

Title 8

HEALTH AND SAFETY

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Chapter 8.04

ABATEMENT OF DANGEROUS BUILDINGS

Chapters:

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8.04.010 Purpose.

The township has determined that its existing ordinance concerning the removal or destruction of decaying buildings within the township does not meet the current standards and provisions established within the existing New Jersey statutes regarding unfit buildings. As such, the township committee wishes to rescind in its entirety the existing Section Seven of Chapter XII of the township code (prior code § 12- 7) and further adopt a new ordinance concerning the procedures to be followed prior to the removal or destruction of unfit buildings. (Ord. 7-96 § 1)

8.04.020 Statutory authority.

The ordinance codified in this chapter is adopted pursuant to Sections 2.3, 2.3(a), 2.4, 2.5, 2.5(b), 2.6, 2.9 and 2.10 of P.L. 1942, c.112 NJSA 40:48-2.3 et seq. (Ord. 7-96 § 2)

8.04.030 Definitions.

As used in this chapter, the following definitions shall apply:

“Building” means any building, or structure, or part thereof, whether used for human habitation or otherwise, and includes any outhouses, and appurtenances belonging thereto or usually enjoyed therewith.

“Owner” means the holder or holders of title in fee simple.

“Parties in interest” means all individuals, associations and corporations who have an interest of record in a building and any who are in actual possession thereof.

“Public officer” means for purposes of this chapter the Edgewater Park Township building inspector; however, should no building inspector be appointed or existing at any time in the future, it shall also mean the officer, officers, board or body who is or are authorized by the ordinance adopted and codified in this chapter to exercise the powers described by such ordinance.

“Public authority” means for purposes of this chapter the Edgewater Park Township board of health; however, should no township board of health be appointed at any time in the future, it shall also mean any housing authority or any officer who is in charge of any department or branch of government within the township, county or state relating to health, fire, building regulations, or other activities concerning buildings within the township.

“Township committee” means the Edgewater Park township committee. (Ord. 7-96 § 3)

8.04.040 Public officer appointment.

The Edgewater Park township building inspector is designated and appointed as the public officer of the township in order to exercise the powers prescribed by this chapter. (Ord. 7-96 § 4)

8.04.050 Designation of public authority.

The Edgewater Park board of health is designated and appointed as the township public authority in order to exercise the powers prescribed by this chapter. (Ord. 7-96 § 5)

8.04.060 Investigation and procedural treatment of unfit buildings by the public authority.

Whenever a petition is filed with the public officer by the public authority or by at least five registered taxpayers of the township of Edgewater Park charging that any building is unfit for human habitation or occupancy or use or whenever it appears to the public officer (on his own motion) that any building is unfit for human habitation or occupancy or use, the public officer shall, if preliminary investigation discloses a basis for such charges, issue and charge to be served upon the owner of and parties in interest in such building, a complaint stating the charges in that respect and containing a notice that a hearing will be heard before the public officer at a place there and fixed not less than seven days nor more than thirty (30) days after the serving of said complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in the courts of the state of New Jersey shall not be controlling in hearings before the public officer. (Ord. 7-96 § 6)

8.04.070 Remedies available to the public officer after notice and hearing.

A. If, after notice and hearing, the public officer and the public authority determine that buildings within the township under consideration are unfit for human habitation or occupancy or use, they shall state in writing the findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof and parties in interest an order:

1. Requiring the repair, alteration or improvement of the said building to be made by the

owner, within a reasonable time, which time shall set forth in the order or at the option of the owner, to vacate or have the said building vacated and closed within the time set forth in the order; and

2. If the building is in such a condition as to make it dangerous to the health and safety of persons on or near the premises, and the owner fails to repair, alter or improve the said building within the time specified in the order, then the owner shall be required to remove and demolish the said building within a reasonable time as specified in the said order of removal.

B. If, the owner fails to comply with an order to repair, alter or improve a building, or, at the option of the owner, to vacate and close the building, the public officer may cause such building to be repaired, altered or improved, or to be vacated and closed; the public officer may cause to be posted on the main entrance of any building so closed, a placard notice with the following words: "THIS BUILDING IS UNFIT FOR HUMAN HABITATION OR OCCUPANCY OR USE; THE USE OR OCCUPANCY OF THIS BUILDING IS PROHIBITED AND UNLAWFUL." (Ord. 7-96 § 7)

8.04.080 Demolition of buildings.

If the owner fails to comply with an order to remove or demolish the building, the public officer may cause such building to be removed or demolished or may contract for the removal or demolition thereof after advertisement for, and receipt of bids, therefor. (Ord. 7-96 § 8)

8.04.090 Costs associated with removal and demolition—Municipal lien.

The costs associated with filing of legal papers, expert witnesses' fees, search fees and advertising charges incurred in the course of any proceeding taken pursuant to this chapter and determined in favor of the township and such costs of repair, alteration and improvement, or vacating and closing, or removing or demolishing, if any, or the amount of the balance thereof remaining after deduction of the sum, if any, realized from the sale of materials derived from such building or from any contract for the removal or demolition thereof, shall be a municipal lien against the real property upon which such costs was incurred.

If the building is removed or demolished by the public officer, the public officer shall, in its discretion, sell the materials of such building. There shall be credited against the cost of the removal or demolition thereof, including the clearance and, if necessary, levelling of the site, the proceeds of any sale of such materials or any sum derived from any contract for the removal or demolition of the building. If there are no credits or if the sum total of such costs exceeds the total of such credits, a detailed statement of the aforesaid costs and the amount so due shall be fixed with the township tax assessor or other custodian of records of tax liens and a copy thereof shall be forthwith forwarded to the owner by registered mail. If the total of the credits exceeds such costs, the balance remaining shall be deposited by the township with the clerk of the Superior Court, shall be secured in such manner as may be directed by the court, and shall be disbursed according to an order or judgment of the court to the persons found to be entitled thereto by final order or judgment of such court. Any owner or party in interest may, within thirty (30) days of the date of filing of the lien certificate, proceed in a summary manner in the Superior Court to contest the reasonableness of the amount or the accuracy of the costs set forth in the township lien certificate. (Ord. 7-96 § 9)

8.04.100 Actual or immediate danger.

If an actual or immediate danger to life is posed by the threatened collapse of any fire damaged or other structurally unsafe building, the public officer may, after taking such measures as may be necessary to make such building temporarily safe, seek a judgment in summary proceedings for the demolition thereof. (Ord. 7-96 § 10)

8.04.110 Standards to be considered by the public officer.

The public officer of the township may determine that a building is unfit for human habitation or occupancy or use if the public officer finds that conditions exist in such building which are dangerous or

injurious to the health or safety of the occupants of such building, the occupants of neighboring buildings, or other residents; such conditions shall be deemed to include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accidents or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair, structural defects; uncleanliness; failure to comply with the requirements of the building code or the certificate of occupancy. (Ord. 7-96 § 11)

8.04.120 Additional powers to be assumed by the public officer.

The public officer shall be authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted;

A. To investigate the building conditions in the township in order to determine which buildings therein are unfit for human habitation or occupancy or use;

B. To administer oaths, affirmations, examine witnesses and receive evidence;

C. To enter upon premises for the purpose of making examinations; provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

D. To appoint and fix duties of such officers, agents and employees as the public officer deems necessary to carry out the purposes of this chapter; and

E. To delegate any of its functions and powers under the chapter to such officers and agents as the public officer may designate. (Ord. 7-96 § 12)

Chapter 8.08

ALARM SYSTEMS

Sections:

8.08.010	Definitions.
8.08.020	Regulation.
8.08.030	Terms and conditions.
8.08.040	Application fee.
8.08.050	Fee for false alarm.
8.08.060	Exemptions.
8.08.070	Responsibility.

8.08.010 Definitions.

As used in this chapter:

“Burglar/fire alarm equipment” means any and all equipment installed in any property of any nature whatsoever situated in the township of Edgewater Park. (Prior code § 12:18-1)

8.08.020 Regulation.

No person, firm, corporation, partnership or other business entity shall hereafter be permitted to install a burglar/fire alarm without first having complied with the terms and conditions of this chapter. (Prior code § 12:18-2)

8.08.030 Terms and conditions.

Each applicant for the installation of an alarm system shall complete an application which shall contain the following information:

- A. Name, address and telephone number of the applicant;
- B. Name, address and telephone number of the owner of the premises, if other than the applicant;
- C. Name, address and telephone number of personnel acquainted with the alarm system who can be contacted in the event of an emergency;
- D. Type of service;
- E. Name, address and telephone number of the installer;
- F. Name, address and telephone number of person to be contacted in the event of an emergency;
- G. Such other information as may be required by the director of public safety/chief law enforcement officer in his discretion to enable the police department to effectively monitor the alarm system. (Prior code § 12:18-3)

8.08.040 Application fee.

There shall be a ten-dollar \$10.00 fee upon the filing of the application for the cost of maintaining the record by the Edgewater Park Township police department. (Prior code § 12:18-4)

8.08.050 Fee for false alarm.

In order to minimize false alarms and the resultant unproductive time of the police department personnel, there shall be a fee beginning with the fifth and each subsequent false alarms thereafter in any calendar year that shall be paid by the permit holder of twenty-five dollars (\$25.00). (Prior code § 12:18-5)

8.08.060 Exemptions.

All public and quasi-public buildings including fire stations and all buildings rented by public agencies are exempt from the provisions of this chapter. (Prior code § 12:18-6)

8.08.070 Responsibility.

The applicant shall be solely responsible for the proper installation and maintenance of its alarm equipment including all lines and wiring thereto and the township shall not be responsible for any failure or breakdown of the alarm system or malfunction thereof. (Prior code § 12:18-7)

Chapter 8.12

FENCING OF WATER COLLECTION AREAS

Sections:

8.12.010	Requirements.
8.12.020	Additional areas subject to requirements.
8.12.030	Requirements not enforced during construction.
8.12.040	Exceptions—Agreement.
8.12.050	Violation—Penalty.

8.12.010 Requirements.

All water collection areas, drainage ponds, or similar water holes, adjacent to residential, commercial and industrial developments and public streets and roads shall be completely enclosed by a cyclone or anchor fence or equal.

A. Fabric will be aluminum or heavily zinc coated by hot-dip process after weaving. Fence will be seventy-two (72) inches with a Number Nine gauge wire woven in a two-inch chain link mesh, top and bottom selvages to have twisted and barbed finish, barbing to be done by cutting wire on the bias to create sharp points.

B. Wire pickets of which this fabric is made must stand a tensile strength test of eighty thousand (80,000) pounds per square inch based on the cross-sectional area of the galvanized wire.

C. Line posts will be hot-dip galvanized or aluminum—"H" column, weight 2.72 pounds per lineal foot.

D. End, corner, angle and pull posts will be 2.5 inches O.D., weight 3.65 pounds per lineal foot. Gate posts for a single gate from six feet to thirteen (13) feet, or double gate from twelve (12) feet to twenty-six (26) feet will be four inches O.D. Single-gate to six feet or double-gate to twelve (12) feet will need three-inch gate posts.

E. Posts will be spaced in line of the fence and placed no further than ten feet apart on centers. Posts will be set thirty-six (36) inches in concrete base of proper size and shape as determined by fence manufacturer, so as to furnish a foundation and support sufficient to withstand any strain or shock brought to bear on fence of this character.

F. Fence specifications, as supplied by the manufacturer must be submitted to the township committee of Edgewater Park or its engineer for approval before construction starts. (Prior code § 12:12-1)

8.12.020 Additional areas subject to requirements.

Where, in the opinion of the township committee, there exists additional water collection areas as defined but not previously included in Section 8.12.010, which areas are hazardous to the health, welfare and safety of the residents of the township, it shall be required that they be completely enclosed by a cyclone or anchor fence or equal, as otherwise defined in Section 8.12.010. (Prior code § 12:12-2 (part))

8.12.030 Requirements not enforced during construction.

The requirements of this chapter shall not be enforced during the actual construction of the residential, commercial and industrial developments; however, adequate temporary fencing shall be required during construction. (Prior code § 12:12-2 (part))

8.12.040 Exceptions—Agreement.

Where, in the opinion of the township committee, there are water collection areas, which, in the opinion of the township engineer, are constructed in such a way as to have adequate provisions for shallow water, proper slope, supervision, and other conditions so that they do not constitute a safety

hazard to the health, welfare and safety of the residents of the township, and

Where, in the opinion of the township committee, the general welfare of the township would be enhanced by not having said area or areas fenced, the township committee, in its discretion, may grant to the owner of the property a permit permitting the water collection area to be utilized in accordance with specifications as established by the township engineer, reduced to writing and incorporated in a written agreement between the owner and the township, which agreement shall enumerate those specifications and further provide that the owner or his agents shall indemnify the township from any and all damage or personal injury which shall result by virtue of said water collection area or areas being unfenced. Said agreement shall also require any additional safeguards for the welfare of the community, as may be determined by the township committee. Said agreement shall be a covenant running with the land and shall bind the heirs and assigns of the owner and shall be recorded in the Burlington County clerk's office. Said permit shall be automatically revoked upon the owner's or his assigns' failure after receiving ten days' written notice from the township committee, to comply with the terms and covenants of the agreement and in that event the owner or his assigns shall immediately be required to comply with the general fencing requirements of this chapter and shall be subject to the penalties of this chapter for failure of this chapter to so comply. (Prior code § 12:12-2 (part))

8.12.050 Violation—Penalty.

Any person, firm or corporation violating any of the provisions of this chapter shall be subject to a fine not exceeding two hundred dollars (\$200.00) or imprisonment in the county jail for a term not exceeding ninety (90) days or both at the discretion of the magistrate before whom such convictions may be held. Each day such violation shall continue shall constitute a separate offense. (Prior code § 12:12-3)

Chapter 8.16

UNIFORM FIRE SAFETY ACT ENFORCEMENT

Sections:

8.16.010	Local enforcement.
8.16.020	Agency designation.
8.16.030	Duties.
8.16.040	Life hazard uses.
8.16.050	Organization—Funds— Insurance.
8.16.060	Appointment of fire official.
8.16.070	Inspectors and employees.
8.16.080	Removal from office.
8.16.090	Disclaimer.
8.16.100	Board of appeals.
8.16.110	Additional required inspection and fees.
8.16.120	Permit and inspection fees.

