

**BOROUGH OF OGDENSBURG
COUNTY OF SUSSEX
ORDINANCE 16-2023**

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE
BOROUGH OF OGDENSBURG BY DELETING AND REPLACING CHAPTER 14
ENTITLED "PROPERTY MAINTENANCE" IN ITS ENTIRETY**

WHEREAS, from time to time, the Borough of Ogdensburg ("Borough") reviews the Borough Code to clarify, update, and/or amend its provisions.

WHEREAS, in consultation with the Borough Land Use Board, the Borough has determined that it is advisable and necessary to amend and supplement the Borough Code by deleting and replacing Chapter 14 entitled, "Property Maintenance" in its entirety to improve, protect, and foster public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Ogdensburg, County of Sussex, and State of New Jersey, that the Borough Code is hereby amended and supplemented as follows:

SECTION 1. Chapter 14 entitled "Property Maintenance" is hereby deleted and replaced in its entirety as follows:

Chapter 14 Property Maintenance

§ 14-1 TITLE.

This Chapter may be cited as the "Property Maintenance Code" and may be referred to herein as "this Chapter."

§ 14-2 FINDINGS, DECLARATION OF POLICY.

It is hereby found and determined that there exist in the Borough of Ogdensburg structures used for residential and nonresidential use which are or may become in the future substandard with respect to structure, equipment, or maintenance. It is further found that conditions of the above-described property, including but not limited to structural deterioration, lack of maintenance and appearance of the exterior of premises, infestation, lack of essential heating, plumbing, storage, or refrigeration equipment, lack of maintenance or upkeep of essential utilities and facilities, existence of fire hazards, inadequate provisions for light and air, unsanitary conditions, and overcrowding constitute a menace to health, safety, welfare, and reasonable comfort of the citizens and inhabitants of the Borough of Ogdensburg. The Borough Council further finds and declares that, by reason of lack of maintenance and the existence of progressive deterioration, certain properties have the further effect and/or the further potential effect of creating blighted conditions that, if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate, in time, the expenditure of public funds to correct and eliminate the same and that, by reason of timely regulation and restrictions as herein contained, the growth of depressed areas, slums, and blight may be prevented. It is further found that such prevention will maintain neighborhood and property values, as well as the desirability and amenities of residential and nonresidential uses. It is further found that such prevention will

protect and foster the public health, safety, and welfare.

The provisions of this Chapter shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators, and occupants; the occupancy of existing structures and premises; and for administration, enforcement, and penalties for violations thereof.

§ 14-3 PURPOSES.

The purposes of this Chapter are as follows:

- a. To protect the public health, safety, and welfare of the citizens of Ogdensburg by establishing minimum standards governing the maintenance, appearance, conditions, and occupancy of property.
- b. To authorize and establish procedures for the enforcement of this Chapter.
- c. To fix certain responsibilities and duties upon owners and operators and establish distinct and separate responsibilities and duties upon occupants.
- d. To authorize and establish procedures for the inspection of residential and nonresidential premises.
- e. To fix penalties for the violations of this Chapter.
- f. To establish minimum requirements to provide a reasonable level of health, safety, property protection, and general welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises.

Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a reasonable minimum level of health, safety and general welfare as required herein.

§ 14-4 DEFINITIONS AND WORD USAGE.

§ 14-4.1 Scope.

Unless otherwise expressly stated, the following terms shall, for the purposes of the Property Maintenance Code, have the meanings shown in this Chapter.

§ 14-4.2 Interchangeability.

Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

§ 14-4.3 Terms defined in other Codes.

Where terms are not defined in this Chapter and are defined in the International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Residential Code, International Zoning Code, or NFPA 70, such terms shall have the meanings ascribed to them as

stated in those Codes.

§ 14-4.4 Exceptions.

When used within this Chapter, the terms “unsafe” and “dangerous” shall have only the meanings ascribed to them in this Chapter and shall not have the meanings ascribed to them by the International Existing Building Code.

§ 14-4.5 Terms not defined.

Where terms are not defined through the methods authorized by this Chapter, such terms shall have ordinarily accepted meanings such as the context implies.

