



Borough of Manville
Ordinance # 2023-1304

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 2019-1223, PROPERTY MAINTENANCE, OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF MANVILLE, SOMERSET COUNTY, NEW JERSEY.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Manville, in the County of Somerset and State of New Jersey, that **ORDINANCE NO. 2019-1223**, be repealed and is hereby replaced as follows and will be referred to as Chapter 32 Property Maintenance:

32-1 ADOPTION OF PROPERTY MAINTENANCE CODE

32-1.1 Title

These regulations shall be known as the International Property Maintenance Code of the Borough of Manville (the "Borough"), hereinafter referred to as the "Code."

32-1.2 Scope

The provisions of the Code shall apply to all existing residential and nonresidential structures and all existing premises, and shall constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

32-1.3 Intent

The Code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

32-2 APPLICABILITY

32-2.1 General

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of the Code and the referenced standards, the provisions of the Code shall apply. Where, in a specific case, different sections of the Code specify different requirements, the most restrictive shall govern.

32-2.2 Maintenance

Equipment, systems, devices and safeguards required by the Code, or by a previous regulation or code under which the structure or premises was constructed, altered or repaired, shall be maintained in good working order. No owner, owner's authorized agent, operator or occupant shall cause any service, facility, equipment or utility that is required hereunder to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of the Code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's authorized agent shall be responsible for the maintenance of buildings, structures and premises.

32-2.3 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 the Code and other applicable law or ordinance, the more stringent provision shall apply. Nothing in the Code shall be construed to cancel, modify or set aside any provisions of the Borough's Land Use ordinances.

32-2.4 Existing Remedies

The provisions in the Code shall not be construed to abolish or impair existing remedies of the Borough or its officers or agencies relating to the removal or demolition of any structure that is dangerous, unsafe and insanitary.

32-2.5 Workmanship

Repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of the Code shall be executed and installed in a workmanlike manner and installed in accordance with the

manufacturer's instructions and all applicable permits and inspections obtained and passed.

32-2.6 Historic Buildings

The provisions of the Code shall not be mandatory for existing buildings or structures designated as historic buildings where such buildings or structures are deemed by the code official to be safe and in the public interest of health, safety and welfare.

32-2.7 Reserved

32-2.8 Reserved

32-2.9 Reserved

32-2.10 Requirements Not Covered by Code

Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare not specifically covered by the Code, shall be determined by the code official.

32-2.11 Application of References

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of the Code.

32-2.12 Other Laws

The provisions of the Code shall not be deemed to nullify any provisions of local, state or federal law.

32- 3 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

32-3.1 General

The Department of Property Maintenance Inspection is hereby created. The executive official in charge thereof shall be known as the Director of Code Enforcement. Inspections and enforcement actions will be conducted by the Director of Code Enforcement or his/her designees who will be titled Code Enforcement Inspector. The Code Enforcement Inspector shall have such additional powers as may be delegated by the Director of Code Enforcement. All references in the Code to enforcement by the Director of Code Enforcement shall also mean enforcement by Code Enforcement Inspectors.

32-3.2 Appointment

Upon nomination of the Mayor, and by and with the advice and consent of the council, the Director of Code Enforcement shall be appointed to serve for a term of one (1) year until his successor shall be appointed and qualified. A vacancy in office shall be filled for the balance of the unexpired term.

32-3.3 Reserved

32-3.4 Liability

The Director of Code Enforcement, and all Code Enforcement Inspectors, while acting for the Borough in good faith and without malice in the discharge of the duties required by the Code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

32-3.5 Legal Defense

Any suit or criminal complaint instituted against the Director of Code Enforcement, Code Enforcement Inspector(s) or any other official or employee because of an act performed by such person in the lawful discharge of duties and under the provisions of the Code shall be defended by the legal representative of the Borough until the final termination of the proceedings. The Director of Code Enforcement, Code Enforcement Inspector(s) or other official or employee shall not be liable for costs in an action, suit or proceeding that is instituted as a result of enforcement of the provisions of the Code.

32-3.6 Restriction of Employees

An official or employee charged with enforcement of the Code shall not engage in, directly or indirectly, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless the official or employee is the owner of the building; nor shall such official or employee engage in any work that conflicts with his/her official duties.

32-4 DUTIES AND POWERS OF THE DIRECTOR OF CODE ENFORCEMENT

32-4.1 General

The Director of Code Enforcement and Code Enforcement Inspectors are hereby authorized and directed to enforce the provisions of the Code. The Director of Code Enforcement shall have the authority to render interpretations of the Code and to adopt policies and procedures in order to clarify the application of the Code. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of the Code and shall be uniformly applied. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in the Code.

32-4.2 Authority

The Director of Code Enforcement shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate procedures to implement the provisions of the Code, and to designate requirements applicable because of local climatic or other conditions. Such procedures shall not have the effect of waiving structural

or fire performance requirements specifically provided for in the Code, or of violating accepted engineering methods involving public safety.

32-4.3 Right of Entry

The Director of Code Enforcement is authorized to enter a structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Code Official is authorized to pursue recourse as provided by law.

32-4.4 Identification

The Director of Code Enforcement and all Code Enforcement Inspectors shall carry proper identification when inspecting structures or premises in the performance of duties under the Code.

32-4.5 Notices and Orders

The Director of Code Enforcement and all Code Enforcement Inspectors shall issue all necessary notices or orders to ensure compliance with the Code.

32-4.6 Department Records

The Director of Code Enforcement shall keep official records specified in the provisions of the 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.

32-5 APPROVAL

32-5.1 Modifications

Whenever there are practical difficulties involved in carrying out the provisions of the Code, the Director of Code Enforcement shall have the authority to grant modifications for individual cases upon application of the owner or owner's authorized agent, provided the Director of Code Enforcement shall first find that special, individual reason(s) makes the strict letter of the Code impractical, the modification is in compliance with the intent and purpose of the Code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the Department of Code Enforcement files.

32-5.2 Alternative Materials, Methods and Equipment

The provisions of the Code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by the Code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the Director of Code Enforcement finds that the proposed design is satisfactory and complies with the intent of the provisions of the Code, and that the material, method or work offered is, for the purpose

intended, at least the equivalent of that prescribed in the Code in quality, strength, effectiveness, fire resistance, durability and safety. Notwithstanding, all materials and methods of construction must meet all zoning and UCC codes. Where the alternative material, design or method of construction is not approved, the Director of Code Enforcement shall respond in writing, stating the reasons the alternative was not approved.

32-5.3 Required Testing

Whenever there is insufficient evidence of compliance with the provisions of the Code or evidence that a material or method does not conform to the requirements of the Code, or in order to substantiate claims for alternative materials or methods, the Director of Code Enforcement shall have the authority to require tests to be made as evidence of compliance, at no expense to the Borough.

