

**BOROUGH OF WOODLAND PARK
COUNTY OF PASSAIC, STATE OF NEW JERSEY**

ORDINANCE NO. 12-15

**AN ORDINANCE ESTABLISHING MINIMUM STANDARDS
GOVERNING THE CONDITION AND MAINTENANCE OF ALL
VACANT PROPERTY, ALL COMMERCIAL AND INDUSTRIAL
PREMISES AND STRUCTURES AND ALL RESIDENTIAL
PREMISES AND STRUCTURES NOT OCCUPIED BY THE
OWNER IN WHOLE OR IN PART, PROVIDING PENALTIES
FOR VIOLATIONS**

Be it ordained by the Mayor and Municipal Council of the Borough of Woodland Park, in the County of Passaic and State of New Jersey, hereby adopts this Ordinance to govern Property Maintenance, within the Borough of Woodland Park.

1. TITLE; FINDINGS; PURPOSE

- A.** Title. This chapter shall be known as the “Property Maintenance Code of the Borough of Woodland Park” and may be referred to in this chapter in the short form as the “code” or “chapter”.
- B.** Findings and declaration of policy. Experience and observations have shown that lack of maintenance of real property may lead to progressive deterioration and loss of property values. Through the establishment of the regulations and restrictions contained herein, the desirability of residential and nonresidential uses and the amenities of neighborhoods will be enhanced, and the general health, safety and welfare of all residents will be fostered and protected.
- C.** Purpose. The purpose of this chapter is to protect the public health, safety and welfare by establishing minimum standards governing the maintenance, appearance and condition of residential and nonresidential premises. It fixes certain responsibilities upon owners, operators, occupants and other persons. It authorizes and establishes procedures for the inspection of residential and nonresidential premises. It fixes penalties for the violations of this chapter and provides procedures for correcting violations in those cases requiring municipal action. This chapter is hereby declared to be protective, preventive and essential for the public interest, and it is intended that this chapter be liberally constructed to effectuate the purposes stated herein.

2. DEFINITIONS; WORD USAGE

- A.** Words and terms in this chapter which are defined in Chapter 2-3, the Zoning Ordinance of the Borough of Woodland Park are consistent in definition.
- B.** 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 or appearance of a building 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.

EXPOSED TO PUBLIC VIEW – Any premises, or any part of any premises, which may be lawfully viewed by the public or any member thereof.

EXTERIOR OF THE PREMISES – Those portions of a building which are exposed to public view and the open space of any premises outside of any building erected thereon.

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

FRONT YARD – That space on the same lot with a principal building situated between the front street line or lines and the front line of the building projected to the side property lines. The depth of the “front yard” shall be measured along a line perpendicular to the front street line from the point of the foundation of the structure or building farthest from such street line.

GARBAGE - Put in receptacle animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

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

NUISANCE:

(1) Any condition so defined by common law, the statutes of the State of New Jersey or the ordinances of the Borough of Woodland Park.

(2) Any condition which may prove attractive but detrimental to the health or safety of children, whether in a building, on the premises of a building or upon an unoccupied lot.

(3) Physical conditions dangerous to human life or detrimental to health or persons on or near the premises where the condition exists.

(4) Conditions which render air, food or drink unwholesome or detrimental to the health of human beings.

OCCUPANT - Any person having actual possession of a property (home, apartment, building, and/or lot).

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

OWNER - Any person or entity who, alone or jointly or severally with others, has legal or equitable title in any form to any premises, with or without actual possession thereof, or shall have charge, care or control of any dwelling or premises as owner or agent of the owner, including but not limited a fiduciary, executor, administrator, trustee, receiver or guardian of the estate or as a mortgagee in possession.

PREMISES - Is defined as possessing property, which shall include but not be limited to: a lot, plot or parcel of land, including the buildings or structures thereon. This definition shall include the possession of an apartment or home.

REFUSE - All nonputrescible solid wastes, including but not limited to abandoned vehicles and recreational devices and parts thereof, abandoned machinery and parts thereof, household furnishings, dead animals, debris, junk, appliances, rubbish, scrap lumber, stumps, tires, trash, grass and yard clippings. (See also “garbage.”)

3. APPLICABILITY

All structures and premises, residential, commercial and industrial shall comply with the provisions of this chapter, whether or not those structures and premises have been constructed, altered or repaired before or after the enactment of this

chapter and irrespective of any permits or licenses which may have been issued for their use or occupancy prior to the effective date of this chapter. Vacant lots, lands and premises are also required to comply with the provisions of this chapter.

