

ORDINANCE NO.2022-18

AN ORDINANCE AMENDING CHAPTER 407 ENTITLED PROPERTY MAINTENANCE

BE IT ORDAINED by the Mayor and Council of the Borough of Wood-Ridge, County of Bergen, New Jersey, as follows:

SECTION 1. Chapter 407, entitled Property Maintenance, is hereby amended by replacing the Chapter in its entirety as follows:

**Article I
Title; Findings; Purpose**

§ 407-1 Title.

This chapter shall be known as the "Property Maintenance Code of the Borough of Wood-Ridge" and may be referred to in this chapter in the short form as the "Property Maintenance Code" or as "this chapter."

§ 407-2 Statement of findings.

It is hereby found and declared that there exists in the Borough of Wood-Ridge property and structures used for residential and nonresidential purposes which are, or may become in the future, substandard with respect to structure, equipment, or maintenance, or which contain, or may contain in the future, a nuisance, and further that such conditions, including but not limited to structural deterioration, inadequate maintenance, infestation and unsanitary conditions, and/or harboring or containing of a nuisance, shall constitute a hazard to the health, safety and welfare of the residents and inhabitants of the Borough of Wood-Ridge. It is further found and declared that the existence of such conditions has the further effect of creating blight and substandard neighborhoods and that, by the enactment of timely regulations and restrictions as herein contained, the development of blight may be prevented, neighborhood and property values maintained and the public health, safety and welfare protected and fostered.

§ 407-3 Purpose; construal of provisions.

- A. The purpose of this chapter is to protect the public health, safety and welfare of the Borough of Wood-Ridge and its residents by establishing minimum standards governing the maintenance, appearance and condition of residential and nonresidential property; to establish minimum standards governing residential and nonresidential property and other physical components and conditions essential to make the aforesaid properties nuisance-free; to fix certain responsibilities and duties upon owners, operators and occupants; and to fix penalties for the violation of this chapter.
- B. This chapter is hereby declared to be remedial and essential for the public interest, and it is intended that this chapter be liberally construed to effectuate the purposes as stated herein. This chapter specifically relates to the appearance, condition, maintenance, and upkeep of structures and property only and shall not be construed to replace or infringe upon the jurisdiction or the powers of the Board of Health, the Construction Code Office, or the Fire

Prevention Bureau and its designated licensed personnel and other governmental agencies within the Borough.

Article II Definitions

§ 407-4 Terms defined.

The following terms, wherever used herein or referred to in this chapter, shall have the respective meanings assigned to them unless a different meaning clearly appears from the context. Defined terms, whether in singular or plural form, shall mean and refer to both the singular and plural form of the term.

ACCESSORY STRUCTURE

Any building, structure, fixture, or equipment, no matter its size, whether or not it is portable or removable, and whether or not it is temporarily or permanently installed into the ground or onto the main building of the property, that is on the same lot as and subordinate to and under the same ownership or control as and used for a purpose customarily incidental to the use of the main building.

DETERIORATION

The condition or appearance of a building or structure or accessory structure, or part thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay or neglect, lack of maintenance or excessive use.

EXTERIOR OF THE PROPERTY

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

HAZARD

Hazard shall mean the existence on a property, structure, or accessory structure of any of the following items, conditions, or circumstances:

- A. Loose and overhanging objects, including, without limitation, accumulations of ice or snow, or other similar conditions which by reason of their location above ground level constitute a hazard to persons in the vicinity thereof.
- B. Ground surface hazards, including, without limitation, holes, excavations, breaks, projections and obstructions, which constitute a hazard to persons on the property or the public right-of-way.
- C. Inadequate foundation walls, piers and columns. Foundation walls, piers, columns or similar load-bearing components shall be kept structurally sound, free from defects and damage, and capable of bearing loads safely.
- D. Unsafe exterior facilities, structures, or accessory structures, or portions thereof, including, without limitation, garages, sheds, gazebos, play structures, pools, spas, decks, porches,

elevated patios, landings, balconies, stairs and fire escapes, all of which shall be kept structurally sound and in good repair and shall be provided with bannisters or railings properly designed and maintained.

