

## Chapter 193

### PROPERTY MAINTENANCE

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**[HISTORY: Adopted by the Mayor and Council of the Borough of Laurel Springs 12-27-1990 by Ord. No. 461 (Ch. 61 of the 1973 Code); amended in its entirety 8-3-1998 by Ord. No. 571. Subsequent amendments noted where applicable.]**

#### GENERAL REFERENCES

Brush, grass and weeds — See Ch. 83.

Uniform construction codes — See Ch. 101.

Dumpsters and construction waste containers and refuse containers — See Ch. 117.

Garbage, rubbish and refuse — See Ch. 146.

Littering — See Ch. 162.

Nuisances — See Ch. 178.

#### ARTICLE I

##### Adoption of International Code

**[Amended 5-8-2006 by Ord. No. 674-2006; 11-11-2013 by Ord. No. 762-2013<sup>1</sup> ]**

##### **§ 193-1. Adoption of standards by reference.**

A certain document, three copies of which are on file in the office of the Municipal Clerk of the Borough of Laurel Springs, being marked and designated as the International Maintenance Code, 2012 Edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Laurel Springs, in the State of New Jersey, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Municipal Clerk of the Borough of Laurel Springs are hereby referred to, adopted, and made a part hereof, as if fully set forth in this chapter with the additions, insertions, deletions and changes, if any, prescribed in § 193-2 of this chapter.

##### **§ 193-2. Amendments to standards.**

The following sections are hereby revised:

- A. Section 101.1. Insert "Borough of Laurel Springs."
- B. Section 103-5. Insert "Annual Fee Schedule."
- C. Section 112.4 is revised to read as follows:

Any person violating any of the provisions of this code shall be imprisoned in the county jail for a period not exceeding 90 days or shall be subject to a fine of not less than \$100

1. Editor's Note: This ordinance originally adopted §§ 193-2.1 and 193-2.2 as §§ 193-3 and 193-4, respectively, and renumbered §§ 193-3 through 193-23 in Art. II as §§ 193-5 through 193-25, respectively. The numbering was changed to maintain the organizational structure of the chapter.

nor more than \$2,000, or both, or be required to serve a period of community service not exceeding 90 days in addition to a monetary fine as set forth herein, in the discretion of the court, and each day's continuance of the violation shall constitute a separate and distinct violation.

- D. Section 302.4. Insert "eight inches."
- E. Section 304.14. Insert "April 1 to October 31."
- F. Section 602.3. Insert "October 1 to May 1."
- G. Section 602.4. Insert "October 1 to May 1."

#### **§ 193-2.1. Severability.**

If any section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. The governing body of the Borough of Laurel Springs hereby declares that it would have passed this chapter and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

#### **§ 193-2.2. Construal of provisions.**

Nothing in this chapter or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in § 193-2.1 of this chapter, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.

### **ARTICLE II Property Maintenance Regulations**

#### **§ 193-3. Definitions. [Amended 5-8-2006 by Ord. No. 674-2006]**

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:

**DETERIORATION** — The condition of a building or part thereof characterized by holes, breaks, rot, crumbling, peeling, rusting or other evidence of physical decay or neglect, lack of maintenance or excessive use.

**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.

**EXTERIOR OF THE PREMISES** — Open space on the premises outside of any building thereon.



**EXTERMINATION** — The control and elimination of insects, rodents and vermin.

**GARBAGE** — Putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food. (See also "refuse" and "rubbish.")

**HABITABLE ROOMS** — Rooms used or designed for use by one or more persons for living or sleeping or cooking and eating, but not including bathrooms, water closet compartments, laundries and serving and storage pantries. Corridors, foyers, vestibules, cellars, heater rooms, boiler rooms, utility rooms and other rooms or spaces that are not used frequently or for an extended period of time or that have less than 50 square feet of superficial floor area shall not be considered as habitable rooms.

**INFESTATION** — The presence of insects, rodents, vermin or other pests on the premises which constitutes a health hazard.

**JUNK** — Any old, discarded or unused waste iron or other metal or substance, glass, paper, used lumber, rags, machine parts, accessories, machinery, machines, unregistered motor vehicles which are unfit for reconditioning, used parts of motor vehicles and any material commonly known and generally referred to as "junk" in the ordinary and accepted meaning of the word.

