

**TOWNSHIP OF ROCKAWAY  
MORRIS COUNTY, NEW JERSEY**

**ORDINANCE # O-21-20**

**AN ORDINANCE AMENDING CHAPTER 14 ENTITLED "PROPERTY  
MAINTENANCE" OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF  
ROCKAWAY**

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

**WHEREAS**, the Council wishes to amend Chapter 14, Property Maintenance, of the Revised General Ordinances of the Township of Rockaway, to clarify the categories of responsible parties; to comply with applicable State Law; and to authorize the Township to abate property maintenance violations of all kinds in circumstances where the owners, occupants, or creditors in actions in foreclosure have failed to do so and ensuring repayment therefor by adding to the language of §14-1.3, changing the language of Section §14-1.6, and changing the numerical heading reference from former §14-1.6 to §14-1.7; and

**WHEREAS**, all other sections of Chapter 14 shall remain unchanged hereby.

**NOW, THEREFORE, BE IT ORDAINED**, by the governing body of the Township of Rockaway, County of Morris, State of New Jersey, that Chapter §14-1.3, §14-1.6 are hereby amended and the numerical heading of §14-1.7 is hereby added to the General Ordinances of the Township of Rockaway as follows:

**SECTION 1:**

**§14-1.3. Amendments to the Code**

The International Property Maintenance Code is hereby amended and supplemented as follows:

Section 101.1: "Insert Township of Rockaway."

**Section 101.2 Add “creditors/plaintiffs in pending actions in foreclosure” to owners, owner’s authorized agents, operators and occupants as “responsible parties” for property maintenance.**

Section 112.4: "Insert not less than \$500 and not more than \$1,000."

Section 103.5: "Insert not more than \$1,000."

Section 302.4: "Insert 18 inches."

Section 304.14: "Insert April 1 to November 1."

Section 602.3: "Insert October 1 to April 1."

Section 602.4: "Insert October 1 to April 1."

**§14-1.6 Township’s Right to Abate Violations**

Pursuant to N.J.S.A. 40:48-2.12f, by resolution of its governing body, upon failure of a responsible party to do so within 30 days from the issuance of a notice of violation or within 10 days of the responsible party’s actual receipt of such notice, the Township may abate a nuisance, correct a defect, or put any premises in properly maintained condition so as to comply with the requirements of this ordinance or applicable State law, at the cost of the owner, the owner’s authorized agent, the operator, the occupant, or the creditor/plaintiff in a pending action in foreclosure, and expend municipal funds for such purpose and charge the same against the premises, and the amount thereof as determined by the governing body of the municipality, which charge shall be a lien against the premises and shall be added to and become and form part of the taxes next to be assessed and levied upon such dwelling or lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.

**§14-1.7 Amendments and Modifications**

In every case where any modification, deletion, amendment or change in the International Property Maintenance Code is made hereinafter, any such modification, deletion, amendment or change shall automatically be adopted and made a part hereof.

**SECTION 2.** All Ordinances of the Township of Rockaway which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 4.** This Ordinance shall take effect as provided by law.

**PURPOSE**

The purpose of the amendment is to clarify the categories of persons responsible for property maintenance; to comply with applicable State Law; to authorize the Township to abate property maintenance violations of all kinds in circumstances where the owners, occupants, or creditors in actions in foreclosure have failed to do so; and, to provide for the imposition of a lien against the premises to recover any money expended by the Township in the abatement process.


**CERTIFICATION**

I, Christina Clipperton, Township Clerk of the Township of Rockaway hereby certify the foregoing to be a true copy of an Ordinance introduced by the Township Council of the Township of Rockaway at a duly convened meeting held on April 13, 2021 and adopted by the Township Council of the Township of Rockaway at a duly convened meeting held on April 27, 2021, 2021.

  
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Michael Puzio, Mayor

  
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Christina Clipperton, Township Clerk

Approved:

  
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Joseph Jackson, Council President