

MANSFIELD TOWNSHIP
BURLINGTON COUNTY

ORDINANCE 2015-1

PROPERTY MAINTENANCE

Chapter 25. PROPERTY MAINTENANCE

[HISTORY: Adopted by the Township Committee of the Township of Mansfield as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Numbering of buildings — See Ch. 25

Fire prevention — See Ch. 21A

Housing standards — See Ch. 25

Rental property — See Ch. 39D

Solid waste — See Ch. 39B

Abandoned vehicles — See Ch. 30

Public health nuisances — See Ch. 33

Article I. General Property Maintenance

[Adopted 00-00-0000 by Ord. No. 2015- - .^[1]]

[1]:

Editor's Note: This ordinance also repealed former Ch. 25, Property Maintenance, adopted 5-9-1991 by Ord. No. 2000-16, as amended.

§ 25-1. Title; repeal of prior regulations.

This article shall be known as the "Property Maintenance Code of the Township of Mansfield" and may be referred to in this article as this "code." This article shall supersede, repeal and replace Chapter 25, Property Maintenance, of the Code of the Township of Mansfield and Ordinance No. 2000-16, adopted September 27, 2000, identified as "Property Maintenance Code of the Township of Mansfield."

§ 25-2. Findings and declaration of policy; purpose.

A. Findings. It is hereby found and declared that there exists in the Township of Mansfield structures used for residential and nonresidential use which are, or may become in the future, substandard with respect to structure, equipment or maintenance or further that such conditions, including but not limited to structural deterioration, lack of maintenance and appearance of exterior of premises, infestation, lack of maintenance or upkeep of essential utilities and facilities, existence of fire hazards and unsanitary conditions, constitute a menace to the health, safety, welfare and reasonable comforts of the citizens and inhabitants of the Township of Mansfield. It is further found and declared that, by reason of lack of maintenance and

progressive deterioration, certain properties have the further effect of creating blighting conditions, and that, if the same are not curtailed and removed, the 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 residential and nonresidential uses and neighborhoods enhanced and the public health, safety and welfare protected and fostered.

B. Purpose. The purpose of this code is to protect the public health, safety and welfare by establishing minimum standards governing the maintenance, appearance and condition of residential and nonresidential premises; to establish minimum standards governing utilities, facilities and other physical components and conditions essential to make the aforesaid facilities fit for human habitation, occupancy and use; to fix certain responsibilities and duties upon owners and operators and distinct and separate responsibilities and duties upon occupants; to authorize and establish procedures for the inspection of residential and nonresidential premises; to fix penalties for the violations of this code; and to provide for the repair, maintenance and abatement of nuisances on premises by the Township of Mansfield. 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.

§ 25-3. Definitions and word usage.

A. Whenever the words "accessory structure," "building," "dwelling," "premises" 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."

B. The following terms wherever used herein or referred to in this code shall have the respective meanings assigned to them unless a different meaning clearly appears from the context:

ACCESSORY STRUCTURE

A structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises

BASEMENT or CELLAR

Any floor, any portion of which is more than 24 inches below the adjacent grade level.

BUILDING

A combination of materials to form a construction adapted to permanent or continuous occupancy or use for public, institutional, residence, business or storage purposes.

DETERIORATION

The condition or appearance of a building 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.

DWELLING

Any structure designed for use by human occupants for sleeping and living purposes, whether occupied or vacant, except that the foregoing shall not apply to hotels as defined in N.J.S.A. 29:2-1.

ENFORCEMENT OFFICERS

All officials, officers or employees entrusted with the enforcement of the provisions of this code.

EXPOSED TO PUBLIC VIEW

Any premises or any part thereof or any building or any part thereof which may be lawfully viewed by the public or any member thereof from a sidewalk, street, alleyway, licensed open-air parking lot or from any adjoining or neighboring premises

EXTERIOR OF THE PREMISES

Those portions of a building which are exposed to public view and the open space of any premises outside of any building erected thereon.

FIRE HAZARD

(See also "nuisance.") Anything 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, a delay, a hazard or a hindrance to the prevention, suppression or extinguishment of fire.

GARBAGE

(See also "refuse" and "rubbish.") Putrescible animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food. Compost piles are excluded from the definition of "garbage." A "compost pile" is a collection of leaves, grass clippings and other similar raw organic materials collected in a pile for the purpose of decomposition. Pine needles may be included as a component of the compost pile. A single compost pile shall not exceed a height of 5 feet or diameter of 10 feet.

