

**AN ORDINANCE ADDING TOWNSHIP OF PLAINSBORO CHAPTER 64
PROPERTY MAINTENANCE**

WHEREAS, the Plainsboro Township Committee wishes to add to the Code of the Township of Plainsboro Chapter 64 entitled “Property Maintenance”; and

WHEREAS, the Plainsboro Township Committee finds that property maintenance needs to be addressed to protect the public’s health, safety and welfare.

NOW THEREFORE BE IT ORDAINED by the Township Committee of Plainsboro Township, County of Middlesex, State of New Jersey, as follows:

SECTION I

Chapter 64. Property Maintenance

Article I: Administration

§ 64-1 Purpose.

- A. Pursuant to the authority granted by N.J.S.A. 40:48-2, the purposes of this code are hereby stated to be:
- (1) To provide for the public health, safety and welfare.
 - (2) To avoid, prevent and eliminate the maintenance or creation of hazards to the public health or safety.
 - (3) 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.
 - (4) To prevent the creation, continuation, extension or aggravation of blight.
 - (5) To preserve property values in the Township.
 - (6) To prevent the physical deterioration or progressive downgrading of the quality of housing facilities in the Township.
 - (7) To maintain the value and economic health of the commercial properties and businesses that serves and helps to support the Township and its citizens.
 - (8) To 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.
 - (9) To establish minimum standards governing the maintenance and condition of land, buildings, structures and premises in the Township.
 - (10) To fix responsibilities and duties thereof upon owners and operators of property.
 - (11) To provide for administration and enforcement.
 - (12) To fix penalties for the violation of this code.

§ 64-2. **Definitions of Terms.**

A. For the specific purposes of this code, the following terms, whenever used herein or referred to in this code, shall have the respective meanings assigned to them hereunder unless a different meaning clearly appears from the context:

- (1) *Exterior of premises* shall mean those portions of a 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, including vacant lots.
- (2) *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 Township.
 - (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 the premises where the condition exists.
- (3) *Operator* shall mean any person, persons or entity not the owner, but including any agent of the owner, who has charge, possession, custody, care or control of a dwelling or premises or a part thereof.
- (4) *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, including any fiduciary, trustee, receiver, guardian or mortgagee in possession. Any lessee, sublessee or assignee of a lessee of any part of any premises shall be deemed an "owner" with respect to that portion of the premises sublet, leased or assigned.
- (5) *Premises* shall mean a lot, plot or parcel of land, right-of-way or multiples thereof, including the building or structures thereon.
- (6) *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, 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 and abandoned, inoperative or unusable automobiles and vehicles and solid commercial or industrial waste. Anything herein to the contrary notwithstanding, a compost pile free of discarded foodstuffs shall not be deemed to be "refuse" or "rubbish."
- (7) *Unregistered motor vehicle* shall mean a motor vehicle without a valid and current State inspection sticker.

Article II: General Regulations Applicable to All Buildings, Structures and Lands

§ 64-3. Compliance Required.

- A. Every lot and every structure and the premises or part of the premises on which it is situated shall comply with the provisions of this code, whether or not any such structure shall have been constructed, altered or repaired before or after the enactment of this code, and irrespective of any permits or licenses which may have been issued for the use or occupancy of such structure or for the installation or repair of equipment or facilities prior to the effective date of this code.

§ 64-3.1. Higher Standard to Prevail.

- A. In any case where the provisions of this code impose a higher or stricter standard than set forth in any other ordinance or regulation of the Township 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 code impose a lower or lesser standard than any other regulation or ordinance of the Township or 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.

§ 64-3.2. Compliance with Other Ordinances.

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

§ 64-3.3. Individual Responsibility of Owner, Operator and Occupant.

- A. Every owner, operator or occupant shall comply with all of the requirements of this chapter. No owner or operator shall be relieved of any duty, obligation or responsibility hereunder, nor be entitled to assert as a defense against any charge made against any owner for violation of this code the fact that another owner, operator or any other third person or entity is also responsible and in violation thereof.

§ 64-3.4. Applicability of Construction Standards.

- A. Any alterations to buildings, structures or appurtenances thereto or changes of use therein which may be caused directly or indirectly by the enforcement of this code shall be done in accordance with all applicable sections of the Building Code of the Township and the State Uniform Construction Code.

