

**18-1 RESIDENTIAL PROPERTY MAINTENANCE CODE.\*****18-1.1 Adoption of Standards.**

A certain document, three (3) copies of which are on file in the office of the Municipal Clerk, being marked and designated as the "2009 International Property Maintenance Code," be and is hereby adopted as the 2009 International Property Maintenance Code, for the Township of Woodbridge, State of New Jersey, for the control of buildings and structures as herein provided; and each and all of the regulations of the 2009 International Property Maintenance Code or its successors as amended, revised or redesignated from time to time are hereby referred to, adopted and made a part hereof as if fully set out in this section. (1974 Code § 13A-20; Ord. #78-9 § 1; Ord #99-03; Ord. #99-04; Ord. #05-47; Ord. #07-24; Ord. #09-38)

\***Editor's Note:** Former Section 18-1, Housing-Property Maintenance Code (Ord. #9-19-72), was superseded by Ord. #78-9. For regulations concerning the removal of snow and ice, see Chapter III, Police Regulations, Section 3-24. For removal of brush, weed and debris, see Chapter XXXV, Health Regulations, Section 35-7.

**18-1.2 Effect on Pending Proceedings.**

Nothing in this chapter or in the Housing Code hereby adopted shall be construed to affect any suit or proceeding impending in any court or any rights acquitted or liability incurred or any cause or causes of action required or existing under any act or ordinance hereby repealed as cited in subsection 18-1.2 of this section, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this section. (1974 Code § 13A-22; Ord. #78-9 § 3)

**18-1.3 Storage of Refuse.**

a. **Storage of Household Solid Waste.** It shall be unlawful for any residential property owner to store or permit storage of any bulky household waste, including household appliances, furniture and mattresses, in areas zoned residential, except in a fully enclosed structure or during days designated for the collection of bulky items.

b. **Storage of Tires.** It shall be unlawful for any residential property owner to store or permit the storage of tires in areas zoned residential, except in a fully enclosed structure or on days designated for the collection of tires.

c. **Inoperable Vehicles.** It shall be unlawful for any person to keep or permit the keeping on streets, vacant lots and residential lawns except in a fully enclosed structure, any motor vehicle, trailer or semitrailer:

1. Which is missing tires, wheels, engine or any essential parts;
2. Which displays extensive body damage or deterioration;
3. Which does not display a current, valid State license; or
4. Which is wrecked, disassembled or partially disassembled.

d. **Construction Sites.** It shall be unlawful for any owner, agent or contractor in charge of a construction or demolition site to permit the accumulation of litter before, during or after completion of any construction or demolition project. It shall be the duty of the owner, agent or contractor in charge of a construction site to furnish containers adequate to accommodate flyable or nonflyable debris or trash at areas convenient to construction areas and to maintain and empty the receptacles in such a manner and with such a frequency as to prevent spillage of refuse.

e. **Laundry.** It shall be unlawful for any residential property owner to store or hang clothing, bedding, towels or other laundry, to dry on fences or railings on any residential property.  
(1974 Code § 12-61; Ord. #88-43; Ord. #10-62)

**18-1.4 Clearing of Litter by Township.**

a. **Notice to Remove.** The Director of Public Works or his duly designated agent, or the Director of Health and Welfare or his duly designated agent, or the Health Officer of the Township is authorized and empowered to notify the owner of any open or vacant private property or the tenant or agent of such owner to dispose properly of litter located on such owner's property which is dangerous to public health, safety or welfare. Notice shall be by registered or certified mail, return receipt requested, addressed to the owner or his agent or tenant at his last known address, or served personally upon the owner, tenant or agent.

b. **Action upon Noncompliance.** Upon the failure, neglect or refusal of any owner, tenant or agent so notified to dispose properly of the said litter within ten (10) days after receipt of written notice specified in paragraph a. of this subsection, or within ten (10) days after the date of such notice in the event that it is returned to the Township by the Post Office Department because of inability to make delivery thereof, provided that the notice was properly addressed to the last known address of the owner, tenant or agent, the Director of Public Works or his duly designated agent, or the Director of Health and Welfare or his duly designated agent, is authorized and empowered to pay for disposing of such litter or to order its disposal by the Township.

c. **Charge Included in Tax Bill.** When the Township has effected the removal of dangerous litter or has paid for its removal, the actual cost thereof shall, unless paid by the owner prior thereto, be charged to the owner of the property on the next regular tax bill forwarded to the owner by the Township. The charge shall be due and payable by the owner at the time set for payment of the tax bill.

d. **Recorded Statement Constitutes Lien.** Where the full amount due the Township is not paid by the owner within thirty (30) days after the disposal of such litter, as specified in paragraphs a. and b. of this subsection, then, and in that case, the Director of Public Works or his duly designated agent, or the Director of Health and Welfare or his duly designated agent, shall cause to be recorded in the Township Clerk's office a sworn statement showing the cost and expense incurred for the work, the date the work was done and the location of the property on which the work was done. The recordation of such sworn statement shall constitute a lien on the property, and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection, until final payment has been made. Said costs and expenses shall be collected in the manner fixed by law for the collection of taxes and shall be subject to a delinquent penalty at the same rate as in the case of taxes in the event they are not paid in full on or before the date the tax bill upon which the charge appears becomes delinquent. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.  
(1974 Code § 12-62)

**18-1.5 Drainage - Roof Leaders/Sump Pumps.**

Roof leaders and sump pumps may not be extended above or below the ground beyond the limits of the building setback lines, either on a temporary or permanent basis, unless the water is being directed out to, and flows out to the curbline within the limits of the lot frontage. The water may also be directed to an existing surface water body or to an existing Township drainage easement on the property, with written permission from the Township Engineer.

The Housing Division of the Department of Planning and Development shall be the enforcing agency for this subsection.  
(Ord. #06-12)

**18-1.6 Penalty.**

Any person who violates any provision of this section shall, upon conviction thereof, be liable to the penalty stated in Chapter I, Section 1-5. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (1974 Code § 12-63; Ord. #84-49 § 1; Ord. #88-35; New)

**18-2 NONRESIDENTIAL PROPERTY MAINTENANCE CODE.\***

**18-2.1 Short Title.**

This section shall be known as "Nonresidential Property Maintenance Code of the Township of Woodbridge" and may be referred to in this section as "this Code." (1974 Code § 13A-24)

**18-2.2 Findings; Declaration of Policy.**

a. It is hereby found and declared that there are located within the Township buildings used for commercial, industrial or storage purposes which have become or are becoming substandard with respect to structure, equipment, maintenance, occupancy, sanitation or use. It is further declared that such conditions, which include, but are not limited to, lack of maintenance of exterior or interior of premises, faulty design, construction or installations, lack of proper sanitary facilities, fire or accident hazards, unsanitary conditions, infestation or overcrowding, have made these buildings either unfit for occupancy or use or so deteriorated, dilapidated, dangerous, unsanitary, neglected or over-occupied as to jeopardize or to be detrimental to the health, morals, safety or welfare of the people of the Township.

b. It is further found and declared that among other reasons, because of lack of maintenance and progressive deterioration, certain properties have become blighted and have had the further effect of causing blighting conditions within the Township that have necessitated an excessive and disproportionate expenditure of public funds for health, fire protection, public safety, welfare and other public services. However, it is further found and declared that through appropriate regulations and restrictions as herein contained, the growth of blight and blighting conditions can be curbed or prevented and neighborhood and property values thereby maintained, the appearance and amenities of properties and neighborhoods can be enhanced, and the public health, safety and welfare protected and fostered. (1974 Code § 13A-25)

**18-2.3 Purposes.**

The purposes of this Code are to: protect the public health, safety, morals and welfare and to eliminate and to prevent the spread of property and neighborhood deterioration and blight by establishing minimum standards governing the maintenance, appearance, condition and occupancy of commercial, industrial and storage premises; establish minimum standards governing utilities and facilities and physical components and conditions in such commercial, industrial and storage buildings essential to make the same fit for occupancy or use; fix certain responsibilities and duties upon owners and operators and distinct and separate responsibilities and duties upon occupants; authorize and establish procedures for the inspection of premises; and for the general administration and enforcement of this Code to: provide for the vacation or repair or demolition of premises unfit for occupancy or use; provide for the right of access across adjoining premises to permit repairs; and, fix penalties for violations of this Code.

This Code is hereby declared to be remedial and essential for the public interest and it is intended that this Code be liberally construed to effectuate the purposes as stated herein. (1974 Code § 13A-26)

**18-2.4 Definitions.**

As used in this section:

Billboard shall mean any notice or advertisement, pictorial or otherwise, used as an outdoor display not related to a use on the lot regardless of its size or dimension.

