

Ordinance #2001-960

AN ORDINANCE REPEALING ORDINANCE NO. 716 AND ADOPTING THE PROVISIONS OF THE "2000 INTERNATIONAL PROPERTY MAINTENANCE CODE," AS SECTIONS THEREOF ARE REVISED AND DELETED HEREIN, AS A NEW PROPERTY MAINTENANCE CODE OF AND FOR THE BOROUGH OF MANVILLE

BE IT **ORDAINED** by the Mayor and Council of the Borough of Manville, County of Somerset and State of New Jersey, as follows:

SECTION 1. REPEAL OF ORDINANCE NO. 716.

Ordinance No. 716 is hereby repealed subject to the exceptions contained in Section 4, hereof.

SECTION 2. ADOPTION OF PROPERTY MAINTENANCE CODE.

A certain document, three (3) copies of which are on file in the Office of the Clerk of the Borough of Manville, being marked and designated as the *International Property Maintenance Code* as published by the International Code Council, Inc., be and is hereby adopted as the *Property Maintenance Code* of the Borough of Manville, in the County of Somerset, State of New Jersey; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said *Property Maintenance Code*, are hereby referred to, adopted, and made a part hereof, as if fully set out in this Chapter, with the additions, insertions, deletions and changes prescribed in Section 3, hereof.

SECTION 3. REVISION OF SECTIONS.

The following sections of the *International Property Maintenance Code* are hereby revised to read as follows:

"101.1 Title. These regulations shall be known as the *Property Maintenance Code* of the Borough of Manville, hereinafter referred to as 'this code.'

"102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy shall be done in accordance with the procedures and provisions of New Jersey law and Borough ordinances. In the event of any inconsistency between the provisions of this code and other applicable law or ordinance, the more stringent provision shall apply. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Manville Zoning Ordinance.

**SECTION 103
DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION**

"103.1 General. The Department of Property Maintenance Inspection is hereby created. The executive official in charge thereof shall be known as the code official.

"103.2 Appointment. Upon nomination of the Mayor, and by and with the advice and consent of the Council, the code official shall be appointed to serve for a term of one year and until his successor shall be appointed and qualified. A vacancy in office shall be filled for the balance of the unexpired term. Provided, however, the term of the initial appointee to the

office of Property Maintenance Hearing officer shall be from the date of appointment through December 31, 2001.

“103.4 Restriction of employees. An official or employee connected with the enforcement of this code, shall not be engaged in or directly or indirectly connected with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the division.

103.6

[RESERVED]

104.7 Division records. The code official shall keep official records of all business and activities of the division specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided by other regulations.

106.2 Notice of violation, order, summons and complaint. The code official shall serve a notice of violation or order in accordance with Section 107. The code official may file a summons and/or complaint in the municipal court or cause the issuance of the same, whether or not a notice of violation or order shall have been served. Any such summons and/or complaint shall be processed in accordance with law.

106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a disorderly persons offense, and the violation shall be deemed a strict liability offense. If the notice or violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The costs of such repair shall be charged against the real estate upon which the repairs were made and shall be a lien upon such real estate.

109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Borough Clerk, be afforded a hearing as described in this code.

111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal provided that a written application for appeal is filed with the Borough Clerk within 20 days after the day that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or that the strict application of any requirement of this code would cause an undue hardship. The Borough Clerk shall forthwith forward a copy of the application of appeal to the code official and the Property Maintenance Hearing Officer. Nothing herein shall be construed as affording a right to an administrative appeal from a summons and/or complaint issuing out of the municipal court.

111.2 Property Maintenance Hearing Officer. Upon nomination of the Mayor, and by and with the advice and consent of the Council, a Property Maintenance Hearing Officer shall be appointed to serve for a term of one year and until his successor shall be appointed to serve

for a term of one year and until his successor shall be appointed and qualified. A vacancy in office shall be filled for the balance of the unexpired term. Provided, however, the term of the initial appointee to the office of Property Maintenance Hearing Officer shall be from the date of appointment through December 31, 2001.

111.3 Notice of Hearing. The Property Maintenance Hearing Officer shall conduct a hearing upon notice to all interested parties within 20 days of the filing of an appeal, or within such extended period as shall be agreed upon by the parties.

111.4 Open Hearing. All hearings before the Property Maintenance Hearing Officer shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interest are affected shall be given an opportunity to be heard.

111.4.1 Procedure. The Property Maintenance Hearing Officer shall promulgate and make available to the public procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

111.4.2 Disqualification. In the event the Property Maintenance Hearing Officer is disqualified or unable to conduct a hearing for any reason, the Mayor, without the necessity of Council confirmation, shall appoint a substitute to act in the property maintenance Hearing Officer's place.

111.6 Property Maintenance Hearing Officer's Decision. The Property Maintenance Hearing Officer may affirm, modify or reverse the decision of the code official.

111.6.1 Records and copies. The decision of the Property Maintenance Hearing Officer shall be recorded. Copies shall be furnished to the appellant and to the code official.

111.6.2 Administration. The code official shall take immediate action in accordance with the decision of the Property Maintenance Hearing Officer.

111.7 Court review. Any appeal from a decision of the Property Maintenance Hearing Officer shall be taken to a court of competent jurisdiction in accordance with law.

111.8 Stays of enforcement. Appeals of notice and orders shall not stay the enforcement of the notice and order unless a stay is granted by the code official or by the Property Maintenance Hearing Officer upon application on an expedited basis.

303.14 Insect screens. During the period from May 1 to October 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25mm) and every swinging door shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

602.3 Heat supply. Every owner and operator of any building who rents, leases, or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall, supply heat during the period from

October 1 to May 1 to maintain a temperature of not less than 65°F (18°C) in all habitable rooms, bathrooms, and toilet rooms.

Exception: When outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 1 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

§ 128-3. Deletion of Subsections.

Subsections 111.2.1 through 111.2.5 of the *International Property Maintenance Code* are hereby deleted.”

SECTION 4. PENDING MATTERS SAVED FROM REPEAL.

Nothing in this ordinance or in the *Property Maintenance Code* hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 1 of this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 5. CONSTRUCTION.

Where consistent with the context in which used in this ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and, words importing one gender shall include all other genders.

SECTION 6. SEVERABILITY.

In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

SECTION 7. PURPOSE OF CAPTIONS.

Captions contained in this ordinance have been inserted only for the purpose of facilitating reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION 8. EFFECTIVE DATE.

This ordinance shall be effective immediately upon final adoption, approval and publication in accordance with law.

Borough of Manville

Angelo Corradino, Mayor

ATTEST:

Philip E. Petrone, Borough Clerk

STATEMENT OF PURPOSE

The purpose of this Ordinance is to establish minimum regulations governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; known as the *Property Maintenance Code*.

ORDINANCE #2001-960

FIRST READING:

ROLL CALL

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		JASIAK	√			
√		ALLAN	√			
		PETROCK	√			
	√	POLAK	√			
		WEISS	√			
		WIERZBA	√			
		MAYOR CORRADINO				

PASSED this 9th day of July, 2001.

Attest:

Philip E. Petrone, Borough Clerk

SECOND READING:

ROLL CALL

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		JASIAK				√
√		ALLAN	√			
		PETROCK	√			
		POLAK	√			
		WEISS	√			
	√	WIERZBA	√			
		MAYOR CORRADINO				

ADOPTED this 13th day of August, 2001.

Attest:

Philip E. Petrone, Clerk