INFESTATION

The presence of insects, rodents, vermin or other pests on the premises which constitute a health hazard.

NUISANCE

(1) Any public nuisance known at common law or in equity jurisprudence or as provided by the statutes of the State of New Jersey or the ordinances of the Township of Mansfield.

(2) Any attractive nuisance which may prove detrimental to the health or safety of children whether in a building, on the premises of a building or upon an unoccupied lot. This includes, but is not limited to, abandoned wells, shafts, basements, excavations, abandoned iceboxes or refrigerators or other major appliances, abandoned or junk motor vehicles, any structurally unsound fences or structures, lumber, trash, fences or debris.

(3) Physical conditions dangerous to human life or detrimental to the health of persons and or near the premises where the conditions exist.

(4) Inadequate or unsanitary sewage or plumbing facilities in violation of Township ordinances.

(5) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings.

OCCUPANT

Any person living, sleeping, occupying or having actual possession of a premises or a part thereof.

OPERATOR

Any person who has charge, care or control of a premises or a part thereof, whether with or without the knowledge and/or consent 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 dwelling or dwelling unit 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 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/or assigned by said lessee.

PREMISES

A lot, plot or parcel of land, including the buildings or structures thereon.

REFUSE

(See also "garbage" and "rubbish.") All putrescible and no putrescible solid wastes (except body wastes), including but not limited to garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, tires and solid market and industrial wastes.

REGISTERED MAIL

Registered mail or certified mail.

RUBBISH

(See also "garbage" and "refuse.") No putrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, tin cans, wood, bedding, crockery and similar materials. Firewood shall not be prohibited, provided that it is stacked in an orderly manner within 60 days of being cut or delivered to the property. Firewood on a commercial lot must be stacked at least 15 feet off any residential property line.

STRUCTURE

Combination of any materials, whether fixed or portable, forming a construction, including buildings.

VENTILATION

Supply and removal of air to and from any space by natural or mechanical means.

WEATHERING

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

§ 25-4. Applicability; compliance with other provisions.

A. In general. This code shall be applicable to all buildings, every residential and nonresidential building and the premises on which it is situated in the Township, used or intended to be used for dwelling, commercial, business or industrial occupancy, which buildings shall comply with the provisions of this code, whether or not such building 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 the building or for the installation or repair of equipment or facilities prior to enactment of this code. This code shall not apply to farm related buildings located on farmland-assessed property, other than the principal residence. This code establishes minimum standards for the initial and continued occupancy and use of all such buildings and does not replace or modify standards otherwise established for the construction, repair, alteration or use of the building, equipment or facilities contained therein, except as provided in Subsection **B.**

B. Higher standard to prevail in case of conflict with other laws or ordinances. In any case where the provisions of this code impose a higher standard than set forth in any other ordinances of the Township or under the laws of the State of New Jersey, then the standards as set forth herein shall prevail, but if the provisions of this code impose a lower standard than any other ordinances of the Township or of the laws of the State of New Jersey, then the higher standard contained in any such other ordinance or law shall prevail.

C. Enforcement of and compliance with other ordinances. Compliance with this code shall not constitute a defense against any violation of any other ordinance of the Township applicable to any structure or premises, nor shall any provision herein relieve any owner, operator or occupant from complying with any such other provision, nor any official of the Township from enforcing any such other provision.

§ 25-5. Responsibilities of owner, operator and occupant independent of each other.

A. Owner and operator. Owners and operators shall have all the duties and responsibilities as prescribed in § 25-6 of this code and the regulations promulgated pursuant thereto, and no owner or operator 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.

B. Occupant. Occupants shall have all the duties and responsibilities as prescribed in § 25-7 and all the regulations promulgated 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 or operator is also responsible therefor and in violation thereof.

C. Contract not to alter responsibilities. Unless expressly provided to the contrary in this code, the respective obligations and responsibilities of the owner and operator 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.

§ 25-6. Duties and responsibilities of owner and operator.

A. Maintenance of exterior of premises free of hazards and unsanitary conditions. 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 free of unsanitary conditions, and any of the foregoing shall be promptly removed and abated by the owner or operator.

B. It shall be the duty of the owner or operator to keep the premises free of hazards which include but are not limited to the enumerations and provisions in the following subsections:

(1) Refuse. Brush, woods, broken glass, excavated stumps, roots, hazardous growths, filth, garbage, trash, refuse and debris.

