

**ORDINANCE #1404**

**OF THE TOWNSHIP OF HADDON, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, REPEALING AND REPLACING CHAPTER 186 OF THE CODE OF THE TOWNSHIP OF HADDON, ENTITLED "PROPERTY MAINTENANCE", REPEALING CHAPTER 89, ENTITLED "BRUSH, GRASS AND WEEDS," AND AMENDING CHAPTER 122, ENTITLED "FIRE PREVENTION" AND CHAPTER 111, ENTITLED "FEES"**

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**WHEREAS**, Chapter 186 of the Code of the Township of Haddon ("Township"), entitled "Property Maintenance," establishes certain minimum requirements for general maintenance of properties situated within the Township; and

**WHEREAS**, Chapter 89 of the Township Code, entitled "Brush, Grass and Weeds," establishes certain minimum requirements for brush, grass and weed maintenance of properties situated within the Township; and

**WHEREAS**, the Governing Body desires to consolidate all regulations pertaining to the maintenance of property into one Chapter; and

**WHEREAS**, in furtherance of the Governing Body's policy requiring interior and exterior property inspections at the time of resale and/or change of occupancy of residential properties, certain further revisions have been recommended to be incorporated into Chapter 186 of the Township Code regarding same; and

**WHEREAS**, the revisions to Chapter 186 set forth herein also require certain amendments to Chapter 122 and Chapter 111 of the Township Code; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the Township and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-1, the Governing Body is authorized to enact and amend ordinances as deemed necessary to manage, regulate and control the finances of the Township and to fix the fees for services rendered by any officer or employee of the Township;

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Board of Commissioners of the Township of Haddon, County of Camden, State of New Jersey, as follows:

**SECTION 1:** Chapter 186 of the Code of the Township of Haddon, entitled "Property Maintenance," is hereby repealed and replaced with a new Chapter 186, entitled "Property Maintenance," which shall read as follows:

**CHAPTER 186. PROPERTY MAINTENANCE**

## **Article I: Adoption of Standards**

### **§186-1 Adoption of International Property Maintenance Code.**

A. The current edition of the International Property Maintenance Code is hereby adopted as the Property Maintenance Code of the Township of Haddon for the control of buildings and structures within said Township as herein provided. Each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set forth in this chapter, subject to the additions, insertions, deletions and changes thereto, if any, as may be set forth below. Three copies of Property Maintenance Code adopted herein shall be maintained on file in the Office of the Township Clerk of the Township of Haddon and shall be available for public inspection during regular business hours.

B. Modifications to standards. Haddon Township hereby adopts the following revisions, amendments and/or alterations of the current edition of the International Property Maintenance Code, including the correlating sections of any subsequently revised edition of the International Property Maintenance Code:

(1) Section 101. Fees. All fees for inspections relating to the above referenced code and regulation shall be the same as those for a certificate of occupancy as stated in Chapter 111 of the Haddon Township Code.

Exceptions: Fees for Certificates of Compliance, Temporary Certificates of Compliance and permit fees for placement of dumpsters or containers shall be as specifically set forth in Chapter 111 of the Haddon Township Code.

(2) Section 103. All references to “code official” shall be deemed to be to the “Enforcing Officer” as defined in this Chapter.

(3) Section 106.4. Violation penalties. Any person who shall violate a provision of this 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.

Any person, firm or corporation who shall violate a provision of this code shall under conviction thereof be subject to a fine of not more than \$1,000 or imprisonment for a term not to exceed 90 days, or both, at the discretion of the court. Every day that a violation continues after due notice has been served, in accordance with the terms and provisions thereof shall be deemed a separate offense.

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

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

(5) Section 602.3. Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 11 to May 1 to maintain a temperature of not less than 65° F. (18° C.) in all habitable rooms, bathrooms and toilet rooms.

Exception: When 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.

(6) Section 602.4. Occupiable workspace. Indoor occupiable work spaces shall be supplied with heat during the period from October 11 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 require cooling or special temperature conditions.
- (2) Areas in which persons are primarily engaged in vigorous physical activities.

**§186-2 Construal of provisions.**

Nothing in this Chapter or in the International Property Maintenance Code, hereby adopted, shall be construed to effect any suit or proceeding pending in any court, or any right acquired or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by this chapter; nor shall any just or legal right or remedy of any character be lost, impaired or effected by this Chapter.