- E. Broken or boarded-up windows or doors; loose or missing shingles or siding; holes in any structure or accessory structure that allow in light, air, and/or weather.
- F. Malfunctioning, nonworking, disconnected, and/or dangerous utilities and/or utility connections; malfunctioning, nonworking, disconnected, and/or dangerous exterior equipment, fixtures, appliances, and/or devices including those with malfunctioning, nonworking, disconnected, exposed, and/or dangerous utility connections.

GARBAGE

Solid waste, recyclable materials, yard and vegetative waste, food waste, industrial waste, compost, ashes, street cleanings, litter, refuse, rubbish, junk, parts, scrap metals; damaged, inoperable, or discarded appliances, equipment, fixtures, furniture, furnishings, machinery, tools, toys, vehicles, or any parts thereof of the foregoing; damaged, inoperable, or discarded athletic, play, or recreational equipment; damaged, demolished, or discarded building materials; discarded soils, mulch, and other bulk materials; any putrescible waste including animal excrement and dead animals, or parts thereof, and that which may result from the handling, preparation, cooking and consumption of food.

INFESTATION

The presence of insects, flies, rodents, vermin, pests, birds, animals, and/or invasive species on the property which constitute a health, safety, and/or environmental hazard.

JUNK VEHICLE

Any vehicle which is determined to be without currently valid license plates or is in a wrecked, discarded, dismantled, inoperative or abandoned condition.

NUISANCE

Nuisance shall mean the existence on a property, structure, or accessory structure of any of the following items, conditions, or circumstances:

- A. Any public nuisance known in common law or in equity jurisprudence or as provided by the statutes of the State of New Jersey or the ordinances of the Borough of Wood-Ridge.
- B. Any attractive nuisance which may prove detrimental to the health or safety of the general public, and children in particular, whether on the property of a building or upon the unoccupied lot. This includes but is not limited to abandoned wells, shafts, excavations, tools, machinery, building materials, debris, garbage, motor vehicles, and appliances including refrigerators as well as any structurally unsound structures, fences, walls, play structures, and/or athletic equipment.
- C. Physical conditions dangerous to human life or detrimental to the health of persons on or near the property where the conditions exist.

- D. Causing, creating or maintaining unsanitary conditions or any conditions which render air, food, property or drink detrimental to the health of human beings.
- E. Any matter, thing, condition or act which is or may become an annoyance or interfere with the comfort or general well-being of the inhabitants of this Borough.
- F. Accumulation, collection and/or storage, regardless if temporary, in the exterior of properties, structures and/or grounds of any items or quantities not ordinary and customary to said exterior of properties, structures and/or grounds, including but not limited to auto or machinery parts, tools, toys, play or athletic equipment, appliances, furniture, construction materials, recyclable materials and/or bulk materials, including but not limited to soil, sand, mulch, gravel, compost, etc.
- G. Firewood which is either: (1) not stacked in an orderly fashion; (2) rotting or decaying; or (3) attracting and/or harboring animals, vermin, rodents, bees, termites and/or flies.
- H. Garbage that is either (1) not properly contained and stored in covered receptacles to prevent odors, infestation by insects or animals, or spread or escape from the property caused by weather conditions, or (2) in a quantity or condition not customary to the permitted use and occupancy of the property, or (3) stored on a property for a period longer than seven days, or (4) not eligible for curbside disposal via the Borough's curbside solid waste, recycling, and yard waste collection program.
- I. Containers, receptacles, or bags of any kind used for storage, garbage, or any other purpose that are (1) stored in the front yard, or (2) emitting foul odors or vapors, (3) or damaged, broken, or not properly covered, in such a manner so as to be likely to attract, collect, or harbor rainwater, bugs, flies, bees, mosquitos, rodents, vermin, birds, and/or other animals.
- J. Trailers of any kind, with or without valid license plates, including those containing any motorized vehicle or tool, including but not limited to construction equipment, landscaping equipment, boats, jet-skis, motorcycles, all-terrain vehicles, etc., which are parked or stored in the exterior of properties, structures and/or grounds.
- K. Junk vehicles, campers, recreational vehicles, watercraft, aircraft and/or construction equipment, with or without valid license plates and/or registration, regardless of condition or operability, which are parked or stored in the exterior of properties, structures and/or grounds.
- L. Unsightly conditions, including but not limited to graffiti, vandalism, litter, debris, illegal dumping, and displays containing obscene or vulgar images or words, etc.
- M. Outdoor display, storage, or use of furniture, appliances, fixtures, decorations, athletic equipment, and/or play structures that are broken, damaged, inoperable, abandoned and/or not ordinary and customary to the property's approved use.

