

ORDINANCE NO. 2022-18
A BOROUGH ORDINANCE CONCERNING
THE MAINTENANCE OF PROPERTY
CHAPTER 347, PART II
OF THE GENERAL LEGISLATION

WHEREAS, the Borough of Penns Grove, in consideration of its housing stock, public health, and efforts towards rehabilitation and redevelopment of the municipality at large, requires updates to the Borough's Code governing the maintenance of property;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council, that Chapter 347, Part II of the General Legislation be amended as follows via replacement as cited herein:

Chapter 347, shall be amended via the addition of Article VI, so entitled "Maintenance of Property," with additions to the Borough Code as set forth below:

CH 347, ARTICLE VI -- MAINTENANCE OF PROPERTY

§ 347-17 EXTERIOR PROPERTY AREAS.

A. Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant/occupancy shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

B. Grading and drainage.

- (1) All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon or within any structure located thereon.
- (2) Exception: approved retention areas and reservoirs.

C. Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

D. Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of six inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; provided, however, this term shall not include cultivated flowers and gardens. Brush, weeds and debris include brush, weeds, dead or dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and other debris.

E. Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

F. Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

G. Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

- (1) Gates. Gates which are required to be self-closing and self-latching in accordance with the Uniform Construction Code shall be maintained such that the gate will positively close and latch when released from a still position of six inches (152 mm) from the gatepost.
- (2) Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair. Swimming pools are to be winterized in the winter months with a standardized approved cover.

H. Motor vehicles.

- (1) Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Towing and confiscation of vehicle(s) at owner's expense.
- (2) Yard parking. No person shall park, stop or stand any motor vehicle, or permit or suffer the same to be done, in any yard area of premises occupied by a dwelling or hotel, except on driveways and parking areas constructed and installed in compliance with applicable Borough ordinances and not less than three feet from the interior front sidewalk line adjacent to said premises.

I. Defacement of property. For the purpose of this section "graffiti" means drawing, painting or making of any mark or inscription on public or private real or personal property without the prior written permission of the owners of the property. No person shall place any graffiti on any building, structure or other exposed surface located in the Borough of Penns Grove.

J. Notification to remove graffiti; time limit.

- (1) The owner of the property on which the graffiti is placed shall remove that graffiti. If the owners shall fail to remove that graffiti, the proper Code Enforcement personnel shall issue an order directing the owners to remove the graffiti in 90 days from the date that the notice is sent. If the property is owned by the Department of Transportation, the notice shall provide 120 days for the removal of the graffiti. The notice required herein shall be sent to the property owner by certified and regular mail. Unless the property owner has provided the Borough with a different address, the notice shall be sent to the address which appears in the tax records of the Borough of Penns Grove.
- (2) The notice described in Subsection J(1) shall contain a form to be utilized by a property owner to inform the Borough that the graffiti has been removed. The form shall contain a provision stating that by affixing a signature to the form, indicating that the graffiti has been removed, the owner is certifying that the facts set forth to us are true and that the certification shall be considered as if made under oath subject to the same penalties as provided by law for perjury.
- (3) An owner who has been ordered to remove graffiti shall respond to the municipality by personal delivery or certified mail:
 - (a) Of any objection to the order, within 30 days of the date of the order; or
 - (b) Of notice that the graffiti has been removed, within 90 days of the date of the order, or in the case of the Department of Transportation, within 120 days of the date of the order.
- (4) An owner who objects to that order may institute an action challenging the order before a court of competent jurisdiction within 60 days of the date of the order.

K. Violations and penalties; applicability to private property. A private property owner who fails to remove graffiti from private multiple structures or properties shall be considered to have committed separate offenses and shall be subject to separate punishment as a separate offense.

L. Removal; recovery costs.

- (1) If a property owner does not undertake the removal of the graffiti within 90 days of the date of the order, or in the case of the Department of Transportation within 120 days of the date of the order, unless an action challenging the order to remove is pending in a court of competent jurisdiction, the Borough may remove the graffiti from the property with a detailed itemization of the cost incurred by the Borough, by certified and regular mail, for reimbursement from the property owner.
- (2) Where the Borough undertakes the removal of graffiti and presents the owner with the detailed itemization of the cost of removal and the owner fails to reimburse the Borough for the cost of removal within 15 days of the date the

itemization is mailed, the Borough may file the itemization with the Office of the Tax Collector whereupon the total of the amount shown thereon shall be recorded as a lien against the premises. In addition to or in lieu of the filing of a lien against the property, the Borough may file an action for the collection of the debt in the Superior Court of the State of New Jersey as authorized by statute.