32-5.4 Test Methods

Test methods shall be as specified in the Code or by other recognized test standards. In the absence of recognized and accepted test methods, the Director of Code Enforcement shall be permitted to approve appropriate testing procedures performed by an approved agency.

32-5.5 Test Reports

Reports of tests shall be retained by the Director of Code Enforcement for the period required for retention of public records.

32-5.6 Used Material and Equipment

The use of used materials that meet the requirements of the Code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested where necessary, placed in good and proper working condition and approved by the Director of Code Enforcement or the appropriate UCC inspector(s).

32-5.7 Approved Materials and Equipment

Materials, equipment and devices approved by the Director of Code Enforcement shall be constructed and installed in accordance with such approval.

32-5.8 Research Reports

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in the Code, shall consist of valid research reports from approved sources.

32-6 VIOLATIONS

32-6.1 Unlawful Acts

It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of the Code.

32-6.2 Notice of Violation

The Director of Code Enforcement or Code Enforcement Inspector 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 except for violations or subsections 32-23.2 through 32-23.5 of the Code. Any such summons and/or complaint shall be processed in accordance with law.

32-6.3 Prosecution of Violation

Any person failing to comply with a notice of violation or order served in accordance with Section 32-7 of the Code shall be deemed guilty of a disorderly person's offense, the violation shall be deemed a strict liability offense, and a summons with a mandatory municipal court appearance will be issued by the Director of Code Enforcement or Code Enforcement Inspector. The Director of Code Enforcement or Code Enforcement Inspector may seek from Municipal Court an order imposing daily fines for unabated violations.

32-6.4 Violation Penalties

Any person who shall violate a provision of the Code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

32-6.5 Abatement of Violation

The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

32-7 NOTICE AND ORDERS

32-7.1 Notice to Person Responsible

Whenever the Director of Code Enforcement determines that there has been a violation of the Code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 32-7.2 and 32-7.3 to the person responsible for the violation as specified in the Code. Notices for condemnation procedures shall also comply with Section 32-8.8.

32-7.2 Form

Such notice prescribed in Section 32-7.1 shall be in accordance with all of the following:

1. Be in writing;
2. Notice in Spanish shall be given if the household's primary language is Spanish;
3. Include a description of the real estate sufficient for identification;
4. Include a statement of the violation or violations and why the notice is being issued; and
5. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of the Code.

32-7.3 Method of Service

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally; or
2. Affixed to the front door of the property with 24 hour notice to abate and a photo of the Notice affixed to the front door is taken; or
3. Sent by certified or first-class mail addressed to the last known address; or
4. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

32-7.4 Unauthorized Tampering

Signs, tags or seals posted or affixed by the Director of Code Enforcement or Code Enforcement Inspector shall not be mutilated, destroyed or tampered with, or removed without authorization from the Director of Code Enforcement.

32-7.5 Reserved

32-7.6 Transfer of Ownership

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Director of Code Enforcement or Code Enforcement Inspector, and shall furnish to the Director of Code Enforcement a signed

and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

32-8 UNSAFE STRUCTURES AND EQUIPMENT

32-8.1 General

When a structure or equipment is found by the Director of Code Enforcement to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of the Code. The determination must be made by the Director of Code Enforcement in conjunction with the applicable areas, Construction Official, Fire Marshal, Health Officer, Housing Official, pertaining to the violations.

32-8.1A Unsafe Structures

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is possible. The determination must be made by the Director of Code Enforcement in conjunction with the applicable areas, Construction Official, Fire Marshal, Health Officer, Housing Official, pertaining to the violations.

32-8.2 Unsafe Equipment

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure. The determination must be made by the Director of Code Enforcement in conjunction with the applicable areas, Construction Official, Fire Marshal, Health Officer, Housing Official, pertaining to the violations.

32-8.3 Structure Unfit for Human Occupancy

A structure is unfit for human occupancy whenever the Director of Code Enforcement finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by the Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public. The determination must be made by the Director of Code Enforcement in

conjunction with the applicable areas, Construction Official, Fire Marshal, Health Officer, Housing Official, pertaining to the violations.

32-8.4 Unlawful Structure

An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under the Code, or a structure or part thereof that was erected, altered or occupied contrary to law.

32-8.5 Dangerous Structure or Premises

For purposes of the Code, any structure or premises that have any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of or applicable to the Borough as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of or applicable to the Borough, or of any law or ordinance to such an extent as

to present either a substantial risk of fire, building collapse or any other threat to life and safety.

9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the Director of Code Enforcement to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the Director of Code Enforcement to be a threat to life or health.

11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

32-8.6 Closing of Vacant Structures

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Director of Code Enforcement is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner or owner's authorized agent to close up the premises within the time specified in the order, the Director of Code Enforcement shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons, and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected by any other legal recourse.

32-8.7 Authority to Disconnect Service Utilities

The Director of Code Enforcement shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the Code in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The Director of Code Enforcement shall notify the serving utility and, whenever possible, the owner or owner's authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner, owner's authorized agent or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

32-8.8 Notice

Whenever the Director of Code Enforcement has condemned a structure or equipment under the provisions of this Section 32-8, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, owner's authorized agent or the person or persons responsible for the structure or equipment in accordance with Section 32-7.3. If the notice pertains to equipment, it shall be placed on the condemned equipment. The notice shall be in the form prescribed in Section 32-7.2.

32-8.9 Placarding

Upon failure of the owner, owner's authorized agent or person responsible to comply with the notice provisions within the time given, the Director of Code Enforcement shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

32-8.10 Placard Removal

The Director of Code Enforcement shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Director of Code Enforcement shall be subject to the penalties provided by the Code.

32-8.11 Prohibited Occupancy

Any occupied structure condemned and placarded by the Director of Code Enforcement shall be vacated as ordered by the Director of Code Enforcement. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner, owner's authorized agent or person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment, shall be liable for the penalties provided by the Code.

32-8.12 Abatement Methods

The owner, owner's authorized agent, operator or occupant of a building, premises or equipment deemed unsafe by the Director of Code Enforcement shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

32-8.13 Record

The Director of Code Enforcement shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

32-9 EMERGENCY MEASURES

32-9.1 Imminent Danger

When, in the opinion of the Director of Code Enforcement, in conjunction with the applicable areas, Construction Official, Fire Marshal, Health Officer, Housing Official, pertaining to the violations, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Director of Code Enforcement is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Director of Code Enforcement shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Director of Code Enforcement." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

32-9.2 Temporary Safeguards

Notwithstanding other provisions of the Code, whenever, in the opinion of the Director of Code Enforcement, in conjunction with the applicable areas, Construction Official, Fire Marshal, Health Officer, Housing Official, pertaining to the violations, there is imminent danger due to an unsafe condition, the Director of Code Enforcement shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Director of Code Enforcement, in conjunction with the applicable areas, Construction Official, Fire Marshal, Health Officer, Housing Official, pertaining to the violations, deems necessary to meet such emergency.