8.16.010 Local enforcement.

Pursuant to NJSA 52:2-27D-202, the New Jersey Uniform Fire Code shall be locally enforced within the township. (Prior code § 18:2-1)

8.16.020 Agency designation.

The board of fire commissioners of the township be and the same is designated as the local enforcing agency within the district. (Prior code § 18:2-2)

8.16.030 Duties.

The local enforcement agency shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the established boundaries of the fire district, other than owner-occupied one- and two-family dwellings, provided, that property owned or leased by the state of New Jersey or any of its agencies or authorities shall not be subject to the provisions of this chapter but shall be inspected exclusively by the New Jersey Department of Community Affairs. The local enforcement agency shall faithfully comply with the requirements of the Uniform Fire Safety Act, the Uniform Fire Code, and this chapter. (Prior code § 18:2-3)

8.16.040 Life hazard uses.

The local enforcement agency shall carry out the periodic inspection of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of Community Affairs, provided, that such inspections shall be carried out only by a properly certified inspector. (Prior code § 18:2-4)

8.16.050 Organization—Funds— Insurance.

The local enforcing agency may designate an appropriate officer to carry out the duties of this chapter under its supervision. Such funds as may be necessary to support the operations of the agency shall be raised by the district in the manner provided by law. The board of fire commissioners shall be responsible for obtaining and maintaining public liability insurance in an amount not less than one million dollars (\$1,000,000.00) and shall cause the township, its officers, agents, servants and employees, to be named as additional insureds thereunder. (Prior code § 18:2-5)

8.16.060 Appointment of fire official.

A fire official shall be appointed for the fire district by the board of fire commissioners for a term

of one year. Vacancies shall be filled for the unexpired term. The fire official shall be under the supervision of the board of fire commissioners. (Prior code § 18:2-6)

8.16.070 Inspectors and employees.

Such inspectors as may be necessary to carry out all required inspections in the fire district shall be appointed for the fire district by the board of fire commissioners for a term of one year. Vacancies shall be filled for the unexpired term. Each such inspector shall be under the supervision of the fire official of the fire district and the board of fire commissioners. (Prior code § 18:2-7)

8.16.080 Removal from office.

The fire official, all inspectors and other employees of the fire district shall be subject to removal by the board of fire commissioners for inefficiency or misconduct. Each fire official, inspector or employee to be so removed shall be afforded an opportunity to be heard by the board of fire commissioners or a designated hearing officer, pursuant to law. (Prior code § 18:2-8)

8.16.090 Disclaimer.

Nothing in this chapter shall be construed as in any way derogating from or limiting the right of any person under Title II of the Revised Statutes (Civil Service). (Prior code § 18:2-9)

8.16.100 Board of appeals.

Pursuant to NJSA 52:27D-206 and 52:27D-208, any person aggrieved by any order of the local enforcement agency shall have the right to appeal to the construction board of appeals of Burlington County. (Prior code § 18:2-10)

8.16.110 Additional required inspection and fees.

In addition to the inspection and fees required pursuant to the Uniform Fire Safety Act and the regulations of the Department of Community Affairs, the following additional inspections and fees shall be required:

A. Commercial uses classified as life hazard uses shall be inspected once a year. Such uses shall pay an annual registration fee of thirty dollars (\$30.00). (Prior code § 18:2-11)

8.16.120 Permit and inspection fees.

The permit fees shall be as follows:

- Type 1 \$1,025.00
- Type 2 100.00
- Type 3 200.00
- Type 4 300.00
- Type 5 1,000.00

All other businesses shall be charged an annual inspection fee of twenty-five dollars (\$25.00). (Prior code § 18:2-12)

Chapter 8.20

MISCELLANEOUS FIRE PROTECTION REGULATIONS

Sections:

8.20.010	Fire district created.
8.20.020	Fire lanes designated.
8.20.030	Design of fire lanes.
8.20.040	Location of fire lanes.
8.20.050	No parking designations to be posted on fire lanes.
8.20.060	Maintenance of fire lanes to be continuing condition of approvals.
8.20.070	Unauthorized vehicles in fire lanes—Enforcement.
8.20.080	Outdoor fires.
8.20.090	Storage or parking of internal combustion engine vehicles.

8.20.010 Fire district created.

There is created one fire district for the township, which limits shall be the boundaries of the township described as follows:

BEGINNING at a point in low water line of the river Delaware and corner to the Township of Burlington and extending thence (1) southwardly along the west line of the Township of Burlington to a point for a corner in the State Highway, Route No. 2 (formerly called Burlington Pike) and the north line of Willingboro Township; then (2) westwardly along the north line of Willingboro Township by its several courses to a point for a corner, said point being 500 feet west of the west property line of the Bridgeboro-Beverly Road, if extended, said road formerly being the Toll Bridge-Dunk's Ferry Road; thence (3) northwardly along a line 500 feet west and parallel with the west property line of the said Bridge-boro-Beverly Road to a point for a corner 500 feet west of the west property line of Perkins Lane; thence (4) still northwardly 500 feet west and parallel with said Perkins Lane and following its several courses to a point for a corner in the north right of way line of the Trenton Division of the Pennsylvania Railroad, said railroad being formerly called the Camden and Amboy Railroad; thence (5) eastwardly along the north right of way line of said railroad and along the south line of the City of Beverly to a point for a corner; thence (6) northwardly along east line of the City of Beverly to a point for a corner in the low water line of the River Delaware; thence (7) eastwardly along the low water line of the river Delaware by its several courses to the place of beginning.

(Prior code § 2:6-1)

8.20.020 Fire lanes designated.

Fire lanes shall be designated as set forth in this chapter pursuant to NJSA 40A:14-53 as amended on all plans and specifications for the construction or remodeling of any public or quasi-public structure where deemed necessary by the township fire marshal.

The owner of any property on which there is presently located a public or quasi-public structure which has no fire lanes or on which the fire lanes presently existing are deemed inadequate by the fire marshal, shall be required, upon ten days' notice, to provide, locate and designate, appropriate fire lanes in accordance with the provisions of this chapter. (Editorially amended during 1997 codification; prior code § 14:21-1)

8.20.030 Design of fire lanes.

Each fire lane shall be constructed to a minimum width of eighteen (18) feet, twelve (12) feet of which shall be paved, gravelled or constructed of an appropriate stable base with grass or sod topping.

Construction of the fire lane can be combined with a pedestrian path if appropriately located and constructed. All fire lanes shall be visually designated either by their form or by the material used in their construction. In the event that a stable base with grass or sod topping is used in order to have the fire lane blend with the landscaping, their location shall be shown by appropriate shrubbery or other designation. When determining the type of construction which is appropriate for the fire lane, consideration shall be given to the aesthetics of the site. (Prior code § 14:21-2)

8.20.040 Location of fire lanes.

Fire lanes shall be located so as to serve the entire building from the building site so as to provide the most direct means of access for all emergency vehicles: to be sufficiently close to the building to provide the means to provide protection for the structure while being far enough removed so as to provide safety for the emergency vehicle using the fire lane in the event of collapse of the building. However, the ultimate authority with respect to the determination for the location of the fire lanes shall lie with the fire marshal of the township. The fire marshal shall make the aforesaid determination after reviewing recommendations of both the township engineer and township planner. (Prior code § 14:21-3)

8.20.050 No parking designations to be posted on fire lanes.

Fire lanes shall be appropriately posted with signs indicating the words “NO PARKING— FIRE ZONE” in red letters on a white background, with a red line bordering the perimeter of the sign, said sign to be twelve (12) inches by eighteen (18) inches, made of metal with rust-resistant reflectorized coating, posted at the ends of each fire lane, and at one hundred (100) foot intervals therein. Fire areas shall also be designated by covering the face and top of the curb of the prohibited area with a solid yellow color of paint. The above criteria for the painting of fire areas is to be considered a minimum, and additional painting may be placed on the site consisting of crosshatches, solid yellow areas, or such other designations, in addition to the curb painting as may serve to act as a deterrent to parking in fire zones. (Prior code § 14:21-4)

8.20.060 Maintenance of fire lanes to be continuing condition of approvals.

The owner of the site upon which a fire lane is located shall be responsible for constructing, designating and marking fire lanes as required by this chapter. All maintenance and repair of the signs and pavement markings, if any, shall remain the responsibility of the owner and any successor. The maintenance and repair shall be a continuing condition of any approval conferred with respect to the construction, remodeling or occupancy of the building or structure on the premises. Any failure to maintain or repair said signs or pavement markings shall be a basis for voiding the prior approval. Approvals which shall be conditional under this section shall include, but not be limited to, final site plan approval and certificates of occupancy. No such approval shall be held to be void unless a hearing by the issuing officer or agency has been held on due notice to the owner of the premises. (Prior code § 14:21-5)

8.20.070 Unauthorized vehicles in fire lanes—Enforcement.

A. No unauthorized vehicles shall be allowed to park, stand or stop in any fire lane except where there is a fire lane in front of and one hundred (100) feet to either side of the only means of ingress and egress to a commercial establishment and no other alternate means of ingress and egress can be feasibly established, then and in that event, limited stopping, standing and parking shall be permitted for the purposes of loading and unloading to that commercial facility only. The foregoing exception to the enforcement of fire lanes shall be limited to the specific criteria as set forth above and be further limited to actual loading and unloading only, not to exceed thirty (30) minutes. Nor shall any person in any manner obstruct any fire lane except as provided above. Any person violating this section shall be subject to a fine not less than forty-two dollars (\$42.00) and not greater than two hundred dollars (\$200.00) for each separate offense, said fine and court costs inclusive to be payable through the violations bureau. “Unauthorized vehicle” shall be interpreted to mean a vehicle other than emergency vehicles as well as

such other vehicles as may be designated by the fire official as being authorized and trucks loading or unloading pursuant to this chapter.

B. Any unoccupied vehicle parked, stopped or standing in violation of this chapter in any fire lane shall be deemed a nuisance and the fire marshal may provide for its immediate removal. The cost of its removal and any subsequent storage which may be required shall be paid by the owner of the vehicle before he may be allowed to regain possession of same.

C. The fire marshal, the fire inspector, the code enforcement officer and the township police department shall have concurrent jurisdiction to enforce the provisions of this section.

D. Notwithstanding the penalties above set forth, the township shall be entitled to pursue any other remedy available at law or equity to enforce the provisions hereof. (Prior code § 14:21-6)

8.20.080 Outdoor fires.

No person shall operate or use or maintain any open fire or any device commonly known as a barbecue in or on any apartment unit, porch, balcony, covered patio area or any other private area of an apartment, condominium or other multifamily dwelling unit. For purposes of this section "barbecue" shall mean propane barbecue grill, charcoal fire grill, electric grill and hibachi-type unit that uses charcoal. A person shall be permitted to operate or use or maintain any barbecue unit (previously defined) on the ground level at a distance of ten feet away from any exterior combustible wall of any apartment, condominium or other multifamily dwelling unit. (Ord. 4-97 § 2: prior code § 12:30-1)

8.20.090 Storage or parking of internal combustion engine vehicles.

No person shall store or park or cause to store or park any internal combustion engine vehicle (including, but not limited to, those commonly known as motorcycle, moped, go-car, dirt bike, lawn mower, snow blower, etc.) in or on any apartment unit porch, balcony, covered patio area, entrance, exit or any other private area of an apartment or multifamily dwelling unit. (Prior code § 12:30-2)

Chapter 8.24

GARBAGE COLLECTION AND DISPOSAL

Sections:

- 8.24.010 Garbage collection provided.
- 8.24.020 Rules and regulations.
- 8.24.030 Exceptions.
- 8.24.040 Collection requirements.
- 8.24.050 Violation—Penalty.
- 8.24.060 Person defined.

8.24.010 Garbage collection provided.

The township committee of the township shall, from time to time, provide by contract or otherwise for the collection and removal of garbage, ashes, rubbish and trash within said township. (Prior code § 7:3-1)

8.24.020 Rules and regulations.

The township committee may provide rules and regulations concerning the collection and removal of garbage, ashes, rubbish and trash within the township and shall provide for appropriate notice to the residents of the said township. (Prior code § 7:3-2)

8.24.030 Exceptions.

All garden-type and high rise apartment houses, as defined in the apartment house ordinance, commercial buildings or industrial buildings, shall individually provide for the collection and removal of garbage, ashes, rubbish and trash in their respective facilities and the township shall not provide collection and removal services to these facilities. (Prior code § 7:3-3)

8.24.040 Collection requirements.

All garbage, ashes, rubbish or trash shall be placed in closed containers for collection and placed at the property line on the day scheduled for collection. No garbage, ashes, rubbish or trash shall be left at the property line other than on the day scheduled for collection. No apartment house, commercial or industrial facility shall permit or allow garbage, ashes, rubbish or trash to accumulate or remain on the premises for a period longer than the interval between collections, but all such facilities must provide for collection and removal at least twice each week. (Prior code § 7:3-4)

8.24.050 Violation—Penalty.

Any person violating any provision of this chapter shall, upon conviction thereof, be subject to a fine not exceeding fifty dollars (\$50.00) or to be imprisoned in the county jail for not more than thirty (30) days or both at the discretion of the magistrate of the municipal court of the township. (Prior code § 7:3-5 (part))

8.24.060 Person defined.

For the purpose of this chapter the term “person” shall mean, but not be limited to the following: firm, corporation, company, partnership, or any other business relationship in addition to an individual owner, and the owner of an apartment house, commercial or industrial owner, and the owner of an apartment house, commercial or industrial facility shall be deemed the person responsible for compliance with the provisions of this chapter. (Prior code § 7:3-5 (part))

Chapter 8.28

HOUSING CODE ADOPTED

Sections:

8.28.010	Adoption.
8.28.020	Authority.
8.28.030	Dwellings unfit for human habitation— Determination.
8.28.040	Petition—Hearing.
8.28.050	Order to be issued by building inspector.
8.28.060	Serving of complaints or orders.
8.28.070	Powers of building inspector.
8.28.080	Conformity to housing code required.
8.28.090	Violation—Penalty.
8.28.100	Chapter not to impair power of enforcement.

8.28.010 Adoption.

Pursuant to the provisions of Chapter 21, P.L. 1946 (NJSA 40:49-5.1), the New Jersey State Housing Code as approved by the Departments of Health and Conservation and Economic Development and filed in the Secretary of State's Office is accepted, adopted and established as a standard to be used as a guide in determining the fitness of a building for human habitation or occupancy or use. A copy of the New Jersey State Housing Code is annexed to the ordinance codified in this chapter and three copies of the same have been placed on file in the office of the township clerk and are available to all persons desiring to use and examine the same. (Prior code § 12:17-1)

8.28.020 Authority.

The Burlington County health department is designated as the authorized agent or enforcing officer to exercise the powers described by this chapter. (Prior code § 12:17-2)

8.28.030 Dwellings unfit for human habitation—Determination.

For the purpose of this chapter the building inspector may determine that a dwelling is unfit for human habitation if he finds that conditions exist in such dwelling, which are dangerous or injurious to the health or safety of the occupants of such dwelling, the occupants of neighboring dwellings or other residents of the township; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation, disrepair, structural defects or uncleanness. (Prior code § 12:17-3)

8.28.040 Petition—Hearing.

Whenever a petition is filed with the building inspector by a public authority as defined in NJSA 40:48-2.4 or by at least five residents of the municipality charging that any dwelling is unfit for human habitation as defined in this chapter, or whenever it appears to the building inspector (on his own motion) that any dwelling is unfit for human habitation, as defined in this chapter, he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling a complaint stating the charges in that respect and containing a notice that a hearing will be held before the building inspector (or his designated agent) at a place therein fixed not less than ten days nor more than thirty (30) days after the serving of said complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaints; and that the rules of

evidence prevailing in courts of law or equity shall not be controlling in hearings before the building inspector. (Prior code § 12:17-4)

8.28.050 Order to be issued by building inspector.

If, after such notice and hearing, the building inspector determines that the dwelling under consideration is unfit for human habitation, as defined, in this chapter, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof and parties in interest an order requiring:

A. The repair, alteration or improvement of the said building to be made by the owner, within a reasonable time, which time shall be set forth in the order or at the option of the owner to vacate or to have said building vacated and closed within the time set forth in the order; and

B. If the building is in such a condition as to make it dangerous to the health and safety of persons on or near the premises and the owner fails to repair, alter or improve the said building within the time specified in the order, that the owner remove or demolish the said building within a reasonable time as specified in the said order of removal;

C. That, if the owner fails to comply with an order to repair, alter or improve or, at the option of the owner, to vacate and close the building, the building inspector may cause such building to be repaired, altered or improved, or to be vacated and closed; that the building inspector may cause to be posted on the main entrance of any building so closed, a placard with the following words: "This building is unfit for human habitation or occupancy or use; the use or occupation of this building is prohibited and unlawful.";

D. That, if the owner fails to comply with an order to remove or demolish the building, the building inspector may cause such building to be removed or demolished or may contract for the removal or demolition thereof after advertisement for, and receipt of, bids therefor;

E. That the amount of:

1. The cost of the filing of legal papers, expert witnesses' fees, search fees and advertising charges incurred in the course of any proceeding taken under this chapter determined in favor of the municipality, and

2. Such cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition if any, or the amount of the balance thereof remaining after deduction of the sum, if any, realized from the sale of materials derived from such building or from any contract for removal or demolition thereof,

shall be a municipal lien against the real property upon which such cost was incurred. If the building is removed or demolished at the direction of the building inspector, he shall sell the materials of such building. There shall be credited against the cost of the removal or demolition thereof, the proceeds of any sale of such materials or any sum derived from any contract for the removal or demolition of the building. If there are no such credits or if the sum total of such costs exceeds the total of such credits, a detailed statement of the aforesaid costs and the amount so due shall be filed with the municipal tax assessor or other custodian of the records of tax liens and a copy thereof shall be forthwith forwarded to the owner by registered mail. If the total of the credits exceed such costs, the balance remaining shall be deposited in the Superior Court by the building inspector, shall be secured in such manner as may be directed by such court and shall be disbursed according to the order or judgment of the court to the persons found to be entitled thereto by final order or judgment of such court; provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. Any owner or party in interest may, within sixty (60) days from the date of filing of the lien certificate, proceed in a summary manner in the Superior Court to contest the reasonableness of the amount or the accuracy of the costs set forth in the municipal lien certificate. (Prior code § 12:17-5)

