

**KNOWLTON TOWNSHIP  
WARREN COUNTY, NEW JERSEY  
ORDINANCE 2022-10**

**ORDINANCE OF THE TOWNSHIP OF KNOWLTON ESTABLISHING A COMMERCIAL  
PROPERTY MAINTENANCE ORDINANCE**

**WHEREAS**, the Mayor and Committee of the Township of Knowlton are desirous to establish minimum standards for the maintenance of commercial properties within the Township as such standards would be in furtherance of the public health, safety and welfare of the Township and its residents.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Committee of the Township of Knowlton, in the County of Warren and State of New Jersey, as follows:

**SECTION 1.** Section 128 of the Code of the Township of Knowlton, entitled “Commercial Property Maintenance” is added as follows:

**§ 128-1 Purpose.**

The purpose of this code is to protect the public health, safety and welfare by establishing minimum standards for the maintenance of such 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 for this code; and to provide for the right of access to permit repairs when necessary. This code is hereby declared to be remedial and essential for the public interest, and is intended that this code be liberally construed to effectuate the purpose as stated herein.

**§ 128-2 Definitions.**

For the purpose of this chapter, certain words and terms herein are defined as follows:

**COMMERCIAL AND INDUSTRIAL PREMISES**

Any lot or any part of which commercial or industrial activity of any kind takes place. Such activity includes all those commercial and industrial uses permitted or conditionally permitted in the Neighborhood Commercial (C-1), Commercial (C-2) and Planned Commercial Development (PCD) zones, whether such uses are actually in those zones or in other zones.

**DETERIORATION**

The condition of a building or part thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay, neglect, lack of maintenance or excessive wear.

**EXPOSED TO PUBLIC TO VIEW**

Any premises or part thereof which may be lawfully viewed by the public or any member thereof from the sidewalk, street, alleyway or parking lot or from any adjoining or neighborhood premises.

**EXTERIOR OF 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.

**HARBORAGE**

Any condition, man-made or natural, which affords a breeding or hiding place for rodents, insects or other pests.

**NUISANCE**

- A. Any common-law nuisance or as provided by the laws of the State of New Jersey or the ordinances of the Township of Knowlton, including but limited to §127 of the Code of the Township of Knowlton.
- B. Any attractive nuisance, as determined by the code enforcement official, which may prove detrimental to the health or safety of children, whether in a building or upon a lot. This includes but is not limited to any structurally unsound fences or structures, lumber, trash, debris or vegetation, such as poison ivy, poison oak or poison sumac, which may prove a hazard for inquisitive minors.
- C. Physical conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist.
- D. Unsanitary conditions or anything unreasonably offensive to senses or dangerous to health in violation of this code.
- E. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings.
- F. Fire hazards.

**OCCUPANT**

Any person having actual possession of the premises or any part thereof.

**OPERATOR**

Any person who has charge, care or control of the commercial premises or any part thereof, whether with or without the consent of the owner.

**OWNER**

Any person who, alone or jointly or severally with others, shall have legal or equitable title to any commercial or industrial premises with or without accompanying actual possession thereof, or shall have charge, care, custody or control of any commercial or industrial premises as owner or agent of the owner or as fiduciary, including but not limited to executor, executrix, administrator, administratrix, trustee, receiver or guardian of the estate or as a mortgagee in possession, regardless of how such possession was obtained. Any person who is a lessee subletting or reassigning any part or all of any commercial or industrial premises shall be deemed to be a co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by said lessee.

**STRUCTURE**

An assembly of materials forming a construction, including but not limited to buildings, stadiums, platforms, radio towers, trestles, open sheds, bins, shelters, fences and display racks and signs.

**TRANSLUCENT**

The property of admitting the passage of light but defusing it so that objects beyond it cannot be clearly distinguished.

## **WINDOW**

An opening in the wall or roof of a building with the admission of light, which opening may be closed to the elements by casements or sashes containing glass or other transparent material.

## **WINDOW DISPLAY AREA**

That area of a building in proximity to the inner surface of a window which is designed and used for the viewing of the interior and the display items representative of any goods or services pertaining to the business therein.

### **§ 128-3 Scope and applicability.**

- A. Every commercial and industrial premises and any building situated thereon in the Township of Knowlton used or intended to be used for commercial or industrial occupancy shall comply with the provisions of this code whether or not such buildings shall have been constructed, altered or repaired before or after the enactment of this code. This code establishes minimum standards for the initial and continued occupancy and use of all such commercial or industrial buildings and does not replace or modify standards otherwise established for the construction, repair, alteration or use of such commercial or industrial buildings or premises contained therein. Where there is mixed occupancy with commercial or industrial and other uses on the same premises, all such uses shall be nevertheless regulated by and subject to the provisions of this code.
- B. In any case where the provisions of this code impose a higher standard that is set forth in any other ordinances of the Township of Knowlton or under the laws of the State of New Jersey, then the standard as set forth herein shall prevail, but if the provisions of this code impose a lower standard than any other ordinances in the Township of Knowlton or the laws of the State of New Jersey, then the higher standard contained in any other such ordinance or law shall prevail.