Buffer areas shall mean an unpaved area lying between the edge of pavement and property lines or fences intended to be utilized for landscaping and/or vehicular overhang.

Building shall mean a combination of materials to form a construction adapted to permanent or continuous occupancy or use for public, institutional, residence, business or storage purposes.

Commercial uses shall mean all uses involved in the (retail or wholesale) sales, service or handling of goods of any nature. In addition thereto, apartment complexes consisting of ten (10) or more units shall be considered commercial uses and thereby governed by this section. In addition thereto, public mausoleums shall be considered commercial uses and thereby governed by this section.

Deterioration shall mean the condition of a building 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 wear.

Display shall mean an arrangement of goods or products for sale and/or a structure used to support same.

Entranceway shall mean those areas used to gain ingress and egress onto and from a nonresidential use from one (1) or more adjacent public rights-of-way.

Fire hazard shall mean any device or condition likely to cause fire and which is so situated as to endanger either persons or property; accumulation or storage of combustible or explosive material sufficient in amount or so located or in such a manner as to put in jeopardy, in the event of ignition, either persons or property; or, the obstruction to or of all means of ingress and egress.

Fueling areas shall mean those areas surrounding any pump island to a minimum distance of ten (10) feet.

High traffic areas shall mean those areas used for the interior movement of motor vehicles, including loading and unloading areas, but excluding automobile, truck, trailer and heavy equipment parking areas.

Industrial uses shall mean all uses involved in the manufacture, processing or packaging of products of any nature.

Junk material shall mean any waste, broken or used materials, machinery, parts of products which are not necessary to the operation of a use or which have been obviously discarded by the owner or operator of the business.

Motor vehicle service station shall mean a building or premises used to dispense fuel, oil, tires, batteries and also used for minor servicing and repair, greasing, polishing and washing. Washing shall be undertaken without the use of a chain conveyor or blower or other mechanical device.

Nuisance shall mean:

- a. Any common nuisance known as common law or inequity jurisprudence or as provided by the statutes of the State of New Jersey or the ordinances of the Township.
- b. Any attractive nuisance which may prove detrimental to the health or safety of children, whether in a building, on the premises of a building or upon an unoccupied lot. This includes, but is not limited to: abandoned wells, shafts, basements, excavations, abandoned iceboxes, refrigerators, motor vehicles, boats, any structurally unsound fences or structures, lumber, trash, fences, debris or vegetation, such as poison ivy, oak or sumac, which may prove a hazard for inquisitive minors.
- c. Physical conditions dangerous to human life or detrimental to health of persons on or near the premises where the conditions exist.
- d. Insufficient ventilation or illumination in violation of this Code.
- e. Inadequate or unsanitary sewage or plumbing facilities in violation of this Code.
- f. Unsanitary conditions or anything offensive to the senses or dangerous to health in violation of this Code.
- g. Fire hazards.

Outside storage shall mean the orderly accumulation of materials, machines or products incidental to the operation of a use on a continuing basis, either necessary in providing services or awaiting transfer for utilization elsewhere, but not junk material as defined above.

Parking areas (automobile) shall mean those areas used exclusively for the parking and/or storage of automobiles.

Parking areas (truck, trailer and heavy equipment) shall mean those areas used exclusively for the parking and storage of truck tractors, liquid and dry cargo truck trailers and construction equipment, including but not limited to tractors, scrapers, rollers, graders, bulldozers and cranes.

Pump island shall mean an area used for the purpose of dispensing fuel, oil, water, etc., to motor vehicles, including pumps, canopies, motor vehicle aisles and accessory structures contained thereon.

Repair garage shall mean a building or premises, not a service station, used for major servicing and repair of motor vehicles, including but not limited to body work, replacement of parts, spray painting and welding.

Screening devices shall mean a construction of materials designed to prevent the area or objects being concealed from being in the view of the general public from

adjacent properties and public rights-of-way.

Sign shall mean any device, structure or object, including painted wall signs, for visual communication that is used for the purpose of advertising the property or establishment upon which the display is exhibited, but not including any flag of any public or religious group.

Storage use shall mean all uses involved exclusively in the on-site retention of vehicles and/or goods of all types.

Structure shall mean a combination of any materials, whether fixed or portable, forming a construction, including buildings.

Traffic hazard shall mean any condition on a site which obstructs driver vision when entering the traveled way, or any accessways which by virtue of design, number or location prevent free flow of vehicles leaving the traveled way or hazard from conflict between ingress or egress.

Truck terminal—bulk shall mean a terminal utilized for pickup and delivery of special bulk materials, liquid or otherwise, characterized by an assembly point or office for dispatching vehicles to various industries where bulk commodities are picked up and delivered to distribution points.

Truck terminal rental and moving shall mean a terminal consisting of any assembly point and parking area for vans or trailers which are dispatched for private or commercial moving, on rental or hire basis over a short period term.

Truck terminal—transfer shall mean distribution of bulk dry goods and assembly point of commodities which enter and leave the community via common carrier trucking lines.

Use, nonconforming shall mean a use of a building or land, lawful at the time of enactment of this Code, that does not conform to the permitted use provisions of this Code for the zone in which it is located.

Vehicle rental agency shall mean a building, land or part thereof utilized for purposes of renting or leasing motor vehicles, trailers, car-roof storage compartments or the like and utilized for the storage of the above items when not in operation.

Vending machine shall mean a coin-operated machine used to dispense containerized products.

Yard, front shall mean the yard extending across the entire width of the lot between the front lot line and the nearest point at which the principal building would be permitted according to the Zoning Ordinance.

The foregoing words and terms shall include the plural of the words and shall be applied retroactively as well as prospectively.  
(1974 Code § 13A-27; Ord. #11-3-76 § 1; Ord. #79-4; Ord. #82-24)

## **Part II Applicability Standards**

### **18-2.5 Applicability of Code; Minimum Standards.**

a. Every building and premises in the Township that is used or intended to be used for uses covered by this Code shall comply with the provisions of this Code, whether or not such building shall have been constructed, altered or repaired before or after the adoption of this Code (August 7, 1973) and irrespective of any permit or license which shall have been issued for the use or occupancy of the building or premises, for the construction or repair of the building or for the installation or repair of equipment or facilities prior to the effective date of this Code (August 7, 1973).

b. This Code establishes minimum standards for the initial and continued occupancy and use of all such buildings, and does not replace or modify standards otherwise established for the construction, repair, alteration or use of the building, equipment or facilities contained herein except as provided in subsection 18-2.8. Where there is mixed occupancy, the residential and/or nonresidential uses herein also shall be regulated by and subject to the provisions of this Code.  
(1974 Code § 13A-28)

### **18-2.6 Nonconforming Use, General.**

It is the intention of this Code to permit the continuance of a legally nonconforming principal use but to require the repair of that use and the repair or removal of accessory buildings, uses, structures, and practices not permitted by this Code. (1974 Code § 13A-29)

### **18-2.7 Nonconforming Structures; Use; Abandonment; Restoration.**

a. All violations of this Code shall be abated within ten (10) days after notification by the Construction Official that a violation exists. Nothing in this section prohibits the Construction Official for good cause from extending the time for repair or removal of major violations for a period up to six (6) months.

b. When a nonconforming principal or accessory building, structure or use is discontinued by an apparent act of failure to act on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or discontinuance, the use shall be considered abandoned and the premises shall not thereafter be used except in conformance with the Zoning Ordinance and this Code.

c. Any nonconforming building, structure or use which has been or may be damaged by fire, flood, explosion, earthquake, war, riot, act of God or act of any governmental authority, may be reconstructed and used as before if it is done within twelve (12) months of such calamity, provided that the restored building covers no greater area or has no greater cubic content.  
(1974 Code § 13A-30)

### **18-2.8 Higher Standards to Prevail.**

In any case where the provisions of this Code impose a higher standard than set forth in any other ordinance of the Township or under the laws of the State of New Jersey, then the standards set forth herein shall prevail; but if the provisions of this Code impose a lower standard than any other ordinance of the Township or of the laws of the State of New Jersey, then the higher standard contained in any other such ordinance or law shall prevail. (1974 Code § 13A-31)

### **18-2.9 Compliance with Other Ordinances.**

No license or permit or other certification of compliance with this Code shall constitute a defense against any other violation of any other local ordinance applicable to any structure or premises, nor shall any provision herein relieve any owner, operator, or occupant from complying with any such other provision, nor any official of the Township from enforcing any such other provision. (1974 Code § 13A-32)

