who have interests of record in a building and any who are in actual possession thereof.

PREMISES -- A lot, plot or parcel of land, including the buildings or structures thereon.

PUBLIC AUTHORITY -- Any officer who is in charge of any department or branch of the government of the municipality, county or state relating to health, fire, building regulations or to other activities concerning buildings in the municipality.

PUBLIC OFFICER -- The Code Enforcement Officer of the Borough of Laurel Springs shall enforce the provisions of this chapter. Said officer may delegate responsibility to other members of his staff.

REFUSE -- All putrescible and nonputrescible solid waste, except body wastes, including but not limited to garbage, rubbish, ash, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes. (See also "garbage" and "rubbish.")

RUBBISH -- Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials. (See also "garbage" and "refuse.")

§ 193-4. Certificate of occupancy.

A. Compliance required. Every residential (including one- and two-family homes and apartments), nonresidential or mixed- or multi-occupancy building and the land on which it is situated, used or intended to be used for dwelling, commercial, business or industrial occupancy shall comply with the provisions of this code, whether or not such building shall have been constructed, altered or repaired before or after the enactment of this code and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building or premises, for the construction or repair of the building or for the installation or repair of equipment or facilities prior to the effective date of this code. This code shall also apply to mobile home parks.

B. Change in occupancy or use; inspections.

(1) Whenever there shall occur a change in occupancy in any residential property, including one- and two-family homes and apartments, a new certificate of occupancy shall be required. A change in occupancy shall occur in an apartment by a change in tenant or by the execution of a new lease with a new tenant, and in all other dwelling units by sale or lease.

(2) Whenever there shall occur a change in occupancy in an industrial, business, institutional or commercial use or a change in commercial or business use by way of a new operator on the first floor of any apartment building where such use is permitted, a new certificate of occupancy shall be required. A change of occupancy shall occur whenever there is a sale or lease of the subject property.

(3) Whenever such a change shall occur, the owner of said dwelling or premises shall have the responsibility of notifying the public officer at least 10 days prior to such change in occupancy or use and make the dwelling or premises available to the public officer for inspection to determine if said dwelling or premises is in compliance with the terms of all applicable statutes, ordinances and regulations. If the public officer determines there is compliance, a new certificate of occupancy shall be issued, provided that all applicable fees have been paid. If after inspection the public officer determines that said dwelling or premises is not in compliance, then no certificate of occupancy shall be issued and any new occupancy or change of use shall be a violation of the terms of this code.

C. Fees. The application fee for a certificate of occupancy as provided in the Annual Fee Ordinance shall be based upon the amount of time remaining before the change of occupant is expected. [Amended 3-4-2002 by Ord. No. 613-2002; 5-5-2003 by Ord. No. 630-2003; 12-5-2005 by Ord. No. 664-2005]

§ 193-5. Higher standards to prevail.

In any case where the provisions of this code impose a higher standard than set forth in any other local ordinance or under the laws of the state, then the standards as set forth herein shall prevail; but if the provisions of this code impose a lower standard than any other local ordinance or the laws of the state, then the higher standard contained in any such other ordinance or law shall prevail.

§ 193-6. Licensing not a defense for other violations.

No license or permit or other certification of compliance with this code shall constitute a defense against any violation of any other local ordinance applicable to any structure or premises, nor shall any provision herein relieve any owner, operator or occupant from complying with any such other provision nor any official of the Borough from enforcing any such other provision.

§ 193-7. Exterior maintenance.

A. Free of hazards and unsanitary conditions. The exterior of the premises and all structures thereon shall be kept free of all nuisances and any hazards to the safety of the occupant, pedestrians and other persons utilizing the premises and free of unsanitary conditions, and any of the foregoing shall be promptly removed and abated by the owner or operator. It shall be the duty of the owner or operator to keep the premises free of hazards, which include but are not limited to the following:

- (1) Refuse: brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash and debris.

(2) Natural growth: dead and dying trees and limbs or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitutes a hazard to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions.

(3) Overhangings: loose and overhanging objects and accumulations of ice and snow which, by reason of location above ground level, constitute a danger of falling on persons in the vicinity thereof.

(4) Sources of infestation.

B. Recurring accumulations of stormwater. Adequate runoff drains shall be provided and maintained to eliminate any recurrent or excessive accumulation of stormwater.

C. Exterior porches, landings, balconies, stairs and fire escapes. Exterior porches, landings, balconies, stairs and fire escapes shall be provided with banisters or railings properly designed and maintained to minimize the hazard of falling, and the same shall be kept structurally sound, in good repair and free from defects.

D. Chimneys and all flue and vent attachments thereto. Chimneys and all flue and vent attachments thereto shall be maintained as to capably perform at all times the functions for which they were designed. Chimneys, flues, gas vents or other draft-producing equipment shall provide sufficient draft to develop the rated output of the connected equipment and shall be structurally safe, durable, smoke tight and capable of withstanding the action of flue gases.