8.28.060 Serving of complaints or orders.

Complaints or orders issued by the building inspector pursuant to this chapter shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by said building inspector in the exercise of reasonable diligence, and the said building inspector shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two successive weeks in the legal newspaper as utilized by Edgewater Park. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order, and a copy of such complaint or order shall be duly recorded or lodged for record with the county recording officer of the county in which the dwelling is located. (Prior code § 12:17-6)

8.28.070 Powers of building inspector.

The building inspector is authorized and empowered to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following in addition to others herein granted: (a) to investigate the dwelling conditions in the township in order to determine which dwellings therein are unfit for human habitation; (b) to administer oaths, affirmations, examine witnesses and receive evidence; (c) to enter upon premises for the purpose of making examination, provided, that such entries shall be made in a manner according to law; (d) to appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and (e) to delegate any of his functions and powers under this chapter to such officers and agents as he may designate. (Prior code § 12:17-7)

8.28.080 Conformity to housing code required.

No person shall occupy as owner, occupant, or rent to another for occupancy, any dwelling or dwelling unit for the purpose of living herein which does not conform to the provisions of the New Jersey State Housing Code established as the standard to be used in determining whether a dwelling is safe, sanitary and fit for human habitation. (Prior code § 12:17-8)

8.28.090 Violation—Penalty.

In addition to the above remedies, any person, firm or corporation who shall violate any of the provisions of this chapter shall upon conviction, be punished by a fine of not to exceed two hundred dollars (\$200.00) or by imprisonment in the county jail for a period of not to exceed ninety (90) days or by both such fine and imprisonment, and each violation of any of the provisions of this chapter and each day the same is violated shall be deemed and taken to be a separate and distinct offense. (Prior code § 12:17-9)

8.28.100 Chapter not to impair power of enforcement.

Nothing in this chapter shall be construed to abrogate or impair the power of the township or any officer of department to enforce any provision of its ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred upon the township by any other law or ordinance. (Prior code § 12:17-10)

Chapter 8.32

LARGE OUTDOOR ASSEMBLIES

Sections:

8.32.010	License required.
8.32.020	Definitions.
8.32.030	Licensing and assembly regulations.
8.32.040	Nonapplicability.
8.32.050	Conditions for issuing license.
8.32.060	Application for license— Application information.
8.32.070	Public hearing.
8.32.080	Issuance of license.
8.32.090	Revocation of license.
8.32.100	Enforcement—Violations and penalties.

8.32.010 License required.

No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage, or sell or give tickets to an actual or reasonably anticipated outdoor assembly of five hundred (500) or more people, whether on public or private property, unless a license to hold the assembly has first been issued by the township committee of the township, application for which must be made at least forty-five (45) days in advance of the assembly. A license to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly. No license, however, shall be required for any regularly operated outdoor recreational facility for the conduct of its normal course of business. Normal course of business, however, shall not include the utilization of live music or any other event at which advance tickets are sold for a single event. Traveling or other shows, circuses, theatrical performances, plays, exhibitions, concerts, carousels or carnivals, if the actual reasonably anticipated outdoor assembly shall be less than five hundred (500) people, shall nevertheless be required to obtain a license therefor from the township committee of the township. (Ord. 3-96 (part): prior code § 12:1-1)

8.32.020 Definitions.

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

“Assembly” means a company of persons gathered together at any location at any single time for any purpose.

“Person” means any individual, natural human being, partnership, corporation, firm, company, association, society or group. (Ord. 3-96 (part): prior code § 12:1-2)

8.32.030 Licensing and assembly regulations.

A. A separate license shall be required for each day and for each location in which five hundred (500) or more people assemble or can reasonably be anticipated to assemble. The fee for each license shall be two hundred dollars (\$200.00).

B. The license shall permit the assembly of only a maximum number of people stated in the license. The licensee shall not sell tickets to nor permit to assemble at the licensed location more than the maximum permissible number of people.

C. The licensee shall not permit the sound of the assembly to carry unreasonably beyond the closed boundaries of the location of the assembly.

D. No such assembly shall be conducted between the hours of eleven p.m. and seven a.m.

E. A separate license shall be required in the event of a public assembly of less than five

hundred (500) people if a public assembly involves a traveling or other show, circus, theatrical performance, play, exhibition, concert, carousel or carnival and the conditions of this chapter shall apply to the issuance of such license for the above enumerated outside activities. (Ord. 3-96 (part): prior code § 12:1-3)

8.32.040 Nonapplicability.

A. This chapter shall not apply to any regularly established permanent place of worship, stadium, athletic field, arena, auditorium, coliseum or other similar permanently established place of assembly for assemblies which do not exceed by over two hundred fifty (250) people the maximum seating capacity of the structure where the assembly is held.

B. This chapter shall not apply to government-sponsored fairs held on regularly established fairgrounds, nor to assemblies required to be licensed by other ordinances and regulations of the township, nor to activities regulated by the statutes of the state of New Jersey. (Ord. 3-96 (part): prior code § 12:1-4)

8.32.050 Conditions for issuing license.

Before one may be issued a license, the applicant shall first:

A. Determine the maximum number of people which will be assembled or admitted to the location of the assembly, provided the maximum number shall not exceed the number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly;

B. Provide proof that he will furnish, at his own expense, before the assembly commences:

1. A fence completely enclosing the location, of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which shall have at least four gates at least on four opposite points of the compass,

2. Potable water, meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of people to be assembled, at the rate of at least one gallon per person per day,

3. Separate enclosed toilets for males, females, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled, at the rate of at least one toilet for every two hundred (200) females and at least one toilet for every three hundred (300) males, together with a sufficient sanitary means of disposing of the waste matter deposited, which is in compliance with all state and local laws and regulations. A lavatory with running water under pressure and a continuous supply of soap, paper towels and toilet paper shall be provided with each toilet,

4. A sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled, at the rate of at least 2.5 pounds of solid waste per person per day, together with a plan for holding and a plan for collecting all such waste at least once each day in the assembly, and sufficient trash cans with tight-fitting lids and personnel to perform the task,

5. Physicians and nurses licensed to practice in New Jersey, sufficient to provide an average medical care enjoyed by residents of New Jersey, for the maximum number of people to be assembled, at the rate of at least one physician for every five hundred (500) people and at least one nurse for every five hundred (500) people, together with an enclosed, covered structure where treatment may be rendered, containing separately enclosed treatment rooms for each physician, and at least one emergency ambulance ready for use at all times,

6. If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five footcandles, but not to shine unreasonably beyond the barriers of the enclosed areas of the assembly,

7. A free parking area inside of the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled, at the rate of at least one parking space for every

four persons,

8. Telephone connected to outside lines sufficient to provide service for the maximum number of people to be assembled at the rate of at least one separate line and receiver for each (500) persons,

9. Security guards, either regularly employed, duly sworn off-duty New Jersey peace officers, or private guards licensed in New Jersey, sufficient to provide adequate security for the maximum number of persons assembled, at the rate of at least one security guard for every three hundred (300) people,

10. Fire protection, including alarms, extinguishing devices, and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly, as set forth in the statutes of the state of New Jersey and ordinances of this municipality, and sufficient emergency personnel to efficiently operate the required equipment,

11. All reasonably necessary precautions to ensure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly,

12. A bond, filed with the clerk of the township, either in cash or underwritten by a surety company licensed to do business in New Jersey, in the amount of five hundred thousand dollars (\$500,000.00) which indemnify and hold harmless this municipality or any of its agents, officers, servants and employees from any liability or causes of action which might arise by reason of the granting of this license, and from any damage incurred by trespass, vandalism or otherwise, and from any costs incurred in cleaning up any waste material produced or left by the assembly.

C. In the event that the application for a license is for a traveling or other show, circus, theatrical performance, play, exhibition, concert, carousel or carnival, one or more of the above indicated conditions may be waived by the township committee of the township on application of the applicant after consultation with the director of public safety/chief law enforcement officer. (Ord. 3-96 (part): prior code § 12:1-5)

8.32.060 Application for license— Application information.

A. Applications for a license to hold an actual or anticipated outdoor assembly of five hundred (500) or more persons shall be in writing to the governing body of this municipality at least forty- five (45) days in advance of such assembly. The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct, to the best knowledge of the applicant, and shall be signed and sworn to or affirmed by the individual making the application. In the case of an individual, signing of the application shall be by a natural human being, by an officer in the case of a corporation, by all partners in the case of a partnership or by all officers of an unincorporated association, society or group, or, if there are no officers, by all members of such association, society or group.

B. The application shall contain and disclose:

1. The name, age, residence and mailing address of all persons signing the application, and in the case of a corporation, a certified copy of the certificate of incorporation, together with the name, age, residence and mailing address of each person holding ten percent or more of the stock in said corporation;

2. The name, age, residence and mailing address of all persons contributing five hundred dollars (\$500.00) or more to the production of the said assembly;

3. The address and legal description of all property upon which the assembly is to be held, together with the name, residence and mailing address of the record owner or owners of all such property;

4. Proof of ownership of all property upon which the assembly is to be held, or statement made upon oath or affirmation by the record owner or owners of all such property that the applicant has permission to use such property for an outdoor assembly of five hundred (500) or more persons;

5. The nature or purpose of the assembly;

6. The total number of days and/or hours during which the assembly is to last;
 7. The maximum number of persons the applicant shall permit to assemble at any time is not to exceed the maximum number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly;
 8. The maximum number of tickets to be sold, if any;
 9. The plans of the applicant to limit the maximum number of people permitted to assemble;
 10. The plans for fencing the location of the assembly, and the gates contained in such fence;
 11. The plans for supplying potable water, including the source, amount available and location of outlets;
 12. The plans for providing toilet and lavatory facilities, including the source, number and location, type and means of disposing deposits of waste;
 13. The plans for holding, collecting and disposing of solid waste material;
 14. Plans to provide medical facilities, including the location and construction of the structure, the names and addresses and also availability of all physicians and nurses and provisions for emergency ambulance service;
 15. The plans, if any, to illuminate the location of the assembly, including the source, amount of power and the location of land;
 16. The plans for parking vehicles, including size and location of lots, points of highway entry and interior roads, including routes between highway access and parking lots. Approved state permits must be furnished;
 17. The plans for telephone service, including the source, number and location of telephones;
 18. The plans for security, including the number of guards, the deployment, their names, addresses, credentials and hours of availability;
 19. The plans for fire protection, including the number, type and location of all protective devices, including the alarms and extinguish-ers, and the number of emergency fire personnel to operate the equipment;
 20. The plans for sound control and sound amplification, if any, including the number, location and power of the amplifiers and speakers;
 21. The plans for food concessions and concessionaires who will be allowed to operate on the grounds including the names and addresses of all concessionaires and their license or permit numbers.
- C. The application shall include the bond required and the license fee. (Ord. 3-96 (part): prior code § 12:1-6)

8.32.070 Public hearing.

A public hearing shall be held on each application before each license shall be issued. (Ord. 3-96 (part): prior code § 12:1-7)

8.32.080 Issuance of license.

The application for a license shall be processed within thirty (30) days of receipt, and shall be issued if all conditions are complied with. (Ord. 3-96 (part): prior code § 12:1-8)

8.32.090 Revocation of license.

The license may be revoked by the governing body of this municipality at any time if any of the conditions necessary for the issuance of or contained in the license are not complied with or if any condition previously met ceases to be complied with. (Ord. 3-96 (part): prior code § 12:1-9)

8.32.100 Enforcement—Violations and penalties.

- A. The provisions of this chapter may be enforced by injunction in any court of competent

jurisdiction.

B. The holding of any outdoor assembly in violation of any provision or condition contained in this chapter shall be viewed a public nuisance and may be abated as such.

C. The penalties of this section shall apply to the owner of the premises in which the event was held or scheduled to be held as well as the entrepreneur, licensee, tenant or other person having actual control in the management of said event.

D. Any person who violates any section of this chapter or any condition upon which he is granted a license may be fined not more than five hundred dollars (\$500.00) and/or up to thirty (30) days in jail. Each violation shall be considered a separate offense. (Ord. 3-96 (part): prior code § 12:1-10)

Chapter 8.36

MOBILEHOMES, MOTORHOMES AND CAMPING TRAILERS

Sections:

8.36.010	Definitions.
8.36.020	Camping trailers and motor homes permitted.
8.36.030	Mobilehomes prohibited.
8.36.040	Parking restrictions.
8.36.050	Prohibited operation.
8.36.060	Sales and rental restricted.
8.36.070	Violation—Penalty.

8.36.010 Definitions.

As used in this chapter:

“Camping trailers” means tent trailers, pick-up truck campers or travel trailers with a maximum overall length of twenty-eight (28) feet, which are utilized strictly as recreational vehicles.

“Mobilehomes” means vehicles intended to be towed and which are of an overall length of twenty-eight (28) feet or more, or a vehicle structure on a self-propelled motor vehicle chassis, having more than four wheels.

“Motor homes” means structures built on and made an integral part of a self-propelled motor vehicle chassis, designed to provide temporary living quarters for recreation, camping and trailer use and having a maximum of four wheels.

“Persons” shall be deemed to be in the singular or plural and shall include any partnership or corporation.

“Trailer camp” or “trailer park” means land and premises upon which one or more camping trailers, motor homes or mobilehomes are placed for dwelling or sleeping purposes. (Prior code § 12:16-1)

8.36.020 Camping trailers and motor homes permitted.

As defined in this chapter, and limited therein, camping trailers and motor homes are permitted in the township. (Prior code § 12:16-2)

8.36.030 Mobilehomes prohibited.

As defined in this chapter, mobilehomes are prohibited within the township. (Prior code § 12:16-3)

8.36.040 Parking restrictions.

A. It is unlawful for any person to park a camping trailer or motor home on any street, road, avenue or highway or other public place or tract of land owned by any person, occupied or unoccupied, within the limits of Edgewater Park Township, except as provided in this chapter. Emergency or temporary stopping or parking of camping trailers or motor homes on any street, road or highway for not longer than twelve (12) hours is permitted, but no camping trailer or motor home shall be used by any person as a dwelling house, place of abode or sleeping place.

B. It is unlawful within the limits of the township for any person to park or occupy any camping trailer or motor home on the premises of any occupied dwelling or on any lot which is not a part of the premises of any occupied dwelling, except the parking of only one unoccupied camping trailer or motor home in an accessory private garage building, or in any rear yard, or side yard, which is defined as follows: an open, unoccupied space between the side line of the lot and the nearest side building line and extending from the front yard to the rear yard, or in the absence of either of such yards, to the street or

rear lot line as the case may be; is permitted, provided no living quarters shall be maintained or any business conducted, in any form, in said trailer while such trailer is so parked. (Prior code §§ 12:16-4, 12:16-5)

8.36.050 Prohibited operation.

It means unlawful for any person to conduct or operate any trailer park or trailer camp within the limits of the township and the same are prohibited. (Prior code § 12:16-6)

8.36.060 Sales and rental restricted.

Sales and rental of camping trailers and motor homes are permitted provided that there are no more than eight of this type trailer or motor home on display at one sales location. Sales of all other type trailers or mobilehomes are prohibited. (Prior code § 12:16-7)

8.36.070 Violation—Penalty.

Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine not exceeding two hundred dollars (\$200.00), or to imprisonment for a term not exceeding ninety (90) days, or both such fine and imprisonment, in the discretion of the court or magistrate before whom such person shall be so convicted. (Prior code § 12:16-8)

Chapter 8.40

PRIVATE SWIMMING POOLS

Sections:

8.40.010	Definitions.
8.40.020	Construction and maintenance.
8.40.030	Water supply, pipe, pump and filter systems.
8.40.040	Water use—Closure.
8.40.050	Discharge system.
8.40.060	Bacteriological standards.
8.40.070	Fencing.
8.40.080	Location.
8.40.090	Lighting.
8.40.100	Permits.
8.40.110	General provisions and enforcement.
8.40.120	Enforcement.
8.40.130	Penalties.