Section 32-10 DEMOLITION

17-10.1 General

The Director of Code Enforcement, in conjunction with the applicable areas, Construction Official, Fire Marshal, Health Officer, Housing Official, pertaining to the violations, shall order the owner or owner's authorized agent of any premises upon which is located any structure, which in the Director of Code Enforcement's or owner's authorized agent's judgment, after review, is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair, or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the Director of Code

Enforcement, in conjunction with the applicable areas, Construction Official, Fire Marshal, Health Officer, Housing Official, pertaining to the violations shall order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair.

32-10.2 Notices and Orders

Notices and orders shall comply with Section 32-7.

32-10.3 Failure to Comply

If the owner of a premises or owner's authorized agent fails to comply with a demolition order within the time prescribed, the Director of Code Enforcement with Mayor and Council approval by resolution, shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

32-10.4 Salvage Materials

When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

Section 32-11 STOP WORK ORDER

32-11.1 Authority

Whenever the Director of Code Enforcement, in conjunction with the applicable areas, Construction Official, Fire Marshal, Health Officer, Housing Official, pertaining to the violations finds any work regulated by the Code being performed in a manner contrary to the provisions of the Code or in a dangerous or unsafe manner, the Director of Code Enforcement is authorized to issue a stop work order.

32-11.2 Issuance

A stop work order shall be in writing and shall be given to the owner of the property, to the owner's authorized agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

32-11.3 Emergencies

Where an emergency exists, the Director of Code Enforcement, in conjunction with the applicable areas, Construction Official, Fire Marshal, Health Officer, Housing Official, pertaining to the violations shall not be required to give a written notice prior to stopping the work.

32-11.4 Failure to Comply

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine of not less than \$100 dollars or more than \$2,000 dollars per day.

32-12 TERMS AND DEFINITIONS

Unless otherwise expressly stated, the following terms shall, for the purposes of the Code, have the meanings shown in this Section 32-12.

32-12.1 Interchangeability

Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

32-12.2 Terms Defined in Other Codes

Where terms are not defined in the Code and are defined in the International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Residential Code, International Zoning Code or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

32-12.3 Terms Not Defined

Where terms are not defined through the methods authorized by this Section 17-12, such terms shall have ordinarily accepted meanings such as the context implies.

32-12.4 Parts

Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit" or "story" are stated in the Code, they shall be construed as though they were followed by the words "or any part thereof."

32-12.5 General Definitions

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. Acceptable to the Director of Code Enforcement, in conjunction (if applicable) with, Construction Official, Fire Marshal, Health Officer, Housing Official.

BASEMENT. That portion of a building that is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

CODE OFFICIAL. The Director of Code Enforcement who is charged with the administration and enforcement of the Code, or any duly designated Code Enforcement Inspector including but not limited to UCC Inspectors, Fire Marshal, Fire Inspector, Health Inspector, Housing Inspector.

CONDEMN. To adjudge unfit for occupancy.

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS. The costs shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a code official or the governing body.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a lot or lots.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HISTORIC BUILDING. Any building or structure that is one or more of the following:

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register or state or locally designated historic district.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating that does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rodents, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized

testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY or LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

NEGLECT. The lack of proper maintenance for a building or structure.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

32-13 GENERAL PROPERTY MAINTENANCE REQUIREMENTS – PROPERTY OWNER RESPONSIBILITY

32-13.1 Scope

The provisions of the Code shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

32-13.2 Responsibility

The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise

provided for in the Code. A person shall not occupy as owner-occupant or permit another person to occupy premises that are not in a sanitary and safe condition and that do not comply with the requirements of the Code. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

32-13.3 Vacant Structures and Land

Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein and as detailed herein, so as not to cause a blighting problem or adversely affect the public health or safety.

32-14 EXTERIOR PROPERTY

32-14.1 Sanitation Exterior Property Areas

Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The property owner shall be responsible to keep the exterior of the property in a clean and sanitary condition.

32-14.2 Grading and Drainage

Premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

32-14.3 Sidewalks and Driveways

Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

32-14.4 Weeds

Premises and exterior property shall be maintained free from weeds, grass, or plant growth in excess of 8 inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided however, that this term shall not include cultivated flowers and gardens. Violators of this section 32-14.4 shall be issued a summons by the Director of Code Enforcement, with a mandatory court appearance.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after issuance of summons, they shall be subject to prosecution in accordance with Sections 32-23.3 and 32-23.4 of the Borough Code.

32-14.5 Maintenance of Trees, Shrubs, Hedges & Bushes

Trees, shrubs hedges and bushes shall be kept neat and trim so as to allow for unobstructed pedestrian passage and safe line of sight viewing for vehicles at intersections.

32-14.6 Rodent Harborage

Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

32-14.7 Exhaust Vents

Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

32-14.8 Accessory Structures

Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

32-14.9 Motor Vehicles

Except as provided for in other regulations, no inoperative or unlicensed/unregistered motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

32-14.10 Defacement of Property

- a. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.
- b. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.
- c. Properties found in violation of 17-14.10a,b shall be issued a Notice of Violation by the Department of Code Enforcement. In the event that the owner or agent having charge of the property in question has failed or refused to abate or remedy the violation set forth in the Notice of Violation, after the fifth day from date of issue, the Director of Code Enforcement is directed to arrange for abatement of the condition complained of and shall keep a record of all costs and expenses incurred in connection with the removal or abatement and shall certify it to the Mayor and Council, who shall examine the certificate and, if found correct, cause the cost of removal or abatement to be charged against the land benefited. The amount charged may be collected directly from the property owner or, at the direction of the Mayor and Council, become a lien upon the land benefited and shall be added to and become a part of the taxes next assessed upon that land, and shall bear interest to be collected and enforced in the same manner as taxes. The remedy provided by this subsection shall be in addition to any penalty which may be imposed for a violation of this section.

32-15 SWIMMING POOLS, SPAS AND HOT TUBS

32-15.1 Swimming Pools

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

32-15.2 Enclosures

Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this Section 17-15.

32-16 EXTERIOR STRUCTURE

32-16.1 General Exterior Structure

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

32-16.2 Unsafe Conditions

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

- a. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
- b. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
- c. Structures or components thereof that have reached their limit state;
- d. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
- e. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
- f. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
- g. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
- h. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
- i. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;
- j. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

k. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

l. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or

m. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted where approved by the Director of Code Enforcement.

32-16.2A Protective Treatment – Primary & Accessory Structures

Exterior surfaces of both Primary & Accessory Structures including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. 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. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

32-16.3 Premises Identification

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

32-16.4 Structural Members

Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

32-16.5 Foundation Walls

Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

32-16.6 Exterior Walls

Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

32-16.7 Roofs and Drainage

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

32-16.8 Decorative Features

Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

32-16.9 Overhang Extensions

Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

32-16.10 Stairways, Decks, Porches and Balconies

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

32-16.11 Chimneys and Towers

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

32-16.12 Handrails and Guards

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

32-16.13 Window, Skylight and Door Frames

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

32-16.14 Glazing

Glazing materials shall be maintained free from cracks and holes.