E. Foundation walls. Foundations walls shall be kept structurally sound, free from defects and damage and capable of bearing imposed loads safely.

F. Ground surface hazards or unsanitary conditions. Holes, excavations, breaks, projections, obstructions, icy conditions, uncleared snow and excretion of pets and other animals on paths, walks, driveways, parking lots and parking areas and other parts of the premises which are accessible to holes and excavations shall be filled and repaired, walks and steps replaced and other conditions removed where necessary to eliminate hazards or unsanitary conditions with reasonable dispatch upon their discovery. This subsection does not apply to single-family dwellings.

G. Appearance of exterior of premises and structures. The exterior of premises, the exterior of structures and the condition of accessory structures shall be maintained so that the appearance of the premises and structures shall not constitute a blighting factor of adjoining property.

§ 193-8. Storage of commercial and industrial material.

A. There shall not be stored or used at a location visible from the sidewalk, street or other public areas equipment and materials relating to commercial or industrial use unless permitted under Chapter 270, Zoning, for the premises.

B. Under no circumstances shall any of the stored materials exceed the height of the appropriate fencing for the specific zone.

§ 193-9. Storage of vehicles. EN

A. The exterior storage of more than one vehicle which is unregistered, inoperable or dismantled shall be prohibited in any zone unless approval is obtained from the Zoning Officer, or such storage is on a site approved by the Planning Board for the purpose. A motor vehicle shall be deemed to be stored if it has been on the property for a time period of at least 30 days. The approval by the Zoning Officer shall only be given for one additional vehicle per property and only if it is for repairs, restoration or construction of a personally owned vehicle and not done in connection with a business venture. The approval by the Zoning Officer shall be limited to a time period of six months. However, one additional approval of up to six months may be granted by the Zoning Officer if the property owner can demonstrate that substantial progress has been made on the repairs, restoration or construction of a vehicle.

B. No motor vehicle which is on blocks, car ramps or any type of lifting device shall be left unattended unless housed within a secure garage or secured fenced area.

C. No motor vehicle shall be stored on any surface which is not paved, graveled or stoned unless parked a minimum of 10 feet from any property line.

§ 193-10. Landscaping.

Premises with landscaping and lawns, hedges and bushes shall be kept trimmed and from becoming overgrown and unsightly where exposed to public view and where the same constitute a blighting factor depreciating adjoining property.

§ 193-11. General and structural maintenance.

A. The exterior of every structure or accessory structure, including fences, shall be maintained in good repair. The same shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other conditions reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated and adjoining properties protected from blighting influences. A periodic (every month) exterminating service shall be maintained in all multiple family dwellings.

B. The outside building walls shall not have any holes or loose boards or any broken, cracked or damaged finish which admits rain, cold air, dampness, rodents, insects or vermin.

C. Every dwelling shall be so maintained as to be weather- and watertight.

D. Basements, cellars and crawl spaces shall be free of moisture resulting from seepage and shall have cross ventilation where necessary to prevent accumulations of moisture and dampness and shall be paved with stone or concrete not less than four inches thick and maintained at all times in a condition so as to be smooth, clean and free from cracks, breaks and other hazards.

E. All parts of the premises shall be maintained so as to prevent infestation.

F. All parts of the dwelling shall be kept in a clean and sanitary condition, free of nuisance and free from health, safety and fire hazards.

G. Every roof, roof gutter, flashing rainwater conductor and roof cornice shall be weather- and raintight and shall be kept in good repair.

H. All boards and wood, including floorboards, subfloors, joists, bridging and all other boards in any interior or exterior floor, wall, roof or other part of the structure, shall be maintained to be free of cracks, termite damage or rot. Any damaged members shall be replaced.

§ 193-12. Enforcement.

All inspections, regulations, enforcement and hearings on violations of the provisions of this code, unless expressly stated to the contrary, shall be under the direction and supervision of the public officer.

§ 193-13. Notice of complaint and hearing.

When a petition is filed with the public officer by a public authority or by a resident of the municipality charging that any building is unfit for human habitation or occupancy or whenever it appears to the public officer on his own motion that any building is unfit for human habitation, occupancy or use or that the continuing of any condition constitutes a nuisance in the meaning of this chapter or presents a condition harmful to the health and safety of the occupants of said building and the general public of the municipality, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such building a complaint stating the charges and containing a notice that a hearing will be held before the public officer or his designated agent, all of the foregoing in accordance with the applicable notice provisions of the Uniform Construction Code. EN

§ 193-14. Issuance of order.

If, after such notice and hearing, the public officer determines that the building under consideration is unfit for human habitation or occupancy or use, he shall state, in writing, his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof and parties in interest an order requiring the repair, alteration or improvement of said building to be made by the owner within a reasonable time, which time shall be set forth in the order or, at the option of the owner requiring the owner to vacate or have said building vacated and closed within the time set forth in the order; or if the building is in such a condition as to make it dangerous to the health and safety of persons on or near the premises and the owner fails to repair, alter or improve said building within the time specified in the order, then the owner shall be required to remove or demolish said building within a reasonable time, as specified in said order of removal.

