**ORDINANCE 10-2015**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGALE**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, to amend Chapter VI, “PROPERTY MAINTENANCE,” Section 15-3, “REGULATIONS AND REQUIREMENTS” of the code of the borough of bloomingdale**

**BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Bloomingdale, in the County of Passaic and State of New Jersey, as follows:

**SECTION 1**. Chapter VI, “Property Maintenance,” Section 15-3, “Regulations and Requirements,” Sections 15-3.5, “Maintenance,” and 3.6, “Vacant Buildings,” of the Code of the Borough of Bloomingdale is hereby amended to read as follows:

**15-3.5 Maintenance.**

a. It shall be the duty of the owner, operator and/or occupant to keep the exterior of the premises free of nuisances, which include but are not limited to the following:

1. Garbage and/or refuse.

2. Natural growth, such as dead and dying or storm-damaged trees and limbs or other growth which, by reason of its condition or nature, constitutes a hazard to persons lawfully in the vicinity. Trees shall be kept pruned and trimmed to prevent such conditions. Owners of vacant premises must keep them free of nuisances.

3. Overhanging objects and accumulations of ice and/or snow which, by reason of their location above ground level, constitute a danger of falling on persons lawfully in the vicinity.

4. Ground surface hazards, such as holes, excavations, breaks and projections, broken or defective curbs or sidewalks on residential premises within five (5) feet of an unfenced property line or on any part of a nonresidential premises to which the public has lawful access.

5. Sources of infestation, including all environments and conditions conducive to the increase or spread of vermin.

b. It shall be the duty of the owner, operator and/or occupant to keep and maintain the exterior of the premises and structures so that the appearance of the same shall not constitute a blighting factor, including but not limited to the following:

1. Storage of commercial and industrial material. There shall not be stored or used, at a location exposed to public view, equipment and materials relating to commercial or industrial uses, unless permitted under the zoning ordinance.

2. Landscaping. Premises along the public right of way shall be kept in a maintained state, free of refuse. Vegetation along the public right-of-way shall be kept from becoming a hazard to pedestrians and motorists.

3. General maintenance. The exterior of every structure shall be maintained in good repair for purposes of preservation and appearance and free of conditions reflective of deterioration or inadequate maintenance, including but not limited to broken glass, excessively peeling or deteriorated paint, loose shingles and crumbling stone or brick.

4. Front yard parking; commercial vehicle parking.

(a) No person shall park any motor vehicle or boat in any front yard area except on driveways constructed and installed in compliance with Borough ordinances, and no driveway shall be wider than fifty (50%) percent of the front yard width of any property.

(b) In any residential zone, except as provided herein, no person shall use the property for the parking of commercial vehicles. It shall be unlawful for any person to use property in a residential zone for the parking of commercial vehicles except if such commercial vehicles are temporarily parked on business calls to subject property or if any such commercial vehicle is parked in an enclosed garage.

**15-3.6 Vacant Buildings.**

a. Definition. An "unoccupied or vacant building" shall mean any structure intended for residential or commercial use which is not currently occupied or in use. For the purpose of the enforcement of this chapter, a presumption shall exist that a structure vacant for six (6) months is not currently occupied or in use.

b. Basic Equipment and Facilities. Every unoccupied or vacant building must comply with the following minimum standards for basic equipment and facilities:

1. Plumbing. All plumbing fixtures shall be properly installed and be in sound condition and good repair.

2. Electricity. Every existing outlet and fixture shall be properly connected. Wiring and service lines shall be maintained in good and safe working condition.

3. Heating plant. The heating plant shall be maintained in a safe condition.

4. Cooking equipment. All cooking equipment shall be maintained in a safe condition.

c. Safety from Fire. All owners of unoccupied or vacant buildings shall comply with the applicable provisions of Chapter XIV, Fire Prevention and Protection, and the following additional provisions of the Borough Fire Prevention Code and the following additional standards for safety from fire:

1. No unoccupied or vacant building shall contain any space utilized for the storage of flammable liquids.

2. No room within any vacant or unoccupied building shall be used for storage or junk, rubbish or wastes, furniture or building materials not intended to be used in the existing building.