(2) Natural growth. Dead and dying trees and limbs or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons in the vicinity thereof or operators of motor vehicles utilizing the public right of way. Trees shall be kept pruned and trimmed to prevent such conditions.

(3) Overhanging's. Loose and overhanging objects and accumulations of ice and snow which, by reason of location above ground level, constitute a danger of falling on persons in the vicinity thereof.

(4) Ground surface hazards or unsanitary conditions. Holes, excavations, breaks, projections, obstructions and excretion of pets and other animals on paths, sidewalks, walkways, driveways, parking lots and parking areas and other parts of the premises which are accessible to and used by persons on the premises. All such holes and excavations shall be filled and repaired, walks and steps replaced and other conditions removed where necessary to eliminate hazards or unsanitary conditions with reasonable dispatch upon their discovery.

(5) Weeds. All premises and exterior premises shall be maintained free from weeds or plant growth in excess of 10 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.

(6) Removal of leaves. No owner, occupant and/or tenant of a residential property shall rake, blow, push and/or drag leaves from his or her property onto public streets except in the following manner; leaves may be piled or raked in rows running parallel to the curb of the premises in question. The outward edge of the rows shall not extend any further than three feet from the nearest curblines.

(7) Removal of branches and trees by homeowner. No owner, occupant and/or tenant of a residential property shall stack branches, trees or parts of trees in the paved right of way. Branches, trees, parts of trees and stumps must be placed behind the curblines.

(8) Removal of branches and trees by a private contractor or person other than the homeowner. All debris generated by trimming or removing trees by a private contractor, including branches, wood, stumps etc., must be removed by the contractor. The Township does not chip or remove any trees or parts of trees removed by private contractors.

C. Sources of infestation. Every owner and operator shall be responsible for the elimination of infestation in and on the premises subject to his or her control.

D. Appearance of exterior of premises and structures. The exterior of the premises, the exterior of structures and the conditions of accessory structures shall be maintained so that the appearance of the premises and all buildings thereon shall not constitute a value-depreciating factor for adjoining property owners nor an element leading to the progressive deterioration and downgrading of property values.

E. Storage of commercial and industrial material. There shall not be stored or used at a location visible from the sidewalk, street or other public areas equipment and materials relating to commercial or industrial uses unless permitted under the Zoning Ordinance^[1] for the premises.

[1]:

Editor's Note: See Ch. 27 Land use.*

F. General maintenance of all structures and accessory structures. The exterior of every structure or accessory structure (including fences) shall be maintained in good repair. Painted fences shall be maintained so that the paint is not peeling or otherwise deteriorating. Unpainted fences shall be maintained so as to avoid rot or deterioration of the fencing materials. The exterior of all structures shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessively peeling paint or other condition reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated and adjoining properties and the neighborhood protected from blighting influences. Roofs shall be maintained or repaired to be structurally sound and free from defects.

G. Awnings and marquees. Any awning or marquee and its accompanying structural members which extend 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 awnings or marquees are made of cloth, plastic or similar materials, the cloth or plastic, where exposed to public view, shall be maintained in good condition and shall not show evidence of excessive weathering, ripping, tearing or other holes. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks or other parts of the public domain.

H. Exterior walls, roofs, etc. Exterior walls, roofs, windows, window frames, doors, door frames, foundations and other parts of the structure shall be maintained. Damaged materials must be repaired or replaced promptly; places showing signs of rot, leakage, deterioration or corrosion are to be restored and protected against weathering or seepage.

I. Freedom from accumulations and obstructions. No accumulation or obstruction from garbage, refuse or rubbish shall be permitted which is visible from the sidewalk, street or other public areas or a neighboring premises except that garbage stored in proper containers may be set out for removal.

§ 132-7. Duties and responsibilities of occupants.

A. Cleanliness and sanitation. All parts of the premises under the control of the occupant or operator shall be kept in a clean, safe and sanitary condition, and the occupant shall refrain from performing any acts which would render other parts of the premises unclean or unsanitary or which would obstruct the owner or operator from performing any duty required hereunder or from maintaining the premises in a clean and sanitary condition. All outside premises shall be clear of abandoned iceboxes, refrigerators, heaters, television sets and other similar major appliances.

B. Landscaping. The landscaping of premises shall be maintained in an orderly state with lawns (where applicable) and bushes trimmed and free from becoming overgrown, littered and unsightly where such would constitute a blighting effect, depreciating adjoining and nearby property.