## **Part III Property Maintenance Requirements**

### **18-2.10 Exterior of Buildings and Structures.**

All exterior walls, roofs and surfaces shall be clean, painted if material used requires, impervious to water, and kept in good repair in accordance with the standards set forth in the current Building Officials and Code Administrators International, Inc., Property Maintenance (BOCA) Code. (1974 Code § 13A-33)

### **18-2.11 Open Areas.**

The exterior of the premises shall be kept free of all nuisances, and any hazards to the safety of occupants, pedestrians and other persons utilizing the premises, and free of unsanitary conditions, and any of the foregoing shall be promptly removed and abated by the owner or operator. It shall be the duty of the owner or operator to keep the premises free of hazards which include, but are not limited to the following:

- a. Refuse. Brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash and debris.
- b. Natural Growth. Dead and dying trees and limbs or other vegetation which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions.
- c. Overhangings. 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.

d. Ground Surface Hazards. Holes, excavations, breaks, projections, obstructions, icy conditions, uncleared snow or paths, walks, driveways, parking lots and parking areas, and other parts of the premises and adjacent public rights-of-way, used for access to the premises, must be repaired or cleared.

e. Recurring Storm Water Accumulations. Adequate runoff drains shall be provided and maintained to eliminate any recurrent or excessive accumulation of storm water.

f. Unsanitary Conditions. Animal droppings and sources of infestation from rodents or other vermin shall be eliminated in accordance with local health requirements. (1974 Code § 13A-34)

#### **18-2.12 Refuse Areas.**

An enclosed area shall be provided for the temporary storage of trash and other refuse. All garbage type refuse shall be in tightly covered containers. The enclosed area shall be paved with a durable surface and screened by a solid architectural fence at least six (6) feet in height. It shall be the responsibility of the owners or operators of all applicable uses to provide for the removal, on a regular basis, of all trash or junk material so that an accumulation of excess material does not occur as determined by the Township. (1974 Code § 13A-35)

#### **18-2.13 Outside Storage Areas.**

Outside storage areas are not permitted in front yard areas as defined by the Zoning Ordinance. Outside storage areas located in other yards shall be enclosed by a screening device of durable material at least six (6) feet in height which effectively blocks the visibility of materials being stored. Storage areas shall be paved with a durable material such as macadam. Materials stored in such areas shall be orderly to the extent possible, and trash or junk materials, as defined, shall be disposed of on a regular basis. Outside storage which occupies more than fifty (50%) percent of a lot shall be considered the principal use.

All storage areas shall have all materials and vehicles arranged to permit easy access for fire-fighting purposes. Adequate space shall be provided around buildings for maintenance purposes. Fire exits, protective devices and equipment shall be kept clear in accordance with the applicable fire provisions of all other Codes. (1974 Code § 13A-36)

### **Part IV Performance Standards**

#### **18-2.14 Paving.**

All paving shall conform to the following minimum standards:

a. Commercial Uses.

1. Entranceways and High Traffic Areas: eight (8) inches (Type 5, Class A, quarry process stone) plus two (2) inches bituminous concrete wearing surface.

2. Parking Areas (automobile): four (4) inches (Type 5, Class A, quarry process stone) plus two (2) inches bituminous concrete wearing surface.

3. Fueling Areas: eight (8) inches reinforced concrete [three thousand five hundred (3,500) pounds per square inch, three (3%) percent to seven (7%) percent air-entrained].

4. Buffer Areas. In no case will paving be installed to comply with this Code be permitted within five (5) feet of the side or rear property lines. The edge of pavement abutting all such buffer areas shall be protected by a permanently anchored concrete or timber wheel stop.

b. Industrial and Storage Uses.

1. Entranceways to a minimum distance of thirty (30) feet from the public right-of-way: five (5) inches bituminous concrete stabilized base plus two (2) inches bituminous concrete wearing surface.

2. High Traffic Areas: eight (8) inches (Type 5, Class A, quarry process stone) plus two (2) inches bituminous concrete wearing surface.

3. Fueling Areas: eight (8) inches reinforced concrete [three thousand five hundred (3,500) pounds per square inch, three (3%) percent to seven (7%) percent air-entrained].

4. Parking Areas (automobile): four (4) inches (Type 5, Class A, quarry process stone) plus two (2) inches bituminous concrete wearing surface.

5. Parking Areas (truck, trailer and heavy equipment). All areas must be covered with a sufficient quantity of Type 5, Class A, quarry process stone to keep the area in a neat and presentable condition.

6. Buffer Areas. In no case will paving installed to comply with this Code be constructed to permit vehicular overhang to be closer than three (3) feet from any fence or property line. The edge of pavement abutting all such buffer areas shall be protected by a permanently anchored concrete or timber wheel stop.

c. Private Storm Drain Inlet Retrofitting.

1. Purpose. In any parking areas on private property, existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of the facilities shall be retrofit in order to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system operated by the Township of Woodbridge so as to protect public health, safety and welfare.

2. Definitions. For the purpose of this paragraph c., the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this paragraph c. clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Municipal separate storm sewer system (MS4) shall mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Woodbridge or other public body, and is designed and used for collecting and conveying stormwater.

Person shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

Storm drain inlet shall mean an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

Waters of the State shall mean the ocean and its estuaries, all springs, streams and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

3. Prohibited Conduct. No person in control of private property (except a residential lot with one (1) single-family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

(a) Already meets the design standard below to control passage of solid and floatable materials; or

(b) Is retrofitted or replaced to meet the standard in paragraph 4. below prior to the completion of the project.

4. Design Standard. Storm drain inlets identified in paragraph 3. above shall comply with the following standards to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see paragraph 4c,4(c) below.

(a) Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

(1) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1966); or

(2) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inch across the smallest dimension.

Examples of grates subject to this standard include grates in inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and storm water basin floors.

(b) Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two (2) or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

(c) This standard does not apply:

(1) Where the Municipal Engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or large storm drain inlets that meet these standards;

(2) Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

[a] A rectangular space four and five-eighths (4 5/8) inches long and one and one-half (1 1/2) inches wide (this option does not apply for outfall netting facilities); or

[b] A bar screen having a bar spacing of 0.5 inch.

(3) Where flows are conveyed through a trash rack that has parallel bars with one (1) inch spacing between the bars; or

(4) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

(1974 Code § 13A-37; Ord. #82-24; Ord. #10-26)

### 18-2.15 Parking.

a. Motor Vehicle Service Stations and Repair Garages. Overnight parking for more than six (6) automobiles shall not be permitted on the premises. No more than one (1) truck, incidental to the operation of the use, or one (1) tractor-trailer requiring repair, shall be permitted overnight parking. Inoperable or wrecked vehicles may be parked overnight, provided that they are not parked in any of the front yard areas and located in screened storage areas as defined in this Code.

b. Truck Terminals. Overnight parking of vehicles is permitted in an orderly manner, on a paved surface, and also provided that it shall not occur in the front yard areas as defined in the Zoning Ordinance.

c. Other Permitted Uses. Inoperable or wrecked vehicles shall not be parked overnight.

(1974 Code § 13A-38)

### 18-2.16 Accessory Uses.

a. Automobile, Truck and Utility Trailer Sales or Rental Uses in Nonindustrial Zones. Uses established in accordance with the requirements of the Zoning Ordinance shall conform to the following standards:

1. No vehicles shall be stored in front yard, as defined by the Zoning Ordinance.

2. All vehicles shall be located so that they do not interfere with the internal traffic pattern of the site, thereby creating a potential vehicular or pedestrian hazard.

3. No more than ten (10%) percent of the lot area shall be utilized for the storage of such vehicles.

b. Vending Machines. Vending machines are permitted in accordance with the following standards:

1. No more than one (1) vending machine shall be permitted unless located within a building.

2. No vending machine shall be placed in the front yard area, as defined by the Zoning Ordinance.

3. Vending machines shall be located so as not to conflict with the internal traffic pattern of the site, thereby creating potential vehicular and/or pedestrian hazards.

4. Where vending machines are located outside buildings, they must be enclosed on three (3) sides by a permanent masonry structure subject to the approval of the Building Inspector.

5. Each vending machine dispensing items consumable on the site shall be provided with a refuse container.

c. Telephone Booths. Telephone booths are permitted in accordance with the following standards:

1. No telephone booth shall be placed in the front yard area, as defined in the Zoning Ordinance.

2. Booth locations shall not conflict with the internal traffic pattern of the site, thereby creating potential vehicular and/or pedestrian hazards.

