

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY**

ORDINANCE #7-14

REVISED

**CHAPTER 155 OF THE CODE OF ORDINANCES OF THE BOROUGH
OF MENDHAM ESTABLISHING A PROPERTY MAINTENANCE CODE
IS HEREBY REPEALED IN ITS ENTIRETY AND THE CODE OF
ORDINANCES OF THE BOROUGH OF MENDHAM IS AMENDED AND
SUPPLEMENTED BY THE ESTABLISHMENT OF A NEW CHAPTER
155 ENTITLED 'PROPERTY MAINTENANCE CODE**

BE IT ORDAINED by the Borough Council of the Borough of Mendham, County of Morris, State of New Jersey, as follows:

1. Chapter 155 of the Code of Ordinances which established a property maintenance code is hereby repealed in its entirety.
2. The Code of Ordinances of the Borough of Mendham shall be amended and supplemented by the inclusion of new Chapter 155 which shall read in its entirety as follows:

155-1 Title. This Ordinance shall be known as the "Property Maintenance Code of the Borough of Mendham".

§ 155-1. Definitions.

The following words, wherever used in this chapter, shall have the meanings set forth:

OPERATOR

Any person who has charge, care or control of a building or premises or a part thereof, whether with or without the consent and knowledge of the owner.

OWNER

Any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without accompanying actual possession thereof; or shall have charge, care or control of any property, 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 entitled to possession or in possession regardless of how such possession was obtained. Any person who is a lessee subletting or reassigning any part or all of any dwelling or dwelling unit 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.

PERSON

Any actual living person, or any corporation, partnership or other legal entity.

155-2 Purpose.

This chapter shall be known as the "Property Maintenance Code of the Borough of Mendham".

The purpose of this Ordinance is to:

- A. Provide for the public health, safety and welfare.
- B. Avoid, prevent and eliminate the maintenance or creation of hazards to the public health or safety.
- C. Avoid, prevent and eliminate conditions which, if permitted to exist or continue, will depreciate or tend to depreciate the value of adjacent or surrounding properties.
- D. Prevent the creation, continuation, extension or aggravation of blight.
- E. Preserve property values in the Borough.
- F. Maintain the value and economic health of the commercial property and businesses that serve and help to support the Borough and its citizens.

155-3 Compliance Required.

A. The owner of every building, structure, or lot and the premises on which it is situated within the Borough shall comply with the provisions of this Ordinance, whether or not any such building or structure shall have been constructed, altered or repaired before or after the enactment hereof and irrespective of any permits or licenses which may have been issued for the use or occupancy of such building or for the installation or repair of equipment or facilities prior to the effective date hereof.

155.4 Maintenance of property.

All property in the Borough of Mendham shall meet the following standards

A. Sanitation. All exterior property areas and premises shall be maintained in a clean, safe and sanitary condition, free from any accumulation of rubbish or garbage.

B. Containers. The operator of every establishment producing garbage, vegetable wastes or other putrescible materials shall provide, and at all times cause to be used, leak-proof containers, provided with close-fitting covers, for the storage of such materials until removed from the premises for disposal.

C. Grading and drainage. All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon or within any structure located thereon that causes a public health problem affecting abutting property owners.

D. Traffic safety maintenance. All traffic flow and control signs on private property and/or required by an approved site plan, whether painted on pavement or vertical structures, shall be properly maintained in a functional condition. Bent and leaning sign poles shall be replaced and/or straightened. Painted directional and parking-bay stripes shall be maintained in a readable condition. Bent and broken traffic control guardrails and fencing shall be replaced.

E. Litter and maintenance of solid waste disposal facilities for non residential sites: All industrial and commercial sites shall be kept free from noticeable accumulation of paper and solid waste debris. Common refuse storage areas shall be kept in a clean and repaired state in full conformance with the site plan provisions for such facilities.

F. Litter and maintenance of solid waste disposal facilities for residential sites: All residential sites shall be kept free from noticeable accumulation of paper and solid waste debris. Refuse storage areas shall be kept in a clean and repaired state in full conformance with the health and sanitation code of the Borough.

G. Insect and rat control. An owner of a structure or property shall be responsible for the extermination of insects, rats, vermin or other pests in all exterior and interior areas of the premises. Whenever infestation exists in the shared or public parts of the premises, extermination shall be the responsibility of the owner.

H. Site Improvements: All sidewalks, steps, driveways, parking spaces and similar paved areas for public use shall be kept in a proper state of repair including those on public right of way adjacent to the site.