C. Ground surface hazards, unsanitary conditions, unregistered vehicles and/or vehicles without current license plates.^[1]

(1) It shall be the duty of the occupant to keep the premises free of holes, excavations and excretions of pets and other animals on paths, sidewalks, walkways, driveways, parking lots and parking areas and other vehicular or pedestrian access routes to the premises. Snow and ice shall be cleared from sidewalks and public access paths or routes or shall be made safely passable within 24 hours of the end of a storm. Holes and excavations shall be filled and repaired and other conditions removed where necessary to eliminate hazards or unsanitary conditions with reasonable dispatch upon their discovery. It shall also be the duty of the occupant to remove any motor vehicle which is unregistered or not registered to the owner or occupant and/or without current license tags or plates from the premises unless the same is properly stored in a closed garage or neatly covered with a protective tarpaulin (subject to a maximum of two such unregistered tarpaulin-covered vehicles), or in the case of nonresidential premises such motor vehicle is being currently serviced or repaired by a garage man or mechanic in order to meet inspection requirements of the Division of Motor Vehicles of the state of New Jersey. Any such vehicles in residential zones shall be stored either in the driveway or rear yard.

(2) No person shall park or permit to be parked any motor vehicle on any street in the Township for a period of more than 72 hours unless such motor vehicle is operable and in condition for safe and effective performance of the function for which it is intended; provided, however, that the parking of a car, trailer, motorcycle or boat offered for sale shall be permitted for a maximum period of 30 consecutive days, a maximum of three times per calendar year.

[1]:

Editor's Note: See also Ch,30 Vehicles, Abandoned.

D. Eliminating infestation. Every occupant of a premises shall be responsible for the elimination of infestation in the premises and on the premises.

E. Malicious damage. Every occupant shall be responsible for willfully or maliciously caused damage to any part of the premises.

§ 25-8. Refuse storage and disposal.

A. In general. No person shall accumulate or permit, suffer or allow the accumulation in any premises owned, operated, occupied or controlled by him of any refuse, garbage, rubbish and waste material for a time longer than the period from one collection day to the next ensuing collection day. Such refuse, garbage, rubbish or waste material shall either be removed by the

Township-contracted services in accordance with regulations made and provided or by an authorized collector.

B. Nonresidential premises.

(1) Every owner, operator and occupant of any nonresidential premises shall be responsible for providing suitable containers consisting of waterproofed receptacles, cans or barrels made of a substantial material such as galvanized iron or vinyl/plastic with a tight-fitting cover so constructed as to prevent spillage or leakage of its contents which, when full, shall not weigh over 65 pounds (unless the container is to be mechanically raised) for the receiving and holding of garbage, rubbish, refuse or waste materials.

(2) Every owner, operator and occupant of nonresidential premises shall be responsible for providing containers, as described in Subsection **B(1)**, sufficient in number to hold all garbage, rubbish, refuse and waste material in the manner prescribed, from one collection period to the next actual collection. Garbage, rubbish, refuse and waste material shall be placed in the containers aforesaid prior to the time fixed for collections.

(3) Every owner, operator and occupant of nonresidential premises shall be responsible for making necessary arrangements for weekly collection of garbage, rubbish, refuse and waste material between the hours of 6:00 a.m. and 8:00 p.m. prevailing time only.

C.
Residential premises

(1) Every owner, operator and occupant of residential premises shall be responsible for providing suitable containers for the receiving and holding of garbage, rubbish, refuse and waste materials and which when full shall not weigh more than 30 pounds. All such containers shall prevent trash or garbage from disbursing or spilling into the street and prevent spillage or leakage of their contents.

(2) Every owner, operator and occupant of residential premises shall be responsible for providing containers as described in Subsection **C(1)** sufficient in number to hold all garbage, rubbish, refuse and waste material, in the manner prescribed, from one collection to the next actual collection. Such garbage, rubbish, refuse and waste material shall be placed in the containers aforesaid prior to the time fixed for collection.

(3) Every owner, operator and occupant of residential premises shall place the containers aforementioned so as not to impede traffic in front of the premises no earlier than 12:00 noon of the day preceding the nearest collection day. Containers shall be retrieved from their collection location no later than 12:00 midnight on the day of collection.

(4) Discarded newspapers, magazines and the like may be placed in securely tied bundles or paper bags in close proximity to the location of the containers aforesaid for collection in accordance with the Recycling Ordinance requirements.¹¹ Bulky items comprised of waste materials classified as paper, rubbish or ashes as defined in § **25-3** of this article must be

assembled by the owner, operator and occupant of the premises into not more than three-foot lengths, tied securely and placed in close proximity to the containers aforesaid for collection.