### **§ 128-4 Liability of owner.**

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

### **§ 128-5 Liability of occupant.**

Occupants shall have all the duties and responsibilities as prescribed in §§ **128-13, 128-14, 128-15, 128-16 and 128-17** of this code, and the occupant shall not be relieved from any such duty and responsibility nor be entitled to defend against any charge of violation thereof by reason of the fact that the owner or operator is also responsible therefor and in violation thereof.

### **§ 128-6 Premises to be maintained free of hazards.**

The exterior of the premises and all structures thereon shall be kept free of all nuisances and any hazards to the safety of occupants, pedestrians and other persons utilizing the premises and free of unsanitary conditions, and any of the foregoing 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:

- A. Refuse. Broken glass, filth, garbage, trash, litter and debris.
- B. Natural growth. 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 conditions or storm damage, constitute a hazard to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to

prevent such conditions.

C. Overhangings. 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.

D. Ground surface hazards or unsanitary conditions. Holes; broken or missing pavement; loose stone excavations, breaks, projections, obstructions, ice or 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.

E. Recurring accumulations of stormwater. Adequate runoff drains shall be provided and maintained to eliminate any recurrent or excessive accumulation of stormwater.

F. Sources of infestation.

#### § 128-7 **Landscaping.**

Premises shall be kept landscaped, and lawns, hedges and bushes shall be kept trimmed and kept from becoming overgrown. Plantings required by site plan approval shall be replaced when the same have died.

#### § 128-8 **Signs.**

All signs, pavement markings and printed matter and pictures or illustrations contained thereon, permitted by site plan approval, other regulations or as a lawful nonconforming use, shall be maintained in good repair.

#### § 129-9 **Exterior of buildings.**

In order to preserve property value and eliminate safety hazards and protect adjacent properties and the neighborhood from blighting influences, 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 whitewashed where necessary for purposes of preservation and appearance, free of broken glass, loose shingles, crumbling stone or brick or excessive peeling paint.

A. Unsafe exterior facilities. Unsafe exterior facilities include exterior porches, landings, balconies, stairs and fire escapes, all of which shall be kept structurally sound and in good repair and shall be provided with banisters or railings properly designed and maintained.

B. Signs and billboards. All permanent signs and billboards exposed to public view permitted by the Zoning Ordinance and regulated by the Building Code or other regulations or as a lawful nonconforming use shall be maintained in good repair. Any sign or billboard which has weathered excessively or faded or the paint on which has excessively peeled or cracked shall, with its supporting members, be removed forthwith or put into a state of good repair. All inoperative or broken electrical signs shall be repaired or shall, with their supporting members, be removed forthwith.

C. Windows exposed to public view. All windows exposed to public view shall be kept clean and free of marks and foreign substances and be unbroken. Except when necessary in the course of changing displays, no storage of materials, stocks or inventory shall be permitted in window display areas ordinarily

exposed to public view unless such areas are first screened from view by draperies, venetian blinds or other means. All screening of interiors shall be maintained in a clean and attractive manner in good state of repair.

D. Awnings or marquees. 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 safety hazard. In the event that 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 that any such awning or marquee is made of cloth, plastic or of 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.

E. Temporary scaffolding or equipment. No temporary painting scaffold or other temporary equipment used for construction, repair or maintenance shall be permitted to remain in place beyond a period necessary to reasonably complete the purpose for which such equipment was intended to be used without permission of the Building Inspector.

F. Store fronts. All store fronts shall be maintained in good repair, and all surfaces thereof shall be kept painted when necessary for purposes of preservation and appearance. In the event that repairs to a portion of a store front are made, such repairs shall be performed with materials identical or compatible with the materials used in the area not undergoing repair, to the end that the appearance of the store front shall be uniform and attractive and shall not constitute a blighting factor depreciating adjoining properties.

G. Unoccupied buildings. All unoccupied buildings, including those areas visible by the public from the public street or sidewalk, must be maintained in broom-clean condition and free of litter.

**§ 128-10 Windows of unoccupied buildings.**

In order to preserve property value and eliminate safety hazards and protect adjacent properties and the neighborhood from blighting influences, the interior side of all ground-floor windows exposed to the public view of unoccupied commercial or industrial structures shall be kept clear, clean, and in a good state of repair during the period of time said structure or structures remain unoccupied. During the period of time that said structure or structures remain unoccupied a light shall be kept on in the interior side of all ground-floor windows exposed to the public view. All areas of unoccupied commercial or industrial structures visible by the public from the public street or sidewalk must be maintained in broom-clean condition and free of litter.

**§ 128-11 Outside storage.**

A. Outside storage or display of merchandise or commercial or industrial material or equipment shall be forbidden unless otherwise permitted by site plan approval. These conditions, however, do not include items that are stored or kept behind fencing or screening or kept a reasonable distance from the public street so as to sufficiently disguise the item from the view of a reasonable passerby. These conditions shall not include the storage by businesses or permitted commercial operations from storing their equipment, inventory, vehicles or other items reasonably and frequently used in their business or occupation.

B. Waiver of this provision may be applied for by written request to the Code Enforcement Officer and granted in consultation with the Township Committee based upon the size and kind of merchandise

or equipment, duration and location of the outside storage and the purpose of this code.