I. Site Vegetation:

(1) All brush, shrubs, grass and trees shall be maintained so as not to obstruct public access to sidewalks and roadways and so as not to obstruct the necessary line of sight from any roadway. Brush, shrubs, grass and trees shall be kept trimmed so that they do not cross the line of the sidewalk from the ground to a height of seven feet. Poison ivy, poison sumac and similar noxious vegetation shall be removed from the vicinity of any public sidewalk or roadway.

(2) Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten (10) inches from the front of the structure to the edge of the street/curb and side yard set back areas as determined in the zoning code. Weeds shall include all grasses, annual plants and vegetation, other

than trees and shrubs; but shall not include maintained cultivated flowers and gardens.

(3) Trees and Shrubs. On-site dead and dying trees, limbs, and leaves, or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons on adjacent properties or the adjoining public right of ways shall be kept pruned, trimmed, or removed to prevent such conditions. The properties on which such natural growth is located shall be kept clean so as not to constitute a hazard to persons in the vicinity thereof.

J. 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 of other gaseous or particulate wastes so as to discharge directly upon abutting or adjacent public and private property or that of another tenant.

K. Swimming Pools. All on site swimming pools shall be maintained and secured as provided for in Chapter 199: Swimming Pools of the Mendham Borough Code of Ordinances. When the property is vacant, water in the swimming pool must be treated or removed to prevent the pool from becoming a breeding site for mosquitos.

L. Prohibited conditions. The exterior of all premises shall be kept free of the following matter, materials or conditions.

(1) Abandoned, uncovered or structurally unsound walls, shafts, towers, exterior cellar openings, basement hatchways, foundations or excavations.

(2) Abandoned iceboxes / freezers, refrigerators, heaters, television sets and other similar major appliances.

(3) Animal excrement.

(4) Hidden or uncovered ground or surface hazards, such as holes, sudden depressions, sharp or jagged projections or obstructions.

(5) Buried rubble, refuse or rubbish.

(6) Vehicles or parts thereof, including boats and trailers, motorized or not, licensed or unlicensed, registered or unregistered, which vehicles or parts thereof are or have been junked, abandoned, dismantled or are in a state of disrepair.

(8) Dangerously loose and overhanging objects, including, but not limited to dead trees or tree limbs, accumulations of snow, ice or any object, natural or man-made, which could threaten the health and safety of persons if caused to fall or other similar dangerously loose and overhanging objects, which, by reason of their location above ground level, constitute an actual hazard to persons or vehicles in the vicinity thereof.

(9) Structurally unsound, loose, dangerous, crumbling, missing, broken, rotten or unsafe exterior portions of buildings or structures, including but not limited to porches, landings, balconies, stairways, handrails, steps, walls, overhangs, roofs, fences, supporting members, timbers, abutments, fire escapes, signs or loose, crumbling or falling bricks, stones, mortar or plaster.

(10) Exterior surfaces or parts of buildings or structures containing sharp, rough or projecting surfaces or objects which might cause injury to persons coming in contact therewith.

(11) Broken glass or windows or rotted, missing or substantially destroyed window frames and sashes, door frames, exterior doors or other major exterior component parts of buildings or structures.

155.5 Standards for residential property.

In addition to the standards cited in 155.4, the following standards apply to residential properties:

A. Outdoor storage and parking on residential property

(1) All vehicles, boats and trailers kept on a residential lot shall be maintained in good working order and shall be licensed with the proper authority, if so required. No unlicensed vehicle or vessel shall be parked within the front yard areas of any residential lot.

(2) Notwithstanding Subsection (1) above, an unlicensed vehicle, boat or trailer may be stored on a residential lot for a period not to exceed three months, so long as it is in adequate running condition and provided that it is not visible from any public street or walkway.

(3) No inoperable vehicle, boat or trailer, part thereof or other machinery or parts shall be stored outdoors upon any residential lot.

(4) Notwithstanding Subsection (1) above, a temporary portable containerized property storage unit (PCPSU) may be stored on a residential lot for a period not to exceed 30 days or as extended in accordance with §Section 215.7 of the Code of Ordinances.

B. Additional Restrictions. All outdoor storage and on site parking shall be in accordance with the requirement of Section 215-7 of the Land Use Ordinances of the Borough of Mendham.

155.6 Maintenance of the exterior of structures.

A. General. The exterior of a structure shall be maintained structurally sound and sanitary so as not to pose a threat to the health and safety of the occupants and so as to protect the occupants from the environment.

B. Structural members. All supporting structural members of all structures shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them.

C. Exterior surfaces (foundations, walls and roof). Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair

D. Foundation walls. All foundation walls shall be maintained so as to carry the safe design and operators 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. 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 portions of the walls or to the occupied 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.