**Article II: Brush, Grass and Weeds**

**§186-3 Notice to remove.**

Whenever it shall appear necessary and expedient to the Board of Commissioners of the Township of Haddon, for the preservation of the public health, safety, general welfare or to eliminate a fire hazard, to remove from lands lying within the limits of the Township of Haddon brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris, the Board of Commissioners shall cause notice thereof to be given to the owner of such lands, and said owner shall, within 10 days after notice thereof, remove the same.

**§186-4 Failure to comply; removal by Township.**

In case the owner of any such lands shall refuse or neglect to remove the said brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris within 10 days after notice thereof, it shall be the duty of the Code Enforcement Officer to remove the same or cause the same to be removed.

**§186-5 Costs a lien.**

The cost of such removal shall be certified by said Code Enforcement Officer to the Board of Commissioners of Haddon Township, who shall examine the cost as shown thereon and, if found to be correct, shall cause said cost to be charged against said lands; and 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 rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.

**Article III: Residential Property Inspections**

**§186-6 Residential property inspections; Resale or change of occupancy/tenancy.**

A. It is the intent and purpose of this Article to ensure that all residential property within the Township be determined to be in a safe and habitable condition prior to the habitation thereof by any successive or new property owner, tenant or other occupant.

B. Except as otherwise provided in the Uniform Construction Code pertaining to new residential construction, and/or as otherwise set forth in this Article, a Certificate of Compliance (COC) shall be required prior to the change of ownership or change of occupancy of any residential property, including the occupancy of any residential property by a new owner, a new tenant and/or other new occupant. No residential property shall be sold, leased to a person not currently residing at the premises or permitted to be occupied by any person who is not a current occupant of the property unless the property owner first obtains the Certificate of Compliance required by this Article.

C. No Certificate of Compliance shall be issued unless the residential property first passes an exterior and interior property inspection, as defined in the International Property Maintenance Code and as otherwise set forth in this Article.

D. Exception. For purposes of this Article, new or additional members of the same family shall not be considered a new occupant or new tenant unless the family member lives at the property independent of the property owner and pays rent at the then-current market rate for similar properties within the Township. Notwithstanding same, members of the same family who take ownership of property previously owned by another member of the same family are not exempt from the requirements of this Article. This Article shall not apply to residential units belonging to rental communities, such as apartment buildings or apartment complexes, consisting of more than two residential units.

E. Notwithstanding anything herein, the Township does not assume, and hereby expressly disclaims, any responsibility and/or liability for any and all conditions existing on any property inspected pursuant to this Article, regardless of whether such conditions are found or are reasonably discoverable at the time of inspection or re-inspection.

#### **§186-7 Inspection Procedures.**

A. The owner of residential property subject to this Article shall be required to apply for a Certificate of Compliance prior to transfer of ownership of the property and/or the rental of the property to a new tenant/occupant. The fees for application, inspection and issuance of a Certificate of Compliance shall be paid at the time of submission of an application therefor in the amounts set forth in Chapter 111 of the Code.

B. Applications filed pursuant to this Article shall be delivered to the Enforcing Officer not less than thirty (30) days prior to the date that the property is scheduled to be sold or occupied by a new tenant/occupant. Failure to apply at least thirty (30) days prior to the date that change of ownership or occupancy occurs shall require the payment of additional fees as set forth Chapter 111.

C. The applicant shall utilize only the forms approved by the Board of Commissioners, copies of which shall be maintained on file with the Township Clerk, Code Enforcement Officer and the Construction Office.

D. A Certificate of Compliance will be issued only when the premises are deemed to be in compliance with and/or are found to be consistent with the requirements of this Article, the Township's Land Use Code and the applicable provisions of the New Jersey Uniform Construction Code and Uniform Fire Code.

#### **§186-8 Inspection Requirements.**

A. The inspection required by this Article shall include an exterior inspection of the subject premises and interior inspection of the dwelling consistent with all applicable provisions of the International Property Maintenance Code, Uniform Construction Code and Uniform Fire Code and the requirements set forth in this Code, and shall include, but not be limited to, the specific requirements of this Section.

