

CHAPTER XII

PROPERTY MAINTENANCE

12-1 PROPERTY MAINTENANCE CODE.

12-1.1 Adoption of Property Maintenance Code. The "BOCA Basic/National Existing Structures Code/1996," as published by Building Officials and Code Administrators (BOCA) International, Inc., establishing minimum standards governing the condition, maintenance and rehabilitation of all existing structures, establishing minimum standards governing supplied utilities and facilities and other physical things and conditions essential to insure that structures are safe, sanitary and fit for occupation and use; establishing minimum standards governing the condition of dwellings offered for rent; fixing certain responsibilities and duties of owners and occupants of structures and the condemnation of structures unfit for human habitation and demolition of such structures; and fixing penalties for violation, be and hereby is adopted as the Property Maintenance Code for the control of buildings and structures as herein provided; and each and all of the regulations of the Basic/National Existing Structures Code/1996 are hereby referred to, adopted and made a plan hereof as if fully set out in this section. (Ord. No. 85-9)

12-1.2 Copies Filed with Clerk. Three (3) copies of the above code shall be available in the office of the Municipal Clerk for the use of and examination by the public. (Ord. No. 85-9)

12-1.3 Amendments and Revisions. The following sections of the BOCA Basic/National Existing Structures code/1996 are hereby revised or changed as follows:

- a. The name "Borough of Surf City" shall be inserted in the second sentence of Section ES-100.1 on page 1 of the Code.
- b. Section ES-110.2 entitled "Penalty" be and is hereby amended to read as follows:

Any person, firm or corporation who shall violate any provision of this Code shall, upon conviction thereof, be subject to a fine of not less than twenty-five (\$25.00) dollars or more than five hundred (\$500.00) dollars 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.

- c. Section ES-112.4 entitled "Restraining Action" on page ten of the Code shall be amended by the addition of the number "5" between the words "within" and "days" on line 2 of the section.
- d. Section ES-111.0 entitled "Right to Appeal" shall be deleted in its entirety and in lieu thereof a new section, Section ES-111.0 entitled "Right to Appeal" shall be added.

ES-111.1 *Petition.* Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Code, or any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Borough Council, provided that such person shall file with the Municipal Clerk a written petition requesting such hearing and containing a statement of the grounds thereof within twenty (20) days after the notice was served.

ES-111.2 *Vote.* The Borough Council shall hear all appeals relative to the enforcement of this Code and by a concurring vote of a majority of its members may

reverse or affirm, wholly or in part, or may modify, the decision appealed from and shall make such order or determination as in its opinion ought to be made. Failure to secure such concurring vote shall be deemed confirmation of the decision of the Code Official.

ES-111.3 *Records of Appeal.* The Municipal Clerk shall keep a record of each meeting so that the record shows clearly the basis for each decision made by the Borough Council.

- e. The definition "Code Official" found in Article 2 entitled "Definitions" be and is hereby amended to be defined as follows:

The Health Officer who is charged with the administration and enforcement of this Code, or any duly authorized representative.
(Ord. No. 85-9)

12-1.4 Prior Violations Continued. Nothing in this section or the BOCA Basic/National Existing Structures Code, 1996, hereby adopted, shall be construed to affect any suit or proceeding pending in any court, or any other rights acquired or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby repealed, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this section. (Ord. No. 85-9)

12-2 WEED CONTROL.

12-2.1 Notice to Remove by Weed Control Commission. It shall be the duty of the owner and of the tenant of lands lying within the territorial limits of the Borough to remove from such lands brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris within ten (10) days after notice from the Weed Control Commission to remove the same. Delivery of the notice in the case of any

owner shall be made by mailing the same to such owner by certified mail, postage prepaid, at his address as shown on the last tax duplicate of the Borough and, in the case of a tenant, by mailing the same to such owner and tenant, by certified mail, postage prepaid at the street address of the lands in question. (1969 Code § 4-11.1)

12-2.2 Failure to Comply with Notice. In cases where the owner or tenant shall have refused or neglected to remove the brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris within the time provided in the preceding subsection hereof, the same may be removed by or under the direction of the Weed Control Commission. Where the same shall have been removed by or under the direction of the Commission, the Director thereof shall certify the cost to the Tax Collector who shall examine the cost, and if found correct, the Collector shall cause the cost to be charged against the lands from which the obnoxious growths or other matter shall have been removed. The amount so charged shall become a lien upon the lands and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and shall be collected by the same officers and in the same manner as taxes. (1969 Code § 4-11.2)

12-3 MAINTAINING PROPERTY FREE OF LITTER.*

12-3.1 Duties of Owners and Tenants. The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this subsection shall not prohibit the storage of litter in authorized private receptacles for collection. (1969 Code § 4-3.7)

***Editor's Note:** For additional provisions regarding litter, see Section 4-1 of Chapter IV.

12-3.2 Notice to Remove. The Code Enforcement Official is authorized and empowered to notify the owner of any open or vacant private property within the Borough, or the agent of the owner, to properly dispose of litter located on the owner's property which is dangerous to public health, safety or welfare. The notice shall be by registered mail, addressed to the owner at his last known address, and shall state the acts to be performed by the owner or tenant, as well as the penalty for failure to comply with the notice. (1969 Code § 4-3.8)

12-3.3 Cost of Removal. If the owner or tenant to which notice is sent neglects or refuses to comply with the notice within ten (10) days of receipt of same, the Code Enforcement Official shall arrange to perform the acts required by the notice at the cost of the Borough. He shall certify the cost to the Mayor and Council, who shall examine the certificate and, if found correct, shall cause the costs shown on the certificate to be charged against the lands benefited. The cost shall be added to the taxes next assessed and levied upon the lands benefited. The cost shall bear interest at the same rate as taxes and be collected and enforced by the same officers and in the same manner as taxes. (1969 Code § 4-3.9)

12-4 STORAGE OF BULKY HOUSEHOLD ITEMS.

There is hereby prohibited the storage in areas zoned residential and bulky household items including but not limited to appliances, furniture or mattresses, as well as the storage of tires, except in a fully enclosed structure. (Ord. No. 88-20 § 2)