4. HIGHER STANDARDS TO PREVAIL

In any case where the provisions of this code impose a higher standard than set forth in any other ordinance of the Borough of Woodland Park or under the laws or regulations of the State of New Jersey, then the standards as set forth herein shall prevail. If the provisions of this code impose a lower standard than any other ordinance of the Borough of Woodland Park or of the laws and regulations of the State of New Jersey, then the higher standard contained in any such ordinance or law shall prevail.

5. COMPLIANCE WITH OTHER ORDINANCES

No certification of compliance with this code shall constitute a defense against any violation of any other ordinance of the Borough of Woodland Park applicable to any structure or premises.

6. DUTIES AND RESPONSIBILITIES OF OWNERS, OPERATORS AND OCCUPANTS

A. Owners and operators. Owners and operators shall have all the duties and responsibilities as prescribed in this code, and no owner and operator shall be relieved from any such duties and responsibilities nor be entitled to defend against any charge of violation thereof by reason of the fact that the occupant is also responsible therefore and in violation thereof.

B. Occupants. Occupants shall have all the responsibilities and duties as prescribed in this code, and the occupant shall not be relieved from any such duties and responsibilities nor be entitled to defend against any charge of violation thereof by reason of the fact that the owner or operator is also responsible therefore and in violation thereof.

C. Contract not to alter responsibilities. Unless expressly provided to the contrary in this code, the respective obligations and responsibilities of the owner and operator on the one hand and the occupant on the other shall not be altered or affected by any agreement or contract by and between any of the aforesaid or between them and other parties.

7. MAINTENANCE

A. It shall be the duty of the owner, operator and/or occupant to keep the exterior of the premises free of nuisance which include, but are not limited to, the following:

(1) Garbage and/or refuse.

(2) Natural growth, such as dead and dying or storm-damaged trees and limbs or other growth, which by reason of its condition or nature, constitutes a hazard to persons lawfully in the vicinity. Trees shall be kept pruned and trimmed to prevent such conditions. Owners of vacant premises must keep them free of nuisances.

(3) Overhanging objects and accumulations of ice and/or snow which, by reason of their location above ground level, constitute a danger of falling on persons lawfully in the vicinity.

(4) Ground surface hazards, such as holes, excavations, breaks and projections on residential premises within five (5) feet of an unfenced property line or on any part of a nonresidential premises to which the public has lawful access.

(5) Sources of infestation, including all environments and conditions conducive to the increase or spread of vermin.

B. It shall be the duty of the owner, operator and/or occupant to keep and maintain the exterior of the premises and structures so that the appearance of the same shall not constitute a blighting factor, including but not limited to the following:

(1) Storage of commercial and industrial material. The front, side and back yard, driveway, walks or other parts of the outside premises of any building or upon any lot on which no building is located shall not contain any boxes, barrels, sticks, stones, bricks, bottles, cans, metal drums, iron pipe, old scrap metal, old furniture, auto parts, old tires, unused lumber or any other equipment or materials relating to commercial or industrial uses, unless permitted under the Zoning Ordinance.

(2) Landscaping. Premises shall be kept from becoming overgrown and/or unsightly. Vegetation along the public right-of-way shall be kept from becoming a hazard to pedestrians and motorists.

(3) General maintenance. The exterior of every structure shall be maintained in good repair for purposes of preservation and appearance and free of conditions reflective of deterioration or inadequate maintenance, including but not limited to, broken glass, excessive peeling or deteriorated paint, loose shingles and crumbling stone or brick.

(4) Front yard parking; commercial vehicle parking.

(a) No person shall park any motor vehicle or boat in any front yard area except on driveways constructed and installed in compliance with Borough Ordinances, and no driveway shall be wider than 50% of the front yard width of any property.

(b) The Parking of Commercial Vehicles is prohibited in residential zones, except for the exemptions that are provided in other Borough Ordinances.

8. 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 building or structure which is deemed to be dangerous, unsafe or unsanitary.

9. ENFORCEMENT

A. Enforcement Officer. The Municipal Administrator of the Borough of Woodland Park is hereby designated as the officer in charge with the enforcement of this code and is hereinafter referred to as the “enforcement officer.” The Construction Code Official of the Borough of Woodland Park, Building Subcode Official, Municipal Engineer, all members of the Police Department and authorized inspectors of the Fire Department and health officers of the Borough of Woodland Park are hereby designated as assistant enforcement officers for the purposes of the enforcement of this code.

B. The enforcement officer shall cause to be made such inspections of premises within the borough as he shall deem necessary to effect compliance with this chapter and shall have the authority to use the services of any public authority in the enforcement of this code.