§ 347-18 EXTERIOR OF STRUCTURES.

A. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary, so as not to pose a threat to the public health, safety or welfare.

B. Protective treatment. All exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. The removal of lead-based paint shall be performed pursuant to the applicable provisions of state law. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather-resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

C. Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

D. Structural members. All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

E. Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

F. Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials, and maintained weatherproof, and properly surface-coated where required to prevent deterioration.

G. Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

H. Decorative features. All cornices, 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.

I. Overhang extensions. All overhang extensions, including but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts, shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood 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.

J. Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

K. Chimneys and towers. All chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound and in good repair, All exposed surfaces of metal or wood 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.

L. Residential stairs and railings.

- (1) Interior stairs of every structure used for human habitation shall be structurally sound and free of defect.
- (2) Handrails or banisters shall be provided for all stairs, balconies or fire escapes.

M. Every window, other than a fixed window, shall have standard-type glass and shall be easily openable and capable of being held in position by the window hardware. Additionally, all such windows used for this purpose shall be covered by blinds, drapes, shades or other permanent fixtures rendering the window opaque to the public view, except that cardboard, wood, paper or other such temporary coverings shall not be permitted.

N. Glazing. All glazing materials shall be maintained free from cracks and holes.

O. Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

P. Screens. Properly fitting screens in good repair shall be supplied for each exterior rear door and window of each dwelling unit or rooming unit. Such screens shall have a mesh of not less than No. 16. Screens shall not be required in rooms deemed by the Public Officer, pursuant to regulation, to be located sufficiently high to be free of mosquitoes, flies and other undesirable insects or otherwise protected from serving as a means of access for infestation. In establishments subject to licensing and in all buildings where janitor service is required pursuant to Borough Code, screens shall be installed and maintained by the owner or operator on all rear doors and windows from May 1 to October 15 of each year.

Q. Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition, Locks at all entrances to dwelling units, rooming units and guest rooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Borough Code.

R. Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

S. Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

§ 347-19 INTERIOR OF STRUCTURES.

A. General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

B. Structural members. All structural members shall be maintained structurally sound and be capable of supporting the imposed loads.

C. Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. The removal of lead-based paint shall be performed pursuant to the applicable provisions of state law. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

D. Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair. Bathroom and kitchen floors shall be surfaced with waterproof resistant materials, cellar and basement floors shall be paved with stone and concrete not less than four inches thick and shall be maintained at all times in a condition so as to be smooth, clean, free of cracks, breaks and other hazards.

E. Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

F. Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

§ 347-20 RUBBISH AND GARBAGE.

A. Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

B. Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

C. Rubbish storage facilities. The owner of every occupied premises shall supply approved, covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

D. Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers. The trash shall be placed on the curb (or in the alleyway, if this is the assigned location) no earlier than 8:00 p.m. on the night before the scheduled trash collection. All trash containers must be removed from the curblines within six hours of trash collection.

E. Garbage facilities. The owner of every dwelling shall supply one of the following: an approved mechanical food-waste grinder in each dwelling unit; an approved incinerator unit (DEP approval required) in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.

F. Container. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

§ 347-21 STORAGE AREAS.

In dwellings containing three or more dwelling units, storage areas or storage bins shall be of fireproof construction and shall contain fireproof walls and partitions of at least two hours' rating and, in addition thereto, shall have self-closing fireproof doors; provided, however, that storage in existing framework, wood-frame bins or non-fireproof storage areas shall be permitted, provided that the storage of the combustible materials, containers for the same and means of storage shall be in compliance with those regulations promulgated by the Public Officer, with the approval of the Fire Official, designed to minimize the existence of fire hazards in dwellings. Excessive accumulations of combustible materials are prohibited, and responsibility for removal thereof shall be with the owner and operator of the premises as well as the occupant to whom said materials may belong. Where storage areas or storage bins are available to more than one tenant, the area shall be numbered or otherwise identified, and a list of the names of the tenants utilizing such areas shall be kept at all times available for examination by the Public Officer in the office of the person in charge of the premises. The provisions governing this section shall be supplemented by regulations to be prepared jointly by the Public Officer and the Fire Official as well as appropriate enforcement procedures, which will include notification to the superintendents and tenants of apartment houses that may be affected thereby.

§ 347-22 SUPERINTENDENT OR JANITOR REQUIRED; FUNCTION.

