

**BOROUGH OF PEAPACK AND GLADSTONE
SOMERSET COUNTY, NEW JERSEY**

ORDINANCE NO. 1048-2017

**ORDINANCE AMENDING CHAPTER XI BUILDING AND HOUSING
ADDING SUB-CHAPTER VI PROPERTY MAINTENANCE**

WHEREAS, the Borough of Peapack & Gladstone wishes to maintain a standard of quality of life for the residents of the Borough, and

WHEREAS, unsightly and unsafe conditions and overgrowth impact negatively on the public health, safety, welfare and quality of life in the Borough; and

WHEREAS, the Borough Council believes that it is in the best interests of the Borough and its residents that Chapter XI, Subchapter VI of the Code of the Borough of Peapack and Gladstone be created as set forth herein to advance the health, safety and welfare of the Borough's residents and property owners.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Peapack and Gladstone, in the County of Somerset and the State of New Jersey, that the below ordinance is hereby introduced for consideration, with a public hearing date of October 24, 2017 at the 7:30 pm Regular Council meeting.

**CHAPTER XI BUILDING AND HOUSING
SUB-CHAPTER VI PROPERTY MAINTENANCE**

11-6.1 SHORT TITLE.

Sub-Chapter 6 of this Chapter may be cited as "The Property Maintenance Code" of the Borough of Peapack and Gladstone, Somerset County, New Jersey.

11-6.2 PURPOSES.

The purposes of this Property Maintenance Code are as follows:

- a. To protect the public health, safety and welfare of the citizens of Peapack and Gladstone by establishing minimum standards governing the maintenance, appearance, conditions and occupancy of property.
- b. To establish and authorize procedures for the enforcement of this Code.

- c. To fix certain responsibilities and duties upon owners, tenants and operators and distinct and separate responsibilities and duties upon occupants; to authorize and establish procedures for the inspection of residential and nonresidential premises.
- d. To fix penalties for the violations of this Code.

11-6.3 FINDINGS.

It is found and declared that there exist in the Borough structures used for residential and nonresidential purposes which are or may become substandard with respect to structure, equipment or maintenance, and further that such conditions, including but not limited to, structural deterioration, lack of maintenance and appearance of exterior of premises, infestation, lack of maintenance or upkeep, existence of fire hazards, constitute a menace to the health, safety, welfare, reasonable comfort and quality of life of the residents of the Borough. It is further found and declared that by reason of lack of maintenance and because of progressive deterioration, certain properties have the further effect of creating blighting conditions and initiating slums and that, if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate, in time, the expenditure of large sums of public funds to correct and eliminate the same and that, by reason of timely regulations and restrictions as herein contained, the growth of slums and blight may be prevented and the neighborhood and property values thereby maintained; the desirability and amenities of residential and nonresidential uses and neighborhoods enhanced; and the public health, safety, welfare and quality of life protected and fostered.

11-6.4 RESPONSIBILITIES.

Unless expressly provided to the contrary in this code, the respective obligations and responsibilities of the owner, operator and occupant shall not be altered or affected by any agreement or contract by and between any of the aforesaid or between them and other parties. The owner shall be primarily responsible for complying with the provisions of this Property Maintenance Code unless expressly stated otherwise within any particular section herein; however, nothing herein shall prevent the Enforcement Officer from issuing a notice to the operator or occupant in addition to the owner. The owner shall be responsible for any failure of the operator or occupant to discharge a duty imposed upon the operator or occupant by this code. The owner shall be responsible to maintain the entirety of such property, regardless of any right of way which may exist.

11-6.5 DEFINITIONS.

The following terms, whenever used herein or referred to in this Code, shall have the respected meanings assigned to them, unless a different meaning clearly appears from the context. All definitions of the 2012 International Property Maintenance Code which are not set

forth herein are incorporated herein by reference, unless a different definition is provided in this section.

Deterioration shall mean the condition of a building or 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.