C. Notice to owner, operator or occupant upon noncompliance. Following inspection, if the enforcement officer determines that the premises are not

in compliance with this chapter, he shall then issue and cause to be served upon the owner, operator and/or occupant of the premises a written notification that shall contain a description of the property affected, sufficiently definite in terms to identify it, the nature of the violation and the correction action sought allowing fifteen (15) days (exclusive of the day of service) for its correction. Where the violation or condition existing on the premises is of such a nature as to constitute an immediate threat to life and limb unless abated without delay, the Public Officer may either abate the violation or condition immediately or order the owner, operator or occupant to correct the violation or condition within a period of time not to exceed three (3) days, and upon failure to do so, the Public Officer shall abate the condition immediately thereafter

- D.** Service of notice. In the case of an owner or operator, the notice may be served personally upon him or by registered mail or certified mail, addressed to his last known address. If, after due diligence, the last known address cannot be ascertained, the notice may be posted on the outside front entrance of the structure. Personal service of the notice may be upon a member of the family or the owner or operator over fourteen (14) years of age, residing in the same dwelling unit with the owner or operator, as the case may be. In the case of the occupant, notice may be mailed or delivered to him at his place of business or posted to the door of the occupant's premises.

10. EMERGENCY SITUATIONS

Where the violations or conditions existing on the premises are of such a nature as to constitute an immediate threat to life and limb unless abated without delay, the enforcement officer may either abate the violation or condition immediately or order the owner, occupant or operator to correct the violation or upon failure to do so, the enforcement officer shall abate the condition subject to the provisions of Section 11 of the within Ordinance.

11. ABATEMENT BY BOROUGH; EXPENSE

Where abatement of any nuisance, as defined herein, 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 Construction Code Official and/or Superintendent of Public Works shall present a report of work proposed to be done to accomplish the foregoing to the Mayor and Municipal Council with an estimate of the cost, along with a summary of the proceeding undertaken by the enforcement officer to secure compliance, including notices served upon the occupants, owners, operators or their agents, as the case may be. The Mayor and Municipal Council may thereupon, by resolution, authorize the abatement of the nuisance, correction of the defect or work necessary to place the premises in proper condition and in compliance with the code. The Construction Code Official and/or Superintendent of Public Works shall thereafter proceed to have the work performed in accordance with the resolution at municipal expense, not to exceed the amount specified in the resolution, and shall, upon completion thereof, submit a report of the moneys expended and costs to the Mayor and Municipal Council. After review of the report, the Mayor and Municipal Council may approve the expenses and costs, whereupon the same shall become a lien against the premises, collectible as provided by law. A copy of the resolution approving the expenses and costs shall be certified by the Municipal Clerk and filed with the Tax Collector of the borough, who shall be responsible for the collection, and a copy of the report and resolution shall be sent by certified mail, return receipt requested, to the owner of the effected premises.

12. VIOLATIONS AND PENALTIES

- A.** Where any owner, operator or occupant fails to comply with an order issued pursuant to this chapter, he shall be deemed in violation of this chapter and shall be subject to the penalties provided herein. It shall be the duty of the enforcement officer to cause a summons to be issued from

the Municipal Court for such violations, but nothing contained herein shall limit the power of the enforcement officer to take such further action under the criminal and civil laws of this state through any court of competent jurisdiction as may be necessary to remove or abate any nuisance.

- B.** Each violation of any of the provisions of this chapter and each day that the violation exists shall constitute a separate and distinct offense and shall be punishable by a fine not to exceed five hundred dollars (\$500.) per day and per offense, levied against the owner, operator or occupant, with a minimum fine of \$100 per day.
- C.** Where abatement of any nuisance, as defined herein was accomplished and premises brought into compliance with this chapter through the expenditures of borough funds, such costs shall be assessed against the premises cited as a lien in the same manner as real estate taxes.

13. COMPLIANCE INSPECTION

Upon issuance of a notice of violation pursuant to this chapter, the property owner, operator or occupant shall correct the condition and notify the enforcement officer that said condition has been corrected. A compliance inspection shall then be made. Should full compliance not be achieved at the time of said inspection, the borough shall be reimbursed by the property owner for the cost of all re-inspections. Failure to reimburse the borough shall result in a lien for said cost being placed against the property in the same manner as real estate taxes.

14. FEES

There shall be no fee for an initial compliance inspection made following the issuance of a notice of violation required pursuant to this chapter. Fees for subsequent inspections to determine compliance shall be twenty-five dollars (\$25.) for the first inspection and shall increase in increments of twenty-five (\$25.) for subsequent inspections.

15. SEVERABILITY

Should any section, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, the remaining portions thereof shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this chapter are hereby declared to be severable.

- 16.** All Ordinances or sections or provisions thereof which may be in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Introduced: September 5, 2012

Adopted: September 19, 2012