F. Roofs. The roof shall be structurally sound and tight and shall not have defects which might admit rain, and roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building.

G. Chimneys. All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe, 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 weathercoating materials, such as paint, or similar surface treatment where necessary.

H. Stairs and porches. Every stair, porch and balcony, and all appurtenances attached thereto, shall be so constructed as to be safe to use and capable of supporting the loads to which they are subjected and shall be kept in sound condition and good repair.

155.7 Resurfacing of existing parking areas and driveways.

A. Purpose. This section requires the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Borough of Mendham so as to protect public health, safety and welfare, and prescribes penalties for the failure to comply. In order to facilitate the upgrading of storm drain inlets, the Borough will maintain a list of suppliers in the area which keep inlet grates and compliant ECO heads in stock.

B. Definitions. For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

H. Enforcement. This subsection shall be enforced by the Borough Administrator or any person(s) designated by the Administrator to perform such inspections for the Borough. These person(s) can be, but are not limit to, the Zoning Officer, Police Department, Borough Engineer, Engineering Inspector, Department of Public Works Superintendent and Building Code Official.

I. Penalties. Any person(s) who is found to be in violation of the provisions of this subsection shall be subject to one warning in accordance with § 155-12 of this section. Each storm drain inlet that is not retrofitted to meet the design standard may be considered a separate offense.

§ 155-8. Vacant and Abandoned Properties.

A. "Vacant Property" shall be defined as "any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation, including but not limited to any property meeting the definition of abandoned property in N.J.S.A. 55:19-80."

B. Registration. Effective January 1, 2015, the owner of any vacant property as defined herein shall, within sixty (60) calendar days after the effective date of this ordinance, or within thirty (30) calendar days after the building becomes vacant property, or within thirty (30) calendar days after assuming ownership of the vacant property, whichever is later; or within ten (10) calendar days of receipt of notice by the municipality, file a registration statement for such vacant property with the Borough Construction Code Office on forms provided by the Borough for such purposes. Failure to receive notice by the municipality shall not constitute grounds for failing to register the property.

1. Each property having a separate block and lot number as designated in official records of the municipality shall be registered separately.

2. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of a person twenty-one (21) years or older, designated by the owner or owners as the authorized agent for receiving notices of Code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owner or owners in connection with the enforcement of any applicable Code; and the name, street address, telephone number, and email address (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the property. The individual or representative of the firm responsible for maintaining the property shall be available by telephone or in person on a 24-hour per day, seven-day per week basis. The two (2) entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.

3. The registration shall remain valid for one (1) year from the date of registration except for the initial registration time which shall be pro-rated through December 31. The owner shall be required to renew the registration annually as long as the building remains a vacant property and shall pay a registration or renewal fee in the amount prescribed below in this section, for each vacant property registered. The owner shall be required to renew the registration annually as long as the building remains a vacant property and shall pay a registration or renewal fee in the amount prescribed for each vacant property registered.

4. The annual renewal shall be completed by January 31st each year for that year. The initial registration fee shall be pro-rated for registration statements received less than ten (10) months prior to that date.

5. The owner shall notify the Construction Code Office within thirty (30) calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Office for such purpose.

6. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough against the owner or owners of the building.

1. MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) - A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by Mendham Borough or other public body, and is designed and used for collecting and conveying stormwater.

2. PERSON - Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

3. STORM DRAIN INLET - An opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

4. WATERS OF THE STATE - All springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

C. Prohibited conduct. No person in control of private property (except a residential lot with one single-family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

1. Already meets the design standard below to control passage of solid and floatable materials; or

2. Is retrofitted or replaced to meet the standard in § 155.7 prior to the completion of the project.

D. Design standard. Storm drain inlets identified in § 155.7 shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, solid and floatable materials means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see § 155.7.G below.

E. Grates. Property owners shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

1. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

2. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

F. Whenever property owners use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

G. This standard does not apply:

[1] Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

[2] Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

[a] A rectangular space 4 5/8 inches long and 1 1/2 inches wide (this option does not apply for outfall netting facilities); or

[b] A bar screen having a bar spacing of 0.5 inches.

[3] Where flows are conveyed through a trash rack that has parallel bars with one-inch spacing between the bars; or

[4] Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register-listed historic property.

inspection and any required repairs or violations. If the property owner refuses to allow the inspection, the Enforcement Officer shall file a complaint with the Municipal Court citing the violations visible from the public right of way or adjacent properties seeking not only the abatement of the violations cited but also authority to conduct a more thorough inspection.

155.9 Enforcement Officer.

The provisions of this Ordinance shall be enforced by the Construction Official and/or the Zoning Officer, with the assistance of the Police Department, the Fire Prevention Bureau, and the Health Department.