(1974 Code § 13A-39; Ord. #82-24)

### 18-2.17 Signs and Displays.

a. 1. No permanent sign shall be permitted on any property unless it has been approved and complies with the Township's Municipal Land Use Ordinance, or are authorized by the Township's Planning Board, Zoning Board of Adjustment or Redevelopment Agency.

2. Permitted or legally nonconforming signs in existence as of the effective date of this subsection (adopted June 28, 2011 by Ordinance No. 11-44) shall be permitted to remain provided:

(a) They are not specifically prohibited therein;

(b) They are in good repair, painted and structurally sound.

No permitted or legally nonconforming sign shall be replaced.

b. The following signs whether permanent or temporary are prohibited:

1. Fence signs;

2. Roof signs;

3. Game signs;

4. Window signs exceeding ten (10%) percent of the window area, excluding price signs on gasoline pumps;

5. Flags, pennants, banners, streamers or similar devices designed to distract the attention of drivers;

6. Signs which interfere with access or driver sight distance while entering or leaving an applicable premises or adjacent street, which are within a public right-of-way, or within five (5) feet of the public right-of-way.

7. Signs advertising goods or services not being performed on the property while the sign is in place, unless specifically approved by the Township's Planning Board or Zoning Board of Adjustment.

c. Temporary Signs.

1. Temporary signs, posters, notices, or other papers or devices, whether hand or professionally made, including but not limited to political, job or price advertising, may not be posted or affixed to any lamppost, telephone pole, device, public or private structure, or placed in, on or around any public right-of-way or abandoned property, unless specifically authorized or permitted by law.

2. No sign advertising the provider of repetitive continuing services nor work which is generally completed within a day, e.g. landscaping, lawn cutting, routine maintenance services, shall be permitted.

3. Signs advertising the services performed on the property where the sign is located, and for which a permit has been obtained for the project being performed in accordance with applicable municipal ordinances, shall be permitted but must be removed on the earlier of (i) seven (7) days after completion of the project or (ii) thirty (30) days from the date the project commences.

4. No temporary sign shall be placed, erected, constructed or otherwise located within the public right-of-way.
- d. 1. The Township shall immediately remove without notice, any and all signs, posters, notices or other devices placed in the Township in violation of this section.
2. The Township shall establish temporary sign violation hotlines and encourage residents to report violations of this section.
3. No person shall be fined or punished for removing a sign, poster, notice or device placed in a public right-of-way, or upon any lamppost, telephone pole or public device which violates this section.
- e. Outdoor Displays. Outdoor displays are permitted in accordance with the following standards:
  1. All displays shall be arranged in an orderly manner and completely enclosed on all sides when not in use.
  2. All displays shall be located so as not to interfere with the vehicular pattern on the site.
  3. All displays shall conform to the setback, height and bulk requirements for necessary buildings as required in the Municipal Land Use Ordinances or as approved by the Township's Planning Board or Zoning Board of Adjustment.
  4. All displays shall be maintained in a neat and clean manner as required to meeting the intent of this Code.
  5. Contractors' signs may be placed on a job site upon the actual commencement of the job, must be removed within seven (7) days of the completion of the job, except that nothing herein shall be permitted to allow a contractor sign to remain on the job's site for longer than thirty (30) days from the start of the job, or to permit a contractor sign for continuous or repetitive services.
- f. Violations and Penalties.
  1. Any person or persons found to be in violation of this subsection 18-2.17 shall be liable for penalties set forth in Chapter 1, Section 1-5. In addition, the Court may impose upon a person or entity found guilty of a violation of this subsection the reasonable cost incurred by the Township in removing any sign, poster, banner or other device.
  2. The organization, candidate or entity benefitting from action of any person violating this subsection 18-2.17, may also be held in violation if it is established that the violation occurred as a result of the direction or action of the beneficiary.(1974 Code § 13A-40; Ord. #84-45; Ord. #84-49 § 1; Ord. #11-44; Ord. #2015-02)

#### **18-2.17A Security Gates/Doors.**

All security gates and/or doors that are affixed to outside walls of commercial buildings that front on or are visible from a public street or roadway, shall be prohibited except those in existence on the effective date of this subsection. Any and all security gates and/or doors that are in existence at the time of the effective date of this section shall be permitted to remain provided that they remain open between the hours of 10:00 a.m. and 4:00 p.m. Eastern Standard Time (1000-1600), Monday through Friday except on legal holidays. Gates and doors of loading docks shall be exempt from the requirements of this section. (Ord. #98-22)

#### **18-2.18 Landscaping.**

All required landscaping shall be maintained. Lawns shall be regularly trimmed and shall not exceed a height of six (6) inches and all landscaped areas kept free of weeds, rubbish and debris. Planted materials which have been damaged, or fail to survive, shall be replaced as required. Buffer areas which have not grown to meet the intent of the Zoning Ordinance shall also be replaced where necessary. (1974 Code § 13A-41; Ord. #07-53 § 1)

#### **18-2.19 Lighting.**

Lighting shall be maintained so as to be nonglaring and reflect light away from adjacent properties. Broken fixtures, inoperable stanchions, etc. shall be repaired or replaced. Lights and fixtures shall be kept clean and painted as required, and in good repair. (1974 Code § 13A-42)

#### **18-2.20 Air Pollution.**

All uses shall conform to Federal, State and local air pollution standards as enforced by local and area wide agencies. (1974 Code § 13A-43)

#### **18-2.21 Liquid and Industrial Waste.**

No liquid or industrial waste shall be discharged into any watercourse in the Township. Waste treatment facilities, as required, must be approved by permit from the State Department of Environmental Protection. (1974 Code § 13A-44)

#### **18-2.22 Noise Pollution.**

All sound levels shall conform to the appropriate State regulations as enforced by the local Division of Health. (1974 Code § 13A-44)

#### **18-2.23 Heat Pollution.**

All uses shall conform to the requirements of the State Department of Health with respect to the excess heat generation of a specific process or activity. (1974 Code § 13A-46)

### **Part V Administration and Enforcement**

#### **18-2.24 Enforcement Officer.**

The Director of Planning and Development shall be considered the enforcing officer of the provisions of the Code. (1974 Code § 13A-47; Ord. #9-17-74 § 1)

#### **18-2.25 Violations.**

a. The Director of Planning and Development shall serve written notice of violation on the person or persons responsible for the erection, construction, alteration, repair, maintenance, use and occupancy of any premises in violation of the provisions of this Code. Violators shall be allowed ten (10) days to abate said conditions before further action is taken unless, in the opinion of the Director of Planning and Development, special reasons or conditions have been demonstrated to allow for an extension of this time period.

b. The ten (10) day period set forth in paragraph a. shall not apply to repeat violators of this Code. Said repeat violators shall be subject to immediate action by the Enforcement Officer and may immediately be issued a summons for a violation of this Code. For the purposes of this Code, repeat violator(s) shall mean a person or persons who has previously been served with a notice of violation within the last two (2) years for a substantially similar violation of this Code pertaining to the same property. (1974 Code § 13A-48; Ord. #9-17-74 § 1; Ord. #96-60 § 1; Ord. #99-10 § 1)

#### **18-2.26 Appeals.**

Within ten (10) days of notification of violation of this Code or within the extended time period as permitted by the Director of Planning and Development, an owner or operator may appeal for relief from the provisions of this Code to the Board of Adjustment. Said appeal shall be acted upon within forty-five (45) days of the date of appeal and if action is not taken during that time period or during an extension of that period, as agreed to between the Director of Planning and Development and the owner or operator, the relief shall be considered granted. (1974 Code § 13A-49; Ord. #9-17-74 § 1)

#### **18-2.27 Emergency Action.**

In the event that a nuisance or hazardous condition exists which, in the opinion of the Director of Planning and Development, places an individual on or near the site in jeopardy of life, limb or health, that condition shall be immediately rectified by the owner or operator. If said immediate action is not taken, the Director of Planning and

### **18-2.28 Penalty.**

Any person who shall violate any of the provisions of this Code or shall fail to comply with any of the requirements hereof or who shall maintain, erect, construct, alter or repair a building or premises in violation of this Code shall, upon conviction, be liable to the penalty stated in Chapter I, Section 1-5. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition to any other penalty set forth herein, in the event of a violation of section 18-2.18, the Township shall be permitted to correct the violation with any charge to be added to the owner's tax bill: (i) in the event of a first violation after ten (10) days notice as provided in subsection 18-2.25a. or (ii) in the event of a repeat violation, as defined in subsection 18-2.25b., twenty-four (24) hours after the issuance of a second or subsequent violation within a two (2) year period. (1974 Code § 13A-51; Ord. #96-70 § 2; Ord. #07-53 § 2)

## **18-3 ABANDONMENT AND FILLING OF POOLS AND ARTIFICIAL PONDS.**

### **18-3.1 Findings.**

The abandonment and filling of excavation sites including in-ground swimming pools, decorative pools, reflecting pools and artificial ponds with all having a depth of two (2) feet or greater, has become desirable by pool owners in view of the time and expense involved in their maintenance.

