

BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

PROPERTY MAINTENANCE ORDINANCE #2024-04

WHEREAS, the Borough of Lebanon is a historic community forming part of the rich heritage of the State of New Jersey and a classic example of “small town” America, with many preserved residences colorfully decorated for the holidays and nationally recognized as a “Tree City USA”; and

WHEREAS, as a result of lack of maintenance, oversight, neglect or otherwise, properties can become detrimental to the community and the overall public health and safety; and

WHEREAS, such conditions that continue unabated affect the general public health and safety, can create attractive nuisances, present safety hazards, and degrade the value of neighboring properties and the community as a whole.

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Lebanon, County of Hunterdon and State of New Jersey, that a Property Maintenance Ordinance be adopted and enacted as hereinafter set forth.

PROPERTY MAINTENANCE

1. **Purpose.**

The purpose of this Ordinance is to protect the public health, safety and general welfare in or upon premises in the Borough of Lebanon, as hereinafter set forth by:

- A. establishing minimum maintenance standards for properties in the Borough of Lebanon.
- B. affixing the responsibilities of owners, tenants, operators, parties-in-interest and occupants of such properties.
- C. providing for proper notification of violation of this Ordinance.
- D. providing for collection of costs incurred by the municipality.
- E. providing for penalties for violations of this Ordinance.

2. **Definitions.**

For the purposes of this Ordinance, unless the context clearly indicates a different meaning, the following words shall be defined as set forth. The term “shall” indicates a mandatory requirement; and the term “may” indicates a permissive action.

ADMINISTRATIVE OFFICER means the Municipal Official as designated by Resolution of the Borough Council.

GRAFFITI

Any and every name, identification, description, announcement, declaration, demonstration, display, illustration or insignia, other than advertising which is otherwise provided for in this code or other ordinances of the Borough, which, without authorization, is marked, written, drawn, painted, scratched, inscribed, or affixed directly to or upon any public or private curbstone, flagstone, or any portion or part of any sidewalk or street or upon any tree, lamppost, utility pole, postal mail receptacle, sign, hydrant, fence, door, wall, window, garage, enclosure, vehicle, bridge, or pier or upon or within any other public or private structure, building or premises.

INOPERABLE MOTOR VEHICLE & BOATS

A vehicle, including any auto, bus, truck, van, motorcycle, or trailer, and also boats, which cannot be lawfully driven or used upon the public streets for reasons including but not limited to being unlicensed, unregistered, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power for motor vehicles, or in the case of a boat, if incapable of being used as a means of transportation on water and/or if not currently registered in accordance with New Jersey law.

LITTER

Any papers, newspapers, packaging, bags, plastics, cups, containers, cans and other similar materials lying scattered about that are subject to movement by any wind or breeze.

PARTY-IN-INTEREST

A party-in-interest under this Ordinance shall mean the owner of the property, tenant of the property, operator or person utilizing the property for its intended purpose, occupants of the property and other parties-in-interest, such as mortgagees, etc.

WEEDS

All grasses, annual, biennial and perennial plants and vegetation which are propagated by seed or vegetative parts, which are of little value and compete with cultivated plants or may affect the health of humans or animals, other than trees and shrubs. This term shall not include cultivated flowers and gardens.

3. **General Requirements – Exterior Property Areas.**

- A. The presence, on land lying within the Borough, of brush piles, ragweed, weeds, poison ivy, dead trees; uprooted tree stumps; uprooted roots; obnoxious growths; filth; garbage; automobile bodies and/or body parts; automobile parts; inoperable motor vehicles and boats; junk; discarded items, such as furniture, machines, appliances or parts thereof, metal trash piles of unstacked firewood or lumber, new or used; and other debris is hereby declared to be a nuisance and detrimental to the public health, safety and general welfare. The party-in-interest of lands lying within the Borough is hereby required to remove from such lands any of the items, vegetation or materials set forth above within 10 days of a written notice in accordance with the provisions of this Ordinance.
- B. The exterior of the premises, the exterior of structures and the condition of accessory structures shall be maintained so that the appearance of the premises and structures shall not constitute a blighting factor on adjoining property owners, including the following:
- (1) Storage of commercial and industrial material. There shall not be stored or used at any location, equipment or materials relating to commercial or industrial use, unless permitted under the Land Use and Development Ordinance for the premises.
 - (2) Landscaping. Premises with landscaping, lawns, hedges or bushes shall be kept from becoming overgrown and unsightly.
 - (3) General maintenance. The exterior of every structure or accessory structure, including fences, shall be maintained in good repair. The same shall be maintained free of broken window glass, loose shingles, crumbling stone or excessive peeling paint or other condition reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safely, fire hazards eliminated, and adjoining properties protected from blighting influences.
 - (4) Vermin control. All parts of the premises shall be maintained to prevent infestation from insects, rodents and other vermin and pests.
 - (5) Firewood. All firewood shall be stacked neatly and shall be raised a minimum of eight inches off the ground and shall not be stacked or stored within any required front yard, side yard or rear yard setback, as set forth in the Land Use and Development Ordinance.
- C. Sidewalks, driveways, etc. The sidewalks, driveways, walkways and entrance stairways shall be maintained in a safe condition, such as will not constitute a hazard to persons using the premises including snow and ice removal and/or salting.