- N. Swimming pools, hot-tubs, and spas that are abandoned, unmaintained, or improperly maintained, whether covered or uncovered and whether containing water or empty, in such a manner as to cause a potential for attracting and harboring flies, insects, bugs, mosquitos, rodents, vermin, birds, and other animals, and/or for emitting foul odors or vapors, and/or for creating a health, safety, and/or environmental hazard.
- O. Grass, weeds and/or vegetation that has either: (1) attained a height greater than six inches on average; (2) grown in a manner so that it blocks, covers or obscures, completely or partially, sidewalks, curbs and/or streets; or (3) after being cut, trimmed or removed is discarded onto sidewalks, curbs, public rights-of-way and/or public property.
- P. The presence on any property of the following: ragweed, poison ivy, poison oak, poison sumac, algae, mold, or other noxious or poisonous weeds, vegetation, or growths; tent caterpillars, spotted lantern flies, or other loathsome, obnoxious, dangerous, or invasive insects or species; vermin, rodents, stray animals, or nondomestic animals including feral cats; brush, weeds, stumps, roots, overgrown grass, vegetation, plants, and/or vines, or other obnoxious growth; filth, garbage, trash, or debris; trees, plants, and shrubs, and/or the limbs, branches, and other growth thereof, that are dead, dying, dangerous, falling, or invasive; and trees, shrubs, plants, brush, weeds, grass or other vegetation or growth that are harboring insects, flies, rodents, vermin, and any dangerous or invasive species.

OPERATOR

Any person, or persons, who occupies, for any duration of time, or who otherwise has charge, care, actual possession, or control of a property or structure, or part thereof, including a tenant, sub-tenant, lessee or sub-lessee, or an employee of the owner, tenant, sub-tenant, lessee, or sub-lessee, and whether with or without the knowledge and consent of the owner, tenant, sub-tenant, lessee, or sub-lessee.

OWNER

Any person who, alone or jointly or severally with others, shall have legal or equitable title to any property 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 managing member or principal executive officer of a business entity owning said property, or as a 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 property shall be deemed to be a co-owner with the lessor and shall have joint responsibility over the portion of the property sublet or assigned by said lease.

PROPERTY

A lot, plot, or parcel of land including the ground, underground, and any structures thereon or therein, if any.

STRUCTURE

Any object or thing, including any building regardless of its size, use, or purpose, that is constructed and/or installed and permanently affixed in, on, or under the ground or upon another structure or accessory structure of a property. For purposes of this Chapter, all references to building, dwelling, facility, structure, and/or accessory structure shall mean structure.

UTILITIES

Drainage, storm sewer, sanitary sewer, heating systems, air conditioning systems, ventilation or filtration systems, pumps, generators, hot water heaters, water, natural gas, bottled propane, heating oil, solar panels, electric, communications, telephone, cable television, internet, antennae, satellite dishes, etc.

Article III

Applicability; Effect of Other Legislation

§ 407-5 Applicability.

Every residential and nonresidential building, and the property on which it is situated in the Borough of Wood-Ridge, previously or presently used or intended to be used for dwelling, commercial, business or industrial occupancy or such other uses permitted by the Borough of Wood-Ridge, shall comply with the provisions of this chapter, whether or not such building shall have been constructed, altered or repaired before or after the enactment of this chapter 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 the effective date of this chapter. This chapter 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 this Chapter by the "higher standard to prevail" provision.

§ 407-6 Higher standard to prevail.

In any case where the provisions of this chapter impose a higher standard than set forth in any other ordinance of the Borough of Wood-Ridge 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 chapter impose a lower standard than any other ordinance of the Borough of Wood-Ridge or of the laws of the State of New Jersey, then the higher standard contained in any such other ordinance or law shall prevail.

§ 407-7 Effect of compliance.

No certification of compliance with this chapter shall constitute a defense against any violation of any other ordinance of the Borough of Wood-Ridge applicable to any structure or property.

ARTICLE IV
Responsibilities of Owners, Operators and Tenants

§ 407-8 Construal of provisions.

