

TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY

ORDINANCE NO. 2012-02

AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY TO ESTABLISH CHAPTER 68, "MINIMUM PROPERTY MAINTENANCE CODE OF THE TOWNSHIP OF ANDOVER"

BE IT ORDAINED by the Township Committee of the Township of Andover as follows:

§68-1. Title.

This chapter shall be known as the "Minimum Property Maintenance Code of the Township of Andover" and may be referred to in the short form as the "Property Maintenance Code" or in this chapter as "this code."

§68-2. Legislative findings.

It is hereby found and declared that there exist in the Township structures and vacant lots which are or may become in the future substandard with respect to structural integrity, equipment or maintenance, and further that such conditions, including but not limited to structural deterioration, lack of maintenance of exterior premises and vacant lots, infestation, lack of maintenance or upkeep of essential facilities and utilities, existence of fire hazards and unsanitary conditions, constitute a menace to the health, safety, welfare, and reasonable comfort of the citizens and inhabitants of the Township. It is further found and declared that by reason of lack of maintenance and ensuing progressive deterioration, certain properties have the further effect of creating blighting conditions and that, by reason of timely regulations and restrictions, as herein contained, the growth of this blight may be prevented and the neighborhood and property values thereby maintained, the desirability and amenities of dwellings and neighborhoods enhanced and the public health, safety and welfare protected and fostered.

§68-3. Purpose.

The purpose of this code is to protect the public health, safety and welfare by establishing minimum standards governing the maintenance and condition of the exterior of premises; to avoid, prevent and eliminate the maintenance of or creation of hazards to the public health or safety; to 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; to prevent the creation, continuation, extension or aggravation of blight; to fix certain responsibilities and duties upon owners, operators and occupants of property; and to provide for administration and enforcement of this chapter.

§68-4. Applicability.

Every structure and the premises on which the structure(s) are situated in the Township used or intended to be used for single and multiple family dwellings, commercial, business or industrial occupancy shall comply with the provisions of this code and, irrespective of any permits or licenses, which shall have been issued for the use or occupancy of the structure or for the installation or repair of equipment or facilities prior to the effective date of this code.

§68-5. Higher standards to prevail.

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

§68-6. Effect on existing remedies.

Nothing in this chapter 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.

§68-7. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, be defined as follows:

1. **Deterioration:** the condition of a structure or part thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay or neglect, lack of maintenance or excessive use
2. **Enforcement Officer:** the enforcement officer in the Township shall be the Zoning Officer or their authorized representative
3. **Exterior of Premises:** those portions of a building or structure, which are exposed to public view or are visible from adjoining or adjacent properties, including all outside surfaces and appurtenances thereto, and the open space on the premises outside any building or structure erected thereon
4. **Extermination:** the control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food or by any approved pest elimination methods
5. **Fire Hazard:** any thing or any act, which increases or may cause any increase of the hazard or menace of fire to a greater degree than customarily as normal by persons in the public service of preventing, suppressing or extinguishing fire or, which may obstruct, delay or hinder or may become cause of an obstruction, delay, hazard or hindrance to the prevention, suppression or extinguishment of fire
recognized
the
6. **Garbage:** animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food
7. **Nuisance:** any public or private condition that would constitute a "nuisance" according to the statutes, laws and regulations of the State of New Jersey, any of its agencies or this code; any physical condition existing in or on the exterior of any premises, which is potentially dangerous, detrimental or hazardous to the health or safety of persons on, near or passing in proximity of the premises where said condition exists
8. **Occupant:** any occupant, owner, agent, tenant, lessee, caretaker or other person or corporation in charge of the premises of or having actual possession

or use of a business, single and multiple family dwelling unit or other premises affected by this chapter

9. **Operator:** any person, persons or entity not the owner, who has charge, care or control of a structure or a part thereof, with or without the knowledge, consent or authority of the owner
10. **Owner:** any person, persons or entity
 - a. 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
 - b. who shall have charge, care or control of any lot, premises, building, structure or part thereof, as owner or agent of the owner, or
 - c. as fiduciary, trustee, receiver, guardian, lessee or mortgagee in possession, regardless of how such possession was obtained.
 - d. 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 that portion of the premises so sublet, leased or assigned.
11. **Premises:** a lot, plot or parcel of land, including the buildings, structures and improvements thereon
12. **Rubbish:** all combustible and noncombustible waste materials other than garbage; and the term shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and the residue from burning wood, coal, coke or other combustible material and solid commercial and industrial waste.
 - a. No chemicals such as those used in swimming pools, oil, gasoline or any other chemical which could cause a fire, explosion or obnoxious gas shall be considered "rubbish."