- D. Weeds, plants, trash and other debris. All improved premises shall be maintained free from weeds or plant growth in excess of eight inches and all brush, dead and dying trees, stumps, garbage, trash and debris, where the same impedes the health, safety, or welfare of the public. All noxious weeds and bamboo shall be prohibited, including poisonous vegetation.
- E. Rodent harborage. All structures and exterior property shall be kept free of rodent harborage and infestation where rodents are found they shall be promptly exterminated by approved processes which will not be injurious to human health.
- F. Graffiti removal - All exterior and interior structure surfaces must be kept clean and free of dirt and graffiti. Surfaces which have been exposed to graffiti must be cleaned painted or in some manner covered by the affected party-in-interest of the property so as to effect the complete removal of the graffiti from that surface and to return the surface to a clean condition.

The party-in-interest of the property shall be provided a written notice ordering the removal of such graffiti which notice shall be delivered to the party-in-interest by certified mail return receipt requested and regular mail. The notice shall direct the party-in-interest of the affected property to remove the graffiti within 30 days from the date that such notice is sent.

- G. Trees with dead limbs or branches which are or may become hazardous to persons, occupants or property in the vicinity shall have such limbs or branches removed. Trees which are dead or dying shall be removed, and in the case of dead or dying trees, no action or Notice shall be sent until the Shade Tree Committee or their representative advises the Governing Body in writing of the trees dead or dying conditions which are in need of immediate removal. The Governing Body shall thereafter note their concurrence on record and shall direct that a 10 day notification of removal be given to the party-in-interest.
- H. Encroachment any plant growth which shall encroach on the public way of neighbor's property or affect movement or vision of pedestrians or vehicles on the public way shall be trimmed to allow for unobstructed vision and passage of persons pedestrians and vehicles.

4. Responsibility of party-in-interest

The party-in-interest of lands lying within the Borough is hereby required to remove from such lands and correct such conditions, and to comply with the requirements above, within 10 days after delivery to such party-in-interest of a written notice in accordance with the provisions of this Ordinance (30 days regarding graffiti).

5. Notice of Violation.

- A. The notice required to be given under this Ordinance shall be mailed by the officer designated by the Borough to said party-in-interest by certified mail, return receipt requested, and regular mail, addressed to his or her last known address or, if unknown, in the case of an owner, to his address as the same appears on the tax records of the municipality, or in the case of a tenant, to the property address. Notice may be served by hand delivery.

- B. The period of time for compliance shall commence from the date the certified mail, return receipt mailing is delivered and stamped by the post office for delivery of such notice. If notice is hand delivered, the period of time shall commence on the date of the service of the notice.
- C. Every such notice shall, in addition to requiring compliance with this Ordinance, advise the party-in-interest that failure to effect such removal within the time stated in said notice will result in such removal by the Borough of Lebanon, and the cost of such removal will be charged to the owner.

6. Costs to become lien upon lands.

In all cases where materials are removed or maintenance undertaken on any lands under this Ordinance by or under the direction of a designated Borough official, to effect such removal, such officer shall certify the cost thereof to the Governing Body, who shall examine the certificate and, if found correct, shall cause the cost as shown thereon to be charged against said lands. The amount so charged shall forthwith become a lien upon such lands and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rates as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes. The above costs of removal shall be additional to any other penalties which may be imposed under this Ordinance.

7. Violations and Penalties:

Any party-in-interest who fails to abate the violation as set forth in the NOTICE provided for in Section 5 above, (that is, within 30 days as to graffiti, and 10 days as to all other violations), upon conviction of such violation, shall be subject to the penalties as set forth in the General Penalty Provision of the Lebanon Borough Ordinance (Ord. #2010-4).

8. Repealer:

All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

9. Severability:

In event that any clause, section, paragraph, or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason; it shall be deemed severable, and the Borough Council hereby declares its intent that the balance of the Ordinance shall not be affected by the said invalidity, and the remainder shall remain in full force and effect.

10. Effective Date:

This Ordinance shall take effect upon final adoption and publication in accordance with the law.

Vote after public hearing and upon final adoption:

Burton __ 0 __

Berger __ 1 __

Crawford __ 1 __

Kirchofer __ 1 __

Baldinger __ 1 __

Porcello __ 1 __

Ordinance approved by the Governing
Body and presented to the Mayor on

_____, 2024

Veto in Whole or Part:

Approved:

_____ {or}

James Pittinger, Mayor

James Pittinger, Mayor

Date:

Date:

Returned to Borough Clerk with statement attached on _____, 2024

NOTICE

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on June 19, 2024 and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Lebanon to be held on July 17, 2024 at 7:30 p.m. in the Municipal Building, located at 6 High Street, Lebanon, New Jersey

Karen M. Romano, Borough Adm/Clerk

**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

ORDINANCE NO. 2024-04

PROPERTY MAINTENANCE

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey, held in the Municipal Building on the 17th day of July 2024, and the same came up for final passage at a meeting of the said Borough Council on the 21st day of August which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law by order of the Borough Council of the Borough of Lebanon, County of Hunterdon and State of New Jersey.

Karen M. Romano, RMC

Borough Administrator/ Clerk

INTRODUCED: July 17, 2024

ADOPTED: August 21, 2024