§ 64-3.5. Applicability of Zoning Regulations.

- A. Nothing contained in this code or any requirement of compliance herewith shall be deemed to alter, impair or affect the application of the Zoning Ordinance or zoning laws of the Township.

§ 64-3.6. Applicability of Health Regulations.

- A. Nothing contained in this code or any requirement of compliance herewith shall be deemed to alter, impair or affect the application of any and all applicable governmental health regulations, be they State, County or municipal.

§ 64-3.7. Existing Remedies.

- A. Nothing in this code shall be deemed to abolish or impair existing remedies of the Township 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.

Article III: Maintenance Standards

§ 64-4. Maintenance of Exterior of Premises.

- A. The exterior of all premises shall be kept free of the following matter, materials or conditions:
- (1) Refuse, as hereinabove defined.
 - (2) Rubbish, as hereinabove defined.
 - (3) Abandoned, uncovered or structurally unsound wells, shafts, towers, exterior cellar openings, basement hatchways, foundations or excavations.
 - (4) Abandoned appliances, including but not limited to iceboxes, refrigerators, boilers, hot-water heaters, television sets and the like.
 - (5) Structurally unsafe or unsound buildings, structures or fences.
 - (6) Rodents, vermin, pest infestations or rodent harborages.
 - (7) Grass, weeds and the like in excess of twelve (12) inches in height.
 - (8) Nuisances, as hereinabove defined.
 - (9) Vehicles or paths thereof, including boats and trailers, motorized or not, licensed or unlicensed, registered or unregistered, which vehicles or parts thereof are to have been junked, abandoned or dismantled.

§ 64-4.1. Painting and Repair.

- A. Without limitation by the foregoing, it shall also be the duty and responsibility of owners and operators to keep all exposed surfaces susceptible to decay at all times painted or otherwise provided with a protective coating sufficient to prevent deterioration and to keep the exterior of all premises structurally sound, in good general repair and sufficiently maintained so as to prevent conditions that violate the purposes of this chapter.

§ 64-5. RESERVED.

Article IV: Administrative Provisions

§ 64-6. **Enforcement Officer.**

- A. This chapter may be enforced by the Construction Code Department, Zoning Official, Health Inspector, and Police Department of the Township.

§ 64-6.1. **Enforcement Procedure.**

- A. Whenever the Enforcement Officer determines that there is or has been a violation of any provision of this chapter, the Officer shall give notice of such violation to the person, persons or entities responsible therefor under this chapter. 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 Township, or if a copy thereof is handed to the person or persons or a copy thereof is left at the usual place of abode or office of the persons or entities. Notice shall be given as aforesaid within or without the Township. The notice shall also state that unless the violation is abated, removed, cured, prevented or desisted from within ten (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 the officer issues the notice, extend the period for correction of the violation stated in the notice for a period in excess of the aforesaid ten (10) days if, in the Officer's judgment, the abatement, removal, prevention, cessation of or cure of the condition violated cannot reasonably be effected within the ten (10) 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 ten (10) days. In the event the violation is not abated, removed, cured, prevented or desisted from or otherwise fully remedied within the ten (10) 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.

§ 64-6.2. **Emergency Conditions.**

- A. Whenever the Enforcement Officer finds that an emergency condition in violation of this chapter exists, which condition requires immediate attention in order to protect the public health or safety, the Officer may issue an order by service of notice as set forth, reciting the existence of such an emergency condition and requiring that such action be taken by the violator as soon as reasonably necessary to meet the emergency. Notwithstanding any other provision of this chapter, 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. 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.

§ 64-6.3. **Hardship Considerations.**

- A. On the basis of economic hardship any person may apply to the Township Committee for an extension of time up to six (6) months from the time period set forth by the Enforcement Officer in the notice served pursuant to the terms of this section. Such application for extension of time shall be in writing, shall be filed with the Township

Clerk within the time period set forth in the notice, shall be directed to the Township Committee and shall specifically set forth all bases of economic hardship supporting the requested extension. The application may include a request for a hearing before the Township Committee. Filing of such application shall stay the operation of the terms of this chapter until acted upon by the Township Committee.

