

ORDINANCE #677  
AMENDING C. 248 PROPERTY MAINTENANCE AND AMENDING C. 325  
TRAILERS, MOBILE HOMES AND CAMPSITES

Whereas the Mayor and Council has determined it is in the best interest of the Borough of Harrington Park to amend certain sections of the Harrington Park code to stay current with existing conditions and changes within the community and to improve the welfare and quality of life within the Borough;

Whereas, a study has been undertaken to determine those areas that would best be served by amendment;

NOW THEREFORE BE IT ORDAINED that the following sections specifically referenced shall amend the Harrington Park Borough code as follows:

Section 248-1 shall be replaced with the following:

§ 248-1. General.

- A. Title. This chapter shall be known as the “Property Maintenance Code of the Borough of Harrington Park” and may be referred to as “this chapter”.
- B. Findings. The Borough of Harrington Park hereby finds that certain unsafe, unsanitary, undesirable and unhealthy conditions exist at various properties in the Borough and the public health, safety and welfare make it desirous to terminate unsafe, unsanitary, undesirable and unhealthy conditions and to prevent other similar conditions from arising in the future on any properties in the Borough.
- C. Purposes. The purpose of this chapter is to protect the public health, safety and welfare by establishing minimum standards governing the maintenance, appearance and condition of residential and nonresidential structures and all existing premises; to establish minimum standards governing facilities and other physical components and conditions essential to make the aforesaid facilities fit for human habitation and use; to compel certain responsibilities and duties upon owners, operators and occupants; and to affix penalties for the violation of this chapter. This chapter is hereby declared to be remedial and essential for the public interest, and it is intended that this chapter be liberally construed to effectuate the purposes stated herein.
- D. Severability. If a section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this chapter.

§ 248-2. Definitions and word usage.

A. As used in this article, the following terms shall have the meanings indicated:

**ACCESSORY STRUCTURE**

A building or use that is on the same lot as and subordinate to the main building and which is under the same ownership or control as and used for a purpose customarily incident to the use of the main building.

**BLIGHTING**

A deteriorating influence or conditions affecting use and value of real estate.

**BUILDING**

Any building or structure or part thereof, whether used for human habitation or otherwise, and includes any outbuildings and appurtenances belonging thereto or usually enjoyed therewith.

**DETERIORATION**

The condition of a building or a part thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rust any or other evidence of physical decay, neglect, lack of maintenance or excessive use.

**EXTERIOR PREMISES**

Those portions of a building or structure which are exposed to public view or are visible from adjoining and adjacent lots, including all outside surfaces and appurtenances thereto and the open land space of any premises outside any building or structure erected thereon.

**IMMINENT DANGER**

A condition that could cause serious or life-threatening injury or death at any time.

**INFESTATION**

The presence of or within a premises of any insects, rodents or other pests that present a safety hazard.

**JUNKED VEHICLE**

Any vehicle or trailer (not located with in a garage) which is without a current valid license plate and/or is unregistered as required by Title 39 of the New Jersey statutes and/or is in a rusted, wrecked, discharged, dismantled, partly dismantled, inoperative or abandoned conduit on. The Code Enforcement Officer determines whether or not a vehicle

warrants this classification. Specifically exempt from the definition of a “junked vehicle” are vehicles registered as historic vehicles.

#### LITTER, RUBBISH, JUNK, SCRAP MATERIALS

Non-putrescible solid wastes, consisting of both combustible and noncombustible wastes, such as paper wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, auto parts, appliances, construction debris or similar materials.

#### NUISANCE

(1) Any public or private condition that would constitute a nuisance according to the statutes, laws and regulations of the State of New Jersey, its governmental agencies or the ordinances of the Borough of Harrington Park.