8.40.010 Definitions.

The words, terms or phrases listed below for the purpose of this chapter, except when the context requires a different meaning, shall be defined as follows:

“Construction” means and includes building or installing a new swimming pool or enlarging an existing swimming pool or any of its facilities.

“Person” means and includes corporations, companies, associations, societies, firms and partnerships, as well as individuals.

“Portable pool” means any surface-type pool of more than one hundred eighty (180) cubic foot capacity, not stationary or fixed and capable of being removed for storage.

“Private swimming pool” means and includes any pool of water having a permanent structure and/or having a capacity of fifteen thousand (15,000) gallons or more, designed, used and maintained for swimming purposes by an individual for use by his household and guests without fees and located on property owned, leased or otherwise used and maintained by the owner of said swimming pool; it shall further mean and include fill and draw, flow-through and recirculation pools, which are artificially constructed to provide recreational facilities for swimming, bathing or wading and all buildings, equipment and appurtenances thereto. It shall not include natural outdoor ponds, rivers or lakes, nor baths used for cleansing of the body or practice of the healing arts.

“Wading pool” means and includes any artificially constructed pool for use by children, not designed or used for swimming with a maximum area of one hundred twenty (120) square feet and a maximum water depth of eighteen (18) inches. (Prior code § 7:4-1)

8.40.020 Construction and maintenance.

All materials used in the construction of private swimming pools or wading pools shall be waterproof and so designed and constructed as to facilitate emptying and cleaning, and shall be maintained and operated in such manner as to be clean and sanitary at any time when any such pool shall be in use, or at such times as the same shall be subject to use. Inlets of the treated water shall be so located and spaced as to secure satisfactory dispersion of the water throughout the pool and not to interfere with draining, cleaning and disinfecting of the bottom and sides. Sand or earth bottoms shall not be used. (Prior code § 7:4-2)

8.40.030 Water supply, pipe, pump and filter systems.

A. There shall be no physical connection between a potable public or private water supply system and such private swimming pools, wading pools or portable pools below the maximum water line of the pool or to a recirculating or heating system of said pool. The piping system shall be designed to circulate the pool water through filtering equipment. Potable water shall feed the pool with a down spout with an air gap not less than six inches from the pool overflow level. Potable water syphons will not be permitted to drain the aforesaid pools. The installation, repair and control of plumbing facilities shall comply with the plumbing and sanitary codes of the township.

B. All circulating units shall have sufficient capacity to recirculate the entire contents of a pool within eighteen (18) hours or less. (Prior code § 7:4-3)

8.40.040 Water use—Closure.

A. All pools supplied by a public or quasi-public water supply system and not equipped with facilities for the recirculation and reuse of the pool water shall be subject to closure by order of the board of health during any period of emergency water shortage declared by a duly authorized public official.

B. Whenever any pool is a hazard to the health of the public, the health officer is authorized to summarily close this pool upon the failure of the owner, lessee or occupant of the premises upon which such pool is located to take satisfactory or reasonably prompt action to abate such hazard to the health of the public within twenty-four (24) hours of the receipt of the notice required by Section 8.40.120(A), and keep such pool closed until no further hazard to the public exists, subject to the right of appeal to the board of health by the owner of such pool. Said appeal, however, shall not stay the action of the health officer. (Prior code § 7:4-4)

8.40.050 Discharge system.

All private swimming pools, wading pools or portable pools with a water depth of more than one foot, hereafter constructed, installed, established or maintained within the township, shall be provided with the necessary equipment to completely pump out or empty said pool or shall be emptied by providing one drainage outlet, to be installed at the lowest point of said pool, not in excess of three inches in diameter extending from said pool to either a storm sewer, storm sewer catch basin, lawn watering system, adequate dry well or sand filtering pit on the premises on which said private pool, wading pool or portable pool is located. The discharge of water from such pools into a storm sewer shall be permitted only where the capacity is adequate as determined by the township engineer. No private pool drain, wading pool drain or portable pool drain shall be connected into the sanitary sewer system. Pool water may not be discharged at the curb or upon the surface of any street. The discharge of said waters shall in no case cause or create a nuisance to the abutting property or to the public. (Prior code § 7:4-5)

8.40.060 Bacteriological standards.

Chlorine gas-bearing compounds in solution shall be required as disinfecting agents for swimming pools, wading pools or portable pools. The use of ozone, ultraviolet light or any other method wherein a residual cannot be determined is prohibited. Not more than fifteen (15) percent of the samples of water taken from any private pool shall contain more than two hundred fifty (250) pathogenic organisms per cubic centimeter or shall show positive test (confirmed) for chloroform in any of ten cubic centimeter portions of water at times when the pool is ready for use; provided, however, that no less than three samples shall disclose the presence of a bacteria content in excess of the above-described limits. For the purpose of this section, any number of samplings of water on a single day shall be considered as one sample. The local board of health is authorized to take samples to insure compliance with these requirements. Free chlorine residuals and pH values shall be maintained within ranges indicated below:

pHFree Chlorine Residual

7.0—7.60.4—0.6 p.p.m.

8.0—8.42.0—5.0 p.p.m.

(Prior code § 7:4-6)

8.40.070 Fencing.

A. All private swimming pools now existing or hereafter constructed, installed, established or maintained, with the exception of wading and portable pools, shall be completely and continuously surrounded by a permanent durable wall, fence or barrier which shall be no less than four feet or more than six feet in height above grade, and shall be so constructed as to have no opening, mesh, hole or gap larger than two inches in any dimension, except for doors and gates; provided, however, if a picket fence is erected or maintained, the horizontal dimension of any gap or opening shall not exceed 2.5 inches. A dwelling house or accessory building may be used as part of such enclosure. All gates used in conjunction with any of the above described enclosures shall conform to the specifications required above as to height and dimensions of openings, mesh, holes or gaps in the case of fences and all gates and doors shall be equipped with self-closing and self-latching devices for keeping the gate or door closed at all times when not in actual use. Gates and doors shall be locked when the pool is not in use or is unguarded or unattended.

B. Every outdoor wading pool or portable pool shall be enclosed by a durable wall, barrier or fence as described in subsection A of this section unless such outdoor wading pool or portable pool be:

1. Emptied when not in use or unattended; or
2. Covered with a suitable, strong protective covering, securely fastened or locked in place when not in use or unattended. (A cover shall be considered to be of sufficient strength and securely fastened or locked in place if, when fastened or locked in place, it will support a minimum dead weight of one hundred (100) pounds.)

C. All persons now owning or maintaining any outdoor swimming or wading pool shall be and are granted a period of ninety (90) days after the effective date of the ordinance codified in this chapter within which to enclose the same as herein provided; except that any such person now owning or maintaining an outdoor swimming pool or wading pool presently enclosed by a fence or barrier which substantially complies with the requirements of this section may be exempted from the strict requirements thereof until such time as he may substantially alter, remove, replace or rebuild such fence upon obtaining from the building inspector a certificate of substantial compliance as hereinafter provided:

1. Substantial compliance, for the purposes of this section, shall mean and include any fence or barrier which now or hereafter shall be maintained at a minimum height of forty-two inches above grade and have no opening, mesh, hole or gap larger than four inches in any dimension.

2. A certificate of substantial compliance may be granted by the building inspector within ninety (90) days after the effective date of the ordinance codified in this chapter upon written application to and establishing to the satisfaction of the building inspector in such a manner as shall be prescribed by said building inspector that the applicant's fence is maintained in substantial compliance with the requirements of this section. (Prior code § 7:4-7)

8.40.080 Location.

A. No private swimming pool, as defined by this chapter, or accessory building, shall be erected or placed nearer to a street property line than will be allowed for buildings in the respective zoning district as set forth in the zoning ordinance of the township. Swimming pools, however, may be placed within fifteen (15) feet of the rear or side property line of any property within a residential district. The placement of swimming pools in other districts shall be as provided for in the respective zoning districts as set forth in the zoning ordinance of the township.

B. No private swimming pool shall be constructed so that its drain outlet shall connect in

any manner to any sewerage disposal system.

C. No private swimming pool shall have an area in excess of ten percent of the area of the lot upon which it is constructed or installed. (Prior code § 7:4-8)

8.40.090 Lighting.

No artificial lighting shall be maintained or operated in connection with a private swimming pool, wading pool or portable pool in such a manner as to be a nuisance or an annoyance to neighboring parties. Such lighting shall not shine directly upon any abutting property. No unshielded lights shall be permitted. (Prior code § 7:4-9)

8.40.100 Permits.

A. Application for permits for the construction and maintenance of any private swimming pool, as defined in Section 8.40.010, shall be made to the building inspector by the owner of the property upon which it is to be constructed or by the contractor who will construct the same. The application shall be accompanied by duplicate sets of plans, specifications and plot plans of the property. The plot plan shall show the accurate location of the proposed pool on the property together with any proposed accessory buildings. The plot plan shall also show the location, height, and type of all existing fencing or walks on the boundary lines of the property, together with the type and height of fencing or enclosure as may be required by this chapter.

B. Permits for a private swimming pool, as defined in this chapter, shall be issued by the building inspector. The plans, specifications and plot plan shall be approved by the building inspector. At the discretion of the building inspector the plans, specifications and plot plan shall be approved by the building inspector and the township engineer. (Prior code § 7:4-10)

8.40.110 General provisions and enforcement.

A. Any nuisance which may exist or develop in or in consequence of or in connection with any private swimming pool shall be abated and/or removed by the owners.

B. Whenever any private swimming pool, by reason of mechanical defects or lack of supervision is, in the opinion of the board of health, polluted and detrimental to health, it shall be summarily closed.

C. Owners or persons in possession of private swimming pools shall allow the health officer and the building inspector access to inspect said pool and the appurtenances at any time it may be required by the board of health or the township committee of the township.

D. The board of health may cause any private swimming pool, as defined in this chapter, to be inspected for compliance with the plumbing code of the township.

E. Any accessory building, such as locker rooms, bath houses, cabanas, shower rooms, toilets, runways or any other physical facility or equipment incidental to the maintenance and operation of any of the above described shall be in conformance with the rules and regulations of both the board of health and the township committee of the township. (Prior code § 7:4-11)

8.40.120 Enforcement.

A. Every private swimming pool, wading pool or portable pool constructed, installed, established or maintained in the township shall at all times comply with the requirements of the local board of health. Any nuisance or hazard to health which may exist or develop in or in consequence of or in connection with any such private swimming pool, wading pool or portable pool shall be forthwith abated and removed by the owner, lessee or occupant of the premises on which the said pool is located upon receipt of notice from the health officer of the township.

B. It shall be the duty of the health officer and/or building inspector to enforce the provisions of this chapter.

C. The owner or operator of any pool within the township shall allow the said health officer and/or building inspector access to any private swimming pool or wading pool or portable pool and

appurtenances thereto for the purpose of inspection to ascertain compliance with this chapter and all other pertinent township ordinances, at all reasonable times. (Prior code § 7:4-12)

8.40.130 Penalties.

A. Any person or persons, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, pay a penalty of not less than two dollars (\$2.00) nor more than one hundred dollars (\$100.00) for each violation.

B. Each day a particular violation continues shall constitute a separate offense. (Prior code § 7:4-13)

Chapter 8.44

PROPERTY MAINTENANCE CODE

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Article I. General Provisions

8.44.010 Title.

This chapter shall be known as the Property Maintenance Code of the township of Edgewater Park, and may be referred to in this chapter as “this code.” (Prior code § 12:29)

8.44.020 Findings and declaration of policy.

It is found and declared that there exist in the township structures used for residential and nonresidential use which are, or may become in the future, substandard with respect to structure, equipment or maintenance, or further that such conditions, including but limited to structural deterioration, lack of maintenance and appearance of exterior of premises, infestation, lack of maintenance, upkeep of essential utilities and facilities, existence of fire hazards, insanitary conditions, constitute a menace to the health, safety, morals, welfare and reasonable comfort of the citizens and inhabitants of the township. It is further found and declared that by reason of lack of maintenance and progressive deterioration, certain properties have the further effect of creating blighting conditions and initiating slums, and that if the same are not curtailed and removed the aforesaid conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate the same, and that by reason of timely regulations and restrictions as herein contained, the growth of slums and blight may be prevented and the neighborhood and property values thereby maintained, the desirability and amenities of residential and nonresidential uses and neighborhoods enhanced and the public health, safety and welfare protected and fostered. (Prior code § 12:29-1)

8.44.030 Purpose.

The purpose of this code is to protect the public health, safety, morals and welfare by establishing minimum standards governing the maintenance, appearance, condition of residential and nonresidential premises; to establish minimum standards governing utilities, facilities and other physical components and conditions essential to make the aforesaid facilities fit for human habitation, occupancy and use; to fix certain responsibilities and duties upon occupants; to authorize and establish procedures for the inspection of residential and nonresidential premises; to fix penalties for the violations of this code; to provide for the right of access across adjoining premises to permit repairs; and to provide for the repair, maintenance and abatement of nuisances on premises by the township. This code is declared to be remedial and essential for the public interest and it is intended that this code be liberally construed to effectuate the purposes as stated herein. (Prior code § 12:29-2)

8.44.040 Definitions.

The following terms wherever used or referred to in this code shall have the respective meanings assigned to them unless a different meaning clearly appears from the context. Whenever the words “accessory structure,” “building,” “dwelling,” “premises” or “structure” are used in this code, they shall be construed, unless expressly stated to the contrary, to include the plurals of these words and as if they were followed by the words “or any part thereof.” The word “shall” shall be applied retroactively as well as prospectively.

“Accessory structure” means a structure, the use of which is incidental to that of the main building and which is attached hereto or located on the same premises.

“Basement” or “cellar” means any floor, any portion of which is more than twenty-four (24) inches below the adjacent grade level.

“Building” means a combination of materials to form a construction adapted to permanent or continuous occupancy or use for public, institutional, residence, business or storage purposes.

“Deterioration” means the condition or appearance of a building or part thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay or neglect, lack of maintenance or excessive use.

“Dwelling” means any structure designed for use by human occupants for sleeping and living purposes, whether occupied or vacant, except that the foregoing shall not apply to hotels as defined in R.S. 29:1-11.

“Enforcement officers” means all officials, officers or employees entrusted with the enforcement of the provisions of this code.

“Exposed to public view” means any premises, or any part thereof, or any building or any part thereof, which may be lawfully viewed by the public or any member thereof, from a sidewalk, street, alleyway, licensed open air parking lot or from any adjoining or neighboring premises.

“Exterior of the premises” means those portions of a building which are exposed to public view and the open space of any premises outside of any building erected thereon.

“Fire hazard” (see also “nuisance”) means any thing or any act which increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire; or which may obstruct, delay or hinder or may become the cause of an obstruction, a delay, a hazard or a hindrance to the prevention, suppression or extinguishment of fire.

“Garbage” (see also “refuse,” “rubbish”) means putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of foods.

“Infestation” means the presence of insects, rodents, vermin or other pests on the premises which constitute a health hazard.

“Nuisance” means:

1. Any public nuisance known at common law or in equity jurisprudence or as provided by the statutes of the state of New Jersey, or the ordinances of the township of Edgewater Park;
2. Any attractive nuisance which may prove detrimental to the health or safety of children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes, but is not limited to: abandoned wells, shafts, basements, excavations, abandoned iceboxes, refrigerators, motor vehicles, any structurally unsound fences or structures, lumber, trash, fences, debris or vegetation such as poison ivy, oak or sumac, which may prove a hazard for inquisitive minors;
3. Physical conditions dangerous to human life or detrimental to health of persons on or near the premises where the conditions exist;
4. Insufficient ventilation or illumination in violation of this code;
5. Inadequate or insanitary sewage or plumbing facilities in violation of township ordinances;
6. Insanitary conditions or any thing offensive to the senses or dangerous to health, in violation of this code;
7. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings;
8. Fire hazards.