[1]:*Editor's Note: See Ch. **39B**, Solid Waste, Art. **I**, Recycling.*

§ 25-9. Inspection; enforcement; notice of violation; order; hearing; emergencies; costs.

A. Township Committee to supervise administration of inspections, regulations, enforcements and hearings on violations. The Township Committee is hereby designated to supervise and direct all inspections, regulations, enforcements and hearings on violations of the provisions of this code, unless expressly stated to the contrary. The Property Maintenance Officer, Building Inspector or Mansfield Township Police Department or his designee shall be and is designated by the Township Committee to perform such duties as may be necessary to the enforcement of this code, including the making of inspections. Any resident of Mansfield Township shall have standing to bring a complaint to the Municipal Court for enforcement of this article.

B. When exterior inspections are to be made. All exteriors of buildings and premises subject to this code are subject to inspection by the enforcing officer of the Township based on clearly evident probable cause to believe a violation or unsafe condition may exist. At the time of such inspections, parts of the premises must be available and accessible for such inspections, and the owner, operator and occupant are required to provide the necessary arrangements to facilitate such inspections.

C. Identification and conduct of inspectors. Enforcement officials and officers shall be supplied with official identification and shall exhibit such identification when requesting access to any part of any premises subject to this code. Inspectors shall conduct themselves so as to avoid intentional embarrassment or inconvenience to occupants.

D. Where access by enforcing officials is refused. Where the enforcing official or his agent is refused access to the premises or is otherwise impeded or prevented by the owner, occupant or operator from conducting an inspection of the premises, access to the premises shall be gained only by the warrant procedure set forth hereafter.

E. Issuance of warrant. In addition to the provisions of Subsection D, enforcing officials may, upon affidavit, apply to the Municipal Court Judge of the Township of Mansfield or to the New Jersey Superior Court for a warrant setting forth factually the actual conditions and circumstances that provide a reasonable basis for believing that a nuisance or violation of this code exists on the premises, and if the Judge is satisfied as to the matter set forth in said affidavit, he may authorize the issuance of a warrant permitting access to and inspection of that part of the premises on which the nuisance or violation exists.

F. Procedure where violation discovered. Where a violation of this code or the regulations hereunder is found to exist, a written warning notice from the enforcing official shall be served on the person or persons responsible for the correction thereof.

G. Contents of notice. The notice shall specify the violation or violations committed, what must be done to correct the same, a reasonable period of time not to exceed 30 days to correct or abate the violation, the right of the person served to request a hearing and that the notice shall become an order in 10 days after service unless a hearing is requested pursuant to Subsection I. The notice shall also advise the recipient that, if the violation is not corrected or abated, the municipality or municipal-hired contractor may do the same, the cost of which shall become a lien on the subject property.

H. Service of notice. Notice may be served personally or by mail with postage prepaid, addressed to the last known address of the person to be served. In case the premises are occupied, notice may be accomplished by posting upon the front door of the structure. Where it is ascertained that the owner does not reside on the premises, the last known address shall be the address of the owner as shown in the office of the Tax Collector. If the last known address cannot be ascertained, service may be accomplished by mailing the notice with postage prepaid to the mortgagee, if there be one, and by posting the notice on the front door of the premises and printing the notice in the official Township newspaper at least one time. The enforcing officer shall file and provide notice to any owner, operator or occupant of any violation at any address other than the last known address provided hereunder if such other address is filed with the enforcing officer personally or by certified mail addressed to the enforcing officer. Service upon an owner, operator or occupant may also be attained by service of any notice upon any competent member of the family 18 years old or older of the owners, operator or occupant. Date of service of notice shall be determined where service is by mail as of the third day following the day of mailing for notices to addresses within or outside the Township. Where the day of service would fall upon a Sunday or other day where mail is not ordinarily delivered, then the day of service shall be the next regular day.

I. Notice to become an order unless hearing requested. Within 10 days of the date of service of a notice, the notice shall constitute a final order unless any person affected by the notice requests a hearing thereon by serving a written request within the ten-day period in person or by mail on the Township Clerk. Such request for a hearing shall set forth briefly the grounds or reasons on which the request for a hearing is based and the factual matters contained in the notice of violation which are to be disputed at the hearing. The Township Clerk, upon receipt of the requests, shall within 30 days therefrom and upon five days' notice to the party aggrieved set the matter down for hearing before the Township Committee.