Owners and operators shall have all the duties and responsibilities as prescribed in this chapter, and no owner or operator shall be relieved from any such duties and responsibilities nor shall be entitled to defend against any charge of violation thereof by reason of the fact that another person or entity is also responsible therefor and in violation thereof.

§ 407-9 Effect of agreements or contracts.

Unless expressly provided to the contrary in this chapter, the respective obligations and responsibilities of the owner or operator shall not be altered or affected by any agreement or contract.

§ 407-10 Hazards and Nuisances.

The exterior and condition of all structures and accessory structures shall be maintained so that such property and structures shall not constitute, contain, or harbor a hazard or nuisance so as to provide for the safety and enjoyment of owners, operators, occupants and other persons utilizing the property and of pedestrians and the public who may come into proximity or contact with the property. It shall be the duty of the owner or operator to keep the property free of hazards and nuisances and to promptly abate the same if they should develop.

§ 407-11 Feeding of birds, pigeons, and stray or wild animals.

A. Bird feeding.

1. A residential property consisting of two or fewer dwelling units shall be permitted to have one bird feeder or suet, but not both, to be located in the rear yard of the property behind the house, no closer than 12 feet to any property line.
2. A bird feeder shall be either:
 - a. A tube-type or cylinder-type feeder hung from a tree or pole; or
 - b. A hopper-type feeder which shall be no larger than 12 inches in width and height and be fully enclosed on all sides with openings of no more than 1/2 inch in size.
3. Bird feeders shall be hung no less than three feet nor more than eight feet from the ground.
4. Bird feeders shall be filled with no more than 10 ounces of bird feed or bird food at any time, to be placed inside the feeder only.
5. A suet is a formulation of animal fat and other ingredients in cake or brick form. A suet shall be placed in either a mesh bag or wire cage and suspended close to the trunk of a tree between five and six feet from the ground.

6. No bird seed or any form of bird food shall be thrown or scattered on the ground of any property. No suet shall be smeared on any tree. Seed shells or bird food dropped by birds or which otherwise falls to the ground shall be removed immediately so that no accumulation results.

B. Feeding of pigeons.

1. Purpose: It has been determined that the presence of large numbers of pigeons in and around the Borough causes a public health nuisance which is detrimental to the health and general welfare of the public. The purpose of this subsection is to prevent such conduct that may attract such pigeons to properties in the Borough.
2. Definitions: "Pigeons" shall include any of various related birds with a small head, short neck, stout bodies with short legs, and sleek plumage and have a fleshy or waxy protuberance, the cere, at the base of the bill.
3. No person shall systematically feed, cause to be fed or provide food for pigeons in the Borough on lands either publicly or privately owned.

C. Feeding of stray or wild animals.

1. Purpose: It has been determined that attracting stray or wild animals in and around the Borough causes a public health nuisance which is detrimental to the health, safety, and general welfare of the public. The purpose of this subsection is to prevent such conduct that may attract such animals to properties in the Borough.
2. Definitions:
 - a. "Stray Animals" shall mean any dog, cat, or other normally domesticated animal which is not owned, housed, and registered by a Borough resident with the Wood-Ridge Board of Health pursuant to Borough Code.
 - b. "Wild Animals" shall mean any non-domesticated animal including, but not limited to, raccoons, skunks, groundhogs, rabbits, opossums, etc.
3. No person shall systematically feed, cause to be fed, or provide food for wild animals in the Borough on lands either publicly or privately owned.

- D. Any person who violates the terms and provisions of this subsection shall be subject to the fines and penalties set forth in this Chapter.

§ 407-12 Exterior of structures; grounds.

In order to preserve property values, eliminate safety hazards and protect adjoining properties and the neighborhood from blighting influences, the exterior of every structure or accessory structure, including fences and retaining walls, shall be maintained in good repair, free of broken glass, loose shingles, peeling paint or crumbling stone, brick or cement. The grounds shall be maintained to an extent sufficient to prevent them from becoming a nuisance. No hazards or nuisances shall exist on any properties within the Borough of Wood-Ridge.

§ 407-13 Accessways.

