

ORDINANCE #2160-26

AN ORDINANCE REPEALING CHAPTER 403 (VEHICLES, ABANDONED) AND AMENDING CHAPTER 317 (PROPERTY MAINTENANCE) OF THE MUNICIPAL CODE OF THE BOROUGH OF MIDDLESEX TO CREATE UNIFIED ENFORCEMENT MECHANISM FOR INOPERABLE VEHICLES

WHEREAS, it is the desire of the Mayor and Council to amend the municipal code of the Borough of Middlesex to unify the enforcement mechanisms for the remediation of abandoned, unregistered, and/or inoperable vehicles; and

BE IT THEREFORE ORDAINED, by the Borough Council of the Borough of Middlesex in the County of Middlesex and State of New Jersey that Chapters 403 (Vehicles, Abandoned) and Chapter 317 (Property Maintenance) of the municipal code shall be amended as follows:

Section I:

Chapter 403 (Vehicles, Abandoned) of the municipal code of the Borough of Middlesex is hereby repealed in its entirety and shall be replaced in the code book with the designation “RESERVED.”

Section II:

Section 317-9 (“Definitions”) is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

Unless otherwise expressly stated, the following terms shall, for the purpose of this article, be defined as follows:

DETERIORATION

The condition of a 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.

ENFORCEMENT OFFICER

Except as defined in § 317-12A, the enforcement officer shall be the Director of Code Enforcement, Code Enforcer, Zoning Officer, Construction Official or an authorized representative as designated by Borough Administration. At the request of the enforcement officer, any patrolman or special officer of the Police Department, as defined in Chapter 80 of the Code of the Borough of Middlesex, shall be authorized to enforce § 317-1 of this chapter as related to any condition that offends, or is pervasive or obnoxious odors, or airborne particles which cause breathing difficulties or eye irritation, or any other such irritations or disturbances of a person of normal sensitivity.

EXTERIOR OF PREMISES

Those portions of a building or structure which are exposed to public view or are visible from adjoining or adjacent properties, including all outside surfaces and appurtenances thereto, and the open space on the premises outside any building or structure erected thereon.

EXTERMINATION

The control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

FIRE HAZARD

Anything or any act which increases or may cause any increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire or which may obstruct, delay or hinder or may become the cause of an obstruction, delay, hazard or hindrance to the prevention, suppression or extinguishment of fire.

GARBAGE

Animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

INOPERABLE VEHICLE

Any motor vehicle that is not capable of being lawfully operated on public streets or highways due to the absence of essential parts, systems, or legal documentation. This includes, but is not limited to, vehicles that are: (1) not currently registered or licensed for operation; (2) incapable of self-propulsion; (3) missing critical components such as an engine, transmission, wheels, or other parts necessary for movement; or (4) visibly damaged to the extent that safe operation is not possible.

NUISANCE

Any public or private condition that would constitute a nuisance according to the statutes, laws and regulations of the State of New Jersey, any of its agencies or this code. Any physical condition existing in or on the exterior of any premises which is potentially dangerous, detrimental or hazardous to the health or safety of persons on, near or passing in proximity of the premises where said condition exists.

OCCUPANT

Any occupant, owner, agent, tenant, lessee, caretaker or other person or corporation in charge of, residing, living or sleeping in or on the premises of or having actual possession or use of a business, dwelling unit or rooming unit or other premises affected by this article.

OPERATOR

Any person, persons or entity not the owner, who has charge, care or control of a structure or a part thereof with or without the knowledge, consent or authority of the owner.

OWNER

Any person, persons or entity who shall have legal or equitable title in any form whatsoever to any premises or part thereof with or without accompanying actual possession thereof, or who shall have charge, care or control of any lot, premises, building, structure or part thereof, as owner or agent of the owner, or as fiduciary, trustee, receiver, guardian, lessee or mortgagee in possession, regardless of how such possession was obtained. Any person, group of persons or entity who is a lessee, sublessee or assignee of a lessee of any part or all of any building, structure or land shall be deemed to be a co-owner with the lessor for the purposes of this section and shall have responsibility over that portion of the premises so sublet, leased or assigned.

PREMISES

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

RUBBISH

All combustible and noncombustible waste materials other than garbage; and the term shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and the residue from burning wood, coal, coke or other combustible material and solid commercial and industrial waste. No chemicals such as those used in swimming pools, oil, gasoline or any other chemical which could cause a fire, explosion, or obnoxious gas shall be considered rubbish.

~~UNREGISTERED VEHICLES~~

~~Motor vehicles, trailers, motorcycles, trucks, motorized or not, shall not be permitted on the exterior of premises unless housed in a garage. Unregistered vehicles may, however, be permitted on premises if the premises are used as a licensed junkyard.~~

Section III:

Section 317-11A(11) (“Maintenance Standards”) is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

~~Unregistered~~ **Inoperable** motor vehicles, trailers, motorcycles, trucks, motorized or not, shall not be permitted on the exterior portion of the property unless housed in a garage. ~~Unregistered~~ **Inoperable** vehicles may, however, be permitted on premises if the premises are used as a licensed junkyard.

Section IV:

Section 317-14 (“Noncompliance; Charge To Become Lien”) is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

In accordance with N.J.S.A. 40:48-2.13, when any owner or tenant of lands who has neglected or refused to remove or destroy brush, weeds, dead and dying trees, stumps, roots, obnoxious growth, filth, garbage, trash, ~~and~~ **or** debris, **or has failed to remediate any other condition enumerated in Section 317-11A hereof**, after having been duly noticed to remove same, within the manner and time provided, the Borough, itself, as an additional remedy, may see to removal or compliance by utilizing the procedures set forth herein.

- A. If such removal or compliance does not occur because the owner or tenant has refused or neglected or otherwise determined not to remove or comply, despite the notice of violation as set forth in § 317-13, the Borough may proceed to remediate the condition itself and authorize the investigating Borough official to effect removal or compliance subject to the due process procedure delineated herein.
- B. The property owner or tenant shall be entitled to a hearing before the Borough Council. Service, duly noticed, of this hearing shall be made upon such owner, lessor or its agent by the Borough. This service of notice, provided to the owner, lessor, and adjacent property owners/tenants or their authorized agent, shall state the remediation action which may be taken by the Borough Council at that meeting. The notice shall also include a Notice of Lien indicating the cost to be incurred by the Borough to fully remediate the violation with said cost to be charged against the dwelling or lands.
- C. In the event of an inability to serve the owner, lessor or agent, after reasonable effort, pursuant to N.J.S.A. 40:48-2.12, sufficient notice shall be deemed to have been given if such notice is posted on the premises in a conspicuous place.
- D. Within 30 days of receipt of this service of notice or any extension of time granted thereto by the Borough Council, a public hearing shall be held by the Borough Council, at which time, after the presentation of evidence by the appropriate Borough official and the property owner/tenant, it may, if the evidence warrants it, adopt a resolution authorizing the remediation of the condition.
- E. Pursuant to resolution, a lien shall be added to and become and form part of the taxes next to be assessed and levied upon such lands. Such a lien shall bear interest at the same rate as the taxes and shall be collected and enforced by the Tax Collector.

Section V

All ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section VI

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to this section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section VII

This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law.

ATTEST:

BOROUGH OF MIDDLESEX

Kelsey Meixner, Municipal Clerk

John Mikolajczyk, Mayor

INTRODUCED: February 10, 2026

DATE OF PUBLICATION:
OF INTRODUCTION February 13, 2026

ADOPTED: March 10, 2026

DATE OF PUBLICATION
OF ADOPTION: March 11, 2026