§ 14-4.6 Parts.

Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit,” “housekeeping unit,” or “story” are stated in this Chapter, they shall be construed as though they were followed by the words “or any part thereof.”

§ 14-4.7 Definitions.

ANCHORED

Secured in a manner that provides positive connection.

APPROVED

Acceptable to the Code Official.

BASEMENT

That portion of a building partly below and partly above grade, where the ceiling averages four feet or more than four feet above the finished grade where such grade meets the outside walls of the building. A basement shall be considered a “story” above grade when the distance from grade to the finished surface of the floor above the basement is more than six feet for more than 50% of the total perimeter or more than 12 feet at any point.

BATHROOM

A room containing plumbing fixtures including a bathtub or shower.

BEDROOM

A room planned, used, or designed primarily for sleeping. Any room greater than 80 square feet in size, in addition to a kitchen, dining room and living room, shall be considered a bedroom unless the same can clearly and convincingly be shown not to be a bedroom.

CODE OFFICIAL

The official who is charged with the administration and enforcement of this Chapter, or any duly authorized representative.

CONDEMN

To adjudge unfit for occupancy.

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS

The costs shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies, or experts

retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a Code Official, the governing body or board of appeals.

DETACHED

When a structural element is physically disconnected from another, and that connection is necessary to provide a positive connection.

DETERIORATION

To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

DWELLING UNIT:

APARTMENT

One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing a retail, commercial professional office use on the first floor and one or more dwelling units on the floors above.

APARTMENT BUILDING

A building containing three or more apartments, including units that are located one over the other.

CONDOMINIUM

A form of ownership of real property under a master deed, providing for ownership by one or more owners of units of improvements, together with an undivided interest in common elements appurtenant to each such unit and created and established pursuant to the provisions of the New Jersey Condominium Act, N.J.S.A. 46:8B-1 et seq.

CONDOMINIUM, FLAT

A building containing a single living unit on each floor, with private bath and kitchen facilities and having more than two such units within a single building.

DETACHED SINGLE-FAMILY

A building physically detached from other buildings or portions of buildings which is occupied or intended to be occupied for residence purposes by one housekeeping unit and which has its own sleeping, sanitary and general living facilities.

SEMI-DETACHED SINGLE FAMILY

Two buildings on two adjacent lots joined by a party wall, each containing one dwelling unit with its own sleeping, cooking, and sanitary facilities, and which is occupied or intended to be occupied for residence purposes by one housekeeping unit.

TOWNHOUSE

One building containing at least three connected dwelling units, where each dwelling unit is compatibly designed in relation to all other units, but is distinct by such design features as width, setback, roof design, color, exterior materials, and other features, singularly or in combination. Each dwelling unit may be a maximum of 3 1/2 stories and 30 feet in height, but nothing in the definition shall be construed to allow one dwelling unit over another.

TWO-FAMILY

A building on one lot containing two dwelling units only, each having entrances on the first floor, intended for the residential occupancy by two housekeeping units, each living independently of each other and each unit with its own sleeping, cooking, and sanitary facilities. The dwelling units shall be entirely separated from one another by vertical walls or horizontal floors, unpierced except for access to the outside or to a common basement.

MULTIPLE

The term "multiple dwelling" shall have the same meaning as set forth at length in N.J.S.A. 55:13A-3(k), and the aforesaid definition of "multiple dwelling" is incorporated herein by reference.

EASEMENT

A use or burden imposed on real estate by deed or other legal means to permit the use of land by the municipality, public, a corporation, or particular persons for specific uses.

EMERGENCY ESCAPE AND RESCUE OPENING

An operable exterior window, door, or other similar device that provides for a means of escape and access for rescue in the event of an emergency.

EQUIPMENT SUPPORT

Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers, or saddles, that transmit gravity load, lateral load, and operating load between the equipment and the structure.

EXTERIOR PROPERTY

The open space on the premises and on adjoining property under the control of owners or operators of such premises.

GARBAGE

The animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

GUARD

A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE

Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage, or utility spaces, and similar areas are not considered habitable spaces.

