

**Ordinance of the Township of Deptford, County of Gloucester, State of New Jersey
Supplementing Chapter 11-1.5 of the Township of Deptford General Codes**

Whereas, the Mayor and Township Council of the Township of Deptford, deems it necessary to incorporate a supplemental version of the Property Maintenance Code.

Now, Therefore Be It Ordained, by the Mayor and Township Council of the Township of Deptford, County of Gloucester, State of New Jersey, that the following shall supplement the existing property maintenance requirements of the Township for commercial properties:

Policy; purpose of ordinance.

(a) **Declaration of policy.** It is hereby declared that there exist in the township structures used for commercial, business, industrial and nonresidential purposes which are, or may become in the future, 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, constitute a menace to the health, safety, morals, welfare and reasonable comfort of the citizens and inhabitants of the township. It is further declared that by reason of lack of maintenance and progressive deterioration, certain properties have the further effect of causing blight; that if the conditions are not curtailed or removed such conditions may grow and spread and necessitate in time the expenditure of large amounts of public funds to correct and eliminate the conditions; and that by the adoption of the regulations and restrictions contained in this article blight may be prevented and neighborhood and property values may be maintained, upgraded nonresidential uses and neighborhoods may be better maintained and the public health, safety and welfare protected and fostered.

(b) **Purpose.** The purpose of this article is to protect the public health, safety, morals and welfare by establishing supplemental minimum standards governing the maintenance, appearance and condition of nonresidential premises; to fix responsibilities and duties upon owners, operators and occupants; to authorize and establish procedures for the inspection of commercial premises; to fix penalties for the violations of this article; and to provide for the right of access to permit repairs when necessary. This article is hereby declared to be remedial and essential for the public interest, and it is intended that this article be liberally construed to effectuate the purpose as stated in this section.

Higher Standard to Prevail in Cases of Conflict with other Laws or Ordinances.

In any case where the provisions of this chapter impose a higher standard than set forth in any other ordinances 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 chapter impose a lower standard than any other ordinances 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.

Issuance and Renewal of Other Permits and Licenses.

After the date of enactment hereof, all licenses and permits shall be issued upon compliance with this chapter as well as compliance with the ordinances under which such licenses and permits are granted.

Enforcement of and Compliance with Other Ordinances.

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

Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrative officer means the director of the township's Construction and Inspection's Department.

Deterioration means 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.

Enforcement officer means building officials, health inspectors, housing inspectors, code enforcement officers and zoning enforcement officers.

Exterior of premises means 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.

Extermination means 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 poison spraying, fumigating, trapping or by any other approved pest elimination methods.

Fire hazard means anything or any act which increases or may cause any increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire, or which may obstruct, delay or hinder or may become the cause of an obstruction, delay, hazard or hindrance to the prevention, suppression or extinguishment of fire.

Garbage means animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Nuisance means any public or private condition that would constitute a nuisance according to the statutes, laws and regulations of the state or any of its agencies, or this Code; and 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 such condition exists.

Occupant means any occupant, owner, agent, tenant, lessee, caretaker or other person or corporation in charge of or residing, living or sleeping in or on the premises of or having actual possession or use of a business, commercial, industrial unit or other premises affected by this article.

Operator means any person, 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.

Owner means any person who has legal or equitable title in any form whatsoever to any premises or part thereof, with or without accompanying actual possession thereof, or who shall have charge, care or control of any lot, premises, building, structure or part thereof, as owner or agent of the owner or as fiduciary, trustee, receiver, guardian, lessee or mortgagee in possession, regardless of how such possession was obtained. Any person 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 article and shall have responsibility over that portion of the premises so sublet, leased or assigned.

Premises means a lot, plot or parcel of land, including the buildings, structures and improvements thereon, which is used in any part for business, commercial or industrial activity.

Rubbish means 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. 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.

Weathering shall mean the deterioration, decay or damage caused by exposure to the elements.

Meaning of certain words. Whenever the words "accessory structure," "building," "dwelling," "premises" or "structure" are used in this code, they shall be construed, unless expressly stated to the contrary, to include the plurals of these words and as if they were followed by the words "or any part thereof." The word "shall" shall be applied retroactively as well as prospectively.

Applicability.