(2) Any condition which may be detrimental to the health or safety of a person or persons, whether outside or inside a building, on the lands and premises containing a building or in or upon an unoccupied lot. This includes, but is not limited to, such conditions created by abandoned, open or structurally unsound wells, shafts, towers, basements, foundations or excavations; abandon ice boxes, refrigerators, motor vehicles or parts thereof; structurally unsound buildings, structures or fences; lumber, trash, debris, rubbish, refuse containers, construction material, tree stumps, dead or dying trees or branches, stones, appliances, furniture or household goods, or depressions or holes in the land.

(3) Any physical condition potentially dangerous or hazardous to human life or safety or tending to be detrimental to the health of persons on, near or passing within the proximity of the premises where said condition exists.

#### OCCUPANT

Any person or persons, including the owner, in actual possession of and using a building or any occupancy unit in the building.

#### OPERATOR

Any person who has charge, care or control of a dwelling or premises, or a part thereof, whether with or without the knowledge and consent of the owner.

#### OWNER

Any person or persons or other entity who shall have legal or equitable title to any premises or part thereof, with or without accompanying

actual possession thereof, or who shall have charge, care or control of any lot, premises, building, structure or part thereof, as owner or agent of the owner, or a fiduciary, including but not limited to testamentary heirs, fiduciaries, trustees, receivers, guardians of an estate or of another, administrators or as mortgagees in possession.

#### PREMISES

A lot plot or parcel, including the buildings or structures thereon.

#### PROPERTY MAINTENANCE CODE ENFORCEMENT OFFICIAL

(Also referred to as "Code Enforcement Official") Individual primarily and concurrently responsible for the enforcement of the Property Maintenance Code and all Borough Ordinances not otherwise reserved to statutory code officials.

#### RECREATIONAL VEHICLE (EXCEPTION TO CHAPTER 325. TRAILERS, MOBILE HOMES AND CAMPSITES)

A motorized vehicle that has a truck or motor van chassis primarily designed to provide temporary living quarters for travel, camping, recreation and /or vacation use. Shall meet all requirements set forth in the chapter for motor vehicles.

#### REFUSE

All putrescible and nonputrescible solid wastes, including but not limited to garbage, rubbish, ashes, street cleanings, dead animals, abandon automobiles and parts thereof and solid market and industrial wastes.

#### STORAGE CONTAINER

A receptacle or container that is less than 1,500 cubic feet, or any aggregate of that total (if multiple PODS), that is suitable for the depositing of household furnishings, clothing and similar materials for the purpose of storage of same by the owner on a temporary basis when moving, construction or renovation is ongoing by the owner on his/her lot in the Borough.

#### TRAILER

A structure standing on blocks, wheels, towed or hauled by another vehicle and used for carrying materials, goods, objects or as a temporary office. Single axel is acceptable. Anything over a single axel is prohibited.

B. All terms and words used in this article shall be deemed and construed to include any other number, singular or plural, and other gender, masculine, feminine or neuter, as the context or sense of any paragraph or clause herein may require.

§ 248-3. Maintenance of landscaping.

All trees, shrubbery and other items of landscaping required as part of the site plan approvals heretofore or hereafter granted shall be maintained and, if necessary, replaced by the owners of such property. Said items of landscaping shall be maintained at all times and at least to the same quality required at site plan review.

§ 248-4. Lawns and Vegetation.

Lawns in said residential and business, commercial and industrial areas shall be maintained so that the length of grass does not exceed six inches. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 8 inches. All noxious weeds shall be prohibited. "Weeds" shall be defined as all vines, annual plants and vegetation of an undesirable nature which primarily "choke" other preferred plantings other than trees or shrubs; provided, however, that said definition shall not include cultivated flowers and/or gardens.

§ 248-5. Shrubs and trees.

The shrubbery and trees within such areas shall be attractively maintained and kept free of all debris and rubbish.

§ 248-6. Maintenance of exterior premises.