HISTORIC BUILDING

Any building or structure that is one or more of the following:

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register or state or locally

designated historic district.

HOUSEKEEPING UNIT

A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking, and eating that does not contain, within such a unit, a toilet, lavatory, and bathtub or shower.

IMMINENT DANGER

A condition that could cause serious or life-threatening injury or death at any time.

INFESTATION

The presence, within or contiguous to, a structure or premises of insects, rodents, vermin, or other pests.

INOPERABLE MOTOR VEHICLE

A vehicle that cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED

Equipment, materials, or products to which have been affixed a label, seal, symbol, or other identifying mark of a nationally recognized testing laboratory, approved agency, or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material, or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY or LET

To permit, provide, or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise, or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement, or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

NEGLECT

The lack of proper maintenance for a building or structure.

OCCUPANCY

The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT

Any individual living or sleeping in a building or having possession of a space within a building.

OPENABLE AREA

That part of a window, skylight, or door which is available for unobstructed ventilation, and which opens directly to the outdoors.

OPERATOR

Any person who has charge, care, or control of a structure or premises that is let or offered for occupancy.

OWNER

Any person, agent, operator, firm, or corporation having legal or equitable interest in the

property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON

An individual, corporation, partnership, or any other group acting as a unit.

PEST ELIMINATION

The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

PREMISES

A lot, plot, or parcel of land, easement, or public way, including any structures thereon.

PUBLIC WAY

Any street, alley, or other parcel of land that is open to the outside air leading to a street, that has been deeded, dedicated, or otherwise permanently appropriated to the public for public use, and which has a clear width and height of not less than 10 feet (3048 mm).

ROOMING UNIT

Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH

Combustible and noncombustible waste materials except garbage. "Rubbish" shall include the residue from the burning of wood, coal, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, stumps and roots, obnoxious growth, tin cans, metals, mineral matter, glass, crockery and dust, and other similar materials.

SLEEPING UNIT

A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRICT LIABILITY OFFENSE

An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE

That which is built or constructed. A combination of materials to form a construction for occupancy, use, or ornamentation, whether installed on, above, or below the surface of a parcel of land.

TENANT

A person, corporation, partnership, or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM

A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION

The deformation at which failure occurs and that shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

VENTILATION

The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE

Executed in a skilled manner, e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.

YARD

An open space on the same lot with a structure.

§ 14-5 EFFECT ON OTHER ORDINANCES AND REGULATIONS.

Nothing in this Chapter shall be construed to abrogate or impair the powers of the Borough of Ogdensburg to enforce any provisions of its ordinances or regulations or prevent or punish violations thereof, and the power conferred by this Chapter shall be in addition to and supplemental to the powers conferred by any other law or ordinance.

If a 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.

§ 14-6 APPLICABILITY.

§ 14-6.1 General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this Chapter and the referenced standards, the provisions of this Chapter shall apply. Where, in a specific case, different sections of this Chapter specify different requirements, the most restrictive shall govern.

§ 14-6.2 Maintenance.

Equipment, systems, devices, and safeguards required by this Chapter or a previous regulation or code under which the structure or premises was constructed, altered, or repaired shall be maintained in good working order. An owner, owner's authorized agent, operator, or occupant shall not cause any service, facility, equipment, or utility that is required under this Chapter to be removed from, shut off from, or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this Chapter are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's authorized agent shall be responsible for the maintenance of buildings, structures, and premises.

§ 14-6.3 Existing remedies.

The provisions in this Chapter shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure that is dangerous, unsafe, and insanitary.

§ 14-6.4 Workmanship.

Repairs, maintenance work, alterations, or installations that are caused directly or indirectly by the enforcement of this Chapter shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's instructions.

§ 14-6.5 Structural analysis.

Where structural analysis is used to determine if an unsafe structural condition exists, the analysis shall be permitted to use nominal strengths, nominal loads, load effects, required strengths, and limit states in accordance with the requirements under which the structure was constructed or in accordance with any subsequent requirement.

§ 14-6.6 Historic buildings.