The driveways, walkways, entrances, entrance stairways, and sidewalks, whether public or private, on or adjoining any property shall be maintained by the property's owner or operator in a safe condition, so as to not constitute, contain, or harbor a hazard or a nuisance to persons on the property or the public right-of-way.

§ 407-14 Compliance with conditions of approval; maintenance of on-site improvements.

- A. All conditions of approval incorporated in the resolutions or other acts of the Borough Council or of any duly constituted board or agency of the Borough of Wood-Ridge shall be adhered to and shall be construed to be continuing conditions of approval.
- B. Any on-site improvements of every kind or nature, including, without limitation, sidewalks, curbs, catch basins, storm drains and driveways, installed pursuant to the requirements of the Borough Council or any duly constituted board, agency, or official of the Borough of Wood-Ridge, shall be maintained by the property's owner or operator in good and serviceable condition at all times.

§ 407-15 Vehicle parking only in driveways and parking lots.

No persons shall park, stop, or stand any motor vehicle, or permit or suffer the same to be done, in any area of a property or yard except on driveways and parking lots designated on a property's site plan and constructed and installed in compliance with applicable Borough ordinances. Under no circumstances may vehicles park on dirt, grass, gravel or any unpaved or unimproved area of a property.

§ 407-16 Storefronts of uses other than one- and two-family residential uses.

- A. All storefronts and all sides of structures, including windows and doors, that face a public sidewalk or street or a public or private walkway, driveway, or parking lot for use by owners, operators, and/or customers, shall be maintained in good repair, proper working order, and in a condition that is clean, undamaged, and without deterioration.
- B. Store or business windows facing a public sidewalk or street or a public or private walkway, driveway, or parking lot for use by owners, operators, and/or customers, may not be covered, either partially or fully, by any fixtures, materials or substances other than by curtains, blinds, or shades designed for such purpose and capable of being opened, closed, and/or adjusted and/or by signs, displays, or advertisements that are in furtherance and support of, and ordinary and customary to, the business occupying the space. Nothing herein shall be construed as permitting a sign, display, or advertisement that is not permitted by the Borough's Zoning Code or that which has not been approved by either the Borough Zoning Officer or Planning Board.
- C. Owners and/or operators of stores and other businesses shall be responsible for removing litter, garbage, leaves, weeds, and any other debris from public sidewalks and rights-of-way adjacent to their property.

§ 407-17 Awnings and marquees of uses other than one- and two-family residential uses.

Any awning or marquee and its accompanying structural members which extend over any street, sidewalk or any portion of the property shall be maintained in good repair, proper working order, and in a condition that is clean, undamaged, and without deterioration 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 repaired or removed forthwith. In the event that said awnings or marquees are made of cloth, plastic or similar materials, said cloth or plastic, where exposed to public view, shall be maintained in good condition and shall not show evidence of excessive weathering, ripping, tearing, holes, or deterioration. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks or other parts of the public right-of-way.

§ 407-18 Signs and light fixtures of uses other than one- and two-family residential uses.

All signs, including structural and supporting components thereof, and all light fixtures, stanchions, and poles shall be maintained in good repair, proper working order, and in a condition that is clean, undamaged, and without deterioration.

§ 407-19 Marking of parking areas of uses other than one- and two-family residential uses.

All parking areas shall be marked with clearly visible parking lines and necessary directional arrows. Such markings shall be consistent with any requirements as to parking areas imposed by the Borough Council or any other duly constituted board, agency, or official of the Borough of Wood-Ridge.

§ 407-20 Snow and ice removal.

- A. The owner or operators of property adjoining or bordering on public streets, avenues, rights-of-way or highways within the limits of the Borough of Wood-Ridge shall remove or cause to be removed all snow and ice from the sidewalks and driveway aprons adjacent to such property within 12 hours of daylight after the same shall have formed or fallen thereon.
- B. No person shall place, sweep, shovel, push, plow or throw, herein after "placed", snow or ice into or upon any public street, sidewalk, or property, or any private property belonging to another, nor shall any person direct, permit or suffer another to so do any of the foregoing from any property owned, occupied, used or leased by such person. Snow or ice may be placed in the public right-of-way located between a public sidewalk and a public street, except for any portion containing an ADA depressed curb ramp and/or located adjacent to a pedestrian cross walk.
- C. Any person who violates the terms and provisions of this subchapter shall be subject to the fines and penalties set forth in this Chapter.
- D. If the owners or operators of any such property shall refuse or neglect to remove all ice and snow from the sidewalks and driveway aprons adjacent such property as required by this subchapter, it shall be the duty of the Property Maintenance Code Enforcement Officer and/or the Superintendent of Public Works to cause such work to be done.