**JUNKYARD** — Any tract of land within the Borough of Laurel Springs on which junk is placed, collected, stored, kept, maintained or located.

**MIXED OCCUPANCY** — Any building containing one or more dwelling units or rooming units and/or having a portion thereof devoted to nondwelling uses or used as a hotel.

**NUISANCE** —

- A. Any public nuisance as defined by statute or ordinance.
- B. 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 motor vehicles, abandoned cesspools, abandoned wells, shafts, basements, excavations, abandoned iceboxes, refrigerators, motor vehicles, any structurally unsound fences or structures, lumber, trash, fences, debris or vegetation, such as poison ivy, poison oak or poison sumac, which may prove hazardous for inquisitive minors.
- C. Physical conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist.
- D. Overcrowding of a room with occupants in violation of this code.
- E. Insufficient ventilation or illumination in violation of this code.
- F. Inadequate or unsanitary sewage or plumbing facilities in violation of this code.
- G. Unsanitary conditions or anything offensive to the senses or dangerous to health, in violation of this code.

- H. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings.
- I. Fire hazards.
- J. Weeds and grass.

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

**OWNER** — Any person or entity 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 unit as owner or as 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 shall have joint responsibility over the portion of the premises sublet or assigned by said lessee.

**PARTIES IN INTEREST** — All individuals, associations and corporations who have interests of record in a building and any who are in actual possession thereof.

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

**PUBLIC AUTHORITY** — Any officer who is in charge of any department or branch of the government of the municipality, county or state relating to health, fire, building regulations or to other activities concerning buildings in the municipality.

**PUBLIC OFFICER** — The Code Enforcement Officer of the Borough of Laurel Springs shall enforce the provisions of this chapter. Said officer may delegate responsibility to other members of his staff.

**REFUSE** — All putrescible and nonputrescible solid waste, except body wastes, including but not limited to garbage, rubbish, ash, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes. (See also "garbage" and "rubbish.")

**RUBBISH** — Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials. (See also "garbage" and "refuse.")

#### **§ 193-4. Certificate of occupancy.**

- A. Compliance required. Every residential (including one-and two-family homes and apartments), nonresidential or mixed- or multi-occupancy building and the land on which it is situated, used or intended to be used for dwelling, commercial, business or industrial occupancy 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 premises, for the construction or repair of the building or

for the installation or repair of equipment or facilities prior to the effective date of this code. This code shall also apply to mobile home parks.

**B. Change in occupancy or use; inspections.**

- (1) Whenever there shall occur a change in occupancy in any residential property, including one- and two-family homes and apartments, a new certificate of occupancy shall be required. A change in occupancy shall occur in an apartment by a change in tenant or by the execution of a new lease with a new tenant, and in all other dwelling units by sale or lease.
- (2) Whenever there shall occur a change in occupancy in an industrial, business, institutional or commercial use or a change in commercial or business use by way of a new operator on the first floor of any apartment building where such use is permitted, a new certificate of occupancy shall be required. A change of occupancy shall occur whenever there is a sale or lease of the subject property.
- (3) Whenever such a change shall occur, the owner of said dwelling or premises shall have the responsibility of notifying the public officer at least 10 days prior to such change in occupancy or use and make the dwelling or premises available to the public officer for inspection to determine if said dwelling or premises is in compliance with the terms of all applicable statutes, ordinances and regulations. If the public officer determines there is compliance, a new certificate of occupancy shall be issued, provided that all applicable fees have been paid. If after inspection the public officer determines that said dwelling or premises is not in compliance, then no certificate of occupancy shall be issued and any new occupancy or change of use shall be a violation of the terms of this code.

**C. Fees.** The application fee for a certificate of occupancy as provided in the Annual Fee Ordinance shall be based upon the amount of time remaining before the change of occupant is expected. [Amended 3-4-2002 by Ord. No. 613-2002; 5-5-2003 by Ord. No. 630-2003; 12-5-2005 by Ord. No. 664-2005]

**§ 193-5. Higher standards to prevail.**

In any case where the provisions of this code impose a higher standard than set forth in any other local ordinance or under the laws of the state, then the standards as set forth herein shall prevail; but if the provisions of this code impose a lower standard than any other local ordinance or the laws of the state, then the higher standard contained in any such other ordinance or law shall prevail.