The provisions of this Chapter shall not be mandatory for existing buildings or structures designated as historic buildings where such buildings or structures are judged by the Code Official to be safe and in the public interest of health, safety, and welfare.

§ 14-7 UNSAFE STRUCTURES AND EQUIPMENT.

§ 14-7.1 Unsafe conditions.

When a structure or equipment is found by the Code Official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this Chapter.

§ 14-7.2 Unsafe structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

§ 14-7.3 Unsafe equipment.

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring, or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property, or safety of the public or occupants of the premises or structure.

§ 14-7.4 Structure unfit for human occupancy.

A structure is unfit for human occupancy whenever the Code Official finds that such structure is unsafe, unlawful, or because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Chapter, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

§ 14-7.5 Unlawful structure.

An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this Chapter, or was erected, altered, or occupied contrary to law.

§ 14-7.6 Dangerous structure or premises.

For the purpose of this Chapter, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be dangerous:

- a. Any door, aisle, passageway, stairway, exit, or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
- b. The walking surface of any aisle, passageway, stairway, exit, or other means of egress is so warped, worn loose, torn, or otherwise unsafe as to not provide safe and adequate means of egress.
- c. Any portion of a building, structure, or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism, or by any other cause to such an extent that it is likely to collapse partially or completely, or to become detached or dislodged.
- d. Any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached, or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
- e. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
- f. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
- g. The building or structure is neglected, damaged, dilapidated, unsecured, or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful

act.

- h. Any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse, or any other threat to life and safety.
- i. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the Code Official to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.
- j. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system, or other cause, is determined by the Code Official to be a threat to life or health.
- k. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

§ 14-7.7 Closing of vacant structures.

- a. **Ordered closure.** If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Code Official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner or owner's authorized agent to close up the premises within the time specified in the order, the Code Official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected by any other legal resource.
- b. **Authority to disconnect service utilities.** The Code Official shall have the authority to authorize disconnection of utility service to the building, structure, or system regulated by this Chapter in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The Code Official shall notify the serving utility and, whenever possible, the owner or owner's authorized agent and occupant of the building, structure, or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner, owner's authorized agent, or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

§ 14-7.8 Record.

The Code Official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

§ 14-7.9 Notice.

Whenever the Code Official determines that there has been a violation of this Chapter or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Section 14-15 to the owner or the owner's authorized agent, for the violation as specified in this Code. Notices for condemnation procedures shall comply with this section.

§ 14-7.10 Unauthorized tampering.

Signs, tags, or seals posted or affixed by the Code Official shall not be mutilated, destroyed, or tampered with, or removed without authorization from the Code Official.

§ 14-7.11 Transfer of ownership.

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease, or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of any compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

§ 14-7.12 Placarding.

a. Placard posting. Upon failure of the owner, owner's authorized agent, or person responsible to comply with the notice provisions within the time given, the Code Official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment, or removing the placard. Such notice shall be posted in a conspicuous place in or about the structure affected by such notice. If the notice pertains to equipment, it shall be placed on the condemned equipment.

b. Placard removal. The Code Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be subject to the penalties provided by this Code.

§ 14-7.13 Prohibited occupancy.

Any occupied structure condemned and placarded by the Code Official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate

placarded equipment, and any owner or owner's authorized agent who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this Code.

§ 14-7.14. Restoration or abatement.

The structure or equipment determined to be unsafe by the Code Official is permitted to be restored to a safe condition. The owner, owner's authorized agent, operator, or occupant of a structure, premises, or equipment deemed unsafe by the Code Official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition, or other approved corrective action. To the extent that repairs, alterations, or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions, or change of occupancy shall comply with the requirements of the Borough of Ogdensburg Building Codes.

§ 14-8 PROPERTY MAINTENANCE REQUIREMENTS.

§ 14-8.1 Scope.

The provisions of this Chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment, and exterior property.

§ 14-8.2 Responsibility.