The exterior premises shall be kept free of litter (including, without limiting the generality of the foregoing, discarded, windblown, deposited, dropped or strewn papers, wrappings, cardboard, bottles, cans, boxes and broken glass) and of all nuisances and hazards to safety of tenants, occupants, pedestrians and other persons having access to the premises and free of unsanitary conditions, and any of the foregoing shall be promptly removed and abated. The word "hazards" shall include but not be limited to, the following:

A. Refuse.

B. Dead and dying trees and other natural growth which, by reason of rotting or deteriorating conditions or storm damage, are or may be dangerous to persons in the vicinity thereof. Trees are to be kept pruned and trimmed to prevent such conditions.

C. Loose overhanging and projecting objects which, by reason of location above ground level, constitute dangerous to persons in the vicinity thereof.

D. Holes, mounds, excavations, breaks, projections, obstructions and excretions on paths [and other animals on paths], sidewalks, walks, driveways, parking lots and parking areas and other parts of the exterior of

the premises which are accessible to and used by persons having access to such premises.

E. Sources of infestation.

F. Structurally unsound, defective or damaged foundation walls. Foundation walls shall be kept structurally sound, free from defects and damage and capable of bearing imposed load safely.

G. Chimneys and towers. All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe and sound and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by any periodic application of weather-coating materials such as paint or similar surface treatment.

H. Defective or deteriorating porches, stairs and fire escapes. Exterior porches or landings, balconies, stairs and fire escapes shall be provided, consistent with Boca and fire codes, with banisters or railings properly designed and maintained, structurally sound, in good repair and free from defects.

#### § 248-7. Exterior Appearance

A. In furtherance of the purposes of this article, it shall be the duty and responsibility of the owner, owners, operators or occupants of the premises aforesaid to comply with any and all the requirements and standards of this article, to keep the premises free of conditions which constitute violations hereof and to promptly remove, prevent or abate such conditions within 30 days of the enactment of this article.

1. Exterior surfaces. All exterior surfaces, including but not limited to doors, door and window frames, roofs, cornices, porches, trim, balconies and decks shall be maintained in good condition and free from any hazards. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All surfaces shall be maintained free from broken glass, loose shingles, crumbling stone or brick or other condition reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety hazard eliminated and adjoining properties and the neighborhood protected from blighting influence.

2. Signs. All signs, including the structural and supporting components thereof, and all light stanchions and poles shall be maintained in good repair.

3. Awnings and marquees. Any awning or marquee and its accompanying structural members which extend over any street, sidewalk or other portion of the premises shall be maintained in good repair and shall be so maintained as to not constitute a nuisance or safety hazard. In the event that any such awnings or marquees are not properly maintained in accordance with the foregoing, it shall, together with its supporting members, be removed forthwith. In the event that any such awning or marquee is made of cloth, plastic or of similar materials, said materials, where exposed to public view, shall be maintained in good condition and shall not show evidence of excessive weathering, discoloration, ripping, tearing or other deterioration. Nothing herein shall be construed to authorize an encroachment of an awning, marquee or its accompanying structural members on streets, sidewalks or other parts of the public domain.
4. Scaffolding. No temporary painting scaffold or other temporary equipment used for construction, repair or maintenance shall be permitted to remain in place beyond the period of six months after erection or placement thereof, without permission of the Zoning Officer or Construction Code Official.
5. Firewood. Firewood cannot be stored in the front yard. It must be stacked.
6. Residential parking. No person shall park, stop or stand any motor vehicle on any portion of any premises except on driveways constructed and installed in compliance with applicable Borough ordinances.
7. Trailers. No person shall park, stop or stand any trailer on any portion of any premises at any time. Exception: Specifically exempt from the aforesaid are single axel, licensed trailers.
8. Motor vehicles and trailers. No motor vehicle or trailer which is either without a current inspection sticker; or without current license plates; or without a currently valid New Jersey registration; or is classified as a junked vehicle by the definition set forth in this chapter shall be parked, kept or stored on any premises, and no motor vehicle shall at any time be in a state of major disassembly, disrepair or in the process of being stripped or dismantled unless such vehicle is kept within a garage or automobile service station service bay. Exception: Specifically exempt from the aforesaid are vehicle registered as historic vehicles, vehicles at approved towing yards and vehicles being repaired at approved auto body shops. No required front, side or rear setbacks shall be used for the overnight parking or storage of any boats, house trailers, mobile homes, recreation vehicles or unregistered, uninspected or dismantled motor vehicles.