32-16.15 Openable Windows

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

32-16.16 Insect Screens

During the period from March 1 to October 15, 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 fitted 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: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

32-16.17 Doors

Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 32-22.4.

32-16.18 Basement Hatchways

Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

32-16.19 Guards for Basement Windows

Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

32-16.20 Building Security

Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

32-16.21 Doors

Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed

to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

32-16.22 Windows

Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provides access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

32-16.23 Basement Hatchways

Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

32-16.24 Gates

Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

32-16.25 Duty to Remove Snow & Ice.

The owner or other person having control of any premises abutting upon any public sidewalk in the Borough shall remove all snow and ice from the portion of the sidewalk abutting his/her premises.

32-16.26 Casting of Snow or Ice.

No owner, tenant or occupant of any premises abutting on any street shall throw, place or deposit any snow or ice upon the street.

32-16.27 Removal of Snow & Ice by Borough.

In the event that snow or ice is not removed as required by subsection 32-16.25, or is cast, deposited or placed upon sidewalks or streets in violation of subsection 32-16.25, the snow or ice may be removed by the appropriate department of the Borough and the cost of removal shall be certified to the Mayor and Council. The amount charged shall become a lien upon the real estate abutting the sidewalk or street and shall be added to and become a part of the taxes next assessed upon that land and shall bear interest to be collected and enforced in the same manner as taxes. The remedy provided by this subsection 32-16.27 shall be in addition to any penalty imposed for a violation of Subsection 32-16.25 or Subsection 32-16.26. Penalties assessed will not be assessed as a lien upon the property.

32-17 INTERIOR STRUCTURE

32-17.1 General Interior Structure

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure that they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

32-17.2 Unsafe Conditions

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

- a. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
- b. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
- c. Structures or components thereof that have reached their limit state;
- d. Structural members are incapable of supporting nominal loads and load effects;
- e. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
- f. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the Director of Code Enforcement.

32-17.3 Structural Members

Structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

32-17.4 Interior Surfaces

Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

32-17.5 Stairs and Walking Surfaces

Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

32-17.6 Handrails and Guards

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

32-17.7 Interior Doors

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

32-18 COMPONENT SERVICEABILITY

32-18.1 General

The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

32-18.2 Unsafe Conditions

Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
 - a. Collapse of footing or foundation system;
 - b. Damage to footing, foundation, concrete or other structural element due to soil expansion;
 - c. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
 - d. Inadequate soil as determined by a geotechnical investigation;
 - e. Where the allowable bearing capacity of the soil is in doubt; or
 - f. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
 - a. Deterioration;
 - b. Ultimate deformation;
 - c. Fractures;

- d. Fissures;
 - e. Spalling;
 - f. Exposed reinforcement; or
 - g. Detached, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
- a. Deterioration;
 - b. Corrosion;
 - c. Elastic deformation;
 - d. Ultimate deformation;
 - e. Stress or strain cracks;
 - f. Joint fatigue; or
 - g. Detached, dislodged or failing connections.
4. Masonry that has been subjected to any of the following conditions:
- a. Deterioration;
 - b. Ultimate deformation;
 - c. Fractures in masonry or mortar joints;
 - d. Fissures in masonry or mortar joints;
 - e. Spalling;
 - f. Exposed reinforcement; or
 - g. Detached, dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
- a. Deterioration;
 - b. Elastic deformation;
 - c. Ultimate deformation;
 - d. Metal fatigue; or
 - e. Detached, dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
- a. Ultimate deformation;
 - b. Deterioration;
 - c. Damage from insects, rodents and other vermin;
 - c. Fire damage beyond charring;

- e. Significant splits and checks;
- f. Horizontal shear cracks;
- g. Vertical shear cracks;
- h. Inadequate support;
- i. Detached, dislodged or failing connections; or
- j. Excessive cutting and notching.

Exceptions:

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted where approved by the Director of Code Enforcement.

32-19 HANDRAILS AND GUARDRAILS

32-19.1 General Handrails and Guardrails

Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair, and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

32-20 RUBBISH, GARBAGE, TRASH AND DEBRIS

32-20.1 Accumulation of Rubbish, Garbage, Trash and Debris

Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish, garbage, trash and debris

32-20.2 Disposal of Rubbish

Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

32-20.3 Rubbish Storage Facilities

The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish. Such containers must be stored in a neat manner on the side near the rear of the structure or in the rear of the property. No containers may be stored on the front side of the property.

32-20.4 Appliances, Furniture, Mattresses, Discarded Items

Appliances, furniture and other discarded items may not be stored outside or at the curb. Any appliance, furniture, mattress, or any discarded item can be placed at the curb for pick up with the appropriate approved trash stickers affixed no earlier than 5 PM the evening before scheduled pick up.

32-20.5 Disposal of Garbage

Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers. Approved garbage containers may be placed at the curb for pick up no earlier than 5 PM the evening before scheduled pick up. Garbage containers must be removed from the curb / front of property no later than 8PM the evening of trash pickup.

32-20.6 Garbage Facilities

The owner of every dwelling shall supply the following: an approved mechanical food waste grinder in each dwelling unit; and an approved leakproof, covered, outside garbage container.

32-20.7 Containers

The operator of every establishment that produces garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

32-20.8 Notice of violation, order, summons and complaint.

The Director of Code Enforcement 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.

32-20.9 Removal of Rubbish, Garbage, Trash and Debris by Borough

Upon failure of the owner or agent having charge of a property to comply with Section 32-20 after issuance of summons, the Borough will have the right in accordance with Sections 32-24.3 and 32-24.4 of the Borough Code to remove rubbish, garbage trash and debris from property.

32-21 PEST ELIMINATION

17-21.1 Infestation

The owner of any structure shall be responsible for pest elimination. Structures and common areas shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

32-21.2 Pest Remediation

The owner of any structure/property where infestation has been reported must have the property inspected by a State certified pest control company. The inspection report along with the treatment plan and a final inspection report must be submitted to the Director of Code Enforcement and the Borough Health Officer within 14 days of the report of infestation.

32-22 FIRE SAFETY REQUIREMENTS

The provisions of this Section 32-22 shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

32-22.1 Responsibility

The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this Section 32-22.

32-22.2 Means of Egress General

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code.

32-22.3 Aisles

The required width of aisles in accordance with the International Fire Code shall be unobstructed.

32-22.4 Locked Doors

Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code.

32-22.5 Emergency Escape Openings

Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

32-22.6 Key Lock Bedroom Doors Not Permitted

The use of key lock bedroom doors are not permitted.