Excessive shall mean greater than what is usual or proper.

Exterior of the premises shall mean open space on the premises outside of any building located thereon.

Garbage shall mean putrescible and vegetable waste resulting from the handling, preparation, cooking and/or consumption of food. (See also "refuse" and "rubbish".)

Infestation shall mean the presence of insects, rodents, vermin or other pests on the premises which constitute a health hazard either to the occupants of the premises and/or to surrounding properties and/or residents.

Nuisance shall mean:

- a. Any attractive nuisance which may prove detrimental to the health and/or safety of children, whether in a building, on the exterior of the premises or upon an unoccupied lot. Attractive nuisances include but are not limited to: abandoned wells, shafts, basements, excavations, abandoned swimming pools, abandoned ice boxes, freezers and or refrigerators, unregistered vehicles, any structurally unsound fences or structures, lumber, trash, broken window glass, fences, or debris which may prove hazardous for inquisitive minors. However, unregistered vehicles which are not exposed to public view, and which are properly locked and stored in an appropriate place of storage, such as a garage or other storage facility, shall not be considered a nuisance.
- b. Physical conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist.
- c. Fire hazards, which shall include but not be limited to the maintenance and/or storage of combustible materials or flammable chemicals and/or the maintenance of an uncontrolled open fire.

Operator shall mean any person who has charge, care or control of a dwelling or premises or any part thereof, whether with or without the knowledge and consent of the owner.

Owner shall mean any person 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 who shall have charge, care or control of any dwelling unit as owner or agent

of the owner or as executor, executrix, administrator, administrative trustee, receiver or guardian of the estate or as a mortgagee in possession, regardless of how such possession was obtained.

Premises shall mean a lot, or parcel of land, including the buildings or structures thereof.

Rubbish shall mean nonputrescible solid waste 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".)

Vehicle shall mean a machine propelled by other than human power, designed to travel along the ground or water by use of wheels, treads, runners or slides and to transport persons or property or pull machinery. The term shall include an automobile, truck, trailer, motorcycle, camper, or boat.

11-6.6 EFFECT ON OTHER ORDINANCES AND REGULATIONS.

Nothing in this chapter shall be construed to abrogate or impair the powers of the Borough of Peapack and Gladstone to enforce any provisions of its ordinances or regulations or prevent or punish violations thereof, and the power conferred by this chapter shall be in addition to and supplemental to the powers conferred by any other law or ordinance.

11-6.7 ENFORCEMENT OFFICERS.

The Construction Code Official or his or her designated representatives, Construction Sub code Officials, Zoning Officer, Code Enforcement Officer, Health Officer, and Fire Official/Inspector shall have the authority to enforce this Property Maintenance Code.

11-6.8 PROPERTIES AND STRUCTURES.

- a. All properties and structures and premises in the Borough of Peapack and Gladstone shall be kept free of all of the following conditions:
 1. Broken glass, filth, garbage, trash, refuse, rubbish and debris.
 2. Holes, excavations, breaks, projections, obstructions, and other safety hazards of driveways, parking lots, parking areas and all other parts of the premises which are accessible to and used by persons on the premises. All such holes and excavations shall be filled and repaired, walks and steps replaced and other conditions removed where necessary to eliminate safety hazards or unsanitary conditions. Neither snow nor ice shall be considered a safety hazard or unsanitary condition to be addressed by this chapter.

3. Sources of infestation or potential infestation by rodents, mosquitoes, flies and other harmful vermin.
- b. All parts of the premises shall be kept in a clean and sanitary condition, free of nuisances and free of health, safety and fire hazards.
- c. The exterior of every structure or accessory structure, including fences, shall be maintained in good repair, and all surfaces thereof shall be kept painted and finished where necessary for purposes of preservation and appearance. The same shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling of paint or other conditions reflecting inadequate maintenance, to the end that the property itself may be preserved, safety and fire hazards eliminated and adjoining properties in the neighborhood protected by blighting influences.

