

Ordinance 2009-009

An Ordinance Providing for the Regulation of Unoccupied and Vacant Buildings within the Borough of Millstone, County of Somerset, State of New Jersey

WHEREAS, the Borough of Millstone has a need to promote a safe and healthy environment for its citizens; and

WHEREAS, the Borough of Millstone currently has an established ordinance relating to property maintenance in occupied structures and out buildings, but not unoccupied and vacant buildings.

BE IT ORDAINED, by the Borough Council in the Borough of Millstone, County of Somerset, State of New Jersey as follows:

Article 1: Purpose and Definitions.

This ordinance is to provide for the compliance in maintenance and repair of buildings and structures within the jurisdiction of the Borough of Millstone that are considered under the ordinance as abandoned or vacant.

A. Building/Structure.

A building or structure is any framed, by wood, brick or other means, unit for purpose of human habitation or storage of material.

B. Enforcement Authority.

The administrative and enforcement authority for this ordinance shall be the construction code official, zoning officer, borough marshal or other official designated by the Mayor.

C. Public Authority.

For purposes of this subsection, any municipal official, both elected and appointed, whose roles and responsibilities, either directly or indirectly, relate to fire, security, building regulations, public health or public nuisance.

D. Unoccupied or Vacant Building/Structure.

An unoccupied or vacant building shall mean any structure intended for residential or commercial use which is not currently occupied or in use. For the purpose of the enforcement of this article, a presumption shall exist that a structure which is not occupied or in use for six consecutive months shall be deemed abandoned.

E. Unsafe Unit.

An unsafe unit shall be defined as a structure that is found to be dangerous to life, health, property or safety of the public. A unit is considered unsafe if it is damaged, decayed, dilapidated or structurally unsound.

F. Unsafe Property.

A property is defined under this subsection as land that is established with a block and lot within the jurisdiction of the Borough. The property is considered unsafe if it has debris that is a danger to human or wildlife, plant life or that is considered a public health issue such as holes, divots or terrain that is dangerous to walk on.

Article 2: Permit/Fee Schedule.

If a building is to be vacated for more than 180 consecutive days, an application for a vacated building is to be completed by the owner or user of the building prior to the vacation of the building. The fee for the application shall be \$50.00. The initial term for the application shall not exceed 90 days in duration. A renewal application shall be furnished no later than midnight of the 90th day. Renewal fee shall be in the amount of \$25.00. An inspection of the structure shall be completed by the Enforcement Authority prior to acceptance of the application to insure compliance with the standards set forth in this Ordinance.

Article 3: Standards

- A. Any unoccupied or vacant building must comply with the following minimum standards of basic equipment and facilities:
 - (1) Plumbing. All plumbing fixtures shall be properly installed and be in sound condition and good repair.
 - (2) Electricity. Every existing outlet and fixture shall be properly connected. Wiring and service lines shall be maintained in good and safe working condition.
 - (3) Heating plant. The heating plant shall be maintained in a safe condition.
 - (4) Cooking equipment. All cooking equipment shall be maintained in a safe condition.

- B. Safety from Fire. All owners or operators of or vacant buildings shall comply with the provisions of the Borough Fire Prevention Codes and the following additional standards for safety from fire:
 - (1) No unoccupied or vacant building shall contain any space utilized for the storage of flammable liquids.
 - (2) No room within any vacant or unoccupied building shall be used for storage of junk, rubbish or wastes, furniture or building materials not intended to be used in the existing building.
 - (3) The early detection and containment of fire being a valid municipal concern, the boarding up of doors or windows shall not be permitted except with the permission of the Enforcement Authority in emergency situations. When doors and windows are boarded up, they shall be covered with no less than one-half inch exterior plywood or equivalent which shall be the same color as the building exterior. In no case shall boarding up of buildings and windows be permitted in excess of 60 days without authorization from the Mayor and Borough Council.