32-22.7 Fire-Resistance Rated Assemblies

The required fire-resistance rating of fire-resistance rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

32-22.8 Opening Protectives

Required opening protectives shall be maintained in an operative condition. Fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

32-22.9 Fire Protection Systems General

Systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code.

32-22.10 Automatic Sprinkler Systems

Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

32-22.11 Fire Department Connection

Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an approved sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire code official.

32-22.12 Single-And Multiple-Station Smoke Alarms

Single-and multiple-station smoke alarms shall be installed in existing Group I-1 and R occupancies in accordance with Sections 32-22.13 through 32-22.19.

32-22.13 Where Required

Existing Group I-1 and R occupancies shall be provided with single-station smoke alarms in accordance with Sections 32-22.13 through 32-22.15. Interconnection and power sources shall be in accordance with Sections 32-22.17 through 32-22.19.

Exceptions:

1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.
2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.
3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

32-22.14 Group 1

Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.
2. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.
3. In each story within the sleeping unit, including basements. For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

32-22.15 Groups R-2, R-3, R-4 and I-1

Single-or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

3222.16 Installation Near Cooking Appliances

Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a location required by Section 32-22.14 or 32-22.15.

1. Ionization smoke alarms shall not be installed less than 20 feet (6096 mm) horizontally from a permanently installed cooking appliance.
2. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than 10 feet (3048 mm) horizontally from a permanently installed cooking appliance.
3. Photoelectric smoke alarms shall not be installed less than 6 feet (1829 mm) horizontally from a permanently installed cooking appliance.

32-22.17 Installation Near Bathrooms

Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section 32-22.14 or 32-22.15.

32-22.18 Interconnection

Where more than one smoke alarm is required to be installed within an individual dwelling or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings that are not undergoing alterations, repairs or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

32-22.19 Power Source

Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exceptions:

1. Smoke alarms are permitted to be solely battery operated in existing buildings where no construction is taking place.
2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.
3. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for building wiring without the removal of interior finishes.

32-22.20 Smoke Detection System

Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single- and multiple-station smoke alarms and shall comply with the following:

1. The fire alarm system shall comply with all applicable requirements in Section 907 of the International Fire Code.
2. Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the dwelling or sleeping unit in accordance with Section 907.5.2 of the International Fire Code.
3. Activation of a smoke detector in a dwelling or sleeping unit shall not activate alarm notification appliances outside of the dwelling or sleeping unit, provided that a supervisory signal is generated and monitored in accordance with Section 907.6.5 of the International Fire Code.

32-23 INSPECTION STANDARDS

32-23.1 Occupancy Limitations

For the purposes of determining occupancy, up to three (3) infants under the age of two (2) years shall not be included in calculations of minimum space requirements and other occupancy limitations.

32-23.2 Overcrowding

Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

TABLE 404.5

MINIMUM AREA REQUIREMENTS			
Space	MINIMUM AREA IN SQUARE FEET		
	<u>1-2 Occupants</u>	<u>3-5 Occupants</u>	<u>6 or more Occupants</u>
<u>Living Room</u> <u>a,b</u>	<u>120</u>	<u>120</u>	<u>150</u>
<u>Dining Room</u> <u>a,b</u>	<u>No requirement</u>	<u>80</u>	<u>100</u>
<u>Bedrooms</u>	<u>Shall Comply with Section 404.4.1 of International Property Maintenance Code 2015 (IPMC 2015)</u>		

For SI: 1 square foot = 0.0929 m².

a. See Section 404.5.2 of IPMC (2015) for combined living room/dining room spaces.

b. See Section 404.5.1 of IPMC (2015) for limitations on determining the minimum occupancy area for sleeping purposes.

32-23.3 Sleeping Area

The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. Sleeping areas shall comply with Section 404.4 of the IPMC (2015).

32-23.4 Combined Spaces

Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

32-23.5 Efficiency Unit

Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 m²). A unit occupied by not more than two occupants shall have a minimum clear floor area of 220 square

feet (20.4 m²). A unit occupied by three occupants shall have a minimum clear floor area of 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.

2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.

3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

4. The maximum number of occupants shall be three.

32-23.6 Food Preparation

All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

32-23.7 Water Closet Accessibility

Every bedroom shall have unencumbered access to at least one (1) water closet and one (1) lavatory. Every bedroom in a dwelling unit shall have access to at least one (1) water closet and lavatory located in the same story as the bedroom or an adjacent story.

32-23.8 Heat supply

Every owner and operator of any building who rents, leases, or lets one (1) or more dwelling units, rooming units, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof, shall supply heat during the period from October 15 to May 1 to maintain a temperature of not less than 68°F (20°C) during the hours 6:00 a.m. to 11:00 p.m. and 65°F (18°C) during the hours 11:00 p.m. to 6:00 a.m. in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the 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.

32- 23.9 Occupiable work spaces.

Indoor occupiable work spaces shall be supplied with heat during the period from October 15 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.

32-24 REMOVAL OF GRASS, WEEDS, BRUSH AND OTHER DEBRIS – PROPERTY OWNER RESPONSIBILITY

32-24.1 Duties of Owners and Tenants

It shall be the duty of any owner, or other person in possession of or responsible for the maintenance of any land in the Borough to keep his/her/its land free of brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filths, garbage, trash and other debris which may constitute a fire hazard or which is otherwise detrimental to the public health or safety.

32-24.2 Public Streets

It shall be the duty of any owner, or other person in possession of or responsible for the maintenance of any land in the Borough bordering upon any public street to remove all grass, weeds, brush and other debris from that part of the street bordering upon his/her/its property. Trees, shrubs and bushes shall be kept neat and trim so as to allow for unobstructed pedestrian passage and safe line of sight viewing for vehicles at intersections.

32-24.3 Notice to Remove

The Director of Code Enforcement may issue a notice to the owner, tenant or person in possession of the land in question, in accordance with Section 32-7 of the Code, to remove the brush, weeds, dead or dying trees, stumps, roots obnoxious growths, filth, garbage, trash or other debris.

32-24.4 Removal by Borough

In the event that the owner, tenant or person in possession of the land in question has refused to abate or remedy the condition complained of within the timeframe set forth in the notice, the Mayor and Council may order the condition complained of to be abated or removed by an appropriate municipal official or department. The official or department directed to remove or abate the condition complained of shall keep a record of all costs and expenses incurred in connection with the removal or abatement and shall certify it to the Mayor and Council who shall examine the certificate and, if found correct, cause the cost of removal or abatement to be charged against the land benefited. The amount charged shall become a lien upon the land benefited and shall be added to and become a part of the taxes next assessed upon that land, and shall bear interest to be collected and enforced in the same manner as taxes. The remedy provided by this subsection shall be in addition to any penalty which may be imposed for a violation of this section.