155.10 Notice and Appeal Process.

A. Where a violation of this chapter or the regulations hereunder is found to exist, a written notice from the Enforcement Official shall be served upon the owner or operator, who shall be responsible for correcting such condition. The notice shall contain the following:

(a) An identification of the conditions constituting the violation.

(b) The necessary corrective actions.

(c) A reasonable time period, not to exceed 60 days, to correct or abate the violation.

(d) A statement that a summons will issue if the violation has not been corrected within the time period provided in the notice.

B. The notice may be served personally, or by certified mail at the last known address of the owner or operator alleged to be in violation, or at the registered agent's address as provided for in Section 155.8. Where it is ascertained that the owner or operator does not reside on the premises and the last known address cannot be ascertained, the notice may be posted on the outside front entrance of the affected building. Service upon any owner or operator may also be achieved by service of any notice upon a member of the family of the owner or operator of the age of 14 years or over then residing at the residence of such owner or operator.

Such notice shall be deemed to be properly and sufficiently served if a copy thereof is sent by regular mail and a second copy is sent by registered or certified mail

C. The notice should also state that the violation shall be abated, removed, cured, prevented or desisted from within a reasonable time period unless a written request for a hearing before the Building Standards Board is received within a ten (10) day period. The Enforcement Officer may extend the period for compliance with the violation stated in the notice upon appeal by the property owner if, in the Enforcement Officer's opinion, based upon the information provided by the property owner, the abatement, removal, prevention, cessation of or cure of the condition violated cannot reasonably be effected within the required period, and in such cases the Enforcement Officer shall state such reasonable required extended period in a revised notice.

D. An individual receiving a notice from the Enforcement Official may request a hearing as to the propriety of the order before the Building Standards Board. Upon receipt of a written request for a hearing, the matter shall be heard at the next scheduled meeting of the Building Standards Board. After such a hearing, the Board may continue such order in effect, modify or withdraw it. In the event that the violation is not abated, removed, cured, prevented or desisted from or otherwise fully remedied within the stipulated repair period or within such extended period as set forth in the notice pursuant to the foregoing, a summons shall then issued against the person, persons, entity or entities so notified.

C. Unregistered Properties. Any owner who fails to register vacant property under the provisions of this section shall further be deemed to consent to receive, by posting on the building, in plain view, or by service of notice at the last known address of the owner of the property on record by regular and certified mail, any and all notices of Code violations and all process in an administrative proceeding brought to enforce Code provisions concerning the building.

D. Access to Vacant Properties. The owner of any vacant property registered under this section shall provide access to the Borough to conduct exterior and interior inspections of the building to determine compliance with municipal codes, upon reasonable notice to the property owner or the designated agent. Such inspections shall be carried out on weekdays during the hours of 9:00 a.m. and 4:00 p.m., or such other time as may be mutually agreed upon between the owner and the Borough.

E. Fee Schedule. The initial registration fee for each building shall be fifty (\$50.00) dollars. The fee for the first renewal is one hundred and fifty (\$150.00) dollars, and the fee for the second renewal is three hundred (\$300.00) dollars. The fee for any subsequent renewal beyond the second renewal is five-hundred (\$500.00) dollars.

F. Requirement of Owners of Vacant Property. The owner of any building that has become vacant property, and any person maintaining or operating or collecting rent for any such building that has become vacant shall, within thirty (30) days thereof:

1. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Borough Code, or as set forth in the rules and regulations supplementing those Codes; and

2. Post a sign affixed to the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process (if designated pursuant to subsection 155-8 of this section), and the person responsible for the day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than eight (8") inches by ten (10") inches; and

3. Maintain the sign until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete; and

4. Ensure that the exterior grounds of the structure, including areas within the front yard and side yard setbacks, and the fences, sidewalks, walkways, right-of-ways, alleys, retaining walls, attached or unattached accessory structures and driveways, are well-maintained and free from trash, debris, loose litter, and grass and weed growth; and

5. Continue to maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition, and ensure that the sign is visible and intact until the building is again occupied, demolished, or until repair and/or rehabilitation of the building is complete.