**§ 193-6. Licensing not a defense for other violations.**

No license or permit or other certification of compliance with this code shall constitute a defense against any violation of any other local ordinance 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 Borough from enforcing any such other provision.

**§ 193-7. Exterior maintenance.**

- A. 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 the occupant, 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. 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 following:
- (1) Refuse: brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash 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, constitutes a hazard to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions.
  - (3) Overhangings: 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) Sources of infestation.
- B. Recurring accumulations of stormwater. Adequate runoff drains shall be provided and maintained to eliminate any recurrent or excessive accumulation of stormwater.
- C. Exterior porches, landings, balconies, stairs and fire escapes. Exterior porches, landings, balconies, stairs and fire escapes shall be provided with banisters or railings properly designed and maintained to minimize the hazard of falling, and the same shall be kept structurally sound, in good repair and free from defects.
- D. Chimneys and all flue and vent attachments thereto. Chimneys and all flue and vent attachments thereto shall be maintained as to capably perform at all times the functions for which they were designed. Chimneys, flues, gas vents or other draft-producing equipment shall provide sufficient draft to develop the rated output of the connected equipment and shall be structurally safe, durable, smoke tight and capable of withstanding the action of flue gases.
- E. Foundation walls. Foundations walls shall be kept structurally sound, free from defects and damage and capable of bearing imposed loads safely.
- F. Ground surface hazards or unsanitary conditions. Holes, excavations, breaks, projections, obstructions, icy conditions, uncleared snow and excretion of pets and other animals on paths, walks, driveways, parking lots and parking areas and other parts of the premises which are accessible to 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. This subsection does not apply to single-family dwellings.
- G. Appearance of exterior of premises and structures. The exterior of premises, the exterior of structures and the condition of accessory structures shall be maintained so that the



appearance of the premises and structures shall not constitute a blighting factor of adjoining property.

**§ 193-8. Storage of commercial and industrial material.**

- A. 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 use unless permitted under Chapter 270, Zoning, for the premises.
- B. Under no circumstances shall any of the stored materials exceed the height of the appropriate fencing for the specific zone.

**§ 193-9. Storage of vehicles.<sup>3</sup>**

- A. The exterior storage of more than one vehicle which is unregistered, inoperable or dismantled shall be prohibited in any zone unless approval is obtained from the Zoning Officer, or such storage is on a site approved by the Planning Board for the purpose. A motor vehicle shall be deemed to be stored if it has been on the property for a time period of at least 30 days. The approval by the Zoning Officer shall only be given for one additional vehicle per property and only if it is for repairs, restoration or construction of a personally owned vehicle and not done in connection with a business venture. The approval by the Zoning Officer shall be limited to a time period of six months. However, one additional approval of up to six months may be granted by the Zoning Officer if the property owner can demonstrate that substantial progress has been made on the repairs, restoration or construction of a vehicle.
- B. No motor vehicle which is on blocks, car ramps or any type of lifting device shall be left unattended unless housed within a secure garage or secured fenced area.
- C. No motor vehicle shall be stored on any surface which is not paved, graveled or stoned unless parked a minimum of 10 feet from any property line.

**§ 193-10. Landscaping.**

Premises with landscaping and lawns, hedges and bushes shall be kept trimmed and from becoming overgrown and unsightly where exposed to public view and where the same constitute a blighting factor depreciating adjoining property.

**§ 193-11. General and structural maintenance.**

- A. The exterior of every structure or accessory structure, including fences, shall be maintained in good repair. The same shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other conditions reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated and adjoining properties protected from

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3. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

blighting influences. A periodic (every month) exterminating service shall be maintained in all multiple family dwellings.

- B. The outside building walls shall not have any holes or loose boards or any broken, cracked or damaged finish which admits rain, cold air, dampness, rodents, insects or vermin.
- C. Every dwelling shall be so maintained as to be weather- and watertight.
- D. Basements, cellars and crawl spaces shall be free of moisture resulting from seepage and shall have cross ventilation where necessary to prevent accumulations of moisture and dampness and shall be paved with stone or concrete not less than four inches thick and maintained at all times in a condition so as to be smooth, clean and free from cracks, breaks and other hazards.
- E. All parts of the premises shall be maintained so as to prevent infestation.
- F. All parts of the dwelling shall be kept in a clean and sanitary condition, free of nuisance and free from health, safety and fire hazards.
- G. Every roof, roof gutter, flashing rainwater conductor and roof cornice shall be weather- and raintight and shall be kept in good repair.
- H. All boards and wood, including floorboards, subfloors, joists, bridging and all other boards in any interior or exterior floor, wall, roof or other part of the structure, shall be maintained to be free of cracks, termite damage or rot. Any damaged members shall be replaced.

