

# Egg Harbor Township

## Ordinance No. 2

2009

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### AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF EGG HARBOR BY ADDING A NEW CHAPTER 173 TO BE ENTITLED PROPERTY MAINTENANCE

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BE IT ORDAINED, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey as follows:

SECTION 1: The Code of the Township of Egg Harbor is hereby amended by adding thereto a new chapter to be Chapter 173, Property Maintenance, to read as follows:

#### ARTICLE I General Provisions

##### Section 173.1. Title

This chapter shall be known as the "Property Maintenance Code of the Township of Egg Harbor" and may be referred to in this chapter in the short form as the "Property Maintenance Code" or as "this code."

##### Section 173.2. Findings and declaration of policy.

- A. It is hereby found and declared that there exist in the Township of Egg Harbor structures and vacant lots which are or may become in the future substandard with respect to structural integrity, equipment or maintenance or, further, that such conditions, including but not limited to structural deterioration; lack of maintenance of exterior premises and vacant lots; infestation; existence of fire hazards; constitute a menace to the health, safety, welfare and reasonable comfort of the citizens and inhabitants of the Township of Egg Harbor.
- B. It is further found and declared that, by reason of lack of maintenance and ensuing progressive deterioration, certain properties have the further effect of creating blighting conditions and that, if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate the same and that, by reason of timely regulations and restrictions as herein contained, the growth of blight may be prevented and the neighborhood and property values thereby maintained, the desirability and amenities of dwellings and neighborhoods enhanced and the public health, safety and welfare protected and fostered.

##### Section 173.3. Purposes.

- A. The purpose of this code is to:
  1. Protect the public health, safety and welfare by establishing minimum standards governing the exterior maintenance, condition and structural integrity of residential and nonresidential premises.
  2. Authorize and establish procedures for the inspection of residential and nonresidential premises.

3. Fix penalties for the violations of this code.
  4. Permit repairs.
  5. Provide for the repair, demolition or vacation of premises unfit for human habitation or occupancy or use.
- B. This code is hereby declared to be remedial and essential for the public interest, and it is intended that this code be liberally construed to effectuate the purposes as stated herein.

**Section 173.4. Definitions and word usage.**

- A. Interchangeability. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.
- B. Terms defined in Building Code. Where terms are not defined in this section and are defined in the Building Code, they shall have the meanings ascribed to them as in the Building Code.
- C. Terms not defined. Where terms are not defined under the provisions of this code or under the provisions of the Building Code, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply.
- D. Meaning of certain words. Whenever the words "accessory structure," "building," "dwelling," "dwelling unit" 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.
- E. Applied meaning of words and terms. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings indicated in this section:

**ACCESSORY STRUCTURE:** A detached building which is customarily used as an incidental building to a principle building and is located on the same lot with such principle building.

**APPROVED:** As applied to a material, device or method of construction, approved by the Building Inspector under the provisions of this code, or approved by other authority designated by law to give approval in the matter in question.

**BUILDING:** A structure enclosed with exterior walls or fire walls, built erected and framed of component structural parts, designed for the housing shelter, enclosure and support of individuals, animals or property of any kind. When used herein, building and structure shall be interchangeable except where the context clearly indicates otherwise.

**BUILDING INSPECTOR:** The official designated by the township to enforce building, zoning, or similar laws and this code, or his duly authorized representative.

**DETERIORATION:** 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: The official designated herein or otherwise charged with the responsibilities of administering the code, or his authorized representatives.

EXTERIOR PROPERTY AREAS: The open space on the premises and on adjoining premises under the control of the owners or operators of said premises.

EXTERMINATION: The control and elimination of insects, rodents and other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poison, spraying, fumigating or trapping or by any other approved pest-elimination methods.

FIRE HAZARD: Any thing or any act which increases or may cause an 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. (See also "nuisance.")

GARBAGE: Putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

INFESTATION: The presence, within or contiguous to a structure or premises, of insects, rodents, vermin or other pests.

NUISANCE:

1. The physical condition, or use of any premises regarded as a public nuisance at common law; or
2. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or
3. Any premises which is manifestly capable of being a fire hazard, or are manifestly unsafe or unsecure as to endanger life, limb or property; or
4. Any premises from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided; or
5. Any premises which is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds, or
6. Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter, in danger of collapse or failure and dangerous to anyone on or near the premises.

OCCUPANT: Any person living, sleeping or having actual possession of a business, dwelling unit or room unit.

OWNER: The owner or owners of the freehold of the premises or lesser estate therein or a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a building, or their duly authorized agents.

PERSON: An individual, firm, corporation, association or partnership.

PREMISES: A lot, plot or parcel of land, including the buildings or structures thereon and shall also include the area between the sidewalk and the gutter line where applicable.

RUBBISH: All combustible and noncombustible waste materials other than garbage, including but not limited to, 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 materials, solid market and industrial waste.

STRUCTURE: A combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above, or below the surfaces of a parcel of land.

UTILITIES: Gas service and equipment therefor, electric service and equipment therefor and water supply, including hot water, and equipment therefor.

VACANT LOT: See "premises."