The unregulated abandonment and filling such pools and ponds may be injurious to the public health, safety and general welfare of the citizens of Woodbridge Township.

It is in the best interests of the citizens of the Township that an acceptable method for abandonment of such pools and ponds and the proper filling of the same be established. (Ord. #95-114 Preamble)

### **18-3.2 Approval Required.**

No excavation site including in-ground swimming pools, decorative pools, reflecting pools and artificial ponds, all having a depth of two (2) feet or greater, within the Township shall be abandoned and filled unless a proposed method of abandonment and filling, which meets with reasonable accepted engineering standards, is first approved by the Township Engineer. Application forms for abandonment and filling of the pools and ponds shall be made through the Code Enforcement Agency of the Township. The applicant shall pay a nonrefundable review fee of twenty (\$20.00) dollars and shall submit the same with the application. Approval of the application shall be subject to any State or Federal law, statute, rule, code or regulation. (Ord. #95-114 § 2)

## **18-4 REMOVAL OF SNOW AND ICE FROM PARKING LOT AREAS AND SIDEWALKS SERVICING MULTI-FAMILY RESIDENTIAL APARTMENT COMPLEXES.**

### **18-4.1 Definitions.**

Multi-family residential apartment complex shall, for the purposes of this section, mean a building, or group of buildings, containing one hundred fifty (150) or more rental dwelling units.

Owner shall mean the person or persons holding legal title to any real property on which there has been constructed a multi-family residential apartment complex.

Parking lot shall mean any designated parking area servicing a multi-family residential apartment complex.

Rental dwelling unit shall mean a building or portion of any building designed, arranged or used, on a rental basis, for permanent living quarters for one (1) or more persons living as a single housekeeping unit with cooking and bathroom facilities but not including hotels or other buildings for transient quarters.

Sidewalk shall mean a paved, concrete or flagstone walk intended for use by pedestrians which services a multi-family residential apartment complex. (Ord. #96-33 § 1)

### **18-4.2 Duty to Remove.**

a. It shall be the duty of the owner of any real property on which there has been constructed a multi-family residential apartment complex to remove, or cause to be removed, all snow and ice from the parking lot area which services the multi-family residential apartment complex within sixteen (16) hours of daylight after the snow has ceased to fall. In the case of ice which is impracticable to remove, the ice on said parking lots shall be covered with sand or salt within sixteen (16) hours after such ice shall have been formed thereon.

b. It shall further be the duty of the owner of any real property on which there has been constructed a multi-family residential apartment complex to remove, or cause to be removed, all snow and ice from the sidewalks which service the multi-family residential apartment complex within sixteen (16) hours of daylight after the snow has ceased to fall. In the case of ice which is impracticable to remove, the ice on said sidewalks shall be covered with sand or salt within sixteen (16) hours after such ice shall have been formed thereon. The removal of snow and ice from sidewalks abutting public streets, however, shall continue to be governed by Section 3-23 of the Township Code. (Ord. #96-33 § 1)

### **18-4.3 Enforcement.**

The Police Department and/or the Housing Bureau of the Department of Planning and Development of the Township shall be charged with the enforcement of the provisions of this section and shall cause prosecutions for violations hereof to be instituted before the Judge of the Municipal Court with all reasonable dispatch. (Ord. #96-33 § 1)

### **18-4.4 Penalties.**

Any owner who shall violate any of the provisions of this ordinance shall be punished by a fine of up to one thousand (\$1,000.00) dollars for each and every day that the owner shall be deemed to be in violation hereof. Each day shall constitute a separate and distinct violation hereof. (Ord. #96-33 § 1)

## **18-5 DUTIES AND RESPONSIBILITIES OF OWNERS OF VACANT STRUCTURES.**

### **18-5.1 Definitions.**

Enforcement Officer shall mean the Director of Planning and Development of the Township of Woodbridge or his/her designee.

Vacant building shall mean any structure intended for residential or commercial use which has not been occupied or in use for a period of three (3) months or more. This definition shall not include the following:

- a. Any structure which is unoccupied because of a current alteration being performed in accordance with a plan which has been approved by the Township Construction Official;
- b. Any structure which is a principal residence that is utilized by the owner for a period of six (6) months or less per year;
- c. Any structure which is a vacation home or seasonal residence;
- d. Dormitories which are not normally in use during a portion of the calendar year.

(Ord. #96-96 § 1; Ord. #00-13 § 1)

### **18-5.2 Safety from Fire.**

All owners of vacant buildings shall comply with the applicable provisions of the New Jersey Uniform Fire Code, N.J.A.C. 5:18-2, et seq., as supplemented by the Fire Prevention Code of the Township of Woodbridge, and the following additional standards for fire safety:

a. No vacant building or any space utilized for the storage of flammable liquids.

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

c. The early detection and containment of fire being a valid municipal concern, the boarding up of doors and windows shall not be permitted except with the permission of the Construction Official in emergency situations. When doors and windows are boarded up, they shall be covered with no less than one-half (1/2) inch exterior plywood or equivalent and be painted the same color as the body of the structure. In no case shall the boarding up of doors and windows be permitted for a period in excess of six (6) months. Should an owner find it necessary to board up doors and windows in excess of six (6) months, an application seeking permission to do so must be made before the expiration of the six (6) month period to the Code Enforcement Agency of the Township of Woodbridge. At the time of the application all circumstances shall be set forth supporting the owner's request for an extension of the time in which the vacant building may remain boarded up.

d. Windows of any vacant commercial building that are within twenty (20) feet of the ground or which are easily accessible, may be secured with security screens, bars, and/or grills and the security screens, bars, and/or grills on open windows shall include quick-release mechanisms all of which shall be subject to the approval of the Fire Subcode Official of the Township of Woodbridge prior to installation.  
(Ord. #96-96 § 2)

### **18-5.3 Safe and Sanitary Maintenance.**

All vacant buildings shall comply with the following minimum standards for safe and sanitary maintenance:

a. Every foundation, exterior wall and exterior roof shall be: weather tight, watertight and rodent proof; kept in sound condition and good repair; and, be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

b. Every yard area (front, side and/or rear) shall be properly graded so as to prevent the accumulation of stagnant water.

c. Every structure shall have all utilities, including but not limited to gas, electric, water and sewer turned off and/or disconnected with sewer service to be sealed at the tap of said property.

d. The exterior of the structure and the condition of accessory structures shall be maintained so that the appearance of the entire premises, including any and all structures and buildings thereon, 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 create a blighting effect on the immediate neighborhood nor an element leading to the progressive deterioration and degradation of the neighborhood resulting in the diminution of property values in the area.  
(Ord. #96-96 § 3)

### **18-5.4 Further Responsibilities of Owners.**

All owners of vacant buildings shall be required to comply with the following standards:

a. Any yard area (front, side and/or rear) or parking lot adjacent to a vacant building shall be cleared and maintained free of trash, solid debris, or any other materials that cause litter.

b. Grass, weeds, or vegetation shall not be permitted to grow or remain on the side, front and/or rear yards of any vacant building so as to exceed a height of six (6) inches.

c. Vacant buildings, including any yard area (front, side and/or rear) of such buildings, shall not be utilized for storage of any materials whether solid or liquid.

d. When a vacant building is found to be infested with rats, termites, roaches and/or other insects and vermin, the owner shall undertake an expedient means of extermination of such nuisances. Such extermination shall be certified by an approved exterminator.

e. All doors and/or lids on appliances, furniture utilized for storage, or on heating furnaces, shall be locked in order to deny entry to individuals where the potential for physical harm or death may result should said door close to prevent the individual's escape.  
(Ord. #96-96 § 4)

### **18-5.5 Applicability.**

The standards and requirements of this section shall apply as long as any dwelling, building and/or commercial structure remains vacant. Upon occupancy, the other appropriate sections of this chapter shall prevail along with other State and local codes and regulations. (Ord. #96-96 § 5)

