

ARTICLE I

ORDINANCE NO. 5-2013

AN ORDINANCE FOR THE PARTIAL AMENDMENT, SUPPLEMENTATION AND REVISION OF CHAPTER 29, ENTITLED “PROPERTY MAINTENANCE CODE” OF THE “REVISED ORDINANCES OF THE BOROUGH OF MORRIS PLAINS, NEW JERSEY, 1972” TO PROVIDE FOR THE REGULATION OF UNOCCUPIED OR VACANT BUILDINGS.

WHEREAS, the Borough Council is desirous of amending the existing property maintenance code with regulations governing the maintenance of unoccupied or vacant buildings located within the Borough of Morris Plains.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Morris Plains, they being the Governing Body thereof, as follows:

Section 1:

Chapter 29, “Property Maintenance” of The Revised Ordinances of the Borough of Morris Plains, New Jersey, 1972” (hereinafter “Revised Ordinances or “Revision”) is hereby amended, supplemented and revised with the addition of a new Section 29-12, which shall read, in its entirety, as follows:

29-12. Unoccupied or vacant buildings.

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

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

- (1) Plumbing. Every existing plumbing fixture shall be properly installed and be in sound condition and good repair.
- (2) Electricity. Every existing outlet and fixture shall be properly connected. Wiring and service lines shall be maintained in good and safe working condition.
- (3) Heating plant. The heating plant shall be maintained in a safe condition.
- (4) Cooking equipment. All cooking equipment shall be maintained in a safe condition.

(c) Safety from fire. All owners of unoccupied or vacant buildings shall comply with the applicable provisions of the Borough Fire Prevention Ordinance and the following additional standards for safety from fire:

- (1) No unoccupied or vacant building shall contain any space utilized for the storage of flammable liquids.
- (2) No room within any vacant or unoccupied building shall be used for storage of junk, rubbish or wastes, furniture or building materials not intended to be used in the existing building.
- (3) The early detection and containment of fire being a valid municipal concern, the boarding up of doors and windows shall not be permitted except with the permission of the Code Enforcement Officer in emergency situations. When doors and windows are boarded up, they shall be covered with no less than one-half inch exterior plywood or equivalent, which shall be the same color

as the building exterior. In no case shall boarding up of doors and windows be permitted in excess of ninety (90) days without a waiver from the Borough Council.

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

(d) Safe and sanitary maintenance. All unoccupied or vacant buildings shall comply with the following minimum standards for safe and sanitary maintenance:

- (1) Every foundation, exterior wall or exterior roof shall be weather tight, watertight, and rodent proof, shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.
- (2) Every floor, interior wall and ceiling shall be substantially rodent proof, shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.
- (3) Every window, exterior door and basement or cellar door and hatchway shall be weather tight, watertight, rodent proof and locked and shall be kept in sound working condition and good repair.
- (4) Every inside and outside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to

be placed thereon and shall be kept in sound condition and good repair.

- (5) Every yard shall be properly graded so as to prevent the accumulation of stagnant water.
- (6) There shall be a controlled method of disposing of water from roofs by use of gutters and downspouts, which shall be installed and maintained in sound condition, free of leaks and obstructions.
- (7) Every building's cellar, basement and crawl space shall be maintained reasonably free from dampness.
- (8) The exterior of every building or accessory building shall be maintained free of broken windows, loose shingles, crumbling stone or brick or excess peeling paint.
- (9) The exterior of the premises and the condition of any accessory buildings shall be maintained so that the appearance of the premises and all buildings thereof shall reflect a level of maintenance in keeping with the standards of the neighborhood and such that the appearance of the premises and buildings shall not constitute a blighting factor for adjoining property owners nor an element leading to the progressive deterioration and downgrading of the neighborhood with the accompanying diminution of property values.

Section 2:

Section 29-16, entitled "Violations and Penalties" in Chapter 29, "Property Maintenance" of the Revised Ordinances is hereby further amended, supplemented and revised by inserting the term "Section 1-9" at the end of the sentence.

Section 3:

Chapter 29, "Property Maintenance" of the Revised Ordinances is hereby further amended, supplemented and revised by the renumbering existing "Section 29-12. Enforcement."; "Section 29-13. Additional remedies."; "Section 29-14. Compliance inspection."; "Section 29-15. Costs of removal of debris."; and "Section 29-16. Violations and Penalties." so that hereafter, they shall be known and designated as "Section 29-13. Enforcement."; "Section 29-14. Additional remedies."; "Section 29-15. Compliance inspection."; "Section 29-16. Costs of removal of debris." and "Section 29-17. Violations and penalties."

Section 4:

All other provisions of the aforesaid Chapter 29 of the Revised Ordinances shall be unaffected and are hereby continued.

Section 5:

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 6:

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid by a Court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance.

Section 7:

This Ordinance shall take effect immediately after final passage and publication.

Introduced: April 18, 2013

Adopted: May 2, 2013

/s/ Frank J. Druetzler