

ORDINANCE 2007-14

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, ADOPTING PORTIONS OF THE BOCA NATIONAL PROPERTY MAINTENANCE CODE

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the Revised General Ordinances of the Township of Chatham, 1995 are amended to provide for modifications to Chapter XI, Building and Housing, to add Section 11-8, Property Maintenance, as follows:

1. Section 11-8, Property Maintenance, as follows:

11-8. Property Maintenance.

11-8.1 The intent of this ordinance is to protect and preserve the overall public health, safety, welfare and appearance of the Township. It is intended as a complement to the applicable building codes, ordinances and regulations that control construction and improvements to real property in the Township, rather than as a replacement. Except as specifically provided elsewhere in this section, the following sections of the BOCA National Property Maintenance Code (1996) are hereby made applicable to all private buildings and property within the Township.

11-8.2 **Definitions.** As used in this section, the following definitions shall apply:

Basement: That portion of a building which is partly or completely below grade.

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

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

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

Infestation: The presence, within or contiguous to, a structure or *premises* of insects, rats, vermin or other pests.

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.

Occupant: Any *person* living or sleeping in a building; or having possession of a space within a building.

Operator: Any *person* who has charge, care or control of a structure or *premises* which is *let* or offered for *occupancy*.

Owner: Any *person*, agent, *operator*, firm or corporation having a 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*, if ordered to take possession of real property by a court.

Person: An individual, corporation, partnership of any other group acting as a unit.

Premises: A lot, plot or parcel of land including any structures thereon.

Public nuisance: Includes any of the following:

1. The physical condition or *occupancy* of any *premises* regarded as a public nuisance at common law;
2. Any physical condition or *occupancy* of any *premises* or its appurtenances considered an attractive nuisance to children, including, but no limited to, abandoned wells, shafts, *basements*, excavations and unsafe fences or structures;
3. Any *premises* that has unsanitary sewerage or *plumbing* facilities;
4. Any *premises* designated as unsafe for human habitation;
5. Any *premises* that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecure so as to endanger life, limb or property;
6. Any *premises* from which the *plumbing*, heating or facilities required by this code have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided;
7. Any *premises* that is unsanitary, or that is littered with *rubbish* or *garbage*, or that has an uncontrolled growth of weeds; or
8. Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the *premises*.

Rubbish: Combustible and noncombustible waste materials, except *garbage*; the term shall include the residue from the burning of wood, coal, coke and other combustible materials,

paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

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

11-8.3 Exterior Property Areas.

11-8.3.1 Sanitation. All *exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* which such *occupant* occupies or controls in a clean and sanitary condition.

11-8.3.2 Rat harborage. All structures and *exterior property* shall be kept free from rat *infestation*. Where rats are found, they shall be promptly *exterminated* by approved processes which will not be injurious to human health. After *extermination*, proper precautions shall be taken to prevent *reinfestation*.

11-8.3.3 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

11-8.4 Exterior Structure.

11-8.4.1 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.

11-8.4.2 Exterior Painting. All wood and metal surfaces, including but not limited to, window frames, doors, door frames, cornices, porches and trim shall be maintained in good condition. Excessive peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

11-8.4.3 Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

11-8.4.4 Foundation walls. All 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 rats.

11-8.4.5 Exterior walls. All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

11-8.4.6 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*.

11-8.4.7 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.

11-8.4.8 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.

11-8.4.9 Basement hatchways. Every *basement* hatchway shall be maintained to prevent the entrance of rats, rain and surface drainage water.

11-8.4.10 Windows and doors shall be maintained in good repair and except in case of emergency (vandalism, weather damage, fire damage) shall not be boarded up. In case of emergency, as noted herein, windows and/or doors may be boarded up, but only for that period of time necessary to secure the structure until same can be reasonably replaced. Individual broken panes of glass in windows and doors shall be replaced with glass within a reasonable time.

11-8.5 **Rubbish and Garbage**

11-8.5.1 Accumulation of rubbish or garbage. All *exterior property* and *premises*, and the interior of every structure shall be free from any accumulation of *rubbish* or *garbage*.

11-8.5.2 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.

11-8.5.3 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*.

11-8.5.4 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.

11-8.5.5 Containers. The *operator* of every establishment producing *garbage* shall provide, and at all times cause to be utilized, approved, leak proof containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal.

11-8.6 **Extermination**

11-8.6.1 Infestation. All structures shall be kept free from insect and rat *infestation*. All structures in which insects or rats are found shall be promptly *exterminated* by approved processes that will not be injurious to human health. After *extermination*, proper precautions shall be taken to prevent *reinfestation*.

11-8.6.2 Owner. The *owner* of any structure shall be responsible for *extermination* within the structure prior to renting or leasing the structure.

11-8.6.3 Single occupant. The *occupant* of a *one-family dwelling* or of a single-tenant nonresidential structure shall be responsible for *extermination* on the *premises*.

11-8.6.4 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 *extermination* 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 *occupants* shall be responsible for *extermination*.

11-8.6.5 Occupancy. The *occupant* of any structure shall be responsible for the continued rat-free condition of the structure, and if the *occupant* fails to maintain the rat-free condition, the cost of *extermination* shall be the responsibility of the *occupant*.

Exception. Where rat *infestations* are caused by defects in the structure, the *owner* shall be responsible for *extermination*.

2. All other sections of Chapter 11 shall remain unchanged.

3. This ordinance shall take effect as provided by law.

Introduced: November 8, 2007

TOWNSHIP OF CHATHAM, COUNTY OF
MORRIS, STATE OF NEW JERSEY

Adopted:

Attest:

BY: _____
Kevin R. Tubbs, Mayor

Joy M. Wiley, Clerk