“Occupant” means any person living, sleeping, occupying or having actual possession of a premises or a part thereof.

“Operator” means any person who has charge, care or control of a premises, or a part thereof, whether with or without the knowledge and consent of the owner.

“Owner” means any person, who alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without accompanying actual possession thereof; or shall have charge, care or control of any dwelling or dwelling unit as owner or agent of the owner, or as fiduciary, including, but not limited to: executor, executrix, administrator, administratrix, trustee, receiver or guardian of the estate, or as a mortgagee in possession regardless of how such possession was obtained. Any person who is a lessee subletting or reassigning any part or all of any dwelling or dwelling unit shall

be deemed to be a co-owner with the lessor and or assigned by said lessee.

“Premises” means a lot, plot or parcel of land including the buildings or structures thereon.

“Refuse” means all putrescible and non-putrescible solid wastes (except body wastes), including but not limited to: garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

“Registered mail” means registered mail or certified mail.

“Rubbish” (see also “garbage,” “refuse”) means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, tin cans, yard clippings, leaves, wood, grass, bedding, crockery and similar materials.

“Structure” means combination of any materials, whether fixed or portable, forming a construction, including buildings.

“Township administrator” means the township administrator of the township of Edgewater Park and such other officials as the township administrator may designate to act in his behalf.

“Ventilation” means supply and removal of air to and from any space by natural or mechanical means.

“Weathering” means deterioration, decay or damage caused by exposure to the elements. (Prior code § 12:29-3)

Article II. Applicability and Responsibility

8.44.050 Applicability.

This chapter shall be applicable to all buildings, every residential and nonresidential building and the premises on which it is situated in the township, used or intended to be used for dwelling, commercial, business or industrial occupancy which buildings shall comply with the provisions of this code, whether or not such building shall have been constructed, altered or repaired before or after the enactment of this code, and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building, or for the installation or repair of equipment or facilities prior to the adoption of the ordinance codified in this chapter. This code establishes minimum standards for the initial and continued occupancy and use of all such buildings, and does not replace or modify standards otherwise established for the construction, repair, alteration or use of the building, equipment or facilities contained therein, except as provided for in this chapter. (Prior code § 12:29-4.1)

8.44.060 Higher standard to prevail in case of conflict with other laws or ordinances.

In any case where the provisions of this code impose a higher standard than set forth in any other ordinances of the township or under the laws of the state of New Jersey, then the standards as set forth herein shall prevail, but if the provisions of this code impose a lower standard than any other ordinances of the township or of the laws of the state of New Jersey, then the higher standard contained in any such other ordinance or law shall prevail. (Prior code § 12:29-4.2)

8.44.070 Issuance and renewal of other permits and licenses.

All licenses and permits shall be issued upon compliance with this code as well as compliance with the ordinances under which such licenses and permits are granted. (Prior code § 12:29-4.3)

8.44.080 Enforcement of and compliance with other ordinances.

No license or permit or other certification of compliance with this code shall constitute a defense against any violation of any other ordinance of the township applicable to any structure or premises, nor shall any provision herein relieve any owner, operator or occupant from complying with any such other provisions, nor any official of the township from enforcing any such other provision.

At the time of such inspection, the inspector shall not issue any certificate evidencing approval under the code unless the dwelling complies with NJAC 5:18-4.19 (Re: smoke detector regulations).

(Prior code § 12:29-4.4)

8.44.090 Responsibilities of owner and operator.

Owners and operators shall have all the duties and responsibilities as prescribed in this code and the regulations promulgated pursuant thereto, and no owner or operator shall be relieved from any such duty and responsibility nor be entitled to defend against any charge of violation thereof by reason of the fact that the occupant is also responsible therefor and in violation thereof. (Prior code § 12:29-5.1)

8.44.100 Responsibilities of occupant.

Occupants shall have all the duties and responsibilities as prescribed and the occupant shall not be relieved from any such duty and responsibility nor be entitled to defend against any charge of violation thereof by reason of the fact that the owner or the operator is also responsible therefor and in violation thereof. (Prior code § 12:29-5.2)

8.44.110 Contract not to alter responsibilities.

Unless expressly provided to the contrary in this code, the respective obligations and responsibilities of the owner and operator on one hand, and the occupant on the other, shall not be altered or affected by an agreement or contract by and between any of the aforesaid or between them and other parties. (Prior code § 12:29-5.3)

Article III. Duties of Owner and Operator

8.44.120 Duties and responsibilities of owner and operator for maintenance of exterior of premises.

The exterior of the premises and all structures thereon shall be kept free of all nuisances, and any hazards to the safety of occupants, pedestrians and other persons utilizing the premises, and free of insanitary conditions, and any of the foregoing shall be promptly removed and abated by the owner or operator. It shall be the duty of the owner or operator to keep the premises free of hazards which include but are not limited to the enumerations and provisions in Sections 8.44.130 through 8.44.380. (Prior code § 12:29-6.1)

8.44.130 Refuse.

The premises must be kept free of brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash, refuse and debris. (Prior code § 12:29-6.2)

8.44.140 Natural growth.

The premises must be kept free of dead and dying trees and limbs or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions. (Prior code § 12:29-6.3)

8.44.150 Overhangings.

Loose and overhanging objects, and accumulations of ice and snow which by reason of location above ground level constitute a danger of falling on persons in the vicinity thereof. Further, all vegetative growth, which is or would normally grow to a height greater than eighteen (18) inches shall not be permitted by the owner or operator of the premises to be planted within eighteen (18) inches or to grow within six inches of an imaginary line extending vertically for seventy-eight (78) inches from the border of any paved sidewalk, or, where there is no sidewalk from the street; nor shall such growth be permitted to grow over such sidewalk or street within an area of seventy-eight (78) inches as measured vertically from the surface of such sidewalk or street. (Prior code § 12:29-6.4)

8.44.160 Ground surface hazards or insanitary conditions.

Holes, excavations, break, projections, obstructions, icy conditions, uncleared snow, and excretion of pets and other animals on paths, walks, driveways, parking lots and parking areas, and other parts of the premises which are accessible to and used by persons on the premises: all such holes and excavations shall be filled and repaired, walks and steps replaced and other conditions removed where necessary to eliminate hazards or insanitary conditions with reasonable dispatch upon their discovery. (Prior code § 12:29-6.5)

8.44.170 Recurring accumulations of stormwater.

Adequate runoff drains shall be provided and maintained in accordance with the ordinances of the township to eliminate any such recurrent or excessive accumulation of stormwater. (Prior code § 12:29- 6.6)

8.44.180 Sources of infestation.

Every owner and operator shall be responsible for the elimination of infestation in and on the premises subject to his control. (Prior code § 12:29-6.7)

8.44.190 Foundation walls.

Foundation walls shall be kept structurally sound and free from defects and damage and capable of bearing imposed loads safely. (Prior code § 12:29-6.8)

8.44.200 Chimneys and all flue and vent attachments thereto.

Chimneys and all flue and vent attachments thereto shall be maintained structurally sound, free from defects, and so maintained as to capably perform at all times the functions for which they were designed. Chimneys, flues, gas vents or other draft-producing equipment shall provide sufficient draft to develop the rated output of the connected equipment, shall be structurally safe, durable, smoketight, and capable of withstanding the action of flue gases. (Prior code § 12:29-6.9)

8.44.210 Exterior raised porches, landings, balconies, stairs and fire escapes.

Exterior raised porches, landings, balconies, stairs and fire escapes shall be provided with bannisters or railings properly designed and maintained to minimize the hazards of fallings, and the same shall be kept structurally sound, in good repair, and free from defects. (Prior code § 12:29-6.10)

8.44.220 Appearance of exterior of premises and structures.

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 all buildings thereon shall reflect a level of maintenance in keeping with the standards of that particular area and such that the appearance of the premises and structures shall not constitute a depressing factor for adjoining property owners nor an element leading to the progressive deterioration and downgrading of the particular area with the accompanying diminution of property values. (Prior code § 12:29-6.11)

8.44.230 Storage of commercial and industrial material.

There shall not be stored or used at a location visible from the sidewalk, street or other public areas, equipment and materials relating to commercial or industrial uses unless permitted under the zoning ordinance for the premises. (Prior code § 12:29-6.12)

8.44.240 Landscaping— Responsibilities of owner and operator.

The landscaping of premises shall be maintained in an orderly state with lawns and bushes trimmed and free from becoming overgrown, littered and unsightly where such would constitute a blighted effect, depreciating any adjoining and nearby property. Open areas shall be graded evenly to

eliminate holes, depressions, gullies, mounds, accumulations of debris and other unsightly or unsafe conditions.

The owner or operator of any premises within the township shall remove and properly dispose of within twenty-four (24) hours any grass clippings, vegetative debris, or trees remaining after the owner, operator or professional landscaper undertakes any yard maintenance or improvement at the premises. (Ord. 12-96 § 2; prior code § 12:29-6.13)

8.44.250 Reconstruction of walls and sidings.

All reconstruction of walls and sidings shall be of standard quality and appearance commensurate with the character of the properties in the same block and on both sides of the street on which the premises front, such that the materials used will not be of a kind that by their appearance under prevailing appraisal practices and standards will depreciate the value of neighboring and adjoining premises as aforesaid. (Prior code § 12:29-6.14)

8.44.260 General maintenance of all structures and accessory structures.

The exterior of every structure or accessory structure (including fences) shall be maintained in good repair and all surfaces thereof shall be kept painted or whitewashed where necessary for purposes of preservation and appearance. The same shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other condition reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated and adjoining properties and the neighborhood protected from blighting influences. (Prior code § 12:29-6.15)

8.44.270 Parking or storing of vehicles or trailers.

No person shall park, stand or allow to remain any motor vehicle or parts thereof, including boats and trailers, or trailers of any kind, motorized or not, licensed or unlicensed, registered or unregistered, in any front or side yard area of any premises except on driveways and parking areas constructed and maintained for that purpose in accordance with applicable regulations, or roofed garages. No boats or boat trailers or trailers of any kind, motorized or not, licensed or unlicensed, registered or unregistered, shall be parked or stored on any public road or street for more than forty-eight (48) hours. Reference is also made to Chapter 8.64 of this code relating to junk cars; Chapter 8.36 of this code relating to the parking or storage of camping trailers, motor homes or mobilehomes; and Section 10.24.020 of this code relating to the parking of trucks. (Prior code § 12:29-6.16)

8.44.280 Awnings and marquees.

Any awning or marquee and its accompanying structural members which extend over any street, sidewalk or other portion of the premises shall be maintained in good repair and shall not constitute a nuisance or a safety hazard. In the event such awnings or marquees are not properly maintained in accordance with the foregoing, they shall, together with their supporting members, be removed forthwith. In the event awnings or marquees are made of cloth, plastic or of similar materials, the cloth or plastic, where exposed to public view, shall be maintained in good condition and shall not show evidence of excessive weathering, discoloration, ripping, tearing, or other holes. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks, or other parts of the public domain. (Prior code § 12:29-6.17)

8.44.290 Structural soundness and general maintenance, exterior.

Every structure and accessory structure and every part thereof shall be kept structurally sound and in a state of good repair to avoid safety, health or fire hazards. (Prior code § 12:29-6.18)

8.44.300 Exterior walls, sidings and roofs.

Exterior walls, sidings and roofs shall be kept structurally sound, in good repair and free from defects. (Prior code § 12:29-6.19)

8.44.310 Painting and other protective coatings.

All exposed surfaces susceptible to decay shall be kept at all times painted or otherwise provided with a protective coating sufficient to prevent deterioration. (Prior code § 12:29-6.20)

8.44.320 Weather and
water-tightness.

Every structure shall be so maintained as to be weather and water-tight. (Prior code § 12:29-6.21)

8.44.330 Exterior walls, roofs, etc.

Exterior walls, roofs, window, window frames, doors, door frames, foundations and other parts of the structure shall be so maintained as to keep water from entering the structure and to prevent excessive drafts. Damaged materials must be repaired or replaced promptly; places showing signs of rot, leakage, deterioration or corrosion are to be restored and protected against weathering and seepage. (Prior code § 12:29-6.22)

8.44.340 Basements and cellars.

Basements and cellars and crawl spaces are to be free of moisture resulting from seepage, and cross ventilation shall be required where necessary to prevent accumulations of moisture and dampness. (Prior code § 12:29-6.23)

8.44.350 Freedom from infestation.

All parts of the premises shall be maintained so as to prevent infestation. (Prior code § 12:29-6.24)

8.44.360 General sanitation and safety.

All parts of the structure shall be kept in a clean and sanitary condition, free of nuisances and free from health, safety and fire hazards. (Prior code § 12:29-6.25)

8.44.370 Freedom from accumulations and obstructions.

No accumulation or obstruction from garbage, refuse or rubbish shall be permitted on stairways, areaways, balconies, porches, hallways, basements or cellars, except that garbage stored in proper containers may be set out for removal. (Prior code § 12:29-6.26)

8.44.380 Swimming pools.

All swimming pools shall be maintained in a safe and sanitary manner. No uncovered pool shall be maintained on any property which contains debris, accumulation of leaves or any other material or the water therein has become discolored by reason of the growth of algae or other substance or material, it being the intent of this chapter that pool water shall be clean and swimmable if it is uncovered. Covers shall be anchored or secured and shall be kept free of accumulations of water on the surface of the pool cover. (Prior code § 12:29-6.27)

Article IV. Duties of Occupant

8.44.390 Cleanliness and sanitation.

All parts of the premises under the control of the occupant or operator shall be kept in a clean and sanitary condition and the occupant shall refrain from performing any acts which would render other parts of the premises unclean or unsanitary or which would obstruct the owner or operator from

performing any duty required hereunder or maintaining the premises in a clean and sanitary condition. (Prior code § 12:29- 7.1)

8.44.400 Landscaping— Responsibilities of occupant.

The landscaping of premises shall be maintained in an orderly state with lawns and bushes trimmed and free from becoming overgrown, littered and unsightly, where such would constitute a blighted effect, depreciating adjoining and nearby property. Open area shall be graded evenly to eliminate holes, depressions, gullies, mounds, accumulations of debris or other unsightly or unsafe conditions. The owner or occupant of the premises, where appropriate, shall reseed, sod, plant other vegetative covering or otherwise utilize a landscaping material as necessary to preclude yard areas of more than six square feet from deteriorating to or existing in a barren condition.

The owner or occupant of any premises within the township shall remove and properly dispose of within twenty-four (24) hours any grass clippings, vegetative debris, or trees remaining after the owner, operator or professional landscaper undertakes any yard maintenance or improvement at the premises. (Ord. 12-96 § 3: prior code § 12:29-7.2)

8.44.410 Ground surface hazards, unsanitary conditions, unregistered vehicles and/or vehicles without current license plates.

It shall be the duty of the occupant to keep the premises free of holes, excavations, uncleared snow, and excretions of pets and other animals on paths, walks, driveways, parking lots and parking areas, and other parts of the premises. All such holes and excavations shall be filled and repaired and other conditions removed where necessary to eliminate hazards or unsanitary conditions with reasonable dispatch upon their discovery. It shall also be the duty of the occupant to remove any motor vehicle which is unregistered and/or without current license tags or plates from the premises unless same is properly stored in a closed garage or, in the case of nonresidential premises, such motor vehicle is being currently serviced or repaired by a garageman in order to meet inspection requirements of the Division of Motor Vehicles of the state of New Jersey.