- E. The Property Maintenance Code Enforcement Officer and/or the Superintendent of Public Works shall certify the cost of the removal of such ice and snow to the Borough Administrator. After verification by the Administrator, the cost shall be charged against the property adjoining or bordering said sidewalk, and the amount so charged shall become a lien upon the property and its owner. Said amount shall be added to and become a part of the taxes next to be assessed and levied upon such property, and the same shall bear interest at the same rate as taxes.
- F. The Mayor and Borough Council shall adopt a resolution directing that the cost shall be charged against such property and shall cause a certified copy of such resolution to be delivered to the Tax Collector, who shall collect such taxes at the time of collection of the taxes next to be assessed and levied upon such property.

§ 407-21 Depositing material in streets prohibited.

No person shall dump, place or throw or permit to be dumped, placed or thrown any garbage, for the purpose of discarding the same, upon any public street or sidewalk or any public or private property. Nothing herein contained shall be construed to prevent or prohibit, in case of snow or ice accumulation upon a public street or sidewalk, the temporary deposit or spreading of clean rock salt, calcium chloride, or similarly purposed material or chemical upon any street, sidewalk or property to enable the safe use of the same.

§ 407-22 Exterior of property to be kept structurally sound.

Every structure and accessory structure and every part thereof shall be kept structurally sound and in a state of good repair to avoid safety or health hazards. All surfaces shall be maintained free of broken glass or holes open to light and air, loose or missing shingles, loose or missing siding, peeling paint, crumbling stone, brick or cement or other conditions reflective of deterioration or inadequate maintenance to the end that property itself may be preserved, safety hazards eliminated and adjoining properties and the neighborhood protected from blighting influences.

- A. A structure's exterior walls, sidings, chimneys, roofs, windows, and doors shall be kept structurally sound, in good repair and free from defects.
- B. All exposed surfaces susceptible to decay shall be provided with a protective coating sufficient to prevent deterioration.
- C. The exterior walls, roofs, windows, window frames, doors, door frames, foundations and other portions of every building and structure shall be so maintained as to prevent infiltration and/or deterioration from water and weather. Damaged materials must be repaired or replaced promptly. Structures showing signs of rot, leakage, deterioration or corrosion are to be restored and protected against weathering or seepage.
- D. All exterior structures and fixtures such as retaining walls, walkways, driveways, fences, gates, patios, and decks shall be kept structurally sound, in good repair and free from defects.

§ 407-23 Vacant buildings.

All vacant buildings and structures shall be thoroughly secured so as to prevent unauthorized access, trespassing, and/or vandalism. When a window or door breaks it may be boarded over temporarily with plywood or lumber until replacement doors or windows can be installed, which shall be for a period not longer than thirty days. When doors and windows are boarded over for this purpose, the construction and placement of the plywood or lumber shall be done in a neat and workmanlike manner, shall be painted the same color as the surrounding material, and shall not be permitted to deteriorate so as not to constitute a blighting influence on adjoining and neighboring properties and the community at large.

§ 407-24 Vacant lots.

- A. All vacant lots shall be maintained to be free of hazards and nuisances. Parking or storage of any vehicles or materials shall not be permitted on vacant lots unless otherwise permitted by the Borough Construction Code Official pursuant to an approved building permit.

- B. In the case of vacant lots that have lot areas and/or lot dimensions which, under the Borough Zoning Code, are less than the minimum required on which to build a structure, the installation of any improvements including, but not limited to, structures, accessory structures, fences, walls, sidewalks, driveways, driveway aprons, driveway curb cut-outs, and utilities, etc. shall not be permitted without first obtaining a site plan approval and/or use variance from the Borough Planning Board.

§ 407-25 Encroachments.

There shall be no encroachment on streets, sidewalks or other parts of the public right-of-way by (1) the placement, display, or storage of items for sale, rental or use, or (2) by the placement of signs, displays, or advertisements of any kind, or (3) or by the planting or overgrowth of plants, shrubs, flowers, or weeds. This section shall not be construed as prohibiting the placement of fixtures or displays by businesses operating pursuant to their approved site plan and/or certificate of occupancy or the provisions of the Borough's outdoor dining ordinance.