B. Exterior Inspections. Exterior inspections shall include an inspection of property maintenance conditions pursuant to Article II of this Chapter and an inspection of the exterior of all buildings on the property. Such inspection shall include, but not be limited to confirming compliance with the following:

- (1) Building numbering in accordance with the requirements of Chapter 167;
- (2) Maintenance and acceptable condition of sidewalks, curbs and driveway aprons in accordance with Chapter 203 and Article II of this Chapter;
- (3) Maintenance and acceptable condition of doors, door locks, windows, patios, decks, railings, siding, gutters and downspouts, soffit and fascia as well as such

other improvements or matters as may be permitted and/or required to be inspected under the Uniform Construction Code, Uniform Fire Code and/or any Chapter or provision of this Code;

- (4) Maintenance and acceptable condition of pools, spas, saunas and/or hot tubs and satisfaction of enclosure requirements applicable thereto; and
- (5) Maintenance and acceptable condition of all outbuildings and/or accessory structures, including but not limited to detached garages, sheds, walls and fences.

C. Interior Inspections. Interior inspections shall include, but not be limited to, the following:

- (1) Life hazard inspection to confirm properly working smoke detectors, carbon monoxide detectors and fire extinguishers and confirm the requisite quantity of each as required by the Uniform Fire Code;
- (2) Life safety inspection to confirm properly secured and operational electrical connections, electrical outlets and switches (including ground fault receptacles or GFCIs), covered electrical boxes, junction boxes and electrical panels;
- (3) Life safety inspection to confirm proper operation and maintenance of furnaces, heaters, water heaters, clothes dryers and gas appliances, including the existence of proper ventilation where required; and
- (4) Life safety inspection to confirm proper water faucet connections, wherever located.

#### **§186-9 Temporary Certificate of Compliance.**

A. A Temporary Certificate of Compliance (“TCOC”) may be issued for a residential property where a buyer submits a notarized letter with a complete address of the property requesting a TCOC and providing a detailed explanation of the reasons why the property cannot be brought into compliance prior to the date of transfer to a new owner or occupation by a new tenant or occupant. The fee for application and issuance of a TCOC shall be in the amount set forth in Chapter 111 and shall be due at the time of application therefor. Notwithstanding the issuance of a TCOC, no occupancy, including the moving in of any furniture, appliances or personal property, shall be permitted under a TCOC. Occupancy shall be permitted only when (i) all deficiencies have been abated, a re-inspection of the property has been conducted and a final COC has been issued by the Township and (ii) the owner has obtained any/all other local, county and state approvals that may be necessary.

B. A TCOC may be issued for a period not to exceed sixty (60) days in the sole discretion of the Enforcing Officer. The property owner shall correct all deficiencies as per the Township’s inspection report within the time provided in the TCOC. In the event the TCOC is issued for a period less than sixty (60) days, the Enforcing Officer may extend the TCOC for an additional period of time (but no more than a total of sixty (60) days from the date of first issuance) if the Enforcing Officer, in his/her sole discretion, determines such extension will not create the risk of harm or injury to any person or to the general public.

C. In the event the deficiencies cited in the initial TCOC cannot be corrected within sixty (60) days of the issuance of the TCOC, the property owner may request that the Board of Commissioners grant, via resolution and upon such terms as the Governing Body deems appropriate, such additional time as the property owner can demonstrate will be reasonably necessary as a result of reasons beyond the property owner's control. Such request shall be made in writing and delivered to the Township Clerk at least fourteen (14) days before the expiration of the then-existing and unexpired TCOC.

D. Upon the issuance of a TCOC, any and all paid contracts for services and/or repairs to the property required to satisfy the requirements of a final COC must be submitted to the Enforcing Officer. Subject only to extensions granted by the Board of Commissioners pursuant to Subsection (C) above, if the Enforcing Officer is not afforded enough time for complete review of the proposed services and/or repairs, the closing date for the subject property shall be rescheduled until such time as all deficiencies are abated or the documentation is fully reviewed and approved by the Enforcing Officer. The Enforcing Officer shall consult with such other Township personnel and/or professionals as the Enforcing Officer, in his/her sole discretion, deems necessary to evaluate the documentation provided pursuant to this Subsection.

**Article IV: Storage Containers, Trash Dumpsters and Roll-Off Containers**

**§186-10 Use of storage containers, trash dumpsters and roll-off containers.**

A. Bulk storage containers on public property. No bulk storage container, storage container, storage device, “pod,” or similar container shall be placed or maintained by any private party in or on any Township property, street or right-of-way.