J. Determination at hearing. At any hearing provided hereunder the Township Committee shall be vested with all the powers provided by law to compel the attendance of witnesses and parties in interest by issuance and service of subpoena; to require by subpoena the production of books, records or other documents at any such hearing which may be pertinent to matters to be determined by it; and to enforce any such subpoena or secure any order for the enforcement of any such subpoena as provided by law. Determination shall be made within 14 days from the completion of the hearing. The Township Committee shall issue an order either incorporating the determinations and directions contained in the notice, modifying the same or withdrawing the notice.

K. Extensions of time. The Township Committee may extend the time for correction or abatement of violations for an additional period of time deemed reasonable by the Township Committee beyond the expiration date of the original notice. The enforcing official may also extend the time for correction or abatement, subject to written recommendation by the enforcing official to the Township Committee and approval of the proposed extension by the Committee.

L. Summary abatement in emergency; notice and hearing not required. Where the violation or condition existing on the premises is of such a nature as to constitute an immediate threat to life and limb unless abated without delay, the Township Committee may either abate the violation or condition immediately or order the owner, operator or occupant to correct the violation or condition within a period of time not to exceed three days, and upon failure to do so, the Township Committee shall abate the condition immediately thereafter.

M. Cost of any abatement to be a lien against premises. Where abatement of any nuisance as defined herein, correction of a defect in the premises or the maintenance of the premises in a proper condition so as to conform to municipal ordinances or state laws applicable thereto requires expending Township moneys therefor, the enforcing officer shall present a report of work proposed to be done to accomplish the foregoing to the Administrator, or Township Committee or designate.. The report shall include an estimate of the cost of the work required along with a summary of the proceedings undertaken by the enforcing officer to secure compliance, including notices served upon the owners, operators, lessors or agents, as the case may be, and hearings and orders of the Township Committee with reference thereto. The Administrator or Township Committee designate may thereupon order the abatement of the nuisance, correction of the defect and completion of the work necessary to place the premises in proper condition and in compliance with ordinances of the Township and laws of the state. The enforcing officer may thereafter proceed to have the work performed in accordance with the order at Township expense not to exceed the amount specified in the order and shall upon completion thereof submit a report of the moneys expended and costs to the Township Committee. After review of the same, the Township Committee 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 shall be certified by the Township Clerk and filed with the Tax Collector of the Township who shall be responsible for the collection thereof, and a copy of the resolution shall be sent by certified and regular mail to the owner.

N. Extension of time where dispossession action undertaken. Where there exists a violation of this code, an owner or operator, upon receipt of a notice of violation, if unable to eliminate the violation by peaceable means within the period of time specified in said notice, shall commence within such period legal action to dispossess, evict or eject the occupants who caused the violation. No further action hereunder shall then be taken against the owner or operator so long as the action aforesaid is pending in the appropriate court and is prosecuted expeditiously and in good faith.

O. Where notice and hearing not required prior to court proceedings.

(1) No notice shall be required on the enforcement as to the removal of or making safe passage through accumulated snow or ice from sidewalks where such snow or ice remains uncleared within 24 hours after the termination of the storm.

(2) Where the Township Committee after hearing shall determine that there was a violation and a notice was served upon the owner, operator or occupant, whether or not said violation was abated prior to the issuance of an order, if thereafter within the space of one year there shall be a second violation by the same owner, operator or occupant of the same provision of this code discovered on the same premises, the offender may be prosecuted on the second violation without the enforcing officer first giving notice and opportunity for a hearing to the owner, operator or occupant by the filing of a complaint by the enforcing officer in the Municipal Court.

P. Effect of notice on owner. For the purposes of enforcement of this code, the service of a notice on an owner, whether or not the owner is also the operator, shall constitute notice of violations set forth therein until violations are abated in conformity with this code and the other applicable ordinances of the Township of Hainesport.

§ 25-10. Violations and penalties; lien.

A. Fines for violations. A violation of any section or subsection of this code shall be subject, upon conviction, to a fine of up to but not exceeding \$2,000.

B. Meaning of "each violation." Each violation of a section or subsection of this code shall constitute a separate and distinct violation independent of any other section or subsection or any order issued pursuant to this code. Each day's failure to comply with any such section or subsection shall constitute a separate violation.