WEATHERING: Deterioration, decay or damage caused by exposure to the elements.

WORKMANLIKE STATE OF MAINTENANCE AND REPAIR: Such maintenance and repair as are made in a reasonably skillful manner.

YARD: An open unoccupied space on the same lot with a building, extending along the entire length of a street, rear, or interior lot line.

## **ARTICLE II** **Applicability**

### **Section 173.5. Compliance required; minimum standards, mixed occupancy.**

- A. Every residential and nonresidential structure, and the premises on which it is situated, used or intended to be used for residential, commercial, business or industrial occupancy shall comply with the provisions of this code, whether or not 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 shall have been issued for the use or occupancy of structure or for the installation or repair of equipment or facilities prior to the effective date of this code.
- B. This code establishes minimum standards for the initial and continued occupancy and use of all structures and premises. This code does not replace or modify standards otherwise established for the construction, repair, alteration or use of the structure, premises, equipment or facilities contained therein, except as provided in section 173.6.
- C. Where there is mixed occupancy, residential or nonresidential, the use therein shall be nevertheless regulated by and subject to the provisions of this code.

### **Section 173.6. Higher standard to prevail.**

If the provisions of this code impose a lower standard than any other ordinance of the Township of Egg Harbor or the laws of the State of New Jersey, then the higher standard shall prevail.

**Section 173.7. Existing remedies.**

Nothing in this code shall be deemed to abolish or impair existing remedies of the municipality, or its officers or agencies, relating to the removal or demolition of any structures which are deemed to be dangerous, unsafe or unsanitary.

**ARTICLE III  
Enforcement**

**Section 173.8. Enforcement authority.**

It shall be the duty and responsibility of the Property Maintenance Inspector of the municipality to enforce the provisions of this code as provided herein to satisfy the policies and purpose of this code. Enforcement action shall be initiated upon receipt of a signed complaint filed by a township resident or property owner.

**Section 173.9. Identification and conduct of inspectors.**

Inspectors shall be supplied with official identification and shall exhibit such identification when entering any structure or other part of the premises subject to this code. Inspectors shall conduct themselves so as to minimize embarrassment or inconvenience to the occupants. They shall explain the purpose of their visit to the occupants.

**Section 173.10. Inspections.**

- A. When the Property Maintenance Inspector believes or has reason to believe that violations of the provisions of this code exist, he shall make or cause to be made inspections to determine the condition of such structures and premises in order to safeguard the safety and welfare of persons and property and fulfill the provisions of this code.
- B. All inspections as provided for herein shall be made with the permission of the owner or occupant. In the event that such permission is denied to the Property Maintenance Inspector upon request, the Township reserves its rights to take such action as it deems necessary for public health, safety and welfare and fulfill the provisions of this code.

**Section 173.11. Access to structure by owner or operator.**

Every occupant of a structure shall give the owner thereof or his agent or employee access to any part of such structure or its premises at reasonable times for the purpose of making such inspections, maintenance, repairs or alterations as are necessary to comply with the provisions of this code

**ARTICLE IV  
Violations**

**Section 173.12. Notice requirements.**

Whenever the Property Maintenance Inspector determines in his sole discretion, that there exists a violation of any provision of this code, he shall give notice of such violation or alleged violation to the person or persons responsible therefore. Such notice shall:

- A. Be in writing.
- B. Include a description of the real estate sufficient for identification.
- C. Specify the violation which exists and the remedial action required.
- D. Specify a reasonable time, not to exceed thirty (30) days, in which the violation or violations shall be abated, corrected or eliminated. The said thirty-day period may be extended for an additional thirty (30) days by the Property Maintenance Inspector for good cause.

**Section 173.13. Violations and penalties.**

Every person, firm or corporation who shall violate any provision of this code shall be guilty of a misdemeanor and, upon conviction thereof, be subject to a minimum fine of one hundred dollars (\$100) and a maximum fine of two thousand dollars (\$2,000). Each day that a violation continues after due notice has been served in accordance with the terms and provisions hereof shall be deemed a separate offense.

**Section 173.14. Service of notice of violation.**

Notice of violation shall be served upon the owner of record, provided that such notice shall be deemed to be properly served upon such owner if a copy thereof is delivered to him personally or, if not found, by leaving a copy thereof at his usual place of abode with a person of suitable age and discretion, who shall be informed of the contents thereof, or by sending a copy thereof by certified mail and regular mail to his last known address or, if the letter with the copy is returned, showing that it has not been delivered to him, by posting a copy thereof in a conspicuous place in or about the structure affected by the notice.

**ARTICLE V**  
**Responsibilities of Owners and Occupants**

**Section 173.15. Owner.**

Owners shall have all the duties and responsibilities as described in this code and the regulations promulgated pursuant thereto, and no owner shall 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 occupant is also responsible therefor and in violation thereof.

**Section 173.16. Occupant.**

Occupants shall have all the duties and responsibilities as prescribed elsewhere in this code and all the regulations promulgated pursuant thereto, 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 is also responsible therefore and in violation thereof.