§68-8. Duties of owners, operators and occupants.

Owners, operators and occupants shall have all the duties, obligations and responsibilities prescribed in this chapter, and no such person or entity shall be relieved of any such duty, obligation or responsibility hereunder, nor may any such person or entity assert, as a defense against any charge made under this chapter, that another owner, operator or occupant or any other third person or entity is also responsible therefore and in violation thereof.

§ 68-9. Maintenance standards.

- I. Exterior of premises. The exterior of all premises shall be kept free from hazards,

which include but are not limited to the following:

- a. Garbage and rubbish (as defined in this chapter): only garbage and rubbish resulting from the actual use of the premises may be permitted on the premises; this section shall be enforced by the Zoning Officer or its authorized representative
 - b. Unsafe structures: structurally unsafe or unsound buildings, structures or fences or abandoned, uncovered or structurally unsound wells, shafts, towers, exterior cellar openings, basement hatchways, foundations or excavations
 - c. Discarded appliances: abandoned refrigerators, boilers, hot-water heaters, television sets and other similar major appliances
 - d. Natural growth; lawns and shrubs
 - i. Natural growth. dead and dying trees and limbs or other natural growth which by reason of rotting or deteriorating condition or storm damage constitute a hazard to persons in the vicinity thereof; trees shall be kept pruned and trimmed to prevent such condition
 - ii. Lawns and shrubs: all lawns shall be maintained; all hedges and shrubs shall be trimmed to a neat appearance
 - e. Overhangings: loose and overhanging objects, whether natural or man-made, and accumulations of ice and snow, which by reason of location, above ground level constitute a threat to the health and safety of members of the public if caused to fall
 - f. Ground surface hazards: hidden or uncovered ground or surface hazards, such as holes, sudden depressions, excavations, sharp or jagged projections or obstructions
 - g. Recurring accumulations of storm water: stagnant surface or groundwater accumulations which create or are likely to create breeding areas for mosquitoes and other insects
 - h. Infestation: rodents, vermin, pest infestations, and conditions causing same
 - i. Nuisances: as defined in this chapter
 - j. Inoperable vehicles: vehicles or parts thereof, including boats and trailers, motorized or not, regardless of whether licensed or registered, which vehicles or parts thereof are or have been abandoned, dismantled or are in a state of visible disrepair
- II. Structural soundness. Every structure and accessory structure and every part thereof shall be kept structurally sound and in a state of good repair to avoid safety, health or fire hazards, including but not limited to the following:
- a. Foundation walls: inadequate or unsafe foundation walls, piers and columns and other similarly unsound, damaged or defective load-bearing components which

are incapable of supporting the imposed loads safely at all points

b. Exterior porches, landings, balconies, stairs and fire escapes: structurally unsound, loose, dangerous, crumbling, missing, broken, rotted 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 and loose, crumbling or falling bricks, stones, mortar or plaster

c. Projecting surfaces: 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

d. Windows, doors, etc.: broken glass or windows, rotten, missing or substantially destroyed window frames and sashes, door frames, exterior doors or other junior exterior component parts of buildings or structures are prohibited

e. Exterior chimneys shall be maintained and kept structurally sound, free from defects and so maintained as to capably perform, at all times the functions for which they were designed

f. Steps, walks, driveways and parking lots, parking spaces and similar paved areas shall be maintained so as to afford safe passage under normal use and weather conditions. Any holes or other hazards that may exist shall be filled and necessary repairs or replacement shall be performed promptly

§68-10. Administrative provisions.

I. Enforcement officer. It shall be the duty and responsibility of the Zoning Officer or its authorized representative of the Township to enforce the provisions of this code as herein provided.