B. Bulk storage containers on private property. No bulk storage container, storage container, storage device, “pod,” or similar container shall be placed or maintained on any private property unless it complies with one or more of the following provisions:

(1) Such containers may be placed or maintained on a driveway or other suitably paved area for the purposes of packing or unpacking goods and material of the owner or occupant of the property in preparation for and/or subsequent to moving into or out of the property for a period of not more than 10 consecutive days.

(2) Such containers may be placed or maintained on a driveway or other suitably paved area for purposes of storing the goods and materials of the owner or occupant of the property when necessary during renovation or rehabilitation of the structure located on the premises in which the goods or materials would otherwise be located during the period of renovation or rehabilitation and up to 10 days prior to commencement and 10 days subsequent to completion of the work. This time period may be extended by the Construction Code Official but in no event shall be more than a total of 60 days.

C. Trash dumpsters and roll-off containers. No trash dumpster, roll-off container, or similar container for trash or debris of any type may be placed or maintained by any private party in or on any Township property, street, or right-of-way except in compliance with the provisions of this section. Furthermore, no trash dumpster, roll-off container, or similar container for trash and debris of any type may be placed or maintained on any private property within the Township except in compliance with the provisions of this section or in a manner and location as set forth on a duly approved site plan.

D. Permits required. Prior to the placement of any dumpster, roll-off container, or similar container in or on any Township property, street, or right-of-way, or on any private property (not covered by a duly approved site plan), the owner or user of such containers shall apply for and receive a permit from the Township pursuant to the provisions and standards set forth herein.

(1) Application for the permit shall be made to the office of the Township Clerk or such other offices as the Township Council may from time to time designate on a form provided by the Township. The application shall require, among other things, the full name, address and other contact information for both the owner of the container and the owner of the property with which the use of the container is associated. The application for the placement of any dumpster, roll-off container, or similar container in or on any Township property, street, or right-of-way shall be accompanied by a permit fee in the amount set forth in Chapter 111. There shall be no application fee for the placement of any dumpster, roll-off container, or similar container on private property.

(2) Any container to be placed on a street or right-of-way shall be placed on the street in a legal parking space as approved or designed by the Township and shall be equipped with appropriate reflectors or other safety markings so that the container will not constitute a hazard to traffic. The specific number, location and nature of the markings shall be determined by the Township Police in the exercise of their discretion and shall be noted on the permit as a condition of its issuance. An inspection of the container shall be made by the Superintendent of Public Works to determine its best location and placement so as to ensure no damage to the Township's street or right-of-way, and shall be noted on the permit as a condition of its issuance.

(3) Any permit issued for placement of a container on the street, right-of-way or other public property shall be valid for a period of five days, and a sticker or notice shall be

prominently displayed on the street side of the container indicating the commencement and expiration dates of the permit.

(4) Any container placed on private property shall be placed on a suitable base to assure stability. If, in the opinion of the Township Police, the location is sufficiently near to a public vehicular or pedestrian path, the permit may require suitable safety markings as set forth in Subsection D(2) above.

(5) Any permit issued for placement of a container on private property shall be valid for a period of 10 days, and a sticker or notice shall be prominently displayed on the street side of the container indicating the commencement and expiration dates of the permit.

(6) Upon a showing of continued need for the container (such as during the course of major construction projects), permits may be renewed up to three times for periods of up to five days upon application for renewal and payment of a renewal fee as set forth in Chapter 111.

E. Responsibility. The owner of the container and the owner of the property associated with its use shall be jointly responsible for compliance with the provisions of this section. Copies of the penalty provisions of this section shall be appended to the permit and shall be mailed with a copy of the permit to the owner of the container, the property, and any other interested party.

## **Article V – Code Enforcement Officer; Enforcing Officers; Violations and Penalties**

### **§186-11 Code Enforcement Officer.**

The Board of Commissioners of the Township of Haddon shall appoint a Code Enforcement Officer for the purposes of administering the property maintenance requirements set forth in Article II of this Chapter.

### **§186-12 Enforcing Officer.**

Except where otherwise required by law or regulation, the Enforcing Officer for purposes of enforcing all other provisions of this Chapter shall be the Code Enforcement Officer or such other person as may be designated by the Governing Body from time to time. Notwithstanding the above, the Bureau of Fire Prevention shall have concurrent authority to enforce the inspection requirements established in Article III of this Chapter.