§ 407-26 Sight triangles.

There shall be adherence to the sight triangle requirements as defined in Chapter 335, Land Subdivision and Site Plan Review.

§ 407-27 Parking lots.

Parking lots, in every zone and for every purpose, shall at all times be maintained with the following conditions and characteristics:

- A. Conforming to an approved site plan;
- B. Providing for the safety and security of people using said parking lots;
- C. Promoting positive aesthetics to neighboring properties and the surrounding area;
- D. Preventing deterioration, disturbance, degradation, hazards, nuisances, or other negative impacts to affect or occur on neighboring properties and to affect or be experienced by the people occupying neighboring properties;

- E. Contain a sign listing any parking and/or occupancy rules, restrictions and/or time limits;
- F. The surface shall be paved in a level and uniform manner, free of cracks, potholes, ruts and vegetative growth penetrating it;
- G. Parking spaces, exits, entrances, and traffic patterns shall be delineated with painted lines and symbols on the ground that are clearly visible, not excessively faded, and free of graffiti;
- H. Any and all signs shall be properly installed and maintained so that they are secure, straight, clearly visible, not excessively faded, and free of graffiti;
- I. Concrete wheel stops shall be in good condition, in a solid, unbroken state and permanently anchored to the ground;
- J. Free of litter, garbage, and/or graffiti;
- K. Contain a covered public garbage can that is regularly emptied so as to not overflow;
- L. Any and all storage of garbage and recycling shall be stored in covered containers, shielded by a fenced enclosure and shall be emptied not less than twice per week;
- M. Solid fences shall be installed and properly maintained to provide a buffer between adjoining properties;
- N. Landscaping, such as shrubs, bushes and/or trees, shall be installed and properly maintained to provide a buffer between adjoining properties;
- O. Any and all fences shall be properly installed and maintained so that they are secure, straight, clean, undamaged, and free of graffiti;
- P. Any and all landscaping shall be properly maintained and fallen leaves and/or branches shall be removed not less than once per week;
- Q. Any and all lighting shall be properly maintained, in good working order, and shall not spill or shine onto adjoining properties; and
- R. Snow and ice shall be removed promptly.

Article V
Administration and Enforcement

§ 407-28 Enforcement officers designated.

- A. The Property Maintenance Code Enforcement Officer of the Borough of Wood-Ridge, and any Deputy, Assistant, or Special Assistant Property Maintenance Code Enforcement Officers are hereby designated and authorized by the Mayor and Borough Council, under the direction of the Borough Administrator, to enforce any and all provisions of this chapter and are hereinafter referred to collectively as the "Property Maintenance Code Enforcement Officer."
- B. All members of the Borough Police Department, licensed officials and inspectors and certified technical assistants of the Borough Construction Code Office, licensed officials and inspectors of the Fire Prevention Bureau, and the Borough Engineer, Zoning Officer, and Board of Health Secretary, respectively, are hereby designated as Special Assistant Property Maintenance Code Enforcement Officers for the purposes of enforcement of this chapter.
- C. Individual members of the Fire Department may be designated as Special Assistant Property Maintenance Code Officers by the Borough Administrator for the purpose of assisting with inspection and enforcement matters related to fire prevention.
- D. Under the provisions of this chapter, the jurisdiction of the Property Maintenance Code Enforcement Officer and any Deputy, Assistant, or Special Assistant Officers shall relate to the appearance, condition, maintenance, and upkeep of structures and property only unless otherwise specified by other ordinances or chapters of the code of the Borough of Wood-Ridge. This chapter, however, shall not be construed to delimit the powers of any governmental agency of the Borough hereinbefore or hereinafter established by any state statute or by any other ordinances of the Borough of Wood-Ridge.

§ 407-29 Notice of violation.