No person shall park or permit to be parked any motor vehicle on any street or public or private property in the township for a period of more than seventy-two (72) hours unless such motor vehicle is operable and in condition for safe and effective performance of the function for which it is intended, unless such motor vehicle is properly stored in a closed garage, or, in the case of nonresidential premises, such motor vehicle is in the garage or service station in order to make the motor vehicle operable and in condition for safe and effective performance of the function for which it is intended. (Prior code § 12:29-7.3)

8.44.420 Eliminating infestation.

Every occupant of a premises shall be responsible for the elimination of infestation in the premises and on the premises. (Prior code § 12:29-7.4)

8.44.430 Malicious damage.

Every occupant shall be responsible for wilfully or maliciously causing damage to any part of the premises. (Prior code § 12:29-7.5)

Article V. Miscellaneous Provisions

8.44.440 Refuse storage and disposal generally.

No person shall accumulate or permit, suffer or allow the accumulation in any premises owned, operated, occupied or controlled by him of any refuse, garbage and waste material for a time longer than the period from one collection day to the next ensuing collection day. Such refuse, garbage, rubbish or waste material shall either be removed by the township in accordance with regulations made and

provided or by an authorized collector. (Prior code § 12:29-8.1)

8.44.450 Refuse storage and disposal on nonresidential premises.

A. Every owner, operator and occupant of any nonresidential premises shall be responsible for providing suitable containers consisting of waterproofed receptacles, cans or barrels made of a substantial material such as galvanized iron, with a tight-fitting cover of metal so constructed as to prevent spillage or leakage of its contents which when full shall not weigh over sixty-five (65) pounds (unless the container is to be mechanically raised) for the receiving and holding of garbage, rubbish, refuse or waste material.

B. Every owner, operator and occupant of nonresidential premises shall be responsible for providing containers, as described in subsection A of this section, sufficient in number to hold all garbage, rubbish, refuse and waste material in the manner prescribed, from one collection period to the next actual collection. Garbage, rubbish, refuse and waste materials shall be placed in the containers aforesaid prior to the time fixed for collection.

C. Every owner, operator and occupant of nonresidential premises shall be responsible for making necessary arrangements for weekly collection of garbage, rubbish, refuse and waste material. (Prior code § 12:29-8.2)

8.44.460 Refuse storage and disposal on residential premises.

A. Every owner, operator and occupant of residential premises shall be responsible for providing suitable containers consisting of waterproofed receptacles, cans or barrels made of a substantial material such as galvanized iron, with a tight-fitting cover of metal so construed as to prevent spillage or leakage of its contents which when full shall not weigh more than fifty (50) pounds, for the receiving and holding of garbage, rubbish, refuse and waste material subject to provisions of subsection D of this section.

B. Every owner, operator and occupant of residential premises shall be responsible for providing containers as described in subsection A of this section sufficient in number to hold all garbage, rubbish, refuse and waste material, in the manner prescribed, from one collection to the next actual collection. Such garbage, rubbish, refuse and waste material shall be placed in the containers aforesaid prior to the time fixed for collection.

C. Every owner, operator and occupant of residential premises shall place the containers aforementioned one to two feet behind the curb in front of the premises.

D. Bulky items comprising of waste material classified as garbage, paper, rubbish or ashes must be disassembled by the owner, operator and occupant of the premises into not more than five feet length, tied securely and placed in close proximity to the containers aforesaid for collection. (Prior code § 12:29-8.3)

8.44.470 Prohibited activities.

In order to maintain the aesthetic appearance and cleanliness of the township, the following shall be prohibited in the township:

A. The storage in areas zoned residential of any bulky household items such as appliances, furniture or mattresses, except in a fully enclosed structure or during days designated for the collection of bulky items;

B. The storage of tires in areas zoned residential except in a fully enclosed structure;

C. The parking of vehicles on residential lawns;

D. The accumulation of debris on or around construction sites or its storage in such a manner that it is likely to be removed by natural forces onto adjacent property;

E. Sweeping onto or depositing in any gutter, street, catch basin or other public place, any accumulation of litter from any public or private sidewalk or driveway; and every person who owns or occupies property shall keep the sidewalk in front of his or her premises free of litter and all sweepings

shall be collected and properly containerized for disposal, except that this section will not prohibit the placing of leaves in the curb for municipal pickup as provided. (Prior code § 12:32-1)

8.44.480 Vehicle loads to be covered.

All vehicles shall be covered so as to prevent loads from dropping, shifting, leaking or otherwise escaping. (Prior code § 12:32-2)

8.44.490 Placement of litter receptacles in public places.

The placement of litter receptacles and their servicing shall be implemented at the following public places which exist in the municipality: sidewalks used by pedestrians in active commercially-zoned areas, such that at a minimum there shall be no single linear quarter-mile without a receptacle; buildings held out for use by the public, including schools, government buildings, and railroad and bus stations; parks; drive-in restaurants; all street vendor locations; self-service refreshment areas; construction sites; gasoline service station islands; shopping centers; parking lots; campgrounds and trailer parks; marinas, boat moorage and fueling stations; boat launching areas; public and private piers operated for public use; beaches and bathing areas; and at special events to which the public is invited, including sporting events, parades, carnivals, circuses and festivals. The proprietors of these places or the sponsors of these events shall be responsible for providing and servicing the receptacles such that adequate containerization is available. (Prior code § 12:32-3)

Article VI. Administration and Penalties

8.44.500 Administration of inspection, regulations, enforcements and hearings on violations.

The township administrator is designated to supervise and direct all inspections, regulations, enforcements and hearings on violations of the provisions of this code, unless expressly stated to the contrary. Other public officials or employees of the township may be designated by ordinance or the township administrator to perform duties as may be necessary to the enforcement of this code including the making or inspections and holdings of hearings. (Prior code § 12:29-9.1)

8.44.510 When inspections are to be made.

All buildings and premises subject to this code are subject to inspections from time to time by the enforcing officer, or officers, of the township. Inspections shall be mandatory prior to the conveyance of title of any real estate and upon the reletting of any tenancy of any real estate. In the event that the subject tenancy concerns a single-dwelling unit of a multi-unit building, the inspection shall be required only with respect to that certain single-dwelling unit. Applications for the mandatory inspection must be made no less than ten days prior to the desired date of the issuance of the inspection report or the date the real estate is to be occupied by the new owner or the new tenant. Applications for inspections shall be made in accordance with Section 8.44.690.

In the event that any owner of real estate within the township fails or neglects to obtain the mandatory inspection prior to any new occupancy or reletting of any real estate, the owner and/or landlord shall be subject to the maximum fines and penalties prescribed in Chapter 1.08 of this code concerning fines and penalties. (Ord. 6-96 § 2: prior code § 12:29-9.2)

8.44.520 Identification and conduct of inspectors.

Enforcement officials and officers shall be supplied with official identification and upon request shall exhibit such identification when entering any structure or any part of any premises subject to this code. Inspectors shall conduct themselves so as to avoid intentional embarrassment or inconvenience to the occupants. (Prior code § 12:29-9.3)

8.44.530 Where entry by enforcing officials is refused.

Where the enforcing official or his agent is refused entry or access or is otherwise impeded or prevented by the owner, occupant or operator from conducting an inspection of the premises such person shall be in violation of this code and subject to the penalties hereunder. (Prior code § 12:29-9.4)

8.44.540 Search warrant or access warrant.

Enforcing officials may, upon affidavit, apply to the judge of the township for a search warrant setting forth factually the actual conditions and circumstances that provide a reasonable basis for believing that a nuisance or violation of this code exists on the premises, and if the judge is satisfied as to the matter set forth in the said affidavit, he shall authorize the issuance of a search warrant permitting access to and inspection of that part of the premises on which the nuisance or violation exists. (Prior code § 12:29-9.5)

8.44.550 Procedure where violation discovered.

Where a violation of this code or the regulations hereunder is bound to exist, a written notice from the enforcing official shall be served on the person or persons responsible for the correction thereof. (Prior code § 12:29-9.6)

8.44.560 Contents of notice.

The notice shall specify the violation or violations committed, what must be done to correct same, a reasonable period of time not to exceed thirty (30) days to correct or abate the violation, the right of the person served to request a hearing, and that the notice shall become an order in ten days after service unless a hearing is requested. The notice shall also advise the recipient that if the violation is not corrected or abated, the municipality may do same, the cost of which shall become a lien on the subject property. (Prior code § 12:29-9.7)

8.44.570 Service of notice.

Notice may be served personally or by prepaid telegram or by mail with postage prepaid, addressed to the last known address of the person to be served. In the case the premises are occupied, notice may be accomplished by posting upon the front door of the structure. Where it is ascertained the owner does not reside on the premises, the "last known address" shall be the address of the owner as shown in the office of the tax collector. If the last known address cannot be ascertained, service may be accomplished by mailing the notice with postage prepaid to the mortgagee, if there be one, and by posting the notice on the front door of the premises and printing the notice in the legal advertising media at least one time. The enforcing officer shall file and provide notice to any owner, operator or occupant of any violation at any address other than the last known address provided hereunder if such other address is filed with the enforcing officer personally or by certified mail addressed to the enforcing officer. Service upon an owner, operator or occupant may also be attained by service of any notice upon a member of the family over fourteen (14) years old of the owners, operator or occupant. Date of service of notice shall be determined where service is by mail as of the day following the date of mailing for notices to addresses within the township and as of the third day after the day of mailing for notices to addresses outside of the township. Where the day of service would fall upon a Sunday or other day where mail is not ordinarily delivered, then the day of service shall be the next regular delivery day. (Prior code § 12:29-9.8)

8.44.580 Notice to become an order unless hearing requested.

Within ten days of the date of service of a notice, the notice shall constitute a final order unless any person affected by the notice requests a hearing thereon, serves a written request within the ten-day period in person or by mail on the township administrator. Such request for a hearing shall set forth briefly the grounds or reasons on which the request is based and the factual matters contained in the notice of violation which are to be disputed at the hearing. The township administrator, upon receipt of

the request, shall within thirty (30) days therefrom and upon five days' notice to the party aggrieved set the matter down for a hearing. (Prior code § 12:29-9.9)

8.44.590 Determination at hearing. At any hearing provided hereunder the township administrator shall be vested with all the powers provided by law to compel the attendance of witnesses and parties in interest by issuance and service of subpoena the production of books, records or other documents at any such hearing which may be pertinent to matters to be determined by him and to enforce any such subpoena or secure any order for the enforcement of any such subpoena as provided by law. Determination shall be made within ten days from the completion of the hearing. The township administrator shall issue an order either incorporating the determinations and directions contained in the notice, modifying the same or withdrawing the notice. (Prior code § 12:29-9.10)

8.44.600 Extensions of time.

The township administrator may extend the time for correction or abatement of the violations for an additional period of time not to exceed thirty (30) days, except where major capital improvements or renovations are involved, in which instance the time for completion may be extended for a period not to exceed ninety (90) days beyond the expiration date of the original notice. (Prior code § 12:29-9.11)

8.44.610 Summary abatement in emergency; notice and hearing not required.

Where the violation or condition existing on the premises is of such a nature as to constitute an immediate threat to life and limb unless abated without delay, the township administrator may either abate the violation or condition immediately or order the owner, operator or occupant to correct the violation or condition within a period of time not to exceed three days, and upon failure to do so, the township administrator shall abate the condition immediately thereafter. (Prior code § 12:29-9.12)

8.44.620 Cost of any abatement to be a lien against premises.

Where abatement of any nuisance as defined herein, correction of a defect in the premises or the maintenance of the premises in a proper condition so as to conform to municipal ordinances or state law applicable thereto requires expending township moneys therefor, the enforcing officer shall present a report of work proposed to be done to accomplish the foregoing to the township administrator with an estimate of the cost thereof along with a summary of the proceedings undertaken by the enforcing officer to secure compliance, including notices served upon the owners, operators, lessors or agents, as the case may be, and hearings and orders of the township administrator, with reference thereto. The township administrator may thereupon order the abatement of the nuisance, correction of the defect of work necessary to place the premises in proper condition and in compliance with ordinances of the township and laws of the state. The enforcing officer may thereafter proceed to have the work performed in accordance with the order at township expense not to exceed the amount specified in the order, and shall upon completion thereof submit a report of the moneys expended and costs to the township administrator. After review of the same, the township committee may approve the expenses and costs whereupon the same shall become a lien against the premises collectible as provided by law. A copy of the resolution approving the expenses and costs shall be certified by the township clerk and filed with the tax collector of the township who shall be responsible for the collection thereof, and a copy of this resolution shall be sent by certified mail to the owner. (Prior code § 12:29-9.13)

8.44.630 Extension of time where dispossession action undertaken.

Where there exists a violation of this code, an owner or operator, upon receipt of a notice of violation, if unable to eliminate the violation by peaceable means within such period, may take legal action to dispossess, evict or eject the occupants who cause the violation. No further action hereunder

shall then be taken against the owner or operator so long as the action aforesaid is pending in the court and is prosecuted expeditiously and in good faith. (Prior code § 12:29-9.14)

8.44.640 Where notice and hearing not required prior to court proceedings.

Violations may be prosecuted without notice by the filing of a complaint by the enforcing officer in the municipal court. No notice shall be required on the enforcement of the removal of accumulated snow or ice from paths, walks, driveways, parking lots and parking areas used by pedestrians and automobiles where such snow or ice remains uncleared within twenty-four (24) hours after the termination of the snowfall.

Where the township administrator after hearing shall determine that there was a violation and a notice was served upon the owner, operator or occupant, whether or not said violation was abated prior to the issuance of an order, if thereafter within the space of one year there shall be a second violation by the same owner, operator or occupant of the same provision of this code discovered on the same premises, the offender may be prosecuted on the second violation without the enforcing officer first giving notice and opportunity for a hearing to the owner, operator or occupant, by the filing of a complaint by the enforcing officer in the municipal court. Where the township administrator has on two different occasions found violations by the same owner, operator or occupant on the same premises and has issued notices on each and has held at least one hearing and issued an order thereon, upon discovering a third or subsequent violation by the same owner, operator or occupant on the same premises within the space of one year, whether the same sections or of any other sections of this code he may thereupon prosecute the offender by filing a complaint in the municipal court for the third or subsequent violation occurring within the period of one year without first providing notice and opportunity for a hearing by the township administrator. (Prior code § 12:29-9.15)

8.44.650 Effect of notice on owner.

For the purposes of enforcement of this code, the service of a notice on an owner, whether or not the owner is also the operator, shall constitute notice of violations set forth therein until violations are abated in conformity with this code and the other applicable ordinances of the township. (Prior code § 12:29-9.16)

8.44.660 Violation—Penalties.

A. Fines for Violations. A violation of any section or subsection of this code shall be subject upon conviction to a penalty as prescribed in Chapter 1.08.

B. Meaning of “Each Violation.” Each violation of a section or subsection of this code shall constitute a separate and distinct violation independent of any other section or subsection or any order issued pursuant to this code. Each day's failure to comply with any such section or subsection shall constitute a separate violation.

C. Additional Penalty for Second Violation. Where an owner, operator or occupant has been convicted of a violation of this code, and within twelve (12) months thereafter has been found by the judge of municipal court to be guilty of a second violation, the court may, if it finds that the second offense was wilful and inexcusable, sentence the offender in addition to or in lieu of the fine set forth to imprisonment in the county jail for a period not to exceeds ninety (90) days.

D. Application to Officers or Agents. Where the defendant is other than a natural person or persons, the penalties shall also apply to any agent, superintendent, officer, member or partner who shall alone or with others have charge, care or control of the premises.