- C. Safe and Sanitary Maintenance. All unoccupied or vacant buildings shall comply with the following minimum standards for safety and sanitary maintenance.
 - (1) Every foundation, exterior wall or exterior roof shall be weather-tight, water-tight and rodent-proof and shall be kept in sound condition and

good repair and shall be safe to use and capable of supporting a load which normal use may cause to be placed thereon.

- (2) Every floor, interior wall and ceiling shall be substantially rodent-proof, shall be kept in sound condition and good repair, and shall be safe to use and capable of supporting a load which normal use may cause to be placed thereon.
- (3) Every window, exterior door and basement or cellar door and hatchway shall be weather-tight, water-tight and rodent-proof and locked and shall be kept in sound working condition and good repair.
- (4) Every inside and outside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting a load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.
- (5) Every yard shall be properly graded so as to prevent the accumulation of stagnant water.
- (6) There shall be a control method of disposing of water from roofs by use of gutters and downspouts which shall be installed and maintained in sound condition, free of leaks and obstructions.
- (7) Every dwelling, cellar, basement and crawlspace shall be maintained reasonably free from dampness.
- (8) The exterior of every structure or accessory structure shall be maintained free of broken windows, loose shingles, crumbling stone or brick or excess peeling paint.
- (9) The exterior of the premises and the condition of accessory structures shall be maintained so that the appearance of the premises and all buildings thereof shall reflect the level of maintenance in keeping with the standards of the neighborhood in such that the appearance of the premises and structure shall not constitute a blighting factor for adjoining property owners leading to the progressive deterioration and downgrading of the neighborhood with the accompanying diminution of property values.
- (10) Any yard are (front, side and rear) shall be cleared and maintained free of trash, solid debris or other materials that cause litter to accumulate to unhealthy and blighting proportions.
- (11) Grass, weeds and vegetation shall not be permitted to grow or remain on the side, front or rear yards of any unoccupied or vacant building to exceed a height of 10 inches. Any edible vegetation for useful or ornamental purpose shall not be governed by this provision.

- (12) Unoccupied or vacant buildings shall not be utilized for storage of any materials, whether solid or liquid, including the yard portion of that building.
- (13) When a vacant building is found to be infested with rats, termites, roaches or any other insects or vermin, the owner or operator shall undertake and excavate means of extermination of such nuisance.
- (14) All doors and/or lids on appliances, furniture utilized for storage or on heating furnaces shall be locked in order to deny entry to any individuals where the potential for physical harm or death may result should said door close to prevent the individual's escape.

D. The standards and requirements of this section shall apply as long as any building remains vacant or unoccupied. Upon occupancy, the other appropriate municipal ordinances shall apply.

Article 4: Violation/Penalties/Jurisdiction/Repairs:

If any section of this ordinance is violated, the owner of said property shall be subject to penalties as hereafter set forth. The penalty for violating this ordinance is a fine of not less than \$500.00 for the first offense. Subsequent fines shall be increased by \$100.00 US Dollars with a not to exceed \$2,000.000 per offense. Each day that the property is in violation is a new offense. For the first violation of this ordinance with respect to any building/structure, a property owner shall be given 30 days notice to rectify the violation prior to issuance of any summons. Summons with respect to violations of this ordinance shall be heard in the court with competent jurisdiction. If any fines are not paid within 30 days of adjudication of the violation, a lien may be placed on the property by the Borough of Millstone. In addition, if repairs are needed on an emergent basis which in the Enforcement Authority's view are necessary to prevent an unsafe unit or unsafe property, the Borough of Millstone shall have the right to make the necessary repairs, directly or through a third party, and the owner of such unsafe unit or unsafe property shall be responsible and reimburse the Borough of Millstone for all costs to make necessary repairs. A lien shall be placed on the property to recover any and all costs associated with the repairs.

Article 5: Prior Ordinances.

All ordinances or parts of any ordinance which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Article 6: Effectiveness.

This ordinance shall take effect immediately upon final passage and publication in accordance with law.