The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this Chapter. A person shall not occupy as owner-occupant or permit another person to occupy premises that are not in a sanitary and safe condition and that do not comply with the requirements of this Chapter. Occupants of a dwelling unit, rooming unit, or housekeeping unit are responsible for keeping in a clean, sanitary, and safe condition that part of the dwelling unit, rooming unit, housekeeping unit, or premises they occupy and control.

§ 14-8.3 Vacant structures and land.

Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

§ 14-9 EXTERIOR PROPERTY AREAS.

§ 14-9.1 Sanitation.

Exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

§ 14-9.2 Commercial Equipment.

There shall not be stored or used, at a location visible from the streets or other public areas, equipment and materials relating to commercial or industrial uses.

§ 14-9.3 Grading and drainage.

Premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

§ 14-9.4 Sidewalks and driveways.

Sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

§ 14-9.5 Weeds.

Premises and exterior property shall be maintained free from weeds or plant growth in excess of nine (9) inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs provided, however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 14-15 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

§ 14-9.6 Trees.

Dead and dying trees, limbs, or other natural growths which by reason of rotting, deteriorating conditions, storm damage, or weathering constitute a hazard to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions. Naturally wooded areas are exempt from this Section which pertains to the vicinity of a residence.

§ 14-9.7 Rodent harborage.

Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

§ 14-9.8 Exhaust vents.

Pipes, ducts, conductors, fans, or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particulate wastes directly on abutting or adjacent public or private property or that of another tenant.

§ 14-9.9 Accessory structures.

Accessory structures, including detached garages, fences, and walls, shall be maintained structurally sound and in good repair. The exterior of every structure or accessory structure, including fences, shall be maintained in good repair, and all surfaces thereof shall be kept painted and finished where necessary for purposes of preservation and appearance. The same shall be maintained free of broken glass, loose shingles, crumbling stone, or brick, excessive peeling of paint or other conditions reflecting weathering, deterioration, or inadequate maintenance, to the end that the property itself may be preserved, safety, and fire hazards eliminated and adjoining properties in the neighborhood protected from blighting influences. All accessory structures must have functional doors and windows where necessary.

§ 14-9.10 Motor vehicles.

Except as provided for in other regulations, inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

§ 14-9.11 Defacement of property.

A person shall not willfully or wantonly damage, mutilate, or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving, or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

§ 14-9.12 Snow and Ice.

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.

§ 14-9.13 Firewood.

Firewood shall not be stored in front of any residence. All tarps used to cover such firewood or stored trailers, boats, etc., shall be dark green, brown, blue, black, or camouflage tarpaulin or canvas.

§ 14-9.14 Hole and Excavation.

Holes, excavations, breaks, projections, obstructions, icy conditions, and other safety hazards related to walks, driveways, parking lots, parking areas, and other parts of the premises which are accessible to and used by persons on the premises. All such holes and excavations shall be filled and repaired, walks and steps replaced, and other conditions removed where necessary to eliminate safety hazards or unsanitary conditions.

§ 14-9.15 Parking.

Parking areas shall be maintained and follow all guidelines pursuant to and in accordance with Chapter 30, Section 508 of the Borough Code.

§ 14-10 EXTERIOR STRUCTURES.

§ 14-10.1 General.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety, or welfare.

§ 14-10.2 Unsafe conditions.

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

- a. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
- b. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
- c. Structures or components thereof that have reached their limit state.
- d. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or watertight.
- e. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects.
- f. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
- g. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
- h. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
- i. Flooring and flooring components with defects that affect serviceability or flooring

components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.

- j. Veneer, cornices, belt courses, corbels, trim, wall facings, and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
- k. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes, and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
- l. Exterior stairs, decks, porches, balconies, and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
- m. Chimneys, cooling towers, smokestacks, and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

- 1. Where substantiated otherwise by an approved method.
- 2. Demolition of unsafe conditions shall be permitted where approved by the Code Official.

§ 14-10.3 Premises identification.

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background.

§ 14-10.4 Structural members.

Structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

§ 14-10.5 Foundation walls.

Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

§ 14-10.6 Exterior walls.

Exterior walls shall be free from holes, breaks, and loose or rotting materials, and maintained weatherproof and properly surface coated where required to prevent deterioration.