E. Fine as a Lien. In the event of the imposition of a fine or penalty by the municipal court or any other court of competent jurisdiction against the owner, operator or lessor of any building or structure in the township required to be registered for violation of any township ordinance or any state law applicable to the township, the fine or penalty shall be collectible as a lien against the premises, in addition to any other remedies now provided by law. (Prior code § 12:29-10)

8.44.670 Existing offenses and violations not discharged.

The repeal of any provisions of any other ordinances by this code shall not affect any action for prosecution or abatement under any such ordinance or any notice, complaint or order issued by any officer or agency of the township prior to the adoption of this code or concerning which any prosecution or other steps of enforcement have been taken or are being taken within any administrative agency or in the municipal court for enforcement thereof. (Prior code § 12:29-11)

8.44.680 Powers and duties of township administrator.

The township administrator is authorized and empowered to promulgate such written rules and regulations as may be necessary for the proper interpretation and administration of the provisions of this code, provided that such rules and regulations do not conflict with this code and conform to the general standards prescribed by this code. The township administrator shall file copies of such rules and regulations with the township clerk which shall be available during regular business hours. Such rules and regulations shall have the same force and effect as the provisions of this code, and the violations thereof shall be enforced as violations of the express provisions of this code as herein provided. (Prior code § 12:29-12)

Article VII. Inspection and Status Reports

8.44.690 Application for inspection.

Whenever an owner, operator, occupant, prospective purchaser, mortgagee or prospective occupant shall apply to the enforcing officer for an inspection in order to ascertain if any section of this code has been violated, the enforcing officer shall, upon payment of the fee hereunder stated, cause an inspection to be made of the premises and issue an informational certificate or report of the inspections to the applicant, indicating therein any violations of this code on the premises. The applicant for such inspection shall state in writing his full name, residence and the reasons and basis for which the inspection is requested. The enforcing office may deny the application for failure to comply with this requirement. (Prior code § 12:29-13.1)

8.44.700 Application for status report.

Where in lieu of an inspection, an owner, operator, occupant, lessee, prospective purchaser, mortgagee or prospective occupant requests a status report as to whether or not there are any known violations presently pending on the said premises, upon payment of the fee prescribed herein, a copy of any notice or order on any violations then pending shall be sent to the applicant. (Prior code § 12:29-13.2)

8.44.710 Significance and scope of inspection or status report.

No inspection report issued or status report shall be construed as providing a defense against any violation of this code or any other ordinance of the township which may be discovered thereafter whether or not the condition or violation existed at the time of any such inspection or status report. The inspection or status report is provided as a convenience to the public and shall not constitute a limitation on the full enforcement of this code. The inspection or status report shall include only such matters as are embraced in this code. (Prior code § 12:29-13.3)

8.44.720 Inspection and status report fees.

The fee for any inspection or status report of a residential inspection shall be thirty dollars (\$30.00) a single-family home or condominium unit, and shall be twenty dollars (\$20.00) for an apartment unit. The fee for any inspection or status report on a business, commercial or property other than residential shall be forty dollars (\$40.00). (Prior code § 12:29-13.4)

Chapter 8.48

PUBLIC HEALTH NUISANCE CODE

Sections:

8.48.010	Code adopted.
8.48.020	Short title.
8.48.030	Copies.
8.48.040	Penalties.

8.48.010 Code adopted.

A code defining and prohibiting certain matters, things, conditions or acts and each of them as a nuisance, prohibiting certain noises or sounds, requiring the proper heating of apartments, prohibiting lease or rental of certain buildings, prohibiting spitting in or upon public buildings, conveyances or sidewalks, authorizing the inspection of premises by an enforcing official, as may be designated by the board of health of the township, providing for the removal or abatement of certain nuisances and recovery of expenses incurred by the board of health of the township in removing or abating such nuisances and prescribing penalties for violations is established pursuant to Chapter 188, Laws of 1950. A copy of said code is annexed to the ordinance codified in this chapter and made a part of this chapter without the inclusion of the text thereof in this code. (Prior code § 7:5-1)

8.48.020 Short title.

The said code established and adopted by the ordinance codified in this chapter is described and commonly known as the Public Health Nuisance Code of New Jersey (1953). (Prior code § 7:5-2)

8.48.030 Copies.

Three copies of the said Public Health Nuisance Code of New Jersey (1953) have been placed on file in the office of the clerk of the township upon the introduction of the ordinance codified in this chapter and will remain there on file. (Prior code § 7:5-3)

8.48.040 Penalties.

Any person who violates, or neglects to comply with any provision of this chapter or code established herein or notice issued pursuant thereto, shall upon conviction thereof, be liable for a penalty of not more than five hundred dollars (\$500.00) for each violation as may be ordered by the municipal court judge. (Ord. 6-97 § 2(e); prior code § 7:5-4)

Chapter 8.52

RECYCLING PROGRAM*

Sections:

8.52.010	Purpose.
8.52.020	Statutory authority.
8.52.030	Definitions.
8.52.040	Establishment of curbside program.
8.52.050	Regulations applicable to source separation and collection of designated recyclables for the curbside program.
8.52.060	Establishment of public dropoff program.
8.52.070	Establishment of dropoff program for apartment complexes, condominium complexes, and mobilehome parks.
8.52.080	Requirements applicable to source separation and placement of designated recyclables in recycling dropoffs.
8.52.090	Mandatory commercial, industrial and institutional source-separation program.
8.52.100	Mandatory source separation of leaves.
8.52.110	Limitation on use of plastic grocery bags or containers.
8.52.120	Unlawful activities— Nuisance.
8.52.130	Noncollection of solid waste contaminated by designated recyclables.
8.52.140	Other means of disposal.
8.52.150	Noninterference with existing contracts.
8.52.160	Penalties.
8.52.170	Enforcement.
8.52.180	Injunctions—Concurrent remedies.
8.52.190	Construction.

* **Editor's Note:** During the 1997 codification, prior code § 12:26, consisting of §§ 12:26-1 through 12:26-22, was repealed by Ord. 6-97 adopted 8-20-97. This chapter contains the provisions of Ord. 3-96 adopted 4-24-96, which amended prior code § 12:26.

8.52.010 Purpose.

The township finds that the reduction of the amount of solid waste and conservation of recyclable materials is an important public concern and is necessary to implement the requirements of SWMA and the county plan. The separation and collection of papers, cardboard, glass, cans, plastic containers and vegetative yard waste for recycling from residential, commercial and institutional establishments within the municipality will minimize the adverse environmental effect of land filling by reducing the need for land fills and conserving existing landfill capacity, facilitate the implementation and operation of other forms of resource recovery called by the county plan, conserve natural resources and reduce the cost of solid waste disposal in general. (Ord. 3-96 (part): prior code § 12:26-1)

8.52.020 Statutory authority.

The ordinance codified in this chapter is adopted pursuant to Sections 6, 9 and 14 of P.L. 1987, c. 102 (adopted April 20, 1987), NJSA 40:48-2, NJSA 40:66-1 and NJSA 40:49-2.1. (Ord. 3-96 (part): prior code § 12:26-2)

8.52.030 Definitions.

As used in this chapter, the following definitions shall apply:

“Apartment complex” means twenty-five (25) apartments or more located on a single property or contiguous properties under common ownership or management. For this purpose, “apartment” means an enclosed space that consists of one or more rooms occupying all or part of a floor or floors in a building of one or more floors or stories but not the entire building, and that is designed for use as a residence.

“Cans” means containers comprised of aluminum, tin, steel or a combination thereof, which contain or formerly contained only nonhazardous substances or such other substances as have been approved for recycling by OWM.

“Cardboard” means all corrugated or other cardboard normally used for packing, mailing, shipping or containerizing goods, merchandise or other material, but excluding plastic, foam, or wax-coated or soiled cardboard.

“Commercial” means and refers to any person or other entity operating a business, trade, industry or other activity which is carried on for profit within the township.

“Commingled” means source-separated, nonputrescible recyclable materials that have been mixed at the source of generation (i.e., placed in the same container).

“Condominium complex” means twenty-five (25) condominium units or more located on a single property or contiguous properties under common ownership or management. For this purpose, “condominium” as in NJSA 46:8B-1 et seq., means a deed providing for ownership by one or more owners of units of improvements together with an undivided interest in common elements appurtenant to each such unit.

“County” means the county of Burlington, state of New Jersey.

“County plan” means the District Solid Waste Management Plan for Burlington County as approved by the New Jersey Department of Environmental Protection.

“Designated recyclable materials” means those recyclable materials to be source separated in the township. The term shall include, but not be limited to the following: glass, white goods, paper, plastic containers, aluminum and ferrous cans, ferrous and nonferrous scrap, food waste, corrugated and other cardboard, newspaper, magazine and high grade office paper.

“Disposition” or “disposition of designated recyclable materials” means the transportation, placement or arrangement of designated recyclable materials for all possible end uses except disposal as solid waste.

“Glass” means all clear (flint), green and brown (amber) colored glass containers. Glass shall not include crystal, ceramics, light bulbs, and plate, window, laminated, wired or mirrored glass.

“Institutional” means and refers to any person or other entity, either public or private, either for profit or nonprofit, who operates for educational, charitable or other public purpose.

“Mobilehome park” means twenty-five (25) mobilehomes or more located on a single property or contiguous properties under common ownership or management. For this purpose, “mobilehome” means a home, excluding travel trailers, which is a movable or portable unit, designed and constructed to be towed on its own chassis, and designed to be connected to utilities for year-round occupancy.

“Municipality” means the township of Edgewater Park located within the county of Burlington, state of New Jersey.

“OWM” means the Burlington County Office of Waste Management, its successors and assigns.

“Paper” means all newspaper, high grade office paper, fine paper, duplication paper, magazines, paperback, books, school paper, catalogs, junk mail, computer paper, telephone books, and similar cellulosic material, but excluding wax paper, plastic or foil-coated paper, envelopes with glassine windows, carbon paper, blueprint paper, food-contaminated paper, soiled paper and cardboard.

“Person” means any individual, firm, partnership, corporation, association, cooperative enterprise, trust, municipal authority, federal institution or agency, state institution or agency, municipality, other government agency or any other entity or any group of such persons which is recognized by law as the subject of rights and duties. In any provisions of this chapter prescribing a fine, penalty or imprisonment, the term “person” shall include the officers and directors of a corporation or other legal entity having officers and directors.

“Plastic bottles” shall mean all milk, water, soda and detergent bottles that are labeled as made from polyethylene teraphthalate (PET) and high density polyethylene teraphthalate (HDPE). Specifically excluded are bottles that formerly contained hazardous materials, including, but not limited to motor oil, antifreeze and pesticides.

“Recyclable material” means a material which would otherwise become solid waste, which can be collected, separated or processed, and returned to the economic mainstream in the form of raw materials or products.

“Recycling” means any process by which materials, which would otherwise become solid waste, are collected, separated or processed, and returned to the economic mainstream in the form of raw materials or products.

“Recycling dropoff” means any facility designed and operated solely for the receiving and storing of source-separated, nonputrescible metal, glass, paper, plastic containers and cardboard.

“Resident” means any human being residing within the township on a temporary or permanent basis, but excluding persons residing in hotels or motels.

“Solid waste” means garbage, refuse and other discarded materials resulting from industrial, commercial and agricultural operations, and from domestic and community activities, and shall include all other waste materials including liquids, except for solid animal and vegetable wastes collected by swine producers licensed by the State Department of Agriculture to collect, prepare and feed such wastes to swine on their own farms.

“Source separate” means to separate recyclable materials from the solid waste stream at the point of waste generation.

“SWMA” means the New Jersey Solid Waste Management Act, as amended.

All other terms and phrases shall be as defined in SWMA, regulations promulgated thereunder and the county plan, unless content clearly requires a different meaning. (Ord. 3-96 (part): prior code § 12:26- 3)

8.52.040 Establishment of curbside program.

A. There is established a program (“curbside program”) for the separate collection of paper, cardboard, glass, cans and plastic from all non-physically disabled residents of the township. Said curbside program shall not apply to any apartment complex, condominium complex or mobilehome park, or to any commercial or institutional establishment unless approved by OWM.

B. Collections of recyclable materials pursuant to this section shall be in accordance with a schedule of recycling collection areas and dates to be publicly advertised by the township and county.

C. All residents of the township within the area serviced by the curbside program established pursuant to this section shall source-separate all designated recyclables and place them at the side of the road fronting their residence in the manner designated by Section 8.52.050 and on the date specified for collection by the schedule published by the township and county.

D. All persons other than residents served by the curbside collection program established pursuant to this section shall source separate all designated recyclables upon receiving notice from the township and shall place said recyclables for collection at a place, in a manner and at such times as designated by the township in said notice.

E. Designated recyclables for this curbside program established pursuant to this section shall consist of the following materials:

1. Paper;
 2. Cardboard;
 3. Glass, cans and plastic;
 4. Other recyclable materials as designated by the township at all times thirty (30) days after designation and publication of notice in a newspaper of general circulation within the township.
- (Ord. 3-96 (part): prior code § 12:26-4)

8.52.050 Regulations applicable to source separation and collection of designated recyclables for the curbside program.

All recyclables placed at the roadside by residents for collection pursuant to the curbside program established pursuant to Section 8.52.040 shall be prepared for collection in accordance with the following:

- A. All paper shall be placed in paper bags or tied in bundles not exceeding thirty-five (35) pounds in weight nor exceeding one foot in thickness.
- B. Cardboard shall be flattened and tied in bundles with dimensions not exceeding one foot by three feet by three feet. Until after publication of notice by OWM, the amount of cardboard placed at the roadside for collection shall not exceed two bundles per collection day.
- C. Glass containers and plastic bottles shall have caps and lids removed.
- D. Glass, cans and plastic bottles shall be rinsed free of contaminants.
- E. Glass, cans and plastic bottles shall be placed in containers to be provided by the township. Plastic and/or paper garbage bags shall not be utilized as containers for glass or cans.
- F. No material shall be placed at the roadside earlier than the evening of the day preceding a scheduled collection day. Material must be placed at the roadside by seven a.m. on the scheduled collection day. The bundled paper, bundled cardboard and the containers of glass and cans shall be placed at the roadside for collection adjacent to one another and clearly separated from containers of solid waste. (Ord. 3-96 (part): prior code § 12:26-5)

8.52.060 Establishment of public dropoff program.

A. There is established a program ("public dropoff program") for the source separation and delivery to a recycling dropoff of paper, cardboard, glass, cans and plastic bottles from all residents located in areas of the township where curbside collection does not occur, with the exception of apartment complexes, condominium complexes, and mobilehome parks.

B. Within thirty (30) days of the availability of a public recycling dropoff within the township, all residents of the township served by the public dropoff program established pursuant to this section shall source separate all designated recyclables and shall deposit all such recyclables at a recycling dropoff designated by the township.

C. Designated recyclables for the public dropoff program established pursuant to this section shall consist of the following materials:

1. Paper;
2. Cardboard;
3. Glass and cans;
4. Plastic bottles;
5. Other recyclable materials as designated by the township at all times, thirty (30) days after said designation and publication of notice in a newspaper of general circulation within the township. (Ord. 3-96 (part): prior code § 12:26-6)

8.52.070 Establishment of dropoff program for apartment complexes, condominium complexes, and mobilehome parks. A. There is established a program ("private dropoff program") for the source separation and delivery to a recycling dropoff of paper, cardboard, glass, cans and plastic bottles from all residents of apartment complexes, condominium complexes, and mobilehome parks within the township.

B. The owner of and manager of every apartment complex, condominium complex and mobilehome park within the township shall provide and maintain, in a neat and sanitary condition, recycling dropoff(s) to receive all designated recyclables generated by residents of the complex or mobilehome park. In cases where a condominium association exists, the condominium association shall be responsible for provision and maintenance of the recycling dropoff(s). Said recycling dropoffs shall be constructed and capable of receiving designated recyclables within six months of the effective date of the

ordinance codified in this chapter.

C. The owner of and manager of every apartment complex, condominium complex and mobilehome park shall arrange for the collection for recycling of all designated recyclables from said dropoffs.

D. The number and design of the recycling dropoffs required by this section for each apartment complex, condominium complex, and mobilehome park shall be consistent with guidelines provided by the township and with guidelines developed by OWM pursuant to the county plan.

E. Designated recyclables for the private dropoff program required by this section shall consist of the following materials:

1. Paper;
2. Cardboard;
3. Glass and cans;
4. Plastic bottles;
5. Other recyclable materials as designated by municipals at all times thirty (30) days after

said designation and publication of notice in a newspaper of general circulation within the township.

F. The township committee may exempt persons occupying commercial and institutional premises within its municipal boundaries from the source-separation requirements of the ordinance adopted pursuant to subsection B of this section if those persons have otherwise provided for the recycling of recyclable materials designated in the district recycling plan from solid waste generated at those premises. To be eligible for an exemption pursuant to this subsection, a commercial or institutional solid waste generator annually shall provide written documentation to the township of the total number of tons recycled. (Ord. 3-96 (part): prior code § 12:26-7)

8.52.080 Requirements applicable to source separation and placement of designated recycles in recycling dropoffs.

Designated recyclables required to be placed in recycling dropoffs pursuant to Sections 8.52.060 of 8.52.070 shall be consistent with the following:

A. All paper shall be placed in paper bags or tied in bundles not exceeding thirty-five (35) pounds in weight not exceeding one foot in thickness.