### **18-5.6 Commercial Structures Containing Storefronts/Display Windows.**

The owner of any commercial structure determined to be vacant as defined herein, that contains a storefront, display window, and/or any area intended to exhibit or display merchandise or conduct advertising, shall place a display or a visual medium, such as mannequins, potted plants or some form of decorative display, which will not, by its appearance, create a blighting effect on the immediate neighborhood. The following methods of obstructing windows and/or storefronts are prohibited: the placement of newspaper or other types of newsprint on windows and/or storefronts; the painting, soaping or hazing of windows and/or storefronts; the boarding and/or placement of cardboard or other similar material in windows and/or storefronts. The aforementioned list is not intended to be exhaustive but rather illustrative as to those types of conditions which are specifically prohibited under this section. (Ord. #96-96 § 6)

### **18-5.7 Notice of Violation.**

a. The Director of Planning and Development shall serve written notice of violation on an owner for any violation of the provisions of this section. Violators shall be allowed ten (10) days to abate said conditions before further action is taken unless, in the opinion of the Director of Planning and Development, special reasons or conditions have been demonstrated to allow for an extension of this time period.

b. The ten (10) day period set forth in paragraph a. shall not apply to repeat violators of this section. Said repeat violators shall be subject to immediate action by the Enforcement Officer and may immediately be issued a summons for a violation of this section. For the purposes of this section, repeat violator(s) shall mean a person or persons who have previously been served with a notice of violation within the last two (2) years for a substantially similar violation of this section pertaining to the same property.  
(Ord. #96-96 § 7; Ord. #99-10 § 1)

### **18-5.8 Penalties.**

Any person, firm, or corporation who shall violate any provisions of this section shall be subject to a fine not to exceed five hundred (\$500.00) dollars for the first offense and not to exceed one thousand (\$1,000.00) dollars for a second or subsequent offense, or imprisonment for a term not to exceed ninety (90) days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.  
(Ord. #96-96 § 8)

## **18-6 PAYMENT OF FIRE INSURANCE CLAIMS.\***

### **18-6.1 Conditions for Payment.**

a. No insurance company authorized to issue fire insurance policies in the State of New Jersey which issues or renews any fire insurance policy after the adoption of this section and the filing of same with the State Commissioner of Insurance, shall pay to any claimant a sum in excess of two thousand five hundred (\$2,500.00) dollars for fire damage on any real property located within the Township of Woodbridge until such time as:

1. Anticipated demolition costs and all taxes and assessments and all other municipal liens and charges due and payable to the Township as is indicated on an official certificate of search for municipal liens, shall have been paid in full, either by the owner of such real property or by the insurance company; or

2. The Township submits to the insurance company a copy of a resolution adopted pursuant to N.J.S.A. 17:36-11 authorizing an agreement between the Township

and the property owner for the payment in full of all personal taxes, assessments and other municipal liens by installment payments.

b. If an appeal is taken on the amount of any lien or charge, other than an appeal on the assessed valuation of real property pursuant to N.J.S.A. 54:3-21, the insurance company shall issue a draft payable to the court of record, to be held by the court in an interest-bearing escrow account in a State or Federally chartered bank, savings bank or savings and loan association in the State, in an amount totaling seventy-five (75%) percent of the full amount of the lien or charge being contested, but not to exceed the proceeds payable under its insurance policy, and the insurance company shall issue a draft payable to the Township for the remaining twenty-five (25%) percent of the lien or charge being contested, with the full amount paid by the insurance company to the court and the Township not to exceed the proceeds payable under the insurance policy, pending termination of all proceedings, at which time such monies and all interest accruing thereon, at a rate paid on interest-bearing accounts in the State or Federally chartered banks, savings banks or savings and loan associations in the State shall be disbursed in accordance with the final order or judgment of the court. (Ord. #00-07 § 1)

## **18-7 UNSAFE BUILDINGS DEMOLITION.**

### **18-7.1 Findings.**

It is hereby found and declared that the existence or occupation of any building or buildings, or parts thereof, in this Township which are so old, dilapidated or have become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, or occupancy, or use, are inimical to the welfare of the residents of this Township and that a public necessity exists for the repair, closing or demolition of such building or buildings, or parts thereof. (Ord. #02-41)

### **18-7.2 Exercise of Police Power.**

Whenever the Township finds that there exists within its boundaries any building or buildings, or parts thereof, which are unfit for human habitation or occupancy, or use, due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitation facilities, or due to other conditions rendering such building or buildings, or part thereof, unsafe or unsanitary, or dangerous or detrimental to the health or safety or otherwise inimical to the welfare of the residents of this Township, the Township shall exercise its police powers to repair, close or demolish, or cause or require the repairing, closing or demolition of such building or buildings, or parts thereof, in the manner herein provided. (Ord. #02-41)

### **18-7.3 Damaged Buildings.**

Any building or buildings, or parts thereof, located within the boundaries of this Township, which have been damaged to such an extent that nothing remains but the walls, or parts of the walls and other supports, shall, regardless of the safety and sturdiness of those remaining walls or parts thereof, be deemed inimical to the welfare of the residents of this Township, and the Township may exercise its police powers to repair, demolish, or cause the repairing or demolishing of the building or buildings, or parts thereof, pursuant to this section and the procedures set forth within. (Ord. #02-41)

### **18-7.4 Definitions.**

The following terms whenever used or referred to in this section shall have the following respective meanings for the purposes of this section, unless a different meaning clearly appears from the context.

- a. Commissioner shall mean the Commissioner of Building Safety\* authorized by this section hereunder to exercise the powers so prescribed.
  - b. Public authority shall mean any housing authority or any officer who is in charge of any department or branch of the government of the Township, Middlesex County or State of New Jersey relating to health, fire, building regulations, or to other activities concerning buildings in the municipality.
  - c. Owner shall mean the holder or holders of the title in fee simple.
  - d. Parties in interest shall mean all individuals, associations and corporations who have interests of record in a building and any who are in actual possession thereof.
  - e. Building shall mean any building, or structure, or part thereof, whether used for human habitation or otherwise, and includes any outhouses, and appurtenances belonging thereto and usually enjoyed therewith.
  - f. He or his shall mean he or she or his or hers, respectively.
- (Ord. #02-41)

### **18-7.5 Commissioner of Building Safety.**

The position of Commissioner of Building Safety is hereby created by this section and shall be held by the duly appointed Business Administrator of the Township. The Commissioner shall have the following powers and duties.

- a. Administer oaths and affirmations, examine witnesses and receive evidence;
- b. Enter upon premises for the purpose of making examinations; provided, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- c. Issue orders based on the discovery of facts during investigations and hearings compelling owners to repair unsafe conditions or demolish unsafe buildings;
- d. Serve owners and interested parties with complaints and orders;
- e. Appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of the ordinances;
- f. Delegate any of his functions and powers under the ordinance to such officers and agents as he may designate.

Any action taken using revenues derived from the local property tax shall be taken pursuant to the provisions of the "Local Public Contracts Law," N.J.S.A. 40A:11-1 et seq., unless the action is necessary to prevent imminent danger to life, limb or property. (Ord. #02-41)

### **18-7.6 Procedures to Repair, Demolish or Close an Unsafe Building.**

a. Whenever a petition is filed with the Commissioner by a public authority or by at least five (5) residents of the Township charging that any building is unfit for human habitation or occupancy or use or whenever it appears to the Commissioner (on his own motion) that any building is unfit for human habitation or occupancy or use, the Commissioner shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such building a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Commissioner (or his designated agent) at a place therein fixed not less than seven (7) days nor more than thirty (30) days after the serving of said complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in the courts shall not be controlling in hearings before the Commissioner.

b. That if, after such notice and hearing, the Commissioner determines that the building under consideration is unfit for human habitation or occupancy or use he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof and parties in interest an order:

1. Requiring the repair, alteration or improvement of the said building to be made by the owner, within a reasonable time, which time shall be set forth in the order or at the option of the owner to vacate or have said building vacated and closed within the time set forth in the order; and
2. If the building is in such a condition as to make it dangerous to the health and safety of persons on or near the premises, and the owner fails to repair, alter or improve the said building within the time specified in the order, then the owner shall be required to remove or demolish the said building within a reasonable time as specified in the said order of removal.

c. That, if the owner fails to comply with an order to repair, alter or improve or, at the option of the owner, to vacate and close the building, the Commissioner may cause such building to be repaired, altered or improved, or to be vacated and closed; that the Commissioner may cause to be posted on the main entrance of any building so closed, a placard with the following words: "This building is unfit for human habitation or occupancy or use; the use or occupation of this building is prohibited and unlawful."

d. That, if the owner fails to comply with an order to remove or demolish the building, the public officer may cause such building to be removed or demolished or may

contract for the removal or demolition thereof after advertisement for, and receipt of, bids therefor.

e. That the amount of:

1. The cost of the filing of legal papers, expert witnesses' fees, search fees and advertising charges, incurred in the course of any proceeding taken under this act determined in favor of the municipality; and

2. Such cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition, if any, or the amount of the balance thereof remaining after deduction of the sum, if any, realized from the sale of materials derived from such building or from any contract for removal or demolition thereof, shall be a municipal lien against any real property upon which such cost was incurred. If the building is removed or demolished by the Commissioner, he shall sell the materials of such building. There shall be credited against the cost of the removal or demolition thereof, including the clearance and, if necessary, leveling of the site, the proceeds of any sale of such materials or any sum derived from any contract for the removal or demolition of the building. If there are no such credits, or if the sum total of such costs exceeds the total of such credits, a detailed statement of the Municipal Tax Assessor or other custodian of the records of tax liens and a copy thereof shall be forthwith forwarded to the owner by registered mail. If the total of the credits exceeds such costs, the balance remaining shall be deposited in the Superior Court by the Commissioner, shall be secured in such manner as may be directed by such court, and shall be disbursed according to the order or judgment of the court to the persons found to be entitled thereto by final order or judgment of such court. Any owner or party in interest may, within thirty (30) days from the date of the filing of the lien certificate, proceed in a summary manner in the Superior Court to contest the reasonableness of the amount or the accuracy of the costs set forth in the municipal tax lien certificate.

If an actual and immediate danger to life is posed by the threatened collapse of any fire damaged or other structurally unsafe building, the Commissioner may, after taking such measures as may be necessary to make such building temporarily safe, seek a judgment in summary proceedings for the demolition thereof.

Nothing in this section shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise, nor is anything in this section intended to limit the authority of the enforcing agency or Construction Official under the State Uniform Construction Code Act, P.L. 1975, c.217, N.J.S.A. 52:27D-119 et seq., or any rules or regulations adopted thereunder.

(Ord. #02-41)

#### **18-7.7 Standards.**

The Commissioner may determine that a building is unfit for human habitation or occupancy or use if he finds that conditions exist in such building which are dangerous or injurious to the health or safety of the occupants of such building, the occupants of neighboring buildings or other residents of the Township.

Such conditions shall be deemed to include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects; uncleanliness; failure to comply with the building code or the certificate of occupancy. (Ord. #02-41)

#### **18-7.8 Service of Complaints and Orders.**

Complaints or orders issued by the Commissioner pursuant to this section shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the Commissioner in the exercise of reasonable diligence, and the Commissioner shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once in the newspaper designated by the Municipal Council for official notices. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall be duly recorded or lodged for record with the county recording officer for Middlesex County. (Ord. #02-41)

#### **18-7.9 Remedies.**

Any person aggrieved by an order issued by the Commissioner under this section may, within thirty (30) days after the posting and service of such order, bring an action in the Superior Court for injunctive relief to restrain the Commissioner from carrying out the provisions of the order and for any other appropriate relief. The court may proceed in the action in a summary manner or otherwise. The remedy herein provided shall be exclusive, and no person affected by an order of the Commissioner shall be entitled to recover any damages for action taken pursuant thereto, or because of noncompliance by any person with any order of the Commissioner. (Ord. #02-41)

#### **18-7.10 Administration of Section.**

The Administration shall as soon as possible prepare an estimate of the annual expenses or costs to provide the equipment, personnel and supplies necessary for periodic examinations and investigations of the buildings in the Township for the purpose of determining the fitness of such buildings for human habitation or occupancy or use, and for the enforcement and administration of this section; and the Township is authorized to make such appropriations from its revenues as it may deem necessary for this purpose and may accept and apply grants or donations to assist it in carrying out the provisions of this section. (Ord. #02-41)

#### **18-7.11 Supplemental Nature of the Section.**

Nothing in this section shall be construed to abrogate or impair the powers of the courts or of any department of the Township to enforce any provisions of its charter, ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this section shall be in addition and supplemental to the powers conferred by any other law. (Ord. #02-41)

#### **18-7.12 Severability.**

Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this section, or the application thereof to any person or circumstances is held invalid, the remainder of the act and the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby. (Ord. #02-41)

#### **18-7.13 Abatement of Nuisance, Correction of Defect, etc.; Lien Against Premises.**

The Township of Woodbridge, by resolution of its Governing Body, may abate a nuisance, correct a defect, or put any building or property into proper condition so as to comply with the requirements of any municipal ordinance or State law applicable thereto, at the cost of the owner or lessor, and expend municipal funds for such purpose and charge the same against the premises, and the amount thereof as determined by the Governing Body of the municipality shall be a municipal lien against the premises. (Ord. #2015-03)

### **18-8 ABANDONED PROPERTIES.**

#### **18-8.1 Findings.**

It is hereby found and declared that abandoned properties create a wide range of problems when allowed to exist in this Township, fostering criminal activity, creating public health problems and otherwise diminishing the quality of life for residents and business operators in those areas. Abandoned properties diminish the property values of neighboring properties and have a negative effect on the quality of life of adjacent property owners, increasing the risk of property damage through arson and vandalism and discouraging neighborhood stability and revitalization. For these reasons, abandoned properties are presumptively considered to be nuisances, in view of their negative effects on nearby properties and the residents or users of those properties. (Ord. # 04-51)

#### **18-8.2 Creation of Abandoned Property List.**

a. The Public Officer shall be designated by the Mayor, in accordance with N.J.S.A. 55:19-80.

b. The Public Officer is hereby directed to identify abandoned property for the purpose of creating an "abandoned property list" throughout the Township. Each item of abandoned property so identified shall include the tax block and lot number, the name and address of the owner of record, if known, the street address of the lot and the basis for a determination that the property is abandoned. (Ord. # 04-51; Ord. #12-17)

c. The Public Officer shall have the right to exercise the authority granted to the Township pursuant to Section 13 of P.L.2003, c. 210, to designate qualified

rehabilitation entities to act as the designee of the Township with respect to the provisions of that section.  
(Ord. # 04-51; Ord. #12-17; Ord. #2015-56; Ord. #2016-16)

### **18-8.3 Determination That Property Is Abandoned.**

Any property that has not been legally occupied for a continuous period of six (6) months leading up to the properties proposed inclusion on the abandoned property list and which meets any of the following additional criteria may be deemed to be abandoned property upon a determination by the Public Officer that:

- a. The property is in need of rehabilitation in the reasonable judgment of the Public Officer, and no rehabilitation has taken place during that six (6) month period;
- b. Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six (6) months prior to the date of determination by the Public Officer pursuant to this section;
- c. At least one (1) installment of property taxes remains unpaid and delinquent on that property in accordance with Chapter 4 of Title 54 of the Revised Statutes as of the date of a determination by the Public Officer pursuant to this section; or
- d. The property has been determined to be a nuisance by the Public Officer.

(Ord. # 04-51; Ord. #12-17)

### **18-8.4 Determination That Property Is a Nuisance.**

A property may be determined to be a nuisance if:

- a. The property has been found to be unfit for human habitation, occupancy or use;
- b. The condition and vacancy of the property materially increases the risk of fire to the property and adjacent properties;
- c. The property is subject to unauthorized entry leading to potential health and safety hazards; the owner has failed to take reasonable and necessary measures to secure the property; or the Township has secured the property in order to prevent such hazards after the owner has failed to do so;
- d. The presence of vermin or the accumulation of debris, uncut vegetation or physical deterioration of the structure or grounds have created potential health and safety hazards and the owner has failed to take reasonable and necessary measures to remove the hazards; or
- e. The dilapidated appearance or other condition of the property materially affects the welfare, including the economic welfare, of the residents of the area in close proximity to the property, and the owner has failed to take reasonable and necessary measures to remedy the conditions.

(Ord. # 04-51)

### **18-8.5 Supplemental Nature of the Section.**

Nothing in this section shall be construed to abrogate or impair the powers of the courts or any department of the Township to enforce any provisions of its charter, ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this section shall be in addition and supplemental to the powers conferred by any other law. (Ord. #04-51)

### **18-8.6 Requirements for Vacant Properties.**

#### **a. Definitions.**

1. Owner shall include any private title holder, any agent of a private title holder having authority to act with respect to an abandoned or vacant property, any foreclosing entity that has filed a notice with the Municipal Clerk pursuant to the provisions of C.46:10B-51 (P.L. 2008, c.127, Sec.17 as amended by P.L. 200, c.296), or any other entity determined by the Public Officer to have authority to act with respect to the property.
2. Vacant property shall mean any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased, and which is in such condition that it cannot legally be re-occupied without repair or rehabilitation; provided however, that any property that contains all building systems in working order and is being actively marketed by its owner for sale or rental, shall not be deemed vacant. Residential properties that meet the aforementioned criteria and are subject to a summons and complaint in an action for foreclosure shall be deemed vacant property in accordance with P.L. 2014, c. 35. Property deemed to be "abandoned property" in accordance with the meaning of such term in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq., shall also be deemed to be vacant property for the purposes of this section.