§ 14-10.7 Roofs and drainage.

The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters, and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. Runoff drains shall be maintained to eliminate any recurrent or excessive accumulations of storm water.

§ 14-10.8 Decorative features.

Cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

§ 14-10.9 Overhang extensions.

Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

§ 14-10.10 Stairways, decks, porches, and balconies.

Every exterior stairway, deck, porch, and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

§ 14-10.11 Chimneys and towers.

Chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

§ 14-10.12 Handrails and guards.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

§ 14-10.13 Window, skylight, and door frames.

Every window, skylight, door, and frame shall be kept in sound condition, good repair, and weather tight.

- a. **Glazing.** Glazing materials shall be maintained free from cracks and holes.

b. **Openable windows.** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

§ 14-10.14 Doors.

Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door.

§ 14-10.15 Basement hatchways.

Every basement hatchway shall be maintained to prevent the entrance of rodents, rain, and surface drainage water.

§ 14-10.16 Guards for basement windows.

Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

§ 14-10.17 Gates.

Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

§ 14-11 INTERIOR STRUCTURES.

§ 14-11.1 General.

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure that they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units, or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

§ 14-11.2 Unsafe conditions.

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

- a. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
- b. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
- c. Structures or components thereof that have reached their limit state.

- d. Structural members are incapable of supporting nominal loads and load effects.
- e. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
- f. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

- 1. Where substantiated otherwise by an approved method.
- 2. Demolition of unsafe conditions shall be permitted where approved by the Code Official.

§ 14-11.3 Structural members.

Structural members shall be maintained structurally sound and be capable of supporting the imposed loads.

§ 14-11.4 Stairs and walking surfaces.

Every stair, ramp, landing, balcony, porch, deck, or other walking surface shall be maintained in sound condition and good repair.

§ 14-11.5 Handrails and guards.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

§ 14-11.6 Interior doors.

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

§ 14-12 RUBBISH AND GARBAGE STRUCTURES.

§ 14-12.1 Accumulation of rubbish or garbage.

Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

§ 14-12.2 Disposal of rubbish.

Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by

placing such rubbish in approved containers.

§ 14-12.3 Rubbish storage facilities.

The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

§ 14-12.4 Refrigerators.

Refrigerators and similar equipment not in operation shall not be discarded, abandoned, or stored on premises without first removing the doors.

§ 14-12.5 Disposal of garbage.

Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

§ 14-12.6 Garbage facilities.

The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.

§ 14-12.7 Containers.

The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

§ 14-13 PEST ELIMINATION

§ 14-13.1 Infestation.

Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation.

§ 14-13.2 Owner.

The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

§ 14-13.3 Single occupant.

The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.

§ 14-13.4 Multiple occupancy.

The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house, or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.

§ 14-13.5 Occupant.

The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination.

§ 14-14 MULTIPLE DWELLINGS.

- a. Property maintenance for multiple dwelling structures shall be regulated and governed by the Regulations for Maintenance of Hotels and Multiple Dwellings, N.J.A.C. 5:10-1.1 et seq., which regulations are hereby adopted by the Borough and incorporated herein by reference. The regulations for exterior property maintenance set forth in this Chapter shall apply to multiple dwellings.
- b. Copies of Regulations for Maintenance of Hotels and Multiple Dwellings shall be on file in the offices of the Borough Clerk and the Board of Health and shall be available for inspection upon request.
- c. The procedures governing the inspection of multiple dwellings and the enforcement of violations shall be as set forth in the Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 et seq., and the Regulations for Maintenance of Hotels and Multiple Dwellings, N.J.A.C. 5:10-1.1 et seq.

§ 14-15 ENFORCEMENT PROCEDURE.