A. In every dwelling containing six or more dwelling units or rooming units or a combination thereof, the owner shall provide or designate a superintendent, janitor, caretaker or housekeeper, who shall, at all times, maintain the premises in compliance with this article and keep the

premises free of filth, garbage, refuse and rubbish and shall be responsible for the daily collection of garbage and other refuse from the occupants on a regular schedule and at a reasonable time and shall place the same out for collection. Said person shall be regularly available on the premises to perform the foregoing duties.

B. Nonresident superintendent or janitor. In the event that said superintendent, janitor, caretaker or housekeeper shall not reside in said premises, the owner or operator shall make his name, address and telephone number known to all tenants, shall register the same with the Public Officer and shall also make available and known to all tenants and the Public Officer the name of an alternative individual who shall be responsible in the absence of said superintendent, janitor, caretaker or housekeeper.

C. When superintendent or janitor is to reside on premises. In any premises containing 35 or more dwelling units, rooming units or a combination thereof, said superintendent, janitor, caretaker or housekeeper shall reside on the premises. In any premises containing 70 or more dwelling units, rooming units or a combination thereof, said superintendent, janitor, caretaker or housekeeper shall be a full-time employee. Where more than one building on adjoining premises or premises in near proximity to each other is to common ownership or under common management or maintenance supervision, the requirements contained herein shall apply separately to each building, unless the owner or manager thereof can demonstrate, to the satisfaction of the Public Officer, that proper operation of the premises and provision of all essential services and facilities as required under Borough standards can be provided by a resident superintendent, janitor, caretaker or housekeeper of one building, who shall assume responsibility of the other building or buildings adjoining or in near proximity to his place of residence.

D. Competence and qualifications of superintendent or janitor.

- (1) Said superintendent, janitor, caretaker or housekeeper shall have sufficient knowledge, competence and responsibility and shall have authority from the owner or operator to attend to or arrange for continual operation of all essential services and facilities required under this article.
- (2) Where violations arise under this article and, by reason of the same, the Public Officer is doubtful of the qualifications, competence and sense of responsibility of any superintendent, janitor, caretaker or housekeeper, he shall provide notice to the owner or operator and to the superintendent, janitor, caretaker or housekeeper and thereafter shall provide an oral and written examination or hearing to determine the qualifications, competence and sense of responsibility of said superintendent, janitor, caretaker or housekeeper. In the event that the Public Officer shall find that such person is not capable or competent to regularly perform the duties required by this article, said Public Officer shall order the owner or operator to provide a suitable person to be placed in charge of and be responsible for said premises.

E. Failure of superintendent or janitor to comply. The failure of any superintendent, janitor, caretaker or housekeeper to comply with the provisions of this article, even in disobedience of

instructions, shall not relieve the owner or operator from the duties and responsibilities imposed by this article.

§ 347-23 EXTERMINATION.

A. Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by the approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

B. Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

C. Single occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

D. Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

E. Occupant.

(1) The occupant of any structure shall be responsible for the continued rodent- and pest-free condition of the structure.

(2) Exception. Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

§ 347-24 ROOMING AND BOARDING HOUSES.

In addition to any other provision in the Borough Code, every owner and/or operator of a rooming or boarding house shall comply with the regulations, including but not limited to the building and property maintenance standards set forth in the New Jersey Administrative Code, N.J.A.C. 5:27-1 et seq.

ATTEST:


Sharon R. Williams, Municipal Clerk


LaDaena D. Thomas, Mayor

Intro:

Council	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
Carter			X			
Martin		X	X			
Mincey			X			
Rambo			X			
Scarpaci			X			
Worley	X		X			

Notice: The above ordinance was introduced and passed on the first reading at the meeting of the Mayor and Council of the Borough of Penns Grove in the County of Salem held on 10-4-2022 and will be considered for final passage at a meeting to be held by the Mayor and Council at Borough Hall, Broad Street and State Street, Penns Grove, New Jersey on 10-18-2022 at which time any interested person will be given an opportunity to be heard.


Sharon R. Williams, Municipal Clerk

FINAL:

Council	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
Carter			X			
Martin		X	X			
Mincey			X			
Rambo			X			
Scarpaci			X			
Worley	X		X			

Notice: The above ordinance was introduced and passed on the first reading at the meeting of the Mayor and Council of the Borough of Penns Grove in the County of Salem held on _____, 2022 and was adopted, after a public hearing was held by the Mayor and Council at Borough Hall, 1 State Street, Penns Grove, New Jersey on _____.

Sharon R. Williams, Municipal Clerk