It shall be unlawful for any owner, possessor or occupant of lands in the Borough of Harrington Park to store, place, keep, park or accumulate upon such lands any motor vehicles, automobiles or machines in need of repair

so is not to be readily operated under their own power, requiring substantial repairs or not currently licensed or not being currently used for transportation. Nothing herein shall be construed to limit the storage of vehicles which are kept in an enclosed garage.

No person shall keep or permit the keeping on any streets, vacant lots, parking lots or anywhere outdoors on the premises, except in a fully enclosed structure, any motor vehicle, trailer or semitrailer:

- (a) Which is missing tires, wheels, engine or any essential part;
- (b) Which displays extensive body damage or deterioration;
- (c) Which does not display a current, valid state license plate, valid inspection sticker; or
- (d) Which is wrecked, disassembled, partially disassembled, inoperable or considered a junked vehicle.

9. Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces, paved areas and similar areas shall be kept in the proper state of repair and maintained free from potholes, cracks and other hazardous conditions.

10. There shall not be stored or used at a location visible from the sidewalk, street or other public areas in residential zones equipment and material relating to commercial (excepting vehicles as otherwise provided under §325) or industrial uses unless otherwise permitted under the applicable zoning ordinances of the Borough of Harrington Park.

11. Accessory structures. All accessory structures, including but not limited to detached garages, fences and walls, stairways, walkways and parking lots, shall be maintained structurally sound and in good repair, in accordance with the provisions of this article.

12. Boats. Boats shall not be parked within any required front, side, or rear yard setbacks. Any boat must be on a trailer that is registered and covered during the off season. The area around the boat must be properly maintained.

13. Exterior structure. The exterior of the structure shall be maintained in good repair, structurally sound and sanitary in accordance with the provisions of this article.

14. All leaders, gutters or any storm water drainage systems must be maintained clean and free of obstructions, debris vegetation and in good working order.



15. Public nuisance. No premises, lots or structures within this Borough shall be maintained in such a way as to constitute a public nuisance. A public nuisance shall include but not be limited to the following:

(a) Any physical condition or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations or unsafe fences or structures.

(b) Any premises that is unsanitary or littered with rubbish or garbage or that is overgrown with grass, weeds or other natural growth.

(c) Any structure that is in a state of dilapidation, deterioration or decay; has faulty construction; is overcrowded; has excessive storage or is vacant (and is deteriorating) or abandoned; has been damaged by fire to the extent so as not to provide shelter; is in danger of collapse or failure; or is dangerous to anyone on or near the premises.

16. Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant, owner or agent shall keep that part of the property which the occupant, owner or agent controls or occupies in a clean and sanitary condition.

#### § 248-8. Building and structure maintenance.

Every inside and outside stairway, every porch and every appurtenance thereto shall be constructed and maintained as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon and should be kept in sound condition and in good repair.

#### § 248-9. Storage Containers.

##### A. General instructions.

- (1) A single storage container of 1,500 cubic feet or any aggregate of that total (if multiple containers) or less shall be permitted on any lot in the Borough on a temporary basis as set forth hereafter. Larger-size storage containers are prohibited in all residential zones.
- (2) It may be located in any yard area but no closer than five feet from all interior property lines, and it shall not be located any closer than 10 feet to any street line.
- (3) The location of the temporary storage container on a corner property shall not cause a sight obstruction at an intersection.

(4) A storage container(s) shall be permitted in accordance with this section, but it shall only remain on the lot for a maximum of 30 days from the date that the permit is issued.