§ 193-15. Right of appeal.

If, after such notice and hearing, the person or persons notified disagree with the decision of the public officer, then they shall have the right to appeal to the Board of Appeals established by the applicable Uniform Construction Code of New Jersey.

§ 193-16. Failure to comply; removal or demolition.

If the owner fails to comply with an order to repair, alter or improve or, at the option of the owner, to vacate and close the building, the public officer may cause such building to be repaired, altered or improved or to be vacated and closed, and the public officer may cause to be posted on the main entrance of any building so closed a placard with the following words: "This building is unfit for human habitation or occupancy or use; the use or occupation of this building is prohibited and unlawful." If the owner fails to comply with an order to remove or demolish the building, the public officer may cause such building to be removed or demolished or may contract for the same after calling for bids, in accordance with the applicable provisions of the New Jersey Uniform Construction Code.

§ 193-17. Liability for cost of removal or demolition.

The owner of the property where the public officer had a building removed or demolished shall be liable for all costs incurred by the public officer on behalf of the municipality relating to such removal or demolition.

§ 193-18. Service of complaints, orders and notices.

Complaints, orders and notices issued by the public officer shall be served personally or by certified mail. If the person to be served cannot be found in the exercise of reasonable diligence and the public officer shall make an affidavit to that effect, then the service of said complaint or order may be made in accordance with the applicable provisions of the New Jersey Uniform Construction Code.

§ 193-19. Basis of determination.

The public officer may determine that a building is unfit for human occupancy if he finds that conditions are dangerous or injurious to healthy or safety, including fire hazards, danger of accidents, lack of adequate ventilation, light or sanitary facilities, disrepair, structural defects or uncleanness.

§ 193-20. Additional remedies.

In addition to removal or demolition of a building, the public officer may order necessary repairs or improvements to be made by the owner.

§ 193-21. Costs of removal of debris.

In all cases where brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris are removed from any lands pursuant to this chapter by or under the direction of the public officer, such officer shall certify the cost thereof to the governing body, which shall examine the certificate and, if found correct, shall cause the cost as shown thereon to be charged against said lands. The amount so charged shall forthwith become and form part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.

§ 193-22. Multiple dwellings.

Standards and regulations for multiple dwellings shall be as follows:

A. Janitorial service. In every multiple dwelling containing four or more dwelling units or apartments or rooming units or combination thereof, the owner shall provide a superintendent, janitor or housekeeper and an alternate, who shall at all times maintain the premises in compliance with this chapter, including the responsibility for providing receptacles for the disposal of garbage and refuse. The person responsible shall be regularly available on the premises to perform the foregoing duties, and in the case of complexes of 50 or more units the person shall reside on the premises. In the case of complexes with 500 or more units at least two such persons shall be provided, one of which shall reside on the premises.

(1) The owner or operator shall make known to all tenants or occupants the name, address and telephone number of the person provided to act as superintendent, janitor or housekeeper and shall register the same with the public officer and Borough Clerk. The owner or operator shall also make available and known to all tenants or occupants the name of an alternate individual who shall be responsible for the duties of the superintendent, janitor or housekeeper during his or her absence.

(2) The failure of any superintendent, janitor or housekeeper to comply with the provisions of this chapter, even in disobedience of instructions, shall not relieve the owner or operator from the duties and responsibilities imposed by this chapter.

(3) The owner or operator shall register the name, address and telephone number of said owner or operator with the public officer and the Borough Clerk.

B. Removal and storage of garbage and refuse. The owner or operator of every multiple dwelling containing four or more dwelling units, apartments or rooming units or any combination thereof shall have the duty and responsibility of removing garbage and refuse after its daily collection from tenants or occupants. The owner or operator shall have the duty and responsibility of providing storage areas or storage bins of fireproof construction containing fireproof walls or partitions of at least two hours rating for the storage of accumulated garbage or refuse while awaiting collection for removal from the premises.

C. Central heat and air conditioning. Every leased residential dwelling unit shall include air conditioning from May 2 until September 14 annually at a temperature not exceeding 74° F. or a temperature not less than 15° lower than actual outside temperatures. Central heat shall be required in all leased residential dwelling units from September 15 to May 1 annually at a temperature of not less than 68° F.

D. Elevators. All residential dwellings of four or more stories containing elevators shall have twenty-four-hour maintenance contracts to prevent elevators being out of service for excessive lengths of time.

E. Compliance with Fire Code required. Every building covered by this chapter shall comply with the minimum requirements for firesafety established by the current Fire Code. EN

§ 193-23. Violations and penalties.

Any person violating any of the provisions of this code shall be subject to the penalties provided in Chapter 1, § 1-15, in the discretion of the Court, and each day's continuance of the violation shall constitute a separate and distinct violation.