32-25 FENCES AND HEDGES – PROPERTY OWNER RESPONSIBILITY

32-25.1 Height Restrictions

a. No person shall erect or maintain any fence or hedge in the Borough of Manville which is within seven (7) feet of the established curb line of a public street.

b. No person shall erect or maintain any fence or hedge within the Borough of Manville which is located within fifty (50) feet of the intersection of the near side lines of any public street and which is of a height greater than three feet six (3' 6") inches from the curb grade or the center of the roadway, whichever is lower.

32-25.2 Notice to Remove

Any person erecting or maintaining a fence or hedge which is in violation of this Section 32-25 shall remove it within ten (10) days after receiving notice to do so from the Director of Code Enforcement or his/her designee. Notice may be served whether personally or by sending a copy by registered mail, return receipt requested and regular mail, to the owner of the property upon which the fence or hedge is erected or maintained at his/her last known address.

32-25.3 Removal by Borough

In the event that the owner of the property upon which the fence or hedge is erected or maintained fails to remove it, relocate it or reduce it in height within ten (10) days after being served with notice to do so, the Director of Code Enforcement may cause the fence or hedge to be removed, relocated or reduced in height so that it complies with the provisions of this Section 32-25. In the event of such action by the Director of Code Enforcement, the cost of doing the work shall be certified to the Mayor and Council, who shall examine the same and, if found correct, shall cause the cost of doing the work to be charged against the lands upon which the work was performed. The amount charged shall become a lien upon the land and shall be added to and become a part of the taxes next assessed upon the land upon which the work was performed, and shall bear interest to be collected and enforced in the same manner as taxes. The cost of removal, relocation or reduction in height by the Director of Code Enforcement of any fence or hedge shall be in addition to any penalty imposed for the violation of this Section 32.25.

32-26 REGISTRATION AND MAINTENANCE OF PROPERTIES THAT ARE VACANT OR IN FORECLOSURE. – PROPERTY OWNER RESPONSIBILITY

32-26.1 Purpose

It is the intent of this Section to protect and preserve the public health, safety and welfare and security and quiet enjoyment of residents and

neighborhoods by (i) requiring all property owners, including lenders, trustees and service companies to properly maintain vacant and/or foreclosing properties, and (ii) regulating the maintenance of vacant and/or foreclosing properties in order to prevent blighted and unsecured properties.

32-26.2 Definitions

For the purposes of this Section, the following terms, phrases, words and their derivations shall have the meaning given herein. When consistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

BOROUGH shall mean the Borough of Manville.

CREDITOR shall mean the creditor having a right of foreclosure, including but not limited to the holder of a mortgage on a property, and any agent, servant or employee of the creditor, a loan servicing company, or any successor in interest and/or assignee of the creditor's rights, interests or obligations under the document granting foreclosure rights.

DAYS shall mean consecutive calendar days.

FORECLOSING shall mean the process by which property, placed as security for a real estate loan, is prepared for sale to satisfy the debt if the borrower defaults.

PROPERTY shall mean any real estate, or portion thereof, located in the Borough of Manville, including any improvements thereon.

RESIDENTIAL PROPERTY shall mean any property that contains one or more dwelling units used, intended or designed to be occupied for living purposes.

SECURITY shall mean measures taken to ensure that the property is inaccessible to unauthorized persons.

VACANT shall mean, with regard to any property, that no portion of the property is legally occupied. A property shall not be deemed "vacant" for purposes of this section: (a) where there is a building on the property containing multiple units, if any of the units are legally occupied; (b) where the legal occupant has temporarily left the property for vacation or other purposes for a period not exceeding one hundred eighty (180) days, possessing both the intent to return and the legal right to return, such as a residential property owner or tenant who resides in another municipality or state for a portion of the year; or (c) where the building is under construction with current valid construction permits, and work is being performed on the property on a regular basis.

32-26.3 Registration of Vacant Properties; Designation of Responsible Individual

a. All owners of vacant property must register such vacant properties with the Manville Borough Clerk within fourteen (14) days of such property becoming vacant. The registration must be renewed as set forth below for as long as the property remains vacant.

b. Owners of vacant properties shall designate an individual or property management company responsible for the security and maintenance of the property. The individual or property management company responsible for the security and maintenance of the property shall have an office located within twenty-five (25) miles of the property.

c. The registration required by this section must contain the following information:

1. The owner's name, telephone number, and mailing address. The mailing address may not be a P.O. box.

2. The street address and tax map designation (lot and block) of the property.

3. Whether the property is residential, nonresidential, or mixed use.

4. The name, telephone number, and mailing address of an individual or property management company responsible for the security and maintenance of the property. The mailing address may not be a P.O. box.

5. Certification that the property was inspected as required by this Section.

6. Proof of utility (gas, electric, water) connections or disconnections.

7. Proof of insurance meeting the requirements of subsection 17-26c of this section.

d. The owner shall have a continuing duty to notify the Borough of any changes to the information contained in the registration.

e. The Manville Borough Clerk may promulgate forms on which the information in the registration must be provided.

f. The owner must notify the Manville Borough Clerk if, at any time subsequent to registration as a vacant property, the property is no longer vacant, and provide proof that the property is no longer vacant.

32-26.5 Registration Fees

a. The initial registration fee shall be two hundred fifty (\$250.00) dollars and must accompany the registration form. The initial registration shall be valid for the remainder of the calendar year in which the property is registered. Renewals for subsequent calendar years shall run from January 1 to December 31, and payment of the renewal registration fee shall be due by January 15th of the relevant year. The fee for each annual renewal shall be five hundred (\$500.00) dollars.

b. No governmental agency shall be required to pay the annual or renewal registration fee.

32-26.6 Maintenance Requirements

a. Properties subject to the requirements of this Section must be maintained in accordance with all applicable federal, State and local laws, rules and regulations. The owner, creditor, local individual or local property Management Company, as appropriate, must inspect the property twice a month for the duration of the vacancy or foreclosure as appropriate.

b. In addition to, and not in lieu of meeting all other applicable federal, State, and local laws, rules, and regulations:

1. Properties subject to the requirements of this Section shall be kept free of accumulated snow and ice, weeds, dry brush, dead vegetation, trash, junk, debris, building materials, unregistered vehicles, any accumulation of newspapers, circulars, flyers, notices (except those required by law), and discarded personal items including but not limited to furniture, clothing, large and small appliances, printed material or any other items giving the appearance that the property is vacant.

2. Properties subject to the requirements of this Section shall be maintained free of graffiti, tagging, or similar markings. In the event that any graffiti, tagging, or similar markings are placed on the property, it/they shall either be removed or painted over with an exterior-grade paint matching the color of the portion of the structure where the graffiti, tagging, or similar marking was placed.

3. Front yards, rear yards, and side yards of properties subject to the requirements of this Section shall be landscaped and maintained to neighborhood standards. Landscaping and maintenance shall include, but is not limited to, care of grass, mulch, decorative rock, artificial turf/sod specifically designed for residential or commercial installation, or other ground cover, bushes, shrubs, hedges, trees, or similar plantings, removal or repair of gravel, broken concrete, asphalt, decomposed granite, plastic sheeting, mulch, indoor-outdoor carpet or any similar material, in addition to regular watering, irrigation, cutting, pruning and mowing of required vegetation and removal of all trimmings.