- A. Whenever the Property Maintenance Code Enforcement Officer determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter, the Officer shall give a notice of such alleged violation to the owner or operator responsible therefor as hereinafter provided.
- B. Such notice shall be in writing, shall include a statement of the reasons why it is being issued and shall be served upon the owner or operator of the property or their agent, provided that such notice shall be deemed to be properly served if a copy thereof is served upon such person personally, or sent by certified or registered mail to their last known address, or posted in a conspicuous place on or about the property affected by the notice.
- C. Such notice shall be deemed an order to cease, desist, remediate, and/or abate the described violation to effectuate compliance with the provisions of the chapter.
- D. Such notice shall state that a complaint may be filed against the owner and/or operator with the Wood-Ridge Municipal Court if such violation is not abated within 10 days from the date of service of the notice.
- E. Such notice may also contain an outline of remedial action which, if taken, will effectuate compliance with the provisions of this chapter.

- F. The Property Maintenance Code Enforcement Officer is authorized to extend the time period for compliance, remediation, or abatement of any violation provided the owner or operator has taken progressive action to address the violation.

§ 407-30 Action upon noncompliance.

- A. Whenever the owner or operator of a property within the Borough, having receiving a notice of violation as provided for in this Chapter, fails to respond and/or comply with the order to cease, desist, remediate, and/or abate and fails to appear, respond, and/or comply with a notice, summons, and/or order of the Municipal Court, then the Property Maintenance Code Enforcement Officer shall notify the Borough Administrator of such circumstance.
- B. It shall be the duty of the Borough Administrator, or the Property Maintenance Code Enforcement Officer if so designated by the Administrator, to cause any work to be performed or any actions to occur, either by qualified Borough personnel or private contractors, which would satisfy the notice of violation and order to cease, desist, remediate, and/or abate and bring the property into compliance with the provisions of this Chapter.
- C. The cost of said work shall be charged against the property owner, and the amount so charged shall become a lien upon the property and its owner. Said amount shall be added to and become a part of the taxes next to be assessed and levied upon the property, and the same shall bear interest at the same rate as taxes.
- D. The Mayor and Borough Council shall adopt a resolution directing that the cost shall be charged against the property and shall cause a certified copy of such resolution to be delivered to the Tax Collector, who shall collect such taxes at the time of collection of the taxes next to be assessed and levied upon the property.

§ 407-31 Emergency situations.

Whenever the Property Maintenance Code Enforcement Officer finds that an emergency exists on a property which requires immediate attention to protect the public health or safety, the Officer may, without notice, issue an order declaring the existence of such an emergency and requiring that such action be taken as deemed necessary to abate the emergency. Notwithstanding any other provisions of this chapter to the contrary, such orders shall be effective immediately. The costs of any such actions necessary to abate the emergency shall be the responsibility of the property's owner and shall be assessed and collected in the same manner as outlined in the "action upon noncompliance" provision of this Chapter.

Article VI
Complaints; Penalties

§ 407-32 **Filing of complaint.**

The Property Maintenance Code Enforcement Officer, upon failure of the noticed party to abate such violation within the time period prescribed in the notice of violation, shall file a complaint with the Municipal Court of the Borough of Wood-Ridge.

§ 407-33 **Violations and penalties.**


Any person who shall violate any of the provisions of this chapter shall, upon conviction, be punishable as provided for by the General Borough Code in Chapter 1, General Provisions, Article II, General Penalties. Each day that any violation shall continue shall be deemed to be a separate and distinct offense.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any part, sections, provisions, or the total of any of the abovementioned publications are held to be invalid or unenforceable by any court, the findings or judgments of which court are applicable in the State of New Jersey, that the balance and remainder of such publication shall remain in full force and effect as an Ordinance of the Borough of Wood-Ridge.

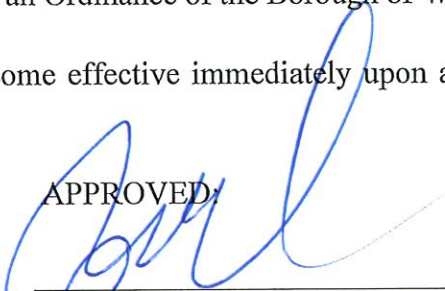
SECTION 4. This Ordinance shall become effective immediately upon adoption and publication according to law.

ATTEST:



GINA AFFUSO
Borough Clerk

APPROVED:



PAUL A. SARLO
Mayor

Introduced:	12-7-22
Published:	12-12-22
Adopted:	12-20-22
Published:	12-26-22