C. Additional penalty for second violation. Where an owner, operator or occupant has been convicted of a violation of this code and within 12 months thereafter has been found by the Judge of the Municipal Court to be guilty of a second violation, the Court may, if it finds that the second offense was willful and inexcusable, sentence the offender in addition to or in lieu of the fine set forth in Subsection A to imprisonment in the county jail for a period not to exceed 90 days.

D. Application to officers or agents. Where the defendant is other than a natural person or persons, Subsections B and C shall also apply to any agent, superintendent, officer, member or partner who shall, alone or with others, have charge, care or control of the premises.

E. Fine as a lien. In the event of the imposition of a fine or penalty by the Municipal Court or any other court of competent jurisdiction against the owner, operator or lessor of any building or structure in the Township required to be registered for violation of any Township ordinance or any state law applicable to the Township, the fine or penalty, if unpaid within 30 days of

imposition, shall be collectible as a lien against the premises, in addition to any other remedies provided by law.

F. Where a fine in excess of \$1,250 is sought to be imposed for a housing violation or for a zoning violation, the applicable owner and/or operator shall be provided a thirty-day period in which the owner and/or operator has an opportunity to cure or abate the condition prior to the scheduling of a hearing in municipal court. In the event that the objectionable activity or condition is not resolved to the satisfaction of the Township following said thirty-day period, then the owner/operator shall have an opportunity for a hearing before the municipal court. After the thirty-day period, the higher fine may be imposed if the municipal court has not determined that the abatement has been substantially completed.

§ 25-11. Existing offenses and violations not discharged.

The repeal of any provisions of any other ordinances by this code shall not affect any action for prosecution or abatement under any such ordinance or any notice, complaint or order issued by any officer or agency of the Township prior to the adoption of this code or concerning which any prosecution or other steps of enforcement have been taken or are being taken within any administrative agency or in the Municipal Court for enforcement thereof.

§ 25-12. Powers and duties of Township Committee.

The Township Committee is hereby authorized and empowered to promulgate such written rules and regulations as may be necessary for the proper interpretation and administration of the provisions of this code, provided that such rules and regulations do not conflict with this code and do conform to the general standards prescribed by this code. The Township Committee shall file copies of such rules and regulations with the Township Clerk which shall be available during regular business hours. Such rules and regulations shall have the same force and effect as the provisions of this code, and the violations thereof shall be enforced as violations of the express provisions of this code, as herein provided.

§ 25-13. Severability.

If any part, section, sentence, clause or phrase of this article shall be held invalid, unconstitutional or void for any reason, such decision shall not affect the validity of the remaining portions of this article.

§ 25-14. When effective.

This article shall take effect immediately upon its final passage and publication in accordance with the law.

Article II. Bulk Storage Containers

§ 25-15. Bulk storage containers on public property.

No bulk storage container, storage container, storage device, "pod," or similar container shall be placed or maintained by any private party in or on any Township property, street, or right-of-way.

§ 25-16. Bulk storage containers on private property.

No bulk storage container, storage container, storage device, "pod," or similar container shall be placed or maintained on any private property unless it complies with one or more of the following provisions:

A.

Such containers may be placed or maintained on a driveway or other suitably paved area for purposes of packing or unpacking goods and materials of the owner or occupant of the property in preparation for or subsequent to moving into or out of the property for a period of not more than 21 consecutive days.

B.

Such containers may be placed or maintained on a driveway or other suitably paved area for purposes of storing the goods and materials of the owner or occupant of the property when necessary during renovation or rehabilitation of the structure located on the premises in which the goods or materials would otherwise be located during the period of renovation or rehabilitation and up to 14 days prior to commencement and 14 subsequent to completion of the work but in no event more than a total of four months.

§ 25-17. Trash dumpsters and roll-off containers.

No trash dumpster, roll-off container, or similar container for trash or debris of any type may be placed or maintained by any private party in or on any Township property, street, or right-of-way except in compliance with the provisions of this article. Furthermore, no trash dumpster, roll-off container, or similar container for trash or debris of any type may be placed or maintained on any private property within the Township except in compliance with the provisions of this article or in a manner and location as set forth on a duly approved site plan.

§ 25-18. Permit required.

Prior to the placement of any dumpster, roll-off container, or similar container in or on any Township property, street, or right-of-way, or on any private property (not covered by a duly approved site plan), the owner of the property using the container or person contracting for the use of such container shall apply for and receive a permit from the Township pursuant to the provisions and standards set forth herein.

A.