11-6.9 ENFORCEMENT PROCEDURE.

- a. *Notice of Violation.* Where a violation of this chapter or the regulations hereunder is found to exist, a written Notice of Violation from the Enforcement Officer or his/her designated representative shall be served upon the owner, tenant or operator, who shall be responsible for correcting such condition. The notice shall contain the following:
 - (1) An identification of the property on which the violation is found to exist, listing the property by block and lot number or by street address.
 - (2) An identification of the conditions constituting the violation.
 - (3) The necessary corrective actions; and
 - (4) A reasonable time period to be set by the Enforcement Officer, not to exceed thirty (30) days, to correct or abate the violation.
- b. *Issuance of Summons.* If the owner, tenant or operator to whom a Notice of Violation has been issued fails to abate the violation in the time or manner prescribed in the Notice of Violation, the Enforcement Officer or his/her designated representative shall issue a summons against the owner, tenant or operator. The summons shall be returnable in the Municipal Court.

- c. *Service.* Any Notice of Violation or summons issued pursuant to this Chapter may be served personally or by certified mail at the last known address of the owner, tenant or operator alleged to be in violation. Service upon any owner, tenant or operator may also be achieved by service of any notice or summons upon a member of the family of the owner, tenant or operator of the age of fourteen (14) years or over then residing at the residence of such owner or operator. Where it is ascertained that the owner, tenant or operator does not reside on the premises and the last known address cannot be ascertained, the Notice of Violation may be posted on the outside front entrance of the affected building.
- d. *Violations and Penalties.* Any owner, tenant or operator who is found by the Municipal Court Judge to be in violation of any provision of this chapter or the regulations hereunder, shall be subject to a fine of not less than \$100 nor more than \$2,000. Each violation of a different section of this chapter shall constitute a separate and distinct violation independent of any other section. Each day's failure to comply with any provision of this chapter shall constitute a separate violation.

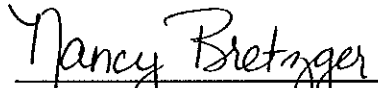
11-6.10 ABATEMENT OF NUISANCE, HAZARD OR CONDITION, CORRECTION OF DEFECT.

- a. In the event the owner, tenant or operator who, having been issued a Notice of Violation or summons, fails to abate the violation, the Borough may in its discretion choose to abate the nuisance, hazard or condition giving rise to the violation as set forth herein.
- b. Upon resolution of the Governing Body in accordance with N.J.S.A. 40:48-2.12f and three (3) days written notice to the owner, tenant or operator of the premises, the Department of Public Works or a private service hired by the Borough may abate a nuisance, hazard or condition, or correct a defect or put the premises in proper condition so as to comply with any provision of this chapter or State law applicable thereto should the owner, tenant or operator who, having been issued a Notice of Violation or summons fail to abate the violation.
- c. The Director of the Department of Public Works shall certify the cost thereof to the Governing Body of the Borough at the next regular meeting thereafter. The Governing Body shall examine the certificate and if found to be correct, charge the amount thereof as a lien against the premises. In the event such cost is found to be excessive by the Governing Body it shall cause a reasonable cost therefore to be charged against the lands. The amount so charged shall forthwith become a lien on the lands and shall be added to and become and form a part of the taxes next to be assessed and levied upon the lands and shall bear interest at the same rate as other taxes and be collected and enforced by the same officers and in the same manner as taxes.

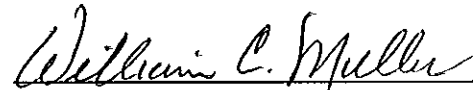
- d. Any abatement undertaken by the Borough in accordance with this section shall not relieve the owner, tenant, or operator of any fines imposed by the Municipal Court for a violation of this Chapter.

Introduced: October 10, 2017
Adopted: October 24, 2017

ATTEST:



Nancy Bretzger, RMC
Municipal Clerk



William C. Muller
Mayor