#### **§ 193-12. Enforcement.**

All inspections, regulations, enforcement and hearings on violations of the provisions of this code, unless expressly stated to the contrary, shall be under the direction and supervision of the public officer.

#### **§ 193-13. Notice of complaint and hearing.**

When a petition is filed with the public officer by a public authority or by a resident of the municipality charging that any building is unfit for human habitation or occupancy or whenever it appears to the public officer on his own motion that any building is unfit for human habitation, occupancy or use or that the continuing of any condition constitutes a nuisance in the meaning of this chapter or presents a condition harmful to the health and safety of the occupants of said building and the general public of the municipality, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such building a complaint stating the charges and containing a notice that a hearing will be held before the public officer or his designated agent, all of the foregoing in accordance with the applicable notice provisions of the Uniform Construction Code.<sup>4</sup>

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4. Editor's Note: See Ch. 101, Construction Codes, Uniform.

**§ 193-14. Issuance of order.**

If, after such notice and hearing, the public officer determines that the building under consideration is unfit for human habitation or occupancy or use, he shall state, in writing, his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof and parties in interest an order requiring the repair, alteration or improvement of said building to be made by the owner within a reasonable time, which time shall be set forth in the order or, at the option of the owner requiring the owner to vacate or have said building vacated and closed within the time set forth in the order; or if the building is in such a condition as to make it dangerous to the health and safety of persons on or near the premises and the owner fails to repair, alter or improve said building within the time specified in the order, then the owner shall be required to remove or demolish said building within a reasonable time, as specified in said order of removal.

**§ 193-15. Right of appeal.**

If, after such notice and hearing, the person or persons notified disagree with the decision of the public officer, then they shall have the right to appeal to the Board of Appeals established by the applicable Uniform Construction Code of New Jersey.

**§ 193-16. Failure to comply; removal or demolition.**

If the owner fails to comply with an order to repair, alter or improve or, at the option of the owner, to vacate and close the building, the public officer may cause such building to be repaired, altered or improved or to be vacated and closed, and the public officer may cause to be posted on the main entrance of any building so closed a placard with the following words: "This building is unfit for human habitation or occupancy or use; the use or occupation of this building is prohibited and unlawful." If the owner fails to comply with an order to remove or demolish the building, the public officer may cause such building to be removed or demolished or may contract for the same after calling for bids, in accordance with the applicable provisions of the New Jersey Uniform Construction Code.

**§ 193-17. Liability for cost of removal or demolition.**

The owner of the property where the public officer had a building removed or demolished shall be liable for all costs incurred by the public officer on behalf of the municipality relating to such removal or demolition.

**§ 193-18. Service of complaints, orders and notices.**

Complaints, orders and notices issued by the public officer shall be served personally or by certified mail. If the person to be served cannot be found in the exercise of reasonable diligence and the public officer shall make an affidavit to that effect, then the service of said complaint or order may be made in accordance with the applicable provisions of the New Jersey Uniform Construction Code.

**§ 193-19. Basis of determination.**

The public officer may determine that a building is unfit for human occupancy if he finds that conditions are dangerous or injurious to healthy or safety, including fire hazards, danger of accidents, lack of adequate ventilation, light or sanitary facilities, disrepair, structural defects or uncleanness.

**§ 193-20. Additional remedies.**

In addition to removal or demolition of a building, the public officer may order necessary repairs or improvements to be made by the owner.

**§ 193-21. Costs of removal of debris.**

In all cases where brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris are removed from any lands pursuant to this chapter by or under the direction of the public officer, such officer shall certify the cost thereof to the governing body, which shall examine the certificate and, if found correct, shall cause the cost as shown thereon to be charged against said lands. The amount so charged shall forthwith become and form part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.