II. Coordination of enforcement

a. Inspection of premises and the issuing of orders in connection therewith under the provisions of this code shall be the exclusive responsibility of the Township Zoning Officer.

b. Wherever in the opinion of the Zoning Officer, it is necessary or desirable to have inspections of any condition by any other department, the Zoning Officer shall arrange for this to be done.

c. No order for correction of any violation under this code shall be issued without the approval of the Zoning Officer, and it shall be the responsibility of the Zoning Officer before issuing any such order to determine that it has the concurrence of any other department or official of the government concerned with any matter involved on the case in question.

III. Inspections. The enforcement officer is authorized to enter upon any land at any reasonable time for the purpose of performing his or her duty under this code or by way of a search warrant if required by law.

IV. Enforcement Procedure

a. Notice

i. Whenever an enforcement officer determines that there is or has been a violation of any provision of this chapter, he or she shall give notice of such violation to the person, persons or entities responsible therefore under this section.

ii. Such notice shall be in writing and shall include a concise statement of the reasons for its issuance.

iii. Such notice shall be deemed to be properly and sufficiently served if a copy thereof is sent by regular mail to the last known address of the person or entity upon which the same is served, as shown by the most recent tax records of the Township, or a copy thereof handed to said person or persons, or a copy thereof left at the usual place of abode or office of said persons or entities.

iv. Notice shall be given as aforesaid within or without the Township and shall state that unless the violation is abated, removed, cured, prevented or desisted within thirty (30) days of the date of service of such notice (exclusive of the date of service), a summons shall be issued for such violation.

b. Extension of time for compliance

i. The enforcement officer may extend the period for compliance with the requirements of this section in regard to the violation stated in the notice for a period in excess of the aforesaid thirty (30) days if, in his judgment, the abatement, removal, prevention, cessation or cure of the condition violated cannot reasonably be effected within the thirty (30) 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 thirty (30) days.

c. Issuance of Summons

i. In the event that the violation is not abated, removed, cured, prevented or desisted from or otherwise fully remedied within said thirty (30) day period or within such extended period as set forth in the notice, pursuant to the foregoing, a summons shall be issued against the person, persons, entity or entities so notified.

ii. Any extension beyond sixty (60) days must be approved by the Mayor and Council.

V. Emergency conditions.

a. Whenever the enforcement officer finds that an emergency condition in

violation of this chapter exists and that such condition requires immediate attention in order to protect the public health or safety, he or she may issue an order by service of notice as set forth in subsection IV above, reciting the existence of such emergency condition and requiring that such action be taken by the violator as soon as is reasonably necessary to meet the emergency.

b. Notwithstanding any other provision of this chapter to the contrary, 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 Township as soon as is reasonably possible.

c. After such 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 the issuance of a summons for violation thereof if such order is continued.

§68-11. Violations and penalties.

[Amended 4-9-2002 by Ord. No. 06-2002; 10-10-2006 by Ord. No. 13-2006; 4-8-2008 by Ord. No. 04-2008]

Any person or entity who shall violate any of the provisions of this chapter shall, upon conviction, be punished as follows:

- I. For the first offense, by a fine not to exceed five hundred dollars (\$500) or one hundred dollars (\$100) per day.
- II. For a second offense, by a fine not to exceed one thousand dollars (\$1,000) or one hundred dollars (\$100) per day.
- III. For a third offense or any subsequent offenses, by a fine not to exceed what is permitted by law.
- IV. Each day that a violation occurs may be considered a multiple violation and it will not be necessary to issue subsequent summons for each violation.

§68-12. Repealer: effect on other provisions.

In any case where a provision of this chapter is found to be in conflict with or inconsistent with a provision of any other ordinance which establishes a lower standard for the promotion and protection of the safety, health and welfare of its inhabitants, the provisions of this chapter shall prevail, and such other ordinance or parts thereof are hereby declared to be repealed to the extent that they may be so found to be in conflict with this chapter.

SECTION 4. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

STATE OF NEW JERSEY

ATTEST:

Vita Thompson, Clerk/Administrator

By: _____
Michael Lensak, Mayor

INTRODUCED: FEBRUARY 13, 2012
ADOPTED: MARCH 12, 2012
CERTIFIED: MARCH 16, 2012