

BOROUGH OF BOUND BROOK
County of Somerset

ORDINANCE NO. 2024-16

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 17, PROPERTY MAINTENANCE, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BOUND BROOK TO REQUIRE WINDOW TREATMENT OR SCREENING ON WINDOWS FOR COMMERCIAL AND RETAIL BUSINESSES THAT ARE VACANT, UNDER CONSTRUCTION OR NOT CONDUCTING BUSINESS WHEREBY THE INTERIORS OF SUCH BUILDING CAN BE OBSERVED FROM THE PUBLIC STREET OR SIDEWALK

WHEREAS, the Borough of Bound Brook finds and determines that the presence of commercial and retail buildings that are either vacant, under construction or otherwise not conducting business and where the interiors are either visible to the public from windows facing the public streets and sidewalks or boarded and shuttered constitute a blight upon the Borough's appearance and adversely affect and impair the economic welfare of the adjacent owners' property, deter pedestrian traffic, lead to economic distress, endanger life or property, cause unsanitary and unsafe conditions and lead to deterioration of site or other improvements; and

WHEREAS, such buildings constitute a noxious use and a public nuisance in the community that threatens or endangers the public health, safety, aesthetics, and adversely impacts the economic welfare of the adjacent property; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bound Brook as follows:

SECTION 1. Chapter 17, Property Maintenance, of the Revised General Ordinances of the Borough of Bound Brook is hereby amended and supplemented by deleting the text [marked in bold and enclosed in brackets] and inserting the text underlined and marked in bold, to read as follows:

...

17-30.5 Maintenance requirements.

The Borough of Bound Brook finds and determines that the presence of commercial and retail buildings that are either vacant, under construction or otherwise not conducting business and where the interiors are either visible to the public from windows facing the public streets and sidewalks or boarded and shuttered constitute a blight upon the Borough's appearance and adversely affect and impair the economic welfare of the adjacent owners' property, deter pedestrian traffic, lead to economic distress, endanger life or property, cause unsanitary and unsafe conditions and lead to deterioration of site or other improvements. Such buildings constitute a noxious use and a public nuisance in the

community that threatens or endangers the public health, safety, aesthetics, and adversely impacts the economic welfare of the adjacent property.

Any and all windows of commercial and retail buildings located within the Borough of Bound Brook whereby the interiors of such buildings can be observed from the public streets or sidewalks of the Borough, and which buildings are vacant, under construction or not conducting business shall be treated or screened in the manner set forth in this ordinance. This includes any business that is in operation, but does not conduct business for a period of seven consecutive business days due to reasons including, but not limited to, vacation, renovation, or reasons not associated with natural disasters.

- a. Commercial units subject to the requirements of this section must be maintained in accordance with all applicable federal, state and local laws, rules and regulations. The owner, creditor, local individual or local property management company, as appropriate, must inspect the unit twice a month for the duration of the vacancy or foreclosure, as appropriate.
- b. In addition to, and not in lieu of, meeting all other applicable federal, state, and local laws, rules, and regulations:
 1. Properties with commercial units subject to the requirements of this section shall be kept free of accumulated snow and ice, weeds, dry brush, dead vegetation, trash, junk, debris, building materials, unregistered vehicles, any accumulation of newspapers, circulars, flyers, notices (except those required by law), and discarded personal items, including, but not limited to, furniture, clothing, large, small and commercial appliances, printed material or any other items giving the appearance that the property is vacant.
 2. Properties with commercial units subject to the requirements of this section shall be maintained free of graffiti, tagging, or similar markings. In the event that any graffiti, tagging, or similar markings are placed on the property, it/they shall either be removed or painted over with an exterior-grade paint matching the color of the portion of the structure where the graffiti, tagging, or similar marking was placed.
 3. Properties with commercial units that have front yards, rear yards, and side yards of properties subject to the requirements of this section shall be landscaped and maintained to neighborhood standards. Properties with commercial units that have rear alleys and garbage container areas will maintain the alleys and the garbage container area in a neat and clean manner. Landscaping and maintenance shall include, but is not limited to, care of grass, mulch, decorative rock, artificial turf/sod specifically designed for commercial installation, or other ground cover, bushes, shrubs, hedges, trees, or similar plantings, removal or repair of gravel, broken concrete, asphalt, decomposed granite, plastic sheeting, mulch, indoor-outdoor carpet or any similar material, in addition to regular watering, irrigation, cutting, pruning and mowing of required vegetation and removal of all trimmings.
 4. **[Properties with commercial units that have front windows and doors shall maintain windows, doors and doorways in a clean and safe manner. The interior of**

the unit will be kept clean and free of debris and rubbish.] All windows of vacant commercial and retail buildings, commercial and retail buildings not conducting business for a period of seven consecutive business days or commercial and retail buildings under construction located within the Borough of Bound Brook, which windows can be viewed from the public streets and sidewalks of the Borough and which expose the interiors of such buildings, shall screen the vacant interior of the building in which they are located by installing on the window an applique or vinyl sticker , equivalent in dimension to the dimension of the window itself; boarded or shuttered are prohibited. This applique or vinyl sticker shall be used for purposes of screening the interior of the building, and to provide an attractive display for those who can observe the window from the streets or public sidewalks of the Borough. The applique or vinyl sticker shall be decorated by featuring scenes or advertising acceptable to the Borough of Bound Brook Zoning Officer by way of a zoning permit. Acceptable coverings include advertising of an incoming tenant, artwork, merchandise, or services of an existing business duly licensed within the Borough. The window glass shall be clean both inside and outside.

- c. The owner of any vacant commercial unit shall acquire and maintain liability insurance covering injury or damage to any person or any property in not less than \$1,000,000 for nonresidential buildings or property.
- d. The property owner shall be responsible for maintenance of the vacant commercial unit. However, if the owner of a property vacates or abandons any property on which a foreclosure proceeding has been initiated or if a property is or becomes vacant at the time of or 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 enforcement authority 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 enforcement authority 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 the penalties allowed for the violation of municipal ordinances pursuant to N.J.S.A. 40:49-5 against the creditor to the same extent as they could be imposed against the owner of the property.
- e. Adherence to this section does not relieve the owner or creditor of obligations set forth in any other statute, regulation, ordinance, or other source of authority or obligation.

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17-30.7 Enforcement.

Enforcement authority shall be vested in the Bound Brook Code Enforcement Department and its officials and inspectors.

The Borough may seek enforcement of this article through the enforcement methods provided by ordinance, subject to the following provisions: A person who has been issued a citation for violating this article may contest the citation by appearing in the Borough court, at such date, time and place as is fixed by the Borough court officer.

The cost of compliance shall be the responsibility of the property owner. If the Borough corrects the violation the cost will be included as an added assessment.

SECTION 2: REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION 3: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4: EFFECTIVE DATE

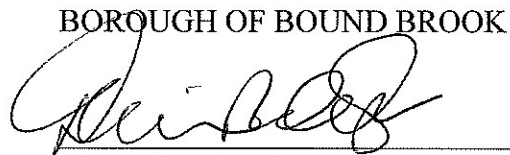
This Ordinance shall take effect immediately upon passage and publication as provided by law.

SECTION 5: CODIFICATION

This ordinance shall be a part of the Code of Borough of Bound Brook as though codified and fully set forth therein. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Code.

ATTEST


Jasmine D. McCoy, Borough Clerk

BOROUGH OF BOUND BROOK

Mayor Dominic Longo

Date of Introduction: April 23, 2024

Date of Adoption: May 14, 2024