Application for the permit shall be made to the office of the Township Property Maintenance Office, or such other office as the Township Administrator may from time to time designate, on a form provided by the Township. The application shall require, among other things, the full name, address, and other contact information for the owner of the container, the person contracting for use of the container where such person is other than the owner of the property for which the

container is to be used, and the owner of the property with which the use of the container is associated. The application shall be accompanied by a permit fee of \$25.

B.

Any container to be placed on a street or right-of-way shall be placed on the street in a legal parking space, not designated for use as a handicap parking space, as designated by the Township and shall be equipped with appropriate reflectors or other safety markings so that the container will not constitute a hazard to traffic. The Property Maintenance Officer, Building Inspector or Mansfield Township Police Department in the exercise of his/her discretion may direct that additional markings, their location, or nature shall be supplemented or altered if it is determined such actions are necessary for the protection of the motoring public.

C.

The owner of the property associated with use of the container or the contractor arranging use of the container shall provide the. The Property Maintenance Officer, Building Inspector or Mansfield Police Department with satisfactory proof of liability insurance covering any claims or losses for property damage or personal injury resulting from or occasioned by the placement of the container in an amount not less than \$250,000.

D.

Any permit issued for placement of a container on a street, right-of-way or other public property shall be valid for a period of 14 days and sticker or notice shall be prominently displayed on the property associated with the use of the container indicating the commencement and expiration date of the permit.

E.

Any container placed on private property shall be placed on a suitable base to assure stability. If in the opinion of The Property Maintenance Officer, Building Inspector or Mansfield Police Department the location is sufficiently near to a public vehicular or pedestrian path, the permit may require suitable safety markings as set forth in Subsection **B** above.

F.

Any permit issued for placement of a container on private property shall be valid for a period of 30 days and sticker or notice shall be prominently displayed on the property associated with the use of the container indicating the commencement and expiration date of the permit.

G.

Upon a showing of continued need for the container (such as during the course of major construction projects), permits may be renewed up to three times for like situations.

§ 25-19. Exceptions; extensions of time.

A person applying for a permit under this article may apply for an additional extension of time to keep the storage or trash container in place as set forth in this section.

A.

Applications for extensions beyond those specified in §§ **25-16** and **25-18** of this article shall be made to The Property Maintenance Officer, Building Inspector or Mansfield Police Department or his designee on a form to be provided by the Township. The application shall contain full

identifying information regarding the container, permit number, time it has been at the site, and reason for use. The application shall contain a narrative statement of the reason necessary for additional time. The application shall be accompanied by a fee of \$25.

B.

The application shall be reviewed for a determination made as to whether an additional extension should be granted, and the duration of that extension, within 10 business days of the filing of a complete application. In considering the application, The Property Maintenance Officer, Building Inspector or Mansfield Police Department or his designee shall consider:

(1)

The length of time the container has been in place;

(2)

The reason for the container and the reasonableness of the time allotted under this article for completion of that purpose in light of all attendant circumstances;

(3)

The location of the container with respect to blocking or interfering with the efficient parking or passage of traffic, visual impact, nature of the neighborhood, and similar issues;

(4)

Whether noise, litter, or similar quality-of-life problems have been associated with the use of the container;

(5)

Whether the delay in completing the work or project for which the container is necessary is beyond the reasonable control of the user of the container;

(6)

The additional time reasonably necessary to complete the work or project; and

(7)

Such other factors as may be deemed reasonable and appropriate.

§ 25-20. Responsibility.

The person contracting for use of the container and the owner of the property associated with its use shall be jointly responsible for compliance with the provisions of this article. Copies of the penalty provisions of this article shall be appended to the permit and shall be mailed with a copy of the permit to the owner of the container, the property owner, and any other interested party.

§ 25-21. Violations and penalties.

A.

Violations of this article or any conditions of a permit issued pursuant to this article shall be subject to a fine of not less than \$100 nor more than \$250.

B.

Each day or portion thereof that a violation continues shall be considered a separate violation. Any storage container, storage device, "pod," trash dumpster, roll-off container, or similar container placed or maintained on Township property, streets, or rights-of-way, or left in such a location after expiration of the permit for more than 10 days after the mailing of written notice to the owner of the container, the person contracting for use of the container, and the owner of the affected property, may be removed by the Township at the owner's expense for removal and storage of the container. Notices to remove pursuant to this section shall be sent by certified mail, return receipt requested or . 127, Sec. 17 as amended by any fines that may otherwise be imposed pursuant to this section.