

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: As used in this subsection, the following terms shall have the meanings indicated:

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. As used in this subsection, the following terms shall have the meanings indicated:

STRAY ANIMALS — 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 the Borough Code.

WILD ANIMALS — Any nondomesticated 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 Code¹ 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.

1. Editor's Note: See Ch. 530, Zoning.

§ 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, hereinafter "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 crosswalk.
- C. Any person who violates the terms and provisions of this section 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 section, 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 30 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 the placement, display, or storage of items for sale, rental or use, or by the placement of signs, displays, or advertisements of any kind, 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.²

§ 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

2. Editor's Note: See Ch. 380, Outdoor Dining Permits.

- 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 III
Feeding of Unconfined Wildlife
[Added 10-19-2010 by Ord. No. 2010-13]

§ 464-24. Purpose.

This article prohibits the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Borough of Wood-Ridge so as to protect public health, safety and welfare, and prescribes penalties for failure to comply.

§ 464-25. Definitions.

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

FEED — To give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

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

WILDLIFE — All animals that are neither human nor domesticated.

§ 464-26. Prohibited conduct.

No person shall feed in any public park or on any other property owned or operated by the Borough of Wood-Ridge any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers).

§ 464-27. Enforcement.

- A. This article shall be enforced by the Police Department and/or other municipal officials of the Borough of Wood-Ridge.
- B. Any person found to be in violation of this article shall be ordered to cease the feeding immediately.

§ 464-28. Violations and penalties.

Any person(s) who violates any of the provisions of this article shall, upon conviction, be punishable as provided in Chapter 1, General Provisions, Article II.