4. Any pool, spa, or other standing body of water shall either be kept in working order so the water remains clear and free of growth, pollutants, and debris, and does not become a harborage for vermin or insects; or drained and kept dry. In either case, properties with pools or spas must comply with the security fencing requirements of the Borough.

c. The owner of any vacant property shall acquire and maintain liability insurance covering injury or damage to any person or any property in not less than three hundred thousand (\$300,000.00) dollars for residential buildings, and one million (\$1,000,000.00) dollars for nonresidential buildings or property.

d. The property owner shall be responsible for property maintenance. However, if the owner of a property vacates or abandons any property on which a foreclosure proceeding has been initiated or if a property is or becomes vacant at the time of or at any point subsequent to the creditor's filing the summons and complaint in an action to foreclose on a mortgage against the subject property, but prior to vesting of title in the creditor or any other third party, and the property is found to be a nuisance or in violation of any applicable State or local code, the enforcement authority shall notify the creditor, which shall have the responsibility to abate the nuisance or correct the violation in the same manner and to the same extent as the title owner of the property, to such standard or specification as may be required by State law or Borough ordinance. The enforcement authority shall include a description of the conditions that gave rise to the violation with the notice of violation and shall provide a period of not less than thirty (30) days from the creditor's receipt of the notice for the creditor to remedy the violation. If the creditor fails to remedy the violation within that time period, the Borough may impose the penalties allowed for the violation of municipal ordinances pursuant to N.J.S.A. 40:49-5 against the creditor to the same extent as they could be imposed against the owner of the property.

e. Adherence to this Section does not relieve the owner or creditor of obligations set forth in any other statute, regulation, ordinance, or other source of authority or obligation.

32-26.7 Inspections

The enforcement authority shall have the authority to inspect properties subject to this Section for compliance and to issue summonses for any violations.

32-26.8 Enforcement

Enforcement authority shall be vested in Manville Code Enforcement Department and its officials and inspectors.

32-26.9 Penalties

a. Violation of any of the terms of this Section shall be punishable by a fine of not less than one hundred (\$100.00) dollars nor greater than two thousand (\$2,000.00) dollars per occurrence in addition to any registration fee or renewal fee that may be due and owing. Each subsequent occurrence shall result in an increased penalty.

b. Failure to abate a nuisance or correct a violation of any statute, regulation, or ordinance regulating the construction, maintenance, health, or security of a property shall be subject to the penalties set forth in the applicable statute, regulation, or ordinance for the specific violation.

32-26.10 Borough's Authority to Abate and Impose Lien

Nothing contained in this Section 32-26 shall prevent the Borough from taking action to abate a nuisance or correct a violation where the owner or

creditor, as applicable, has failed to abate the nuisance or correct the violation on a vacant property or a property in foreclosure after notice and the opportunity to abate or correct. In such situations, the Borough may impose a lien against the property for costs to correct the violation or abate the nuisance. Such lien shall hereafter form part of the taxes next to be assessed and levied upon said lands, the same to bear interest at the same rate as such taxes to be collected and enforced by the same officers and in the same manner as such taxes.

32-26.11 Governmental Entities Exempt

No governmental entity shall be required to register under this Section. However, nothing contained in this Section 32-26 shall be construed as granting exemption from property maintenance or other obligations imposed by any other statute, regulation, or ordinance.

32-26.12 Reserved

32-27 BOARDING STANDARD–PROPERTY OWNER RESPONSIBILITY

32-27.1 General

Windows and doors shall be boarded in an approved manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure. Permitted boarding must follow the following specifications.

32-27.2 Boarding Sheet Material

Boarding sheet material shall be minimum 1/2-inch-thick (12.7 mm) wood structural panels complying with the International Building Code.

32-27.3 Boarding Framing Material

Boarding framing material shall be minimum nominal 2-inch by 4-inch (51 mm by 102 mm) solid sawn lumber complying with the International Building Code.

32-27.4 Boarding Fasteners

Boarding fasteners shall be minimum 3/8-inch-diameter (9.5 mm) carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the International Building Code.

32-27.5 Boarding Installation

The boarding installation shall be in accordance with Figures A103.1(1) and A103.1(2).

32-27.6 Boarding Sheet Material

The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

32-27.7 Windows

The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch (51 mm by 102 mm) strong back framing material shall be cut minimum 2 inches (51 mm) wider than the window opening and shall be placed on the inside of the window opening 6 inches (152 mm) minimum above the bottom and below the top of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

32-27.8 Door Walls

The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at a maximum of 24 inches (610 mm) on center. Blocking shall also be secured at a maximum of 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every 6 inches (152 mm) on center.

32-27.9 Doors

Doors shall be secured by the same method as for windows or door openings. One door to the structure shall be available for authorized entry and shall be secured and locked in an approved manner. SEE FIGURE **A103.1(2) BOARDING OF DOOR WALL**