**§ 193-22. Multiple dwellings.**

Standards and regulations for multiple dwellings shall be as follows:

- A. Janitorial service. In every multiple dwelling containing four or more dwelling units or apartments or rooming units or combination thereof, the owner shall provide a superintendent, janitor or housekeeper and an alternate, who shall at all times maintain the premises in compliance with this chapter, including the responsibility for providing receptacles for the disposal of garbage and refuse. The person responsible shall be regularly available on the premises to perform the foregoing duties, and in the case of complexes of 50 or more units the person shall reside on the premises. In the case of complexes with 500 or more units at least two such persons shall be provided, one of which shall reside on the premises.
- (1) The owner or operator shall make known to all tenants or occupants the name, address and telephone number of the person provided to act as superintendent, janitor or housekeeper and shall register the same with the public officer and Borough Clerk. The owner or operator shall also make available and known to all tenants or occupants the name of an alternate individual who shall be responsible for the duties of the superintendent, janitor or housekeeper during his or her absence.
  - (2) The failure of any superintendent, janitor or housekeeper to comply with the provisions of this chapter, even in disobedience of instructions, shall not relieve the owner or operator from the duties and responsibilities imposed by this chapter.

- (3) The owner or operator shall register the name, address and telephone number of said owner or operator with the public officer and the Borough Clerk.
- B. Removal and storage of garbage and refuse. The owner or operator of every multiple dwelling containing four or more dwelling units, apartments or rooming units or any combination thereof shall have the duty and responsibility of removing garbage and refuse after its daily collection from tenants or occupants. The owner or operator shall have the duty and responsibility of providing storage areas or storage bins of fireproof construction containing fireproof walls or partitions of at least two hours rating for the storage of accumulated garbage or refuse while awaiting collection for removal from the premises.
- C. Central heat and air conditioning. Every leased residential dwelling unit shall include air conditioning from May 2 until September 14 annually at a temperature not exceeding 74° F. or a temperature not less than 15° lower than actual outside temperatures. Central heat shall be required in all leased residential dwelling units from September 15 to May 1 annually at a temperature of not less than 68° F.
- D. Elevators. All residential dwellings of four or more stories containing elevators shall have twenty-four-hour maintenance contracts to prevent elevators being out of service for excessive lengths of time.
- E. Compliance with Fire Code required. Every building covered by this chapter shall comply with the minimum requirements for firesafety established by the current Fire Code. **[Amended 5-8-2006 by Ord. No. 674-2006]**

#### **§ 193-23. Violations and penalties.**

Any person violating any of the provisions of this code shall be subject to the penalties provided in Chapter 1, § 1-15, in the discretion of the Court, and each day's continuance of the violation shall constitute a separate and distinct violation.

### **ARTICLE III**

#### **Maintenance of Vacant/Abandoned Properties**

**[Added 9-9-2013 by Ord. No. 763-2013]**

#### **§ 193-24. Definitions.**

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

**OWNER** — Includes the titleholder, any agent of the titleholder having authority to act with respect to a vacant property, or any other entity determined by the Borough of Laurel Springs to have authority to act with respect to the property with the exception of a creditor foreclosing on a residential property. **[Amended 11-10-2014 by Ord. No. 778-2014]**

**UNOCCUPIED PROPERTY** — Any unoccupied property where the building is habitable, all building systems are in working order, where the building and grounds are maintained in good order, including such unoccupied property where the building is in habitable condition and where the building is being actively marketed by its owner for sale or rental.

**VACANT PROPERTY** — Any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation, or where the building and/or grounds are not maintained in accordance with applicable Borough Code and ordinances, including but not limited to any property meeting the definition of "abandoned property" as that term is defined in the Abandoned Properties Rehabilitation Act, in N.J.S.A. 55:19-78 et seq.

**§ 193-25. Registration.**

Effective December 1, 2013, the owner of any currently unoccupied property or vacant property, as defined herein, or within 30 calendar days after the building becomes unoccupied or vacant, or within 30 days after assuming ownership of the unoccupied property or vacant property, shall file a registration statement for such unoccupied or vacant property with the Property Maintenance the Inspector on forms provided by the Borough of Laurel Springs for such purposes. Failure of the owner to receive notice from the municipality shall not constitute grounds for failing to register the property.