Every commercial premises and any buildings situated thereon in the Township, used or intended to be used for commercial occupancy, shall comply with the provisions of this ordinance, whether or not such building was or is constructed, altered or repaired before or after the enactment of this article. This article shall establish minimum standards for the initial and continued occupancy and use of all such commercial buildings and shall not replace or modify standards otherwise established for the construction, repair, alteration or use of such commercial buildings or premises contained therein. Where there is mixed occupancy with commercial and other uses on the same premises, all such uses shall be regulated by and subject to the provisions of this article.

Standards.

(a) **General standards.** There is hereby adopted by the council, for the purpose of prescribing regulations governing conditions for maintenance of commercial property, that certain code known as the International Property Maintenance Code, being particularly the 1993 edition thereof, and the whole thereof and the provisions thereof shall be controlling within the corporate limits of the township. Pursuant to N.J.S.A. 40:49-5.1 et seq., such code, which is printed in book form, is adopted by reference thereto, and a copy of the printed code is annexed to this article and shall be a part of this article as fully as though it had been set forth at length in this article.

(b) **Landscaping.** All nonresidential properties shall be kept landscaped in accordance with or equal to the original landscape site plan as approved by the planning board or zoning board of adjustment. Bushes, lawns, hedges, detention basins, retention basins and all other features included in the approved landscape plan shall be maintained and kept from becoming overgrown or unsightly or from any state of neglect or disrepair. Plantings required by site plan approval shall be replaced when the plantings have died. Where site plan approval had not been obtained, landscaping shall be maintained and kept from becoming overgrown or unsightly or from any state of neglect or disrepair.

(c) **Exterior of buildings and structures.**

(1) All storefronts and the exterior of every building, structure or appurtenance thereto shall be maintained in good repair, and all exterior surfaces thereof shall be kept painted or otherwise provided with a protective treatment where necessary for purposes of

preservation and appearance and maintained free from broken or cracked glass or loose shingles or siding or broken cracks on brick, crumbling masonry, excessively peeling paint or other condition indicating deterioration or inadequate maintenance, to the end that the property itself may be preserved, safety and fire hazards eliminated and adjoining properties and the neighborhood protected from blighting influence.

(2) The areas to be maintained and the maintenance required include but are not limited to the following:

- a. **Exterior surfaces (foundations, walls and roofs).** Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair.
- b. **Exterior walls.** Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portion of the walls or to the occupied or unoccupied spaces of the building. All exterior surface materials, including wood, composition or metal siding, shall be maintained weatherproof and shall be properly surface-coated when required to prevent deterioration.
- c. **Roofs and drainage.** The roof shall be structurally sound, tight and not have defects which might admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness or deterioration in the walls or interior portion of the building. Roof water shall not be discharged in a manner that creates a nuisance to owners or occupants of adjacent premises or that creates a public nuisance.
- d. **Decorative features.** All cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- e. **Signs, marquees and awnings.** All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. Any awning or marquee and its accompanying structural members which extend over any street, sidewalk or other portion of the premises shall be so maintained as to not constitute a nuisance or a safety hazard. In the event any such awning or marquee is not properly maintained in accordance with the foregoing, it shall, together with its supporting members, be removed forthwith. In the event any such awning or marquee is made of cloth, plastic, or similar materials, said materials, where exposed to public view, shall be maintained in good condition and shall not show evidence of excessive weathering, discoloration, ripping, tearing, or other deterioration. Nothing herein shall be construed to authorize any encroachment of an awning, marquee or its accompanying structural members on streets, sidewalks, or other parts of the public domain. They shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or other protective treatment.

f. **Chimneys and towers.** Exposed surfaces of all chimneys, cooling towers, smokestacks and similar appurtenances shall be protected from the elements and against decay or rust by periodic application of weather-coating materials such as paint or similar surface treatment.

g. **Stairs and porches.**

1. Every stair, porch, fire escape and balcony and all appurtenances attached thereto shall be maintained in sound condition and good repair. Every stair, porch and fire escape shall be maintained free of hazardous conditions such as snow, ice, mud and other debris.