- B. Any application properly filed shall be considered by the Township Committee no later than the next regularly scheduled executive meeting. If a hearing has been requested by the applicant or by any member of the Township Committee, it shall be acted upon no later than thirty (30) days from the date of the filing of the application with the Township Committee. Failure of the Township Committee to act within such thirty (30) day period shall be considered a denial of the application.
- C. The Township Committee, after hearing all the evidence, shall have discretion to deny the application or to grant any extension of time up to six (6) months from the date of expiration of time as set forth in the original notice served by the enforcing officer.
- D. No extension of time shall be granted for any reason other than economic hardship as determined by the Township Committee.

§ 64-6.4. Violations and Penalties.

- A. Any person or entity who shall violate any of the provisions of this chapter or any order promulgated hereunder shall, after a summons is issued under the terms hereof, upon conviction, be punished as follows:
 - (1) For a first offense, by a fine not to exceed one hundred (\$100.00) dollars.
 - (2) For a second offense, by a fine not to exceed five hundred (\$500.00) dollars.
 - (3) For a third offense or any subsequent offenses, not to exceed one thousand (\$1,000.00) dollars.

Article IV: Conflict with Other Provisions

§ 64-7. Conflicts.

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

§ 64-8 to § 64-13 RESERVED.

Article V: Brush, Grass and Debris

§ 64.14. Prohibited Accumulation.

- A. It shall be unlawful for any owner, tenant or person to gather, accumulate, keep or permit the gathering, accumulation or keeping of brush, weeds, dead and dying trees,

stumps, roots, obnoxious growths, filth, garbage, trash, debris, litter, refuse, rubbish or any of the articles on any land or in any place in the Township in such a manner as to constitute a menace to public health, safety or general welfare or to create a fire hazard.

§ 64.14.1. **Removal Required.**

- A. The owner, tenant or person having charge or control over the premises where any material has accumulated in violation of any provision of subsection 15-16.1 shall remove or cause the removal of the articles as provided in this chapter.

§ 64.14.2. **Enforcement; Notice.**

- A. *Enforcement.* If any condition described in subsection 15-16.1 above is deemed to exist, it shall be the duty of the Health Inspector/Officer, Code Enforcement Department, Zoning Official and the Police Department of the Township, or any of them, to then give written notice to the owner of the premises or the tenant therein or the person having charge or control thereof, requiring the removal of the articles within ten (10) days after the service of the notice.
- B. *Notice.* Any notice mentioned herein may be served in person or by mailing to the last known address of the respective owner or tenant or person in charge. When the owner or person in charge does not reside in the Township and when service is by mailing, then a copy of the notice shall be posted on the same day as the mailing at the premises where the condition exists. Failure to rectify the condition of which notice is given within the period specified in the notice shall constitute a violation hereunder.

§ 64.14.3. **Enforcement Officers.**

- A. The Health Inspector/Officer, Code Enforcement Department, Zoning Official and the Police Department of the Township, or any of them, are hereby designated enforcement officers of this section with full power to make complaints and issue summonses for violations. The designation herein contained shall not limit the capacity or authority of any person or officer authorized to enforce this section or any similar ordinance under any other ordinance or law.

§ 64.14.4. **Compliance with Notice; Lien.**

- A. If the owner, tenant or person in charge shall fail to remove the brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash, debris or other articles within the time required by the notice, then the Chief of the Fire Department and the Health Officer or Inspector or any officer stated hereinabove may remove or cause or arrange for the removal of the articles. The officer causing the removal shall keep an accurate account of the cost thereof and shall certify the cost and expense to the Township Committee, which shall examine the certification. If the Township Committee shall find the same correct, the cost shall be charged against the lands upon which the articles are located and from which they were removed. A statement of the cost shall forthwith be furnished by the Township Clerk to the Collector of Taxes, and the cost shall forthwith become a lien upon the lands where the violation existed and shall be added to, become and form part of the taxes next to be assessed and levied upon the lands, to bear interest at the same rate as taxes, and the lien shall be collected and enforced in the same manner as taxes, pursuant to the statutes governing the subject matter.

SECTION III

In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged to be invalid, and the remaining portions of the Ordinance shall be deemed severable therefrom and shall not be affected.

SECTION IV

This Ordinance shall take effect upon final passage and publication in accordance with the law.

Introduced at a Meeting of the Township Committee of the Township of Plainsboro on **August 10, 2016** and published on **August 13, 2016**. Adopted at a Meeting held on **September 14, 2016** and published on **September 18, 2016**.