**Section 173.17. Contract not to alter responsibility.**

Unless expressly provided to the contrary of this code, the respective obligations and responsibilities of the owner on one hand and the occupant on the other shall not be altered or affected by any agreement or contract by and between any of the aforesaid or between them and other parties.

**ARTICLE VI**  
**Exterior Maintenance**

**Section 173.18. Compliance required.**

It shall be the duty and responsibility of the owner of premises in the township to maintain the exterior of such premises in accordance with the provisions hereinafter set forth.

**Section 173.19. Maintenance required; hazards enumerated.**

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 shall be kept free of unsanitary conditions, and any of the foregoing shall be promptly removed and abated by the owner. It shall be the duty of the owner to keep the premises free from hazards, which include but are not limited to the following:

- A. Rubbish: brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash, refuse and debris;
- B. Natural growth: dead and dying trees or other natural growth which, by reason of rotting or deteriorating condition or storm damage within fifty (50) feet of a structure on an adjacent property or public right of way, constitutes a hazard to persons or structures in the vicinity thereof.
- C. Ground surface hazards and unsanitary conditions: holes, excavations (except in areas of active construction), breaks, projections, obstructions, icy conditions, uncleared snow which are accessible to and are used by the general public; and
- D. Dilapidated Bulkheads.

**Section 173.20. Maintenance of sidewalks and curbs.**

In the particular case of sidewalks and curbs, it shall be the duty and responsibility of the owner of property on which and along which sidewalks and curbs are located to keep such sidewalks and curbs in a proper condition and good repair, are free of obstruction, debris, or other unsafe conditions.

**Section 173.21. Landscaping.**

The landscaping of all premises shall be properly maintained and kept from overgrowing. Grass cannot exceed eight (8) inches in height. This provision applies to a perimeter of seventy-five (75) feet surrounding principal structures on the premises.

**Section 173.22. Signs and billboards.**

All signs and billboards exposed to public view and permitted by reason of other regulations or as a lawful nonconforming use shall be maintained in good repair. Any signs which have become excessively peeled or cracked shall, with their supporting members, be removed forthwith or put into a good state of repair. All non operative or broken electrical signs shall be repaired or converted to non-electrical sign or shall, with their supporting members, be removed forthwith.

**Section 173.23. Awnings and marquees.**

Any awning or marquee, and its accompanying structural members, which extends over any street, sidewalk or other portion of the premises shall be maintained in good repair and shall not constitute a nuisance or a safety hazard. In the event that such awnings or marquees are not properly maintained in accordance with the foregoing, they shall, together with their supporting members, be removed forthwith. In the event that said awnings or marquees are made of cloth, plastic or similar materials, said cloth or plastic, where exposed to public view, shall be maintained in good condition and shall not show evidence of excessive weathering, deterioration, ripping, tearing or other holes.

**Section 173.24. Storefronts.**

All storefronts shall be kept in good repair and painted, where required, and shall not constitute a safety hazard or nuisance. In the event that repairs to a storefront become necessary, such repairs shall be made with the same or similar materials used in the construction of the storefront in such a manner as to permanently repair the damaged area or areas. Any cornice visible above a storefront shall be kept painted, where required, and in good repair.

**Section 173.25. General exterior maintenance.**

The exterior of every structure or accessory structure, including fences, roofs and gutters, shall be maintained in good repair, and all surfaces thereof shall be kept painted, when necessary, for the purpose of preservation and appearance. The same shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other conditions reflective of deterioration or inadequate maintenance, to the end that the property itself may be preserved, safety and fire hazards eliminated and the adjoining properties and the neighborhood protected from blighting influences.

**Section 173.26. Maintenance of structural soundness.**

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:

- A. Foundation walls. Foundation walls shall be kept structurally sound, free from defects and damage and capable of bearing imposed loads safely.
- B. Chimneys and all flue and vent attachments. Chimneys and all flue and vent attachments thereto, shall be maintained structurally sound, free from defects and so maintained as to perform capably at all times the functions for which they were designed. Chimneys, flues, gas vents or other draft-producing equipment shall provide sufficient draft to develop the rated output, and the connected equipment shall be structurally safe, durable, smoketight and capable of withstanding the action of flue gases.
- C. Exterior porches, landings, balconies, stairs and fire escapes. Exterior porches, landings, balconies, stairs and fire escapes shall be provided with banisters or railings properly designed and maintained to minimize the hazard of falling, and the same shall be kept structurally sound and in good repair and free from defects. This provision shall not apply to exterior porches which are less than three (3) feet in height.

SECTION 2: All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, hereby repealed.



SECTION 3: Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4: This Ordinance shall take effect on June 1, 2009.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE TOWNSHIP COMMITTEE OF EGG HARBOR TOWNSHIP, IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY, HELD FEBRUARY 11, 2009, AND WILL BE FURTHER CONSIDERED FOR FINAL PASSAGE AFTER A PUBLIC HEARING THEREON AT A REGULAR MEETING OF SAID TOWNSHIP COMMITTEE TO BE HELD IN THE TOWNSHIP HALL, IN SAID TOWNSHIP ON APRIL 8, 2009.

Dated: February 11, 2009

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Eileen M. Tedesco, RMC  
Township Clerk