2. Every flight of stairs which is more than four risers high shall have a handrail on at least one side of the stair, and every open portion of a stair, fire escape, porch, landing or balcony which is more than 30 inches (762 millimeters) above the grade below shall have guardrails. Every handrail and guardrail shall be firmly fastened and capable of bearing normally imposed loads, and shall be maintained in good condition.

h. **Windows, doors and frames.** Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to be weathertight.

i. **Weathertightness.** Every window and exterior door shall be fitted reasonably in its frame and be weathertight. Weather stripping shall be used to exclude wind or rain from entering the dwelling or structure, and shall be kept in sound condition and good repair.

j. **Glazing.** Every required window sash shall be fully supplied with approved glazing materials which are without open cracks and holes.

k. **Windows.** Every window, other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware.

l. **Doors.** Every exterior door and its hardware shall be maintained in good condition.

m. **Basement hatchways.** Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rats, rain and surface drainage water into the structure.

n. **Fences.** Every fence and gate shall be maintained in safe, sound and upright condition and in good appearance and repair. Fences and gates shall be maintained free from defect including graffiti, broken slats or panels, rust, crumbling stone or brick, excessive peeling paint, discoloration or weathering. Fences must be of uniform color height, size and type. Fence supports or poles shall be maintained in such a manner as to properly support the attached fencing material in an upright condition. The same shall be maintained free of any condition reflective of deterioration or inadequate maintenance, to the end that the property itself may be preserved, safety and fire hazards eliminated and adjoining properties and the Township of Deptford be protected from blighting influences. Fences shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or other protective treatment. All

non-conforming fences when replaced shall be constructed in accordance with the Township's unified Development Ordinances.

(d) **Structural standards.** 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: All foundation walls shall be maintained so as to carry safely the design and operating dead and live loads and shall be maintained plumb and free from open cracks and breaks so as not to be detrimental to public safety and welfare.

(e) **Site maintenance.** The exterior of the premises or vacant land shall be kept free of all nuisances and any hazards to the safety of occupants, pedestrian and other persons utilizing the premises, and free of unsanitary conditions, and any of such conditions 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 such as broken glass, filth, garbage, trash, litter and debris.
- (2) Natural growth such as brush, weeds, ragweed, stumps, roots and obnoxious growths and dead and dying trees and limbs or other natural growth which, by reason of rotting or deteriorating condition or storm damage, constitutes a hazard to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such condition.
- (3) Overhangs such as 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) Ground surface hazards or unsanitary conditions such as holes, broken or missing pavement, loose stone, excavations, mud, breaks, projections, obstructions, ice, 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 and used by persons on the premises. All such holes and excavations shall be filled and repaired, walks and steps shall be repaired, and other conditions shall be removed where necessary to eliminate hazards or unsanitary conditions with reasonable dispatch upon their discovery. It shall be the responsibility of owners and operators to take reasonable steps to discover any such hazards or unsanitary conditions which may exist on their premises.
- (5) Recurring accumulations of stormwater. Adequate runoff drains shall be provided and maintained to eliminate any recurrent or excessive accumulation of stormwater.
- (6) Sources of infestation or harborage of pests. Any extermination shall be performed by a licensed professional pesticide applicator.
- (7) Hazards in parking areas. Parking lots or parking areas, including the entrances and exits thereto, shall be kept in a good state of repair and maintained so as to comply with

subsection (e)(4) of this section. Signing of ownership and use restrictions, such as the identification of handicapped parking spaces, fire zones, etc., shall be maintained in good repair, clearly visible to potential parkers. Striping, where appropriate, shall indicate spaces, direction of flow and entrances and exits, and be maintained so as to ensure visibility. Parking shall be limited to nonpervious areas.

(8) Lighting hazards, such as inadequate or unsafe lighting.

(f) **Exhaust vents.** A person shall not construct, maintain or operate pipes, ducts, conductors, fans or blowers discharging gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes so as to discharge directly upon abutting or adjacent public and private property or that of another tenant.

Sec. 110-64. Enforcement of article.

(a) **Enforcement officers.** It shall be the duty and responsibility of the Construction Official or his designee(s) including but not limited to building officials, housing and other inspectors, code enforcement officers, and zoning enforcement officer of the township to enforce the provisions of this article as provided in this section.

(b) **Coordination of enforcement.** The primary responsibility for the inspection of premises and the issuing of orders in connection therewith under the provisions of this article shall be the responsibility of the Construction Official of the township. Whenever, in the opinion of the Construction Official, it is necessary or desirable to have inspections of any condition by any other department, he shall arrange for this to be done.

(c) **Right of entry.** Any enforcement officer is authorized to enter upon any premises at any reasonable time for the purpose of conducting inspections and performing his duties under this article.