- a. Where a violation of this Chapter or the regulations hereunder is found to exist, a written notice from the Code Enforcement Officer shall be served upon the owner responsible for correcting such condition. The notice shall contain the following:
 1. A description of the property sufficient for identification;
 2. An identification of the conditions constituting the violation;
 3. The necessary corrective action;
 4. A time period not to exceed 10 days after service of the notice upon the owner to correct or abate the violation;

5. A statement that the notice shall become an order of the Code Enforcement Officer in 10 days after service; and
 6. A statement of the penalty for violation of the notice.
- b. The notice may be served personally or by certified mail at the last known address of the owner alleged to be in violation. Where it is ascertained that the owner does not reside on the premises and the last known address cannot be ascertained, the notice may be posted on the outside front entrance of the affected building. Service upon any owner may also be achieved by service of any notice upon a member of the family of the owner, provided that such family member is 16 years of age or older and resides with such owner.
 - c. After 10 days from the date of service of the notice, the notice shall constitute a final order. If the violation is not corrected or abated at the time the notice constitutes a final order, the Code Enforcement Officer shall issue a summons to the owner to appear in municipal court for violation of the final order, pursuant to N.J.S.A. 2B:12-17a.
 - d. The Code Enforcement Officer may extend the time for correction and abatement of any violation of this Chapter for an additional period of time not to exceed 30 days, except where major capital improvements or renovations are involved, in which case, the time for completion may be extended for such period of time as the Code Enforcement Officer may deem reasonably adequate.
 - e. In the event that the Owner of the property does not respond to violation notices, fails to abate the subject of the violation notice, or cannot be located after diligent inquiry and effort, the Borough may take reasonable steps to abate or minimize the violations for the health, safety and welfare of the surrounding properties. In the case of failing to maintain a lawn constituting a violation, the Borough may, at its sole discretion, cut the grass or hire a contractor to cut the grass. The owner shall be charged \$100 per hour for grass cutting and the Borough shall record the charges as a lien against the property.

§ 14-16 VIOLATIONS AND PENALTIES.


A violation of this Chapter by failure to comply with an order entered by the Code Enforcement Officer pursuant to the Property Maintenance Code shall be punishable by a fine not to exceed \$2000. Each violation of a different section of this Chapter shall constitute a separate and distinct violation independent of any other section. Each day of noncompliance with any provision of this Chapter, and any subsequent violation, shall constitute a separate violation and shall be subject to a summons without further notification. An owner shall be considered "notified" of the violation for a period of two years after the initial notification.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or a portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall become effective after second reading and publication as required by law.

Attest:


 Robin Hough, Borough Clerk


 George P. Hutnick, Mayor

NOTICE

TAKE NOTICE that the above entitled Ordinance 16-2023 was introduced at a regular meeting of the Borough Council of the Borough of Ogdensburg on November 13, 2023, and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Ogdensburg to be held on December 11, 2023 at 7:00PM in the Municipal Building, 14 Highland Ave., Ogdensburg, New Jersey, and shall take effect according to law.


 Robin Hough, Borough Clerk

Roll call vote for Introduction of Ordinance 16-2023:

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
Councilman Alvarez				✓
Councilman Ciasullo	✓			
Councilwoman Cowdrick	✓			
Councilman DeMeo	✓			
Councilman Poyer	✓			
Councilwoman Ruitenberg	✓			
Mayor Hutnick (Tie Only)				

Roll call vote for Adoption of Ordinance 16-2023:

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
Councilman Alvarez	✓			
Councilman Ciasullo	✓			
Councilwoman Cowdrick	✓			
Councilman DeMeo				✓ Late
Councilman Poyer	✓			
Councilwoman Ruitenberg	✓			
Mayor Hutnick (Tie Only)				

**BOROUGH OF OGDENSBURG
LEGAL NOTICE
ORDINANCE 16-2023**

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE
BOROUGH OF OGDENSBURG BY DELETING AND REPLACING CHAPTER 14
ENTITLED "PROPERTY MAINTENANCE" IN ITS ENTIRETY**

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Ogdensburg, in the County of Sussex, State of New Jersey, held in the Municipal Building on the 13th day of November, 2023, and the same came up for final passage at a meeting of the said Borough Council on the 11th day of December, 2023, at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the borough according to law by order to the Borough Council of the Borough of Ogdensburg, County of Sussex and State of New Jersey.


Robin Hough, RMC/CMR