#### **b. General Requirements.**

1. Sixty (60) days after the effective date of this Ordinance (Ord. No. 2016-16, adopted March 1, 2016) or thirty (30) days after a building or lot becomes vacant as defined within this subsection, the owner shall file a registration statement for each such vacant property with the Public Officer on forms provided by the Public Officer for such purposes. The registration shall remain valid for one (1) year. The owner shall be required to renew the registration annually as long as the building or lot continues to be vacant as defined herein and shall pay a registration or renewal fee in the amount prescribed within this subsection.
2. The owner shall notify the Public Officer within thirty (30) days of any change in the registration information by filing an amended registration statement on a form provided by the Public Officer for such purpose.
3. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township of Woodbridge against the owner or owners of the property.

#### **c. Registration Requirements for Vacant Properties.**

1. The owner of vacant property shall provide the following information to the Public Officer on the registration form or form(s) prescribed by the Public Officer:
  - (a) Name, address, email address and contact telephone number of the owner; the owner's address must include a street address; a post office box is not acceptable;
  - (b) Name, address, email address and contact telephone number of any local agent(s) or representative for the building or lot;
  - (c) Name, address, email address and contact telephone number of the person assigned to the property for the security and maintenance of the building or lot;
  - (d) Common address and tax assessor's block and lot designation of the building or lot;
  - (e) The date on which the building became vacant;
  - (f) Proof of utility (gas, electric, water) connections or disconnections; and
  - (g) Any other information reasonably required by the Township to ensure the safety of all persons and to prevent neglect.
2. Any government entity that owns vacant property will be exempt from the provisions of this subsection. For purposes of this subsection, the holder of a FHA mortgage, HUD mortgage, or any other federally insured mortgage shall not be considered a government entity and shall not be exempt from the provisions of this subsection. The owner of any property that is acquired by the owner through the foreclosure of a FHA mortgage, HUD mortgage or any other federally insured mortgage shall also not be exempt from the provisions of this subsection.
3. By designating an authorized agent under the provisions of this subsection, the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered vacant property by service of the notice of process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this subsection shall be deemed to consent to the continuation of the agent's designation for the purposes of this subsection until the owner notifies the Township of a change of an authorized agent or until the owner files a new annual registration statement.
4. The owner is required to update the form within thirty (30) days of a change of any information contained within the form.
5. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township of Woodbridge against the owner or owners of the vacant property.
6. The Public Officer may identify abandoned properties through his/her routine inspection process as well as through notification by residents, or other community

groups that a property may be eligible for a property tax abatement. Notice will be served upon, or sent by mail, to the owner and will be deemed received by the owner, upon personal delivery; or five (5) days after service by first class mail.

d. Vacant Property Inspection.

After filing a registration statement or a renewal of a registration statement and upon reasonable notice, the owner of any vacant property shall provide access to the Township to conduct an exterior and interior inspection of the building to determine compliance with the Municipal Code, during the period covered by the initial registration or any subsequent renewal.

e. Requirements for Owners of Vacant Properties.

1. The owner of any vacant property, and any person maintaining, operating or collecting rent for any such property shall, within thirty (30) days:

(a) Enclose and secure the building against unauthorized entry in accordance with the applicable provisions of the Code of the Township of Woodbridge and as per the specifications established by the Department of Housing and Urban Development (HUD) for securing abandoned and/or vacant properties.

(b) Post a sign affixed to the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process (if designated pursuant to this subsection) and the person responsible for day-to-day supervision and management of the property, if such person is different from the owner or authorized agent. The sign shall be of a size and placed in such a location so as to be visible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 8" x 10" and shall state "WARNING: THIS BUILDING IS SECURED PURSUANT TO CHAPTER 18 OF THE TOWNSHIP OF WOODBRIDGE REVISED GENERAL ORDINANCES. ANYONE ENTERING THIS BUILDING WITHOUT AUTHORIZATION WILL BE SUBJECT TO ARREST"; and

(c) Secure the building from unauthorized entry and maintain the sign until the building is again legally occupied or demolished or until repair or rehabilitation of the property is complete.

2. The owner of any vacant property and any person maintaining such a property shall within sixty (60) days:

(a) Register the vacant property of which they are in possession.

(b) Ensure that all bushes and trees are trimmed and that they do not interfere with neighboring properties.

(c) Ensure that grass does not exceed eight (8) inches in height and that all grass clippings are removed from the lot when the grass is cut.

(d) Lots must be clear of all garbage, litter and debris. Vacant properties must be clear of all vehicles: cars, boats, campers, etc.

(e) All sidewalks bordering vacant properties must be maintained and be cleared of snow, ice, tripping hazards, obstructions, garbage, litter and debris.

(f) The owner or owner's agent shall perform regular weekly inspections of the vacant property to ensure compliance with the requirements of this subsection.

3. If the owner of the vacant property fails to comply with any provisions of this subsection, the Township shall take the necessary steps to bring the property into compliance with this subsection. All costs incurred by the Township in connection with its efforts to bring the property into compliance shall be forwarded to the Tax Collector for inclusion as a municipal lien on the property.

f. Fees.

The initial registration fee for each vacant property shall be five hundred (\$500.00) dollars. The fee for subsequent renewals shall be one thousand (\$1,000.00) dollars. The renewal fee for the annual registration shall be due on the yearly anniversary of the initial registration. The registration fee will not be prorated or refunded.

g. Violations and Penalties.

1. Any owner who is not in full compliance with this subsection or who otherwise violates any provision of this subsection or of the rules and regulations issued hereunder shall be subject to a fine of not less than \$250. and not more than \$1,000. for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this subsection shall be recoverable from the owner and shall be a lien on the property.

2. For purposes of this subsection, failure to file a registration statement in time, failure to provide correct information on the registration statement, and/or failure to comply with any other provisions of this subsection shall be deemed to be a violation hereunder.

(Ord. #2015-56; Ord. #2016-16)

## 18-9 BAMBOO.

### 18-9.1 Purpose.

The purpose of this section is to protect and promote the public health through the control of the growth of bamboo. (Ord. #13-45)

### 18-9.2 Definitions.

As used in this section, the following terms shall have the meanings indicated:

Bamboo shall mean all native and non-native variations of the plant commonly known as bamboo. These plants may damage trees, vegetation, or structures.

Enforcing officer shall mean the Chief Housing Inspector of the Township or his designee.

(Ord. #13-45)

### 18-9.3 Inspections.

All places and premises in the Township of Woodbridge shall be subject to inspection by the enforcing officer. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Township of Woodbridge. Such inspection shall be made if that official has reason to believe that any subsection of this section is being violated. (Ord. #13-45)

### 18-9.4 Violations and Penalties.

a. Whenever bamboo as defined by this section is found planted in the ground on any plot of land, lot or any other premises or place, a notice of violation shall be given to the owner and any tenant in possession of the property, in writing, to remove or abate the same within such time as shall be specified herein. Bamboo whose root system is entirely contained within a pot or other container shall not constitute a violation.

b. The cost of the abatement shall be borne by the property owner and/or any tenant in possession of the property.

c. If the owner and/or tenant fails to comply with such notice within the time specified therein, a summons shall be issued to the property owner and/or tenant. Furthermore, the enforcing officer may remove or otherwise control the bamboo and the Township may thereafter recover the costs incurred in connection with said removal. Should owner or tenant, within thirty (30) days of the demand of the Township fail to reimburse the Township for all amounts paid by the Township to abate any violations of this section, said amount shall be forwarded to the Tax Collector and shall be added to the next applicable tax bill for the property in question.

(Ord. #13-45)

**Editor's Note:** Former Section 18-1, Housing-Property Maintenance Code (Ord. #9-19-72), was superseded by Ord. #78-9. For regulations concerning the removal of snow and ice, see Chapter III, Police Regulations, Section 3-24. For removal of brush, weed and debris, see Chapter XXXV, Health Regulations, Section 35-7.

**Editor's Note:** For regulations concerning the removal of snow and ice, see Chapter III, Police Regulations, Section 3-24.

**Editor's Note:** See also Section 2-66, Fire Insurance Claims.

**Editor's Note:** Or whatever alternate title the Council may choose.