### **§186-13 Violations and penalties.**

A. Any person who violates any provision of this Chapter shall, upon conviction in the Municipal Court of the Township of Haddon, or such other court having jurisdiction, be liable to a fine not exceeding \$2,000, or imprisonment for a term not exceeding 90 days, or community service for a term not exceeding 90 days, or all of the above. Each day that a violation occurs shall be deemed a separate and distinct violation, subject to the penalty provisions of this section.

B. Each person acting as an Enforcing Officer hereunder shall have the power to issue summonses for violations of this Chapter for hearing before the Haddon Township Municipal Court or such other court having jurisdiction.

**SECTION 2:** Chapter 122 of the Code of the Township of Haddon, entitled “Fire Prevention,” is hereby revised, amended and/or supplemented by deleting Section 122-20 and marking same as “[RESERVED].”

**SECTION 3:** Chapter 89 of the Code of the Township of Haddon, entitled “Brush, Grass and Weeds” is hereby DELETED in its entirety and marked as “[RESERVED].”

**SECTION 4:** Chapter 111 of the Code of the Township of Haddon, entitled “Fees,” is hereby amended, revised and supplemented by adding new Subsections 42 and 43 as follows:

**§111-42 Fees for Certificates of Compliance (COC) and Temporary Certificates of Compliance (TCOC) from Chapter 186.**

- A. The fees for application and issuance of a COC or a first TCOC shall be as follows:
- (1) For COC applications submitted more than 14 days prior to the date change of ownership occurs or the date of change of occupancy, the fee is \$150;
  - (2) For COC applications submitted more than 7 days but less than 14 days prior to the date change of ownership occurs or the date of change of occupancy, the fee is \$175;
  - (3) For COC applications submitted more than 4 days but less than 7 days prior to the date change of ownership occurs or or the date of change of occupancy, the fee is \$200;
  - (4) For COC applications submitted less than 4 days prior to the date change of ownership occurs or the date of change of occupancy, the fee is \$225; and
  - (5) For COC applications submitted after the date change of ownership occurs or the date of change of occupancy, the fee is \$250.
- B. The following additional fees shall be paid upon re-inspection of a property after the issuance of a TCOC:
- (1) The fee for the first re-inspection after issuance of a TCOC is \$25;
  - (2) The fee for the second re-inspection after issuance of a TCOC is \$50;
  - (3) The fee for a third re-inspection after issuance of a TCOC is \$75; and
  - (4) The fee for a fourth or subsequent re-inspection after issuance of a TCOC is \$100 for each such re-inspection.

**§111-43 Permit Fees for placement of dumpsters or containers on public property from Chapter 186.**

- A. The permit fee for the placement of any dumpster, roll-off container, or similar container in or on any Township property, street, or right-of-way as set forth in Chapter 186, Article IV is \$25.
- B. The fee for permit renewals issued pursuant to Article IV of Chapter 186 is \$15.00 for each renewal.

**SECTION 5:** The Code of the Township of Haddon is hereby amended, revised and/or supplemented by deleting any references to "Section 122-20" and replacing same with a reference to "Chapter 186, Article III."

**SECTION 6:** Except as set forth in Sections 1 through 5 above, the balance of the Code of the Township of Haddon shall not be affected by this Ordinance.

**SECTION 7:** All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

**SECTION 8:** If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of

judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

**SECTION 9:** This Ordinance shall take effect upon passage and publication according to law.

THE TOWNSHIP OF HADDON

BY: \_\_\_\_\_  
RANDALL W. TEAGUE, MAYOR

BY: \_\_\_\_\_  
JAMES MULROY, COMMISSIONER

BY: \_\_\_\_\_  
RYAN LINHART, COMMISSIONER

**Introduced: February 25, 2020**

**Adopted: May 26, 2020**

ATTEST:

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DAWN M. PENNOCK, RMC - TOWNSHIP CLERK

**The foregoing Ordinance was introduced by the Mayor and Commissioners at the regular meeting held on February 25, 2020. This Ordinance will be considered for adoption on final reading and public hearing to be held on May 26, 2020 at 7:00 p.m.**

**The purpose of this Ordinance is to more fully establish the resale and change of tenancy inspection requirements of the Township Code and to consolidate all regulations pertaining to the maintenance of property into one Chapter. A copy of this Ordinance is available at no charge to the general public between the hours of 8:30 AM to 4:30 PM, Monday through Friday (Legal Holidays excluded), at the Office of the Township Clerk, Haddon Township Municipal Building, 135 Haddon Avenue, Westmont, New Jersey.**