- A. Each property having a separate block and lot number as designated in official records of the municipality shall be registered separately.
- B. The registration statement shall include the name, street address, telephone number, and e-mail address (if applicable) of the owner(s) and, if applicable, of a person 21 years or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owner or owners in connection with the enforcement of any applicable code, and the name, street address, telephone number, and e-mail address (if applicable) of the firm and the actual names(s) of the firm's individual principal(s) responsible for maintaining the property. The individual or representative of the firm responsible for maintaining the property shall be available by telephone or in person on a twenty-four-hour-per-day seven-day-week basis. The two entities may be the same or different persons. At least one of the entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.
- C. The registration shall remain valid for one year from the date of registration, except for the initial registration time, which shall be prorated through December 31. The owner shall be required to renew the registration annually as long as the building remains an unoccupied or a vacant property and shall pay a registration or renewal fee in the amount prescribed in § 193-26 of this article, for each vacant property registered.
- D. The annual renewal shall be completed by January 1 each year. The initial registration fee shall be prorated for registration statements received less than 10 months prior to that date.
- E. The owner shall notify the Clerk within 30 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Clerk for such purpose.

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

**§ 193-25.1. Access to vacant properties.**

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

- A. An owner who meets the requirements of this article with respect to the location of his or her residence or workplace in the State of New Jersey may designate himself or herself as agent or as the individual responsible for maintaining the property.
- B. By designating an authorized agent under the provisions of this section, the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the Borough of Laurel Springs in writing of a change of authorized agent or until the owner files a new annual registration statement.
- C. Any owner who fails to register vacant property under the provisions of this article shall further be deemed to consent to receive, by posting on the building, in plain view, and by service of notice at the last known address of the owner of the property on record within the Borough of Laurel Springs by regular and certified mail, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

**§ 193-26. Fee schedule.**

- A. The registration fee schedule is as follows:
- (1) Unoccupied property: no fee.
  - (2) Vacant property registration fee schedule.
    - (a) Initial registration: \$500.
    - (b) First renewal: \$1,500.
    - (c) Second renewal: \$3,000.
    - (d) Subsequent renewals: \$5,000.



- B. Failure to file a registration form or pay any required fee shall be deemed a violation.

**§ 193-27. Fund for excess fees.**

Any funds collected as vacant property registration fees in excess of the funds necessary to operate and enforce the provisions of this chapter shall be set aside in a dedicated fund for the purpose of property rehabilitation within the Borough of Laurel Springs at the discretion of the governing body.

**§ 193-28. Requirements of owners of unoccupied or vacant property.**

The owner of any building that has become unoccupied or vacant property, and any person maintaining or operating or collecting rent from any such building that has become vacant, with the exception of a creditor foreclosing on a residential property, shall within 30 days thereof:

- A. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Borough of Laurel Springs Code or as set forth in the rules and regulations supplementing those codes;
- B. Ensure that the exterior grounds of the structure, including yards, fences, sidewalks, walkways, rights-of-way, alleys, retaining walls, attached or unattached accessory structures and driveways, are well-maintained and free from trash, debris, loose litter, and grass and weed growth; grass must be mowed at least once every 14 days;
- C. In the event the property owner or the owner's authorized agent fails to have the grass cut at least once every 14 days, the grass will be cut by Borough employees and a lien will be placed on the property for the cost of labor and materials; and
- D. Continue to maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition, until the building is again occupied or demolished or until repair and/or rehabilitation of the building is complete.

**§ 193-29. Violations and penalties.**

- A. Any person who violates any provision of this article or of the rules and regulations issued hereunder shall be fined not less than \$100 and not more than \$1,000 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this chapter shall be recoverable from the owner and shall be a lien on the property.
- B. For purposes of this section, failure to file a registration statement within 30 calendar days after the effective date hereof, or 30 days of the date a building becomes unoccupied or vacant property, or within 30 calendar days after assuming ownership of a vacant property, whichever may be applicable, or within 10 calendar days of receipt of notice by the municipality, and failure to provide correct information on the registration statement, or failure to comply with the provisions contained herein shall be deemed to be violations of this article.