**§ 128-12 Parking lots or 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 § 128-6 hereof. Signing of ownership and use restrictions 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 assure visibility.

**§ 128-13 Sidewalks.**

In addition to other applicable ordinances, regulation or law, every day that the premises is open for business, the occupant shall also be responsible for removing litter from the sidewalk or other pedestrian areas, if any, in front of the occupant's commercial or industrial premises. The area shall be swept as often as necessary to maintain it free of litter, spillage and other debris.

**§ 128-14 Occupant to report violations.**

Upon discovery by an occupant of any condition of the premises which constitutes a violation of this chapter by the owner or operator, the occupant shall report same to the Code Enforcement Official, who shall be responsible for enforcement of the provisions of this chapter.

**§ 128-15 Occupant to maintain premises in clean and sanitary manner.**

All parts of the premises under the control of the occupant shall be kept in a clean and sanitary condition, and the occupant shall refrain from performing any acts which would render other parts of the premises unclean or unsanitary or which would obstruct the owner or operator from performing any duty required hereunder or maintaining the premises in a clean and sanitary condition.

**§ 128-16 Premises to be kept free of infestation.**

Every operator and occupant shall be responsible for the elimination of infestation in and on the premises subject to his control.

**§ 128-17 Littering prohibited.**

No person shall deposit any litter on the ground in any commercial premises.

**§ 128-18 Inspections.**

All buildings and premises subject to this code are subject to inspection from to time by the Code Enforcement Official, Law Enforcement or any other Township official charged with the duty of enforcing regulations governing any aspect or conduct of the activity housed in said premises. At the time of such inspections, all parts of the premises must be available and accessible for such inspections, and the owner, operator and occupant are required to provide the necessary arrangements to facilitate such inspection. Such inspections shall be made during open hours of the business occupying said premises unless there is reason to believe a violation exists of a character which is an immediate threat to health or safety requiring inspection and abatement without delay.

**§ 128-19 Abatement of violation.**

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 Code Enforcement Official, Law Enforcement or any other authorized Township official may order the owner, operator or occupant to correct the violation or condition within the period of time consistent with the hazard involved and with the measures necessary to

remove the hazard, and, upon the failure of the operator, owner or occupant to correct said condition, the Code Enforcement Official, Law Enforcement or any other authorized Township official shall abate said condition immediately thereafter.

**§ 128-20 Lien for abatement.**

Where the abatement of any nuisance, as defined herein, or correction of a defect on the premises or the maintenance of the premises in a proper condition to conform to applicable ordinances of the Township of Knowlton or the laws of the State of New Jersey requires expenditure of the Township's moneys therefor, the Code Enforcement Official, Law Enforcement or any other authorized Township official shall present a report of the work accomplished to the governing body of the Township of Knowlton, along with a summary of the proceedings undertaken to secure compliance, including notice served upon owners, operators, occupants or their agents, as the case may be, by telephone, telegram or as otherwise provided by law. The governing body shall then approve the expenditures made and assess the same against the premises collectible as provided by law. A copy of the resolution approving said expenses shall be certified by the Township Clerk and filed with the Tax Collector of the Township of Knowlton, who shall be responsible for the collection thereof, and a copy of the report and resolution shall be sent by certified mail, return receipt requested, to the owner.

**§ 128-21 Procedure upon discovery of violations.**

- A. Except as provided in § 128-19 hereof, where violations of this code or the regulations hereunder are found to exist, a written notice from the Code Enforcement Official shall be served on the person or persons responsible for the correction thereof.
- B. Notice shall be served personally or by certified mail, addressed to the last known address of the person to be served. In the case of an occupant, notice may be posted upon the main entrance door of the building, and in the case of an owner who does not reside within the Township of Knowlton, the last known address shall be the address of the owner as shown in the office of the Tax Collector.
- C. The notice shall specify the violation or violations committed, what must be done to correct the same, a reasonable period of time, not to exceed 30 days, to abate the violation, and that the notice shall become an order of the Code Enforcement Official in 10 days after service.
- D. In the event that the violation is not abated, removed, cured or otherwise fully remedied within the time period prescribed in the initial notice or extended time period as permitted by the Code Official, a summons shall then be issued against such person or persons charged with the violation.

**§ 128-22 Violations and penalties.**

Any person or persons, firm, association or corporation who shall violate any of the provisions of this chapter or any order promulgated hereunder shall, upon conviction, be liable or subject to a fine not to be less than \$750 but not to exceed \$1,000 or by imprisonment in the county jail for a period not to exceed 30 days, or by both such fine and imprisonment, and each violation of any of the provisions of this chapter and each day that such violation shall continue shall continue shall be deemed to be a separate and distinct offense.

Introduction: October 27, 2022

Motion Starrs

Second: Cuntala

AIF: Cuntala—yes, Mazza—yes, Shipps—yes, Van Horn—yes, Starrs—yes

Adoption: November 14, 2022

Motion: Starrs

Second: Cuntala

Roll Call: Cuntala—yes, Mazza—absent, Shipps—absent, Van Horn—yes, Starrs—yes