155.9 Access to Properties.

When the lack of maintenance of a Borough property results in violations of the Borough's Property Maintenance Code which are obvious from adjacent public right of ways or from adjoining property whose owners have provided access for the purpose of inspecting the property containing the violations, the Property Maintenance Enforcement Officer shall send a notice to the owner of record for the subject property citing the visible violations and demanding access to the property to conduct a more thorough inspection. The notice shall specify a time frame for the correction of the visible violations as provided for in this Property Maintenance Code. Said notice may also set forth a day and time for the more thorough inspection which time shall be no less than 10 days after the mailing of the notice. If owner of the property or his designated agent are not present for this inspection and/or do not object to the Enforcement Officer making the inspection, the Enforcement Officer can conduct an inspection of the exterior of the property and shall send to the owner of record a statement indicating the findings of said

3. The Enforcement Official or the Superintendent of Public Works, depending upon the volume of the work performed in accordance with the resolution at Borough's expense, not to exceed the amount specified in the resolution, and shall, upon completion thereof, submit a report of the monies expended and costs to the Borough Council.

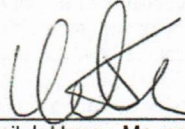
4. After review of the report, the Borough Council may approve the expenses and costs whereupon the same shall become a lien against the premises, collectible as provided by law. A copy of the resolution approving the expenses and costs, whereupon the same, shall be certified by the Borough Clerk and filed with the Tax Collector of the Borough, who shall be responsible for the collection, and a copy of the report and resolution for the collection, and a copy of the report and resolution shall be sent by certified mail, return receipt requested, to the owner.

2. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

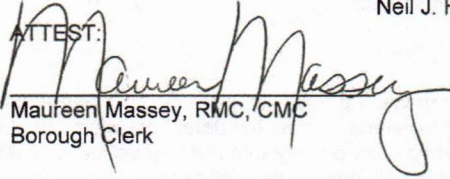
Introduced: November 3, 2014

Public Hearing/Adopted: December 1, 2014

DATED: December 1, 2014


Neil J. Henry, Mayor

ATTEST:


Maureen Massey, RMC, CMC
Borough Clerk

155.11 Emergency conditions.

Whenever the Enforcement Officer finds that an emergency condition in violation of this Ordinance exists, which condition requires immediate attention in order to protect the public health or safety, he may issue an order by service of notice as set forth in 155-10 reciting the existence of such an emergency condition and requiring that such action be taken by the violator as soon as is reasonably necessary to meet the emergency.

155.12 Violations and Penalties.

Any person, firm or corporation who shall violate any of the provisions of this Ordinance shall upon conviction, be punished by a fine of not to exceed five hundred dollars (\$500.00), and each violation of any of the provisions of this Ordinance and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

155.13 Building Standards Board.

To provide for an appeal process from any order of the Enforcement Officer concerning the Property Maintenance Code, there is hereby created a Buildings Standards Board. The Board shall consist of the Borough Administrator, the Borough Health Officer and a representative of the Borough Council selected by the Council and a representative from the Planning Board as appointed by the Mayor. The Board shall meet when an appeal is filed by a property owner who takes exception to enforcement action under the Property Maintenance Code. All meetings shall be duly noticed by the Borough Clerk, and open to the Public. The Borough Administrator shall serve as the Secretary of the Board providing notice to all appellants as well as maintaining records and minutes of all meetings and proceedings, copies of which shall be public records and provided to the Mayor and Council. The Board shall render decisions on all appeals within 30 days of receiving notice of the appeal. During the appeal process the enforcement action of the Enforcement Official is stayed.

155.14 Borough Intervention.

A. Filing of report with governing body. If, within the time permitted, the owner shall fail to abate the nuisance, correct the defect or defects or put the premises in proper condition so as to comply with the requirements of applicable ordinances and state laws or conditions of approval received from any board or agency of the Borough, after notice thereof and opportunity to do so as provided elsewhere in this chapter, the Enforcement Official shall forthwith file a report with the governing body of the Borough of Mendham, which said report shall set forth in detail the condition or conditions constituting the nuisance or the defect or defects and shall contain a copy of the notice served upon the owner and the date and the manner thereof and a certification that such condition or conditions still exist.

B. Hearing; resolution to abate; expenditure of municipal funds.

1. Upon the filing of the report by the Enforcement Official, a hearing shall be held upon at least five days' notice to the owner, served in the same manner as is provided elsewhere. At such hearing, the Enforcement Official shall submit a report of his findings and recommendations to the Borough Council. If the governing body is of the opinion that such action is in the public interest, the governing body may adopt a resolution in the public's interest to abate the nuisance, to correct the defect or defects or to put the premises in proper condition so as to comply with the requirements of applicable ordinances and state laws or conditions of approval received from any board or agency of the Borough, at the cost and expense of the owner.

2. The governing body may, by such resolution, also authorize the expenditure of municipal funds and fix the amount thereof for the purpose of correcting such conditions, and, in such cases where the nuisance or defect falls within a category for which there is statutory authority for the creating of a tax lien, such expenditure shall be charged against the premises, and the amount thereof shall be a lien collectible as provided in this chapter.