3. The early detection and containment of fire being a valid municipal concern, the boarding up of doors and windows shall not be permitted except upon notice to the public officer and upon the public officer's determination that the buildings is vacant When doors and windows are boarded up, they shall be covered with no less than one-half (1/2) inch exterior plywood or equivalent, which shall be the same color as the building exterior.

4. All windows within twenty (20) feet of the ground or which may be readily accessible shall be secured with security screens, bars and/or grilles, and the security screens, bars and/or grilles on open windows shall include quick-release mechanisms, both of which shall be subject to the approval of the public officer.

d. Safe and Sanitary Maintenance. All occupied or vacant buildings shall comply with the following minimum standards for safe and sanitary maintenance:

1. Every foundation, exterior wall or exterior roof shall be weathertight, watertight and rodentproof, shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

2. Every floor, interior wall and ceiling shall be substantially rodentproof, shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

3. Every window, exterior door and basement or cellar door and hatchway shall be weathertight, watertight, rodentproof and locked and shall be kept in sound working condition and good repair.

4. Every inside and outside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.

5. Every yard shall be properly graded so as to prevent the accumulation of stagnant water.

6. There shall be a controlled method of disposing of water from roofs by use of gutters and downspouts, which shall be installed and maintained in sound condition, free of leaks and obstructions.

7. Every dwelling's cellar, basement and crawl space shall be maintained reasonably free from dampness.

8. The exterior of every structure or accessory structure shall be maintained free of broken windows, loose shingles, crumbling stone or brick or excess peeling paint.

9. The exterior of the premises and the condition of accessory structures shall be maintained so that the appearance of the premises and all buildings thereof shall reflect a level of maintenance in keeping with the standards of the neighborhood and such that the appearance of the premises and structures shall not constitute a blighting factor for adjoining property owners nor an element leading to the progressive deterioration and downgrading of the neighborhood with the accompanying diminution of property values.

e. Further Responsibilities of Owners. All owners of unoccupied or vacant buildings shall be required to comply with the following standards:

1. Any yard area (front, side and rear) adjacent to an unoccupied or vacant building shall be cleared and maintained free of trash, solid debris or any other materials that cause litter to accumulate to unhealthy and blighting proportions.

2. Grass, weeds or vegetation shall not be permitted to grow or remain on the side, front and/or rear yards of any unoccupied or vacant building so as to exceed a height of twelve (12) inches. Any edible vegetation planted for some useful or ornamental purpose shall not be governed by this provision. Vegetation along the public right-of-way shall be kept from becoming a hazard to pedestrians and motorists.

3. Unoccupied or vacant buildings shall not be utilized for storage of any materials, whether solid or liquid, including the yard portion of that building.

4. When a vacant dwelling is found to be infested with rats, termites, roaches and/or any other insects and vermin, the owner shall undertake an expedient means of extermination of such nuisances.

5. All doors and/or lids on appliances, furniture utilized for storage or on heating furnaces shall be locked in order to deny entry to an individual(s) where the potential for physical harm or death may result should said door close and prevent the individual's escape.

f. The standards and requirements of this section shall apply as long as any dwelling remains vacant or unoccupied. Upon occupancy, the other appropriate sections of this code shall prevail.

**SECTION 2.** All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

**SECTION 3**. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

**SECTION 4**. This law shall take effect immediately upon final passage, approval and publication as required by law.

**NOTICE**

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the Work Session Meeting of the Governing Body of the Borough of Bloomingdale held in the Municipal Building on the 7th day of April 2015, and the same shall come up for final passage at an Official Meeting of the Governing Body to be held on the 19th day of May 2015, at 7:00 P.M., at which time any persons interested shall be given the opportunity to be heard concerning said Ordinance.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Jane McCarthy, RMC

Municipal Clerk