(5) A storage container(s) with a valid permit issued pertaining to the need for a storage container shall only remain on the lot for a maximum of 90 days when there is a need for a storage container.

B. Permit requirements. Before any owner shall be permitted to place a storage container(s) on the lot, an application to the Building Department for a permit to do so shall be filed and approved. The application shall identify the owner and/or the tenant, location, size and the length of time that the storage container is requested.

(1) A storage container shall be permitted to remain for the following length of time:

(a) Thirty days.

(b) Ninety days if a valid building permit was issued pertaining to the need for a storage container.

(2) The owner may seek to keep the storage container for an additional period of time by making a separate application for extension to the Building Department with the understanding and acknowledgment that any extension granted will not be further extended and additional fees will be required unless extenuating circumstances apply, such as a fire or natural disaster.

C. Fees. There is no fee for the first 30 days. In the case of an extension application (for each 30 day period thereafter), there is a \$50.00 fee to the Borough.

D. Violations and penalties. Any person who violates any provisions of this section shall, upon conviction, be punished by a fine not to exceed \$200 or by imprisonment not to exceed 90 days, or both. Each and every day that a violation exists shall be deemed a separate and distinct violation.

#### § 248-10. Administration and enforcement.

A. Enforcement officer. The Property Maintenance Code Enforcement Official, or his designee, of the Borough of Harrington Park is hereby designated as the public officers to exercise the powers prescribed by this article.

B. Enforcement procedures. Whenever the enforcement officer determines that there is or has been a violation of any provisions of this article, he shall give notice of such violation to the persons or persons or entities responsible therefor under this article. Such notice shall be in writing and

shall include a concise statement of the reasons for issuance. Such notice shall be deemed properly and sufficiently served if a copy thereof is sent by registered or certified mail to the last known address of the person or entity upon which the same is served, as shown by the most recent tax list of the municipality; or a copy thereof handed to said person or persons; or a copy thereof left at the usual place of abode or office of said person or entities. Notice shall be given as aforesaid, within or without the municipality. The notice shall also state that, unless the violation is abated, removed, cured or prevented within 10 days of the date of service of such notice (exclusive of the date of service), a summons shall be issued for such violations. The enforcement officer may, at the time he issued the notice, or any time thereafter, extend the period for compliance with the violations stated in the notice for a period in excess of the aforesaid 10 days if, in his judgment, the abatement, removal, prevention, cessation of or cure of the condition violated cannot reasonably be affected within the ten-day period. In the event that the violation is not abated, removed, cured, prevented or otherwise fully remedied within said ten-day period or within such extended period as set forth in the notice pursuant to the foregoing, a summons shall be issued against the person, persons, entity or entities so notified.

#### C. Failure to conform; abatement by Borough.

Where the abatement of any condition as described herein, correction of a defect in the premises or work necessary to place the premises in a proper condition, so as to conform to this article or any other ordinance of the Borough or applicable laws of the State of New Jersey shall not have been completed within 30 days of the act for said written notice from the Code Enforcement Official, the Code Enforcement Official shall present a report of work proposed to be done to accomplish the foregoing to the governing body of the Borough with an estimate of the cost, along with a summary of the proceedings undertaken by the Code Enforcement Official to secure compliance, including notices served upon the occupants, owners, operators or their agents as the case may be. The governing body may thereupon, by resolution, authorize the abatement of the nuisance or the correction of the defect or work necessary to place the premises in proper condition and in compliance with this article. The Code Enforcement Official or, at the direction of the governing body, its agents or representatives, depending upon the volume of work to be performed, may thereafter proceed to have the work performed in accordance with the resolution at Borough expense, not to exceed the amount specified in the resolution, and shall, upon completion thereof, submit a report of the moneys expended and costs to the governing body. After a review of the report, the governing body may approve the expenses and costs, whereupon the same shall become a lien against the premises, collectible as provided by law. A copy of the resolution approving the expenses and costs shall be certified by the Borough Clerk and filed with the Tax Collector of the Borough of Harrington Park, who shall be responsible

for the collection, and a copy of the report and resolution shall be sent by certified mail, return receipt requested, to the owner.