## ARTICLE IV

**Maintenance of Foreclosed Residential Properties**  
**[Added 11-10-2014 by Ord. No. 777-2014]****§ 193-30. Foreclosure complaints.**

- A. A creditor serving a summons and complaint in an action to foreclose on a mortgage on a residential property in Laurel Springs Borough shall, within 10 days of service of the summons and complaint, notify the Municipal Clerk of Laurel Springs Borough that a summons and complaint in an action to foreclose on a mortgage has been filed against the subject property. The notice shall contain the name and contact information for the representative of the creditor who is responsible for receiving complaints of property maintenance and code violations, may contain information about more than one property, and shall be provided by mail or electronic communication, at the discretion of the Municipal Clerk. The Municipal Clerk shall forward a copy of the notice to the Property Maintenance Official or shall otherwise provide it to any other local official responsible for administration of any property maintenance or public nuisance code.
- B. The notice shall also include the street address, lot and block number of the property, and the full name and contact information of an individual located within the state who is authorized to accept service on behalf of the creditor. The notice shall be provided to the Municipal Clerk within 10 days of service of a summons and complaint in an action to foreclose on a mortgage against the subject property.
- C. An out-of-state creditor shall include the full name and contact information of the in-state representative or agent in the notice required to be provided pursuant to Subsection A above.
- D. In the event that the property being foreclosed on is an affordable unit pursuant to the Fair Housing Act, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.), then the creditor shall identify that the property is subject to the Fair Housing Act.

**§ 193-31. Listing of residential properties.**

Any creditor that has initiated a foreclosure proceeding on any residential property which is pending in Superior Court shall provide to the Municipal Clerk of Laurel Springs Borough a listing of all residential properties in the Borough for which the creditor has foreclosure actions pending by street address and lot and block number. The Municipal Clerk shall forward a copy of the notice to the Property Maintenance Official or shall otherwise provide it to any other local official responsible for administration of any property maintenance or public nuisance code.

**§ 193-32. Abatement of nuisance.**

If the owner of a residential property vacates or abandons any property on which a foreclosure proceeding has been initiated or if a residential property becomes vacant at any point subsequent to the creditor's filing the summons and complaint in an action to foreclose on a mortgage against the subject property, but prior to vesting of title in the creditor or any other

third party, and the property is found to be a nuisance or in violation of any applicable state or local code, the Property Maintenance Official, Municipal Clerk, or other authorized municipal official shall notify the creditor, which shall have the responsibility to abate the nuisance or correct the violation in the same manner and to the same extent as the title owner of the property, to such standard or specification as may be required by state law or Borough ordinance. The notice shall include a description of the conditions that gave rise to the violation with the notice of violation and shall provide a period of not less than 30 days from the creditor's receipt of the notice for the creditor to remedy the violation. If the creditor fails to remedy the violation within that time period, the Borough may impose penalties allowed for the violation of municipal ordinance pursuant to N.J.S.A. 40:49-5.

#### **§ 193-33. Public funds.**

If Laurel Springs Borough expends public funds in order to abate a nuisance or correct a violation on a residential property in situations in which the creditor was given notice pursuant to the provisions of § 193-32 of this article but failed to abate the nuisance or correct the violation as directed, Laurel Springs Borough shall have the same recourse against the creditor as it would have against the title owner of the property, including, but not limited to, the recourse provided under Section 23 of P.L. 2003, c. 210 (N.J.S.A. 55:19-100).

#### **§ 193-34. Notice to creditors.**

The Property Maintenance Official shall issue a notice to the creditor filing the summons and complaint in an action to foreclose, if the public officer or other authorized municipal official determines that the creditor has violated the ordinance by failing to provide for the care, maintenance, security, and upkeep of the exterior of the property. Such notice shall require the person or entity to correct the violation within 30 days of receipt of the notice or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety. The issuance of a notice pursuant to this section shall constitute proof that a property is "vacant and abandoned" for the purposes of P.L. 2012, c. 70 (N.J.S.A. 2A:50-73).

#### **§ 193-35. Violations and penalties.**

- A. An out-of state creditor subject to this article found by the municipal court of Laurel Springs Borough or by any other court of competent jurisdiction to be in violation of the requirement to appoint an in-state representative or agent pursuant to § 193-30C above shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on a creditor for the failure to appoint an in-state representative or agent shall commence on the day after the ten-day period for providing notice to the Municipal Clerk that a summons and complaint in an action to foreclose on a mortgage has been served.
- B. A creditor subject to this article found by Laurel Springs Borough municipal court or by any other court of competent jurisdiction to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to the article shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this section shall commence 31 days following receipt of the notice,

except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

**§ 193-36. Municipal code enforcement.**

No less than 20% of any money collected pursuant to this article shall be utilized by the Borough of Laurel Springs for Borough code enforcement purposes.