FIGURE A103.1(1) BOARDING OF DOOR OR WINDOW

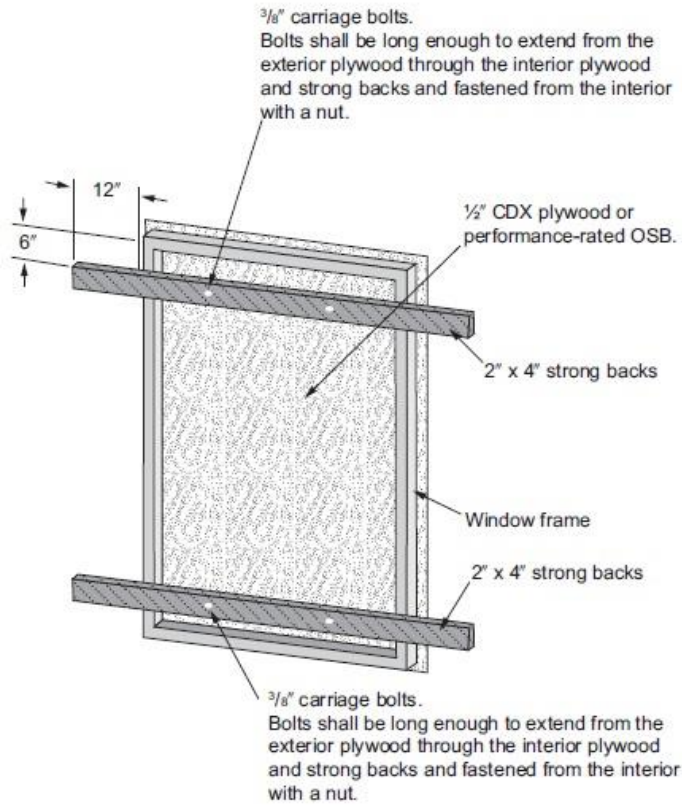
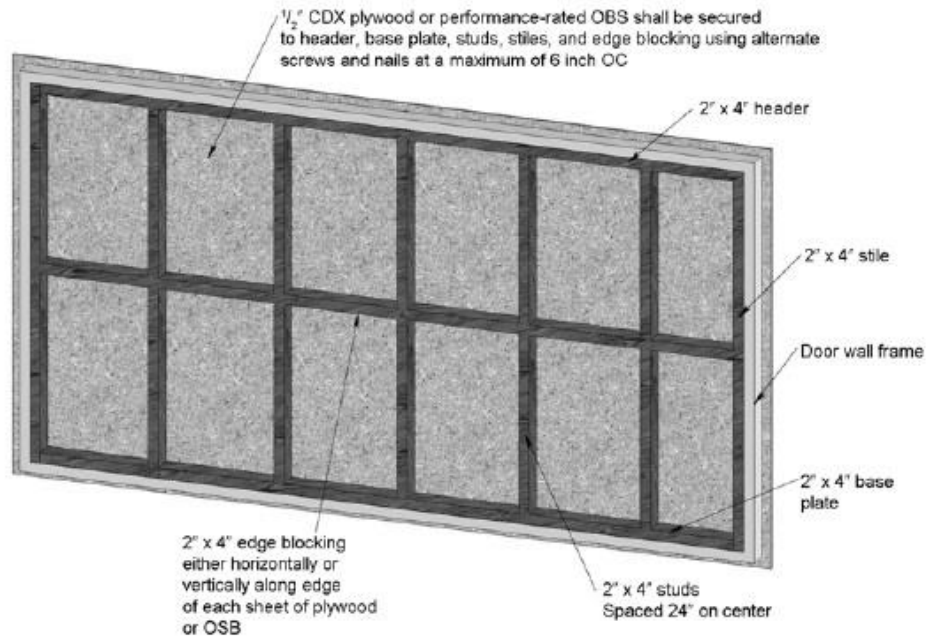


FIGURE A103.1(2) BOARDING OF DOOR WALL



32-28 Outdoor Storage of Boats, House Trailer, Camper, Trailer

In all residential zones, the outdoor storage of boats, house trailers, campers/motor homes, travel trailers, or other trailers measuring over 24 feet

is prohibited. The outdoor storage of boats, house trailers, campers, travel trailers, or other trailers measuring 24 feet or less shall be limited to no more than one total unit (boat or house trailer or camper or travel trailer, or other trailer measuring 24 feet or less) per property and must be stored in a driveway at the rear or side yard.

(a) No boat, house trailer, camper/motor home, travel trailer, or other trailer shall be located (stored) within the setback area of an abutting dwelling as reflected in this chapter.

(b) Boats as described in this section and open trailers stored outside must be covered. Covers must be in good condition with no holes and properly secured.

(c) All trailers, campers/motor homes, travel trailers, or other trailers as described in this section must be registered and in good condition.

32-29 Cargo/Shipping Containers

Outdoor storage/cargo (aka shipping containers) containers are prohibited in all zoning districts.

32-30 Portable Containerized Property Storage Facility (aka PODS)

A "PCPSF" portable containerized property storage facility or unit shall be permitted in all zones, provided:

(a) The unit is registered with the Borough Code Enforcement Department. The property owner must provide: unit information; length, width and height of unit; location on property; date of delivery; and date of anticipated removal. The anticipated removal date is not to exceed 90 days. Renewal of registration may be permitted by the Code Enforcement Officer. A registration fee of \$25 is payable to the Borough of Manville.

(b) Location. No PCPFS shall be located within the setback area of an abutting dwelling as reflected in this chapter.

(c) Time and unit limit. No more than one PCPFS shall be located on specific residential premises and for period not to exceed 90 days from the date of delivery.

(d) Other requirements. The following requirements shall be met by the owner or occupier of the residential premises with respect to a PCPFS:

(1) The PCPFS situated on residential property shall only be used for the storage of personal property, furniture and household items normally located on or in a residential dwelling or premises and shall, upon written notification of the Township, be subject to inspection.

(2) All such PCPFSs shall:

(i) Not have a height in excess of seven feet nor a length of more than 10 feet nor a width of more than eight feet.

(ii) All access doors shall be secured with locks.

32-31 Large Garbage Containers

Garbage containers (over 100 gallons' capacity)/dumpsters shall be permitted in all zones, provided:

- (a) The garbage container/dumpster is registered with the Borough Code Enforcement Department. The property owner must provide: unit information; length, width and height of unit; location on property; date of delivery; and date of anticipated removal. The anticipated removal date is not to exceed 90 days. A registration fee of \$25 is payable to the Borough of Manville.
- (b) Location. No garbage container/dumpster shall be located within the setback area of an abutting dwelling as reflected in this chapter.
- (c) Time and unit limit. No more than one garbage container (over 100 gallons' capacity)/dumpster shall be located on specific residential premises and for period not to exceed 90 days from date of delivery.
- (d) Exceptions:
 - (1) Garbage containers/dumpsters (for large construction projects) exceeding one per property and exceeding 90 days may be permitted by the Construction Official; registration fee waived.
 - (2) Garbage containers/dumpsters as permitted for commercial use (restaurants, retail businesses, etc.). Quantity, size, location and storage parameters are to be determined by the Land Use Board and detailed in final site plan resolution.

32-32 Large Windows in Commercial and Mixed-Use zones

Any window, window panel or glass area on any commercial, or mixed-use building must adhere to the following regulations:

1. Commercial window signage and lighting regulations as detailed in Zoning/Land Use.
2. Commercial storefronts must permit at least 50% visibility into the store area. Stacking of any merchandise and supplies within three feet of any storefront window is prohibited.
3. Window treatments in commercial windows must present in good condition and are not permitted to cover greater than 50% of the vertical height of the window.
4. Window treatments in any window must present in good condition.

SECTION 2. Severability Clause. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

SECTION 3. Repealer. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. Effective Date. This Ordinance shall become effective immediately upon passage and publication in accordance with law.

Gian-Paolo Caminiti
Acting Borough Clerk

Richard M. Onderko
Mayor

INTRODUCED this 27th day of November, 2023

Introduced	Seconded	Council	Yes	No	Abstain	Absent
X		Agans	X			
	X	DeVito	X			
		Lukac	X			
		Madak	X			
		Skirkanish	X			
		Szabo	X			
		Onderko				

SECOND READING AND FINAL ADOPTION:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		Agans	X			
		DeVito	X			
	X	Lukac	X			
		Madak				X
		Skirkanish	X			
X		Szabo	X			
		Onderko				

[ADOPTED] this 11th day of **December** , 2023

Attest:

Traci Dillingham

Traci Dillingham

Deputy Borough Clerk