BOROUGH OF NEW MILFORD
BERGEN COUNTY, N.J.
ORD. # 2013:22

INTRODUCED November 25, 2013
PASSED AT FIRST READING November 25, 2013
PUBLIC HEARING December 16, 2013
ADOPTED December 16, 2013
APPROVED December 16, 2013

Mayor Ann Subrizi

This is to certify that the foregoing ordinance was finally passed and adopted at the regular meeting of the Council of the Borough of New Milford, New Jersey on December 16, 2013 and that same was approved by the Mayor on December 16, 2013.

Christine Demiris
Borough Clerk

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ORDINANCE NO. 2013:22

AN ORDINANCE AMENDING CHAPTER XII, PROPERTY MAINTENANCE, OF THE ORDINANCES OF THE BOROUGH OF NEW MILFORD IN THE COUNTY OF BERGEN, NEW JERSEY AND ESTABLISHING THE POSITION OF PROPERTY MAINTENANCE OFFICER

WHEREAS, the Mayor and Council of the Borough of New Milford in the County of Bergen, State of New Jersey, has caused its ordinances of a general and permanent nature to be compiled and revised and embodied in a revision and codification known as “The Revised General Ordinances of the Borough of New Milford, 1991;” and

WHEREAS, the Mayor and Council of the Borough of New Milford are desirous of amending Chapter XII of ‘The Revised General Ordinances of the Borough of New Milford, 1991,” entitled “Property Maintenance,” to establish a position of Property Maintenance Officer and designate said Officer as an Enforcement Officer and amend the provisions for abatement by the Borough in the event of noncompliance with notices issued by such Enforcement Officer.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF NEW MILFORD IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, AS FOLLOWS:

SECTION I: The purpose of this Ordinance is to establish the position of Property Maintenance Officer as an Enforcement Officer for purposes of enforcement of this
Chapter and to amend the provisions for abatement by the Borough in the event of noncompliance with notices issued by such Enforcement Officers.

SECTION II: Chapter XII, PROPERTY MAINTENANCE, is hereby amended by the addition of the following:

12-2 Property Maintenance Officer

There shall be established in the Borough of New Milford the position of Property Maintenance Officer (“PMO”).

The PMO shall protect the health, safety and welfare of residents and visitors of the Borough of New Milford by enforcing all municipal codes and ordinances, and concerning the maintenance of property.

The PMO is designated as an Enforcement Officer as set forth in this Chapter.

12-3 Liberally Construed

This ordinance shall be liberally construed to effectuate the purposes stated herein.

12-4 Duties and Obligations

The PMO shall investigate complaints and shall inspect properties to determine compliance with the borough’s municipal code, ordinances, and relevant state law and codes concerning the maintenance of property.

The PMO shall appear in court when necessary to testify.

12-5 Location

The work of the PMO shall be conducted both in an office in Borough Hall and at inspection sites throughout the borough.

12-6 Official Records and Reports

The PMO shall maintain records at Borough Hall of unkempt properties, junk vehicles, improper storage of materials and other public nuisances and debris as those terms are defined in the Borough Code.

The PMO shall make monthly typed reports to the Borough Administrator. These reports shall include, but not be limited to, the following information: complaints received, inspections performed, inspection findings, summonses issued and court rulings on borough cases brought by the PMO.
The Borough Administrator shall make quarterly reports to the Mayor & Council. Said report shall include but not be limited to a calculation of the total amount of fines imposed by the court, total number of summonses issued, total amount of fines received by the borough and total number of convictions and dismissals.

12-7 Property Maintenance
The Property Maintenance Office shall by enforce all municipal codes and ordinances concerning the maintenance of property with respect to, but not limited to, the following:

a. The exterior of residential, commercial and industrial buildings structures and houses.
b. Abandoned and dilapidated buildings.
c. Accessory usage (e.g., portable storage units, dumpsters, temporary structures).
d. Overgrown grass and/or weeds or other vegetation.
e. Construction and other debris on site.
f. Illegal signs and signs placed illegally (e.g., in the public right-of-way).
g. Cars parked illegally on grass or lawns or blocking sidewalks.
h. Clothing bins.
i. Garbage/refuse/litter and garbage pick-up.
j. Snow removal from sidewalks

k. Excretion of pets or other animals left on public property or improper disposal of same.
l. Construction and other work or services being performed outside permitted hours.

12-8 Hours, Wages, Mileage
The position of PMO is a part-time position with no benefits.

The salary and number of hours shall be set by the Mayor and Council.

12-9 Discovery of Violation

The PMO, upon discovering a violation, shall issue all necessary notices, correspondence, summonses and/or orders to compel compliance with the municipal code, ordinances, and relevant state law and codes concerning the maintenance of property regarding the health, safety and welfare of residents and visitors.

12-10 Authorization to Issue Summons/Discretionary Acts
The PMO is authorized to issue a summons upon determining that probable cause exists to believe that a violation of any provision of the Borough’s ordinances, or relevant state law or codes concerning the maintenance of property has occurred.

The PMO may instead, in his/her discretion, first issue a written notice of the violation to the person or persons or entity responsible for the violation. The notice shall be deemed
properly served if (a) a copy is sent by regular and certified mail to the last known address of the person or entity upon which the notice is served as shown by the most recent tax list of the municipality and at least one is not returned; or (b) a copy is handed to said person or entity.

Nothing herein shall abrogate the Borough’s obligations under section 12-1.2, which requires notice and opportunity to cure prior to the governing body authorizing remediation and imposition of a lien upon real property.

The notice shall include a concise statement of the reason(s) for its issuance and shall state that unless the violation is abated, removed, cured, prevented or desisted from within 10 days of the date of service (exclusive of the date of service), a summons shall issue for the violation.

The PMO may extend the period for compliance if, in his/her judgment, the responsible person or entity has made or is making a good faith effort to comply but, for reasons beyond the control of that person or entity, compliance could not be effected in time. Any extension of time within which to comply shall be in writing.

In the event that the violation is not abated, removed, cured, prevented or desisted from or otherwise fully remedied within the time period stated in the notice, and any written extension, a summons shall then be issued against the person, persons, entity or entities so notified.

Nothing in this section shall obligate the PMO to issue or entitle any person to receive, a notice as a condition to the issuance of a summons or a notice in lieu of a summons.

12-11 Penalties/Administrative Fee
Any person, persons or entity or entities who or which violate any provision of this ordinance shall be punishable as set forth in New Milford Ordinances Chapter 1 section 1-5 et seq., General Penalty. A separate offense shall be deemed committed on each and every occasion or day during or on which the violation occurs or continues.

An administrative fee of $25.00 per summons shall be assessed by the Court against any person convicted of a summons issued by the PMO for a violation of any offense. This administrative fee shall be in addition to any court costs, fines or fees imposed. This administrative fee shall be used to defray the administrative expenses associated with the compilation of the reports and data required by this chapter.

12-12 Severability
If any section, subsection, paragraph, sentence, clause or phrase of this ordinance shall be declared to be unenforceable or invalid for any reason whatsoever, such decision or declaration shall not affect the remaining portions of this ordinance, which shall continue in full force and effect and to this end the provisions of this ordinance are hereby declared to be severable.
Headings
The headings of the subsection of this chapter are for ease of reference only and shall not be deemed to limit the applicability of any of the subsections.