§ 248-11. Responsibilities of owner, operator and occupant.

The responsibility of the owner, operator and occupant are to be independent of each other.

A. Owners and operators. Owners shall have all the duties and responsibilities as prescribed in this article, and the owner shall not be relieved from any such duties and responsibilities nor be entitled to defend against any charge of violation thereof by reason of the fact that the occupant is also responsible therefor and in violation thereof. *Editor's Note: Amended at time of adoption of Code (see Ch.1, General Provisions, Art. 1).*

B. Occupants. Occupants shall have all the duties and responsibilities as prescribed in this article, and the occupant shall not be relieved from any such duties and responsibilities nor be entitled to defend against any charge of violation thereof by reason of the fact that the owner or operator is also responsible therefor and in violation thereof. *Editor's Note: Amended at time of adoption of Code (see Ch.1, General Provisions, Art. 1).*

C. Contract not to alter responsibilities, unless expressly provided to the contrary in this article. The responsibilities of the owner and operator on one hand, and the occupant on the other, shall not be altered or affected by any agreement or contract by and between any of the aforesaid or between them and other parties.

§ 248-12. Emergency conditions.

Whenever the Code Enforcement Official or Construction Code Official finds that an emergency condition in violation of this article exists, which condition requires immediate attention to protect the public health or safety, he may issue and order by service of notice as set forth above reciting the existence of such an emergency condition and requiring that such action be taken by the violator as soon as it is reasonably necessary to meet the emergency. Notwithstanding any other provisions of this article, such order shall be effective immediately.

§ 248-13 Lien on property.

Should the person or persons upon whom notice is served pursuant to § 248-10B fail, neglect or refuse to remedy the alleged violation, the Borough of Harrington Park may alleviate the situation, and the actual cost of such action shall be certified by the Code Enforcement Official, Construction Code Official or as appointed by the governing body of the Borough to the Tax Collector, which shall thereupon become and be a lien on the property on which the alleged violation occurred. Said lien shall be added to and form a part of the taxes next to be

assessed on said property and shall be collected and enforced by the same officer and in the same manner as taxes.

§ 248-14. Costs to become lien against property.

The costs of landscape maintenance or replacement on the basis of time and materials shall be charged to the property owner and, if not promptly paid, shall be certified to the Tax Assessor and shall become a municipal lien against said property.

§ 248-15. Applicability to zoning. Nothing contained in this article or any requirement of compliance herewith shall be deemed to alter, impair or affect the application of the zoning laws or ordinances of the Borough of Harrington Park.

*Editor's Note: See Ch. 350, Zoning.*

§ 248-16. Violations and penalties.

*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).* Any person or persons or entity who or which violates any provision of this article shall be punishable as set forth in Chapter 164, Fines and Penalties. A separate offense shall be deemed committed on each and every occasion or day during or on which a violation occurs or continues.

Chapter 325 entitled "Trailers, Mobile Homes and Campsites" shall be amended to read Commercial Vehicle Prohibition.

§325-1 definitions.

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

Commercial Vehicle-any vehicle used primarily or intended to be used in commerce or business (whether bearing a commercial registration or not) and weighs in excess of 4 tons.

§325-2 Parking Prohibited.

The parking of commercial vehicles is hereby prohibited in the Borough of Harrington Park unless garaged and completely out of view, allowed pursuant to specific zoning approval or parked pursuant to transient service to a particular property.

§325-3. Violations and penalties.

Every person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a separate offense for each day during which such violation continues. Upon conviction of violation of any such offense, such

person, firm or corporation shall be punished as set forth in Chapter 164,  
Fines and Penalties.