(d) **Enforcement procedure.**

(1) Whenever an enforcement officer determines that there is or has been a violation of any provision of this article, he shall give notice of such violation to the person responsible therefore under this section. 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 upon which the notice is served, as shown by the most recent tax records of the township, or a copy thereof is handed to the person or a copy thereof is left at the usual place of abode or office of the person. Notice shall be given as provided in this subsection within or without the township. The notice shall also state that, unless the violation is abated, removed, cured, prevented or desisted within 30 days, or within five days for violations regarding removal of graffiti, grass, weeds, brush, or other debris, of the date of service of such notice, exclusive of the date of service, a summons shall be issued for such violation.

(2) The enforcement officer may extend the period for compliance with the requirements of this article in regard to the violation stated in the notice, except for violations regarding removal of graffiti, grass, weeds, brush, or other debris, for a period in excess of 30 days if, in his judgment, the abatement, removal, prevention, cessation or cure of the condition violated cannot reasonably be effected within the 30-day period. In such cases, the enforcement officer shall state such reasonably required extended period in the notice, which shall then be applicable instead of the 30-day period. No extension of the five-day period for remediation of any violation regarding removal of graffiti grass, weeds, brush or other debris shall be granted.

(3) If the violation is not abated, removed, cured, prevented or desisted from or otherwise fully remedied within the 30-day period or within such extended period as set forth in the notice, pursuant to subsection (d)(2) of this section, a summons shall be issued against the person so notified. Any extension beyond 60 days must be approved by the administrative officer.

(4) If the violation regarding removal of grass, weeds, brush or other debris is not remediated within the five-day period set forth in the notice, a summons shall be issued against the person notified. In addition, the enforcement officer may cause the removal thereof.

(e) ***Emergency conditions.*** Whenever the enforcement officer finds that an emergency condition in violation of this article exists, which condition requires immediate attention in order to protect the public health or safety, he may issue an order to protect the public health or safety by service of notice as set forth in subsection (d) of this section, 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. Notwithstanding any other provision of this article 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 council as soon as is reasonably possible. After such hearing and decision by the council as to the existence or nonexistence of the emergency condition, the council 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.

(Code 1979, § 108-3; Ord. No. 04-002, 1-20-2004)

Penalty.

Any person convicted of a violation of any of the provisions of this article or any order promulgated under this article shall be punished in accordance with section 1-3.

Abatement of violations regarding grass, weeds, brush or other debris; recovery of costs by township.

If the owner, tenant or person in possession of the lands served notice pursuant to this article shall refuse or neglect to abate or remedy the violation regarding grass, weeds, brush or other debris set forth in the notice within five days after receipt of notice, the

enforcement officer shall cause the condition complained of to be abated and remedied by the department of public works, which shall certify the cost thereof to the department of finance, who shall cause the cost as shown thereon to be charged against the lands. The amount so charged shall forthwith become and form a part of the taxes next to be assessed and levied upon such lands, and shall bear interest at the same rate as taxes, and shall be collected and enforced by the same officer and in the same manner as taxes. Costs shall be in addition to any penalties imposed for any violation of this article. State law references: Similar provisions, N.J.S.A. 40:48-2.14.



TOWNSHIP OF DEPTFORD

BY: _____
PAUL MEDANY, MAYOR

ATTEST:

DINA L. ZAWADSKI, TOWNSHIP CLERK

CERTIFICATION

The above Ordinance was introduced and passed upon first reading at a meeting of the Township Council of the Township of Deptford held on the 8th day of June, 2009 and will be taken up for final consideration and passage at the Regular Meeting of Mayor and Council of the Township of Deptford to be held at the Municipal Building, 1011 Cooper Street, Deptford, New Jersey, Gloucester County, on the 6th day of July, 2009 at 7:00 P.M. or as soon thereafter as the matter can be reached at which time any person interested shall be given an opportunity to be heard.

DINA L. ZAWADSKI, TOWNSHIP CLERK

Introduction

RECORD OF VOTE						
Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		O.7.09				
Medany						
Love						
DiMarco						
Hufnell						
Schocklin						
Scott						
Tenaglia						

Adoption

RECORD OF VOTE						
Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		O.7.09				
Medany						
Love						
DiMarco						
Hufnell						
Schocklin						
Scott						
Tenaglia						