B. Cardboard shall be flattened and placed in bundles not exceeding one foot by three feet by three feet.

C. Glass containers and plastic bottles shall have caps and lids removed.

D. Glass, cans and plastic bottles shall be rinsed free of contaminants.

E. Glass shall be separated by color and each color of glass shall be placed in a receptacle designated for that color at the recycling dropoff.

F. Cans shall be placed in the receptacle designated for cans at the recycling dropoff.

G. Paper and cardboard shall be neatly attached in the area or areas designated in the recycling dropoff for such materials.

H. Bundling requirements of subsections A and B of this section are not applicable in cases where the complex has secured the services of a private recycler which does not have these requirements. Glass, can and plastic separation requirements are not required if a municipality-approved commingled market has been secured. (Ord. 3-96 (part): prior code § 12:26-8)

8.52.090 Mandatory commercial, industrial and institutional source-separation program.

A. Source Separation.

All commercial and institutional generators of refuse located within the township, whether such generators be legal entities or natural persons, who are not served by the curbside program established pursuant to Section 8.52.040, shall source separate and arrange for the collection for recycling purposes of all designated recyclables as defined hereinafter within sixty (60) days of the effective date of the ordinance codified in this chapter.

B. Designated recyclables for the mandatory commercial, industrial and institutional source-separation program shall consist of the following materials:

1. High grade paper, including but not limited to white letterhead paper, white bond paper, white typing paper, white copier paper, white notepad paper, white writing paper, white envelopes without glassine windows, other non-glossy white office paper without plastic, computer printout paper, manila folders, computer tab cards, and onionskin paper;
2. Cardboard;
3. Glass, plastic bottles and cans generated by food beverage service establishments, including school and employee cafeterias;
4. Used motor oil;
5. Food waste; and
6. Other recyclable materials as designated by the township sixty (60) days after said designation and publication of notice in the official township newspaper.

C. Collection Procedure. The arrangement for collection of designated recyclables, excluding used motor oil which must be collected in accordance with state and federal regulations, and their disposition hereunder shall be the responsibility of the highest management individual of any commercial, industrial or institutional sector generating recyclables. Said arrangements may include, without limitation, direct marketing of recyclables; delivery to a dropoff center; contracts with solid waste collectors/haulers for separate collection of any or all designated recyclables; contracts with other persons for separate collection of any or all designated recyclables; direct delivery to other facilities approved by OWM; or direct delivery to an authorized township depot with written municipal approval.

On-site receptacles shall be located in a manner consistent with requirements of all other ordinances. Receptacles shall be designed to prevent litter and contamination of recyclables.

D. Exemption. The township committee may exempt persons occupying commercial, industrial and institutional premises within its municipal boundaries from the source-separation requirements of this chapter if those persons have otherwise provided for the recycling or the recyclable materials designated in the district recycling plan from solid waste generated at those premises. To be eligible for an exemption pursuant to this subsection, a commercial, industrial or institutional solid waste generator annually shall provide written documentation to the Edgewater Park Township recycling coordinator of the total number of tons recycled.

E. Documentation. Each aforesaid generator shall bear responsibility for the proper disposition of recyclables even though the generator may contract with another party for disposition. By the first of February of each year, each generator shall submit documents to the Edgewater Park Township recycling coordinator verifying the previous year's total recycling (expressed in either weight or cubic yardage).

Additional reporting may be required if mandated by OWM or the New Jersey Department of Environmental Protection.

Documentation shall take the form of letters verifying weight or volumes issued by receptor to the generator of the recycled material. Weight slips or volume slips or paid invoices must be maintained by the generator and/or receptor for inspection if requested by the township, county or state. (Ord. 3-96 (part): prior code § 12:26-9)

8.52.100 Mandatory source separation of leaves.

A. No person shall dispose of leaves, arrange for the disposal of leaves, or cause leaves to be disposed at any solid waste facility other than a composting facility.

B. All persons who gather leaves and who are served by a township program for separate collection of leaves shall source separate all leaves and place them for collection at the times and in the manner heretofore or hereafter prescribed by the township.

C. All persons who gather leaves and who are not served by a township program for separate collection of leaves shall arrange for the separate disposal or processing of leaves at a

composting facility or an agricultural, horticultural, silviculture or other commercial operation which processes or utilizes leaves for compost, mulch, or other beneficial uses.

D. Nothing in this section shall require any person to gather leaves or prevent any person from utilizing leaves for compost, mulch or other agricultural, horticultural, silvicultural, gardening or landscaping purposes.

E. Any police officer and/or the housing inspector of the township may enforce the provisions of this section.

F. The penalties for the violation of any provision of this section shall be in accordance with Section 8.52.160. (Ord. 3-96 (part): prior code §§ 12:26-10, 12:26-21(C) and (D))

8.52.110 Limitation on use of plastic grocery bags or containers.

A. Requirement for Paper Bags Only or Choice of Paper or Plastic Bags. Every person, partnership, corporation or association engaged in the sale of goods to consumers for ultimate consumption (hereinafter “retailer”) shall provide paper bags only or shall offer each consumer a choice between paper or plastic bags for goods purchased by the consumer. If the retailer offers consumers a choice of paper or plastic bags at the checkstand, cash register or other point of departure, he shall inquire of each consumer whether the consumer requires or prefers that the goods purchased be placed in paper or plastic bags. The goods shall be placed in the type of bag requested by the consumer.

B. Special Provisions for Grocery Stores, Supermarkets, Produce Stores and Other Similar Retail Establishments. In addition to offering paper bags at the checkstand, cash register or other point of departures, grocery stores, supermarkets, produce or meat markets and other similar retail establishments shall also offer consumers paper bags in produce, bulk foods or meat departments which may be present on site. (Ord. 3-96 (part): prior code § 12:26-11)

8.52.120 Unlawful activities— Nuisance.

A. It is unlawful for:

1. Any person, other than those persons authorized, to collect any designated recyclable which has been placed at the roadside for collection or within a recycling dropoff pursuant to this chapter;

2. Any person to violate or to cause or to assist in the violation of any provision of this chapter or any provision of the county plan concerning recycling;

3. Any person to place or to cause to be placed any material other than a designated recyclable in or near a recycling dropoff;

4. Any person to hinder, to obstruct, to prevent or to interfere with the township, the county, or any other authorized persons in the performance of any duty under this chapter or in the enforcement of this chapter.

B. All unlawful conduct set forth in subsection A of this section shall constitute a public nuisance. (Ord. 3-96 (part): prior code § 12:26-12)

8.52.130 Noncollection of solid waste contaminated by designated recyclables.

The township or any other person collecting solid waste generated within the township may refuse to collect solid waste from any person who has clearly failed to source separate recyclables designated under an applicable section of this chapter. (Ord. 3-96 (part): prior code § 12:26-13)

8.52.140 Other means of disposal.

Notwithstanding anything in this chapter to the contrary, any resident of the township may donate or sell any recyclable to any other person, whether operating for a profit or not for profit, provided, however, that the person receiving the recyclables shall not, under any circumstances, collect the donated or sold material from an established recycling collection route or from a recycling dropoff without prior written permission from the township for such collection. Permission for such collection

shall not be given for any day other than a Saturday or Sunday, and in no case shall such permission be given to collect recyclables from a recycling dropoff. (Ord. 3-96 (part): prior code § 12:26-14)

8.52.150 Noninterference with existing contracts.

A. Nothing contained in this chapter shall be construed to interfere with or in any way modify the provisions of any existing contract which is consistent with NJSA 13:1E-29 and in force in the township on the effective date of the ordinance codified in this chapter.

B. No renewal of any existing contract upon the expiration of the original term thereof and no new contract for the collection, transportation, processing or purchase of solid waste or recyclables shall be entered into after the effective date of the ordinance codified in this chapter, unless such renewal or such contract shall conform to the requirements of this chapter. (Ord. 3-96 (part): prior code § 12:26-15)

8.52.160 Penalties.

A. Any person who violates the provisions of this chapter shall upon conviction thereof in a proceeding before a court of competent jurisdiction be subject to the following fines:

1. Residential recycling violation: A fine of not less than twenty-five dollars (\$25.00) and not more than one thousand dollars (\$1,000.00);

2. Commercial or institutional violation: A fine of not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00).

B. Each continuing day of violation of this chapter shall constitute a separate offense. (Ord. 3-96 (part): prior code § 12:26-16)

8.52.170 Enforcement.

A. The township recycling coordinator and/or the township code enforcement official shall be appointed to serve by the township committee as the enforcement officer for this chapter. Said municipal recycling coordinator/code enforcement officer shall be responsible, under the direction of the township committee, for the implementation and enforcement of all recycling requirements of this chapter.

B. In addition to the municipal recycling coordinator or code enforcement officer, the Burlington County health department is appointed as an enforcement officer for the implementation and enforcement of Sections 8.52.070, 8.52.080 and 8.52.090.

C. Enforcement of this chapter shall be commenced in the Superior Court or in the municipal court of the township, and penalty or fine shall be collected with costs in a summary civil proceeding.

D. Any penalties or fines collected in an enforcement action shall be paid to the township when such action is brought by the municipal recycling coordinator or code enforcement officer. Any penalties or fines collected in an enforcement action shall be paid to the chief financial officer of Burlington County when such action is brought by the Burlington County health department.

Generators who fail to submit documentation reports shall be subject to a penalty of fifty dollars (\$50.00) for each month (or portion of each month) by which their reports are delinquent. (Ord. 3-96 (part): prior code § 12:26-17)

8.52.180 Injunctions—Concurrent remedies.

A. In addition to any other remedy provided in this chapter, the township may institute a suit in equity where unlawful conduct or public nuisance exists as defined in this chapter for an injunction to restrain a violation of this chapter or the county plan. In addition to an injunction, the court may impose penalties as authorized by Section 8.52.160.

B. The penalties and remedies prescribed by this chapter shall be deemed concurrent. The existence or exercise of any remedy shall not prevent the township or the county from exercising any

other remedy provided by this chapter or otherwise provided at equity. (Ord. 3-96 (part): prior code § 12:26-18)

8.52.190 Construction.

The terms and provisions of this chapter are to be liberally construed, so as best to achieve and to effectuate the goals and purposes hereof. This chapter shall be construed in pari materia with SWMA and the plan. (Ord. 3-96 (part): prior code § 12:26-19)

Chapter 8.56

RETAIL FOOD ESTABLISHMENTS

Sections:

8.56.010	Code adopted.
8.56.020	Short title.
8.56.030	Copies.
8.56.040	License required.
8.56.050	License fees.
8.56.060	Revocation procedure.
8.56.070	Code amendment.
8.56.080	Interstate commerce.
8.56.090	Violation—Penalty.

8.56.010 Code adopted.

A code regulating retail food establishments and fixing penalties for violations is established pursuant to Revised Statutes 26:3-69.1 to 69.6. A copy of said code is annexed to the ordinance codified in this chapter and made a part of this chapter without the inclusion of the text thereof in this code. (Prior code § 7:6-1)

8.56.020 Short title.

The said code established and adopted by the ordinance codified in this chapter and commonly known as the Retail Food Establishment Code of New Jersey (1965). (Prior code § 7:6-2)

8.56.030 Copies.

Three copies of the said Retail Food Establishment Code of New Jersey (1965) have been placed in the office of the township clerk of the township upon the introduction of the ordinance codified in this chapter and will remain on file there until final action is taken on the ordinance codified in this chapter for the use and examination of the public. (Prior code § 7:6-3)

8.56.040 License required.

It is unlawful for any person or any body corporate to conduct a retail food establishment as defined in and governed by the Retail Food Establishment Code of New Jersey (1965) without first having procured a license from the Edgewater Park Township board of health so to do or without complying with any or all of the provisions concerning operation and maintenance of the same as contained in the aforementioned Retail Food Establishment Code of New Jersey (1965). The Edgewater Park Township board of health is embodied with the authority to enforce the terms and provisions of this chapter. (Prior code § 7:6-4.1)

8.56.050 License fees.

The fees for licensure of retail food establishments are fixed as follows: retail food establishments, permanent locale—ten dollars (\$10.00) per annum; temporary retail food establishment—ten dollars (\$10.00) per day. A license shall be required for a temporary food establishment in conjunction with a charitable activity, but there shall be no charge made for the issuance of said license. For an employee as defined in said code an annual license shall be required and the fee shall be one dollar (\$1.00). The following groups and individuals shall be exempt from the payment of a license fee: handicapped or disabled persons; senior citizens; church groups; fire companies and other charitable organizations. (Prior code § 7:6-4.2)

8.56.060 Revocation procedure.

A. Any license issued under the terms and provisions of this chapter may be suspended or revoked by the board of health of this municipality for the violation by the licensee of any provision of this chapter or the Retail Food Establishment Code of New Jersey (1965) or whenever it shall appear that the business, trade, calling, profession or occupation of the person, firm or corporation to whom such license was issued, is conducted in a disorderly or improper manner, or in violation of any law of the United States, the state of New Jersey, or any ordinance of this municipality, or that the person or persons conducting the retail food establishment is of an unfit character to conduct the same, or that the purpose for which the license has been issued is being abused to the detriment of the public, or is being used for a purpose foreign to that for which the license was issued.

B. A license issued under the terms and provisions of this chapter shall not be revoked, canceled or suspended until a hearing thereon shall have been had by the board of health. Written notice of the time and place of such hearing shall be served upon the licensee at least three days prior to the date set for such hearing. Such notice shall also contain a brief statement of the grounds to be relied upon for revoking, canceling or suspending such license. Notice may be given either by personal delivery thereof to the person to be notified or be deposited in the United States Post Office in a sealed envelope, postage prepaid, addressed to such person to be notified at the business address appearing upon said license. At the hearing before the board of health the person aggrieved shall have an opportunity to answer and may thereafter be heard, and upon due consideration and deliberation by the board of health, the complaint may be dismissed, or if the board of health concludes that the charges have been sustained and substantiated, it may revoke, cancel or suspend the license held by the licensee.

C. If any such license shall have been revoked, neither the holder thereof nor any person acting for him, directly or indirectly, shall be entitled to another license to carry on the same business within the township unless the application for such license shall be approved by the board of health. (Prior code § 7:6-4.3)

8.56.070 Code amendment.

NJS 26:3-69.1 to 69.6 is amended to provide that Section 1.11 of the aforesaid code be and is amended as follows:

1.11 RETAIL FOOD ESTABLISHMENT shall mean any fixed or mobile restaurant; coffee shop; cafeteria; short-order cafe; luncheonette; grille; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; night club; industrial feeding establishment; private, public, or, nonprofit organization or institution routinely serving food; catering kitchen; commissary; box lunch establishment; retail bakery; meat market; delicatessen; grocery store; public food market, or similar place in which food or drink is prepared for retail sale or for service on the premises or elsewhere; and any other retail eating or drinking establishment or operation where food is served, handled or provided for the public with or without charge.

(Prior code § 7:6-5)

8.56.080 Interstate commerce.

No provision of this chapter shall be applied so as to impose any unlawful burden on either interstate commerce or any activity of the state or federal government. (Prior code § 7:6-6)

8.56.090 Violation—Penalty.

Any person, firm or corporation who shall violate any of the provisions of this chapter shall, upon conviction, be punished by a fine of not to exceed five hundred dollars (\$500.00), and each violation of any of the provisions of this chapter, and each day the same is violated, shall be deemed and taken to be a separate and distinct offense. (Ord. 6-97 § 2(f): prior code § 7:6-7)

Chapter 8.60

SOIL REMOVAL PERMITS

Sections:

8.60.010	Short title.
8.60.020	Definitions.
8.60.030	Permit required.
8.60.040	Application for permit.
8.60.050	Fees.
8.60.060	Engineering report.
8.60.070	Issuance of permit.
8.60.080	Bond required.
8.60.090	Regulation of operation.
8.60.100	Inspections.
8.60.110	Revocation of permit.
8.60.120	Violation—Penalty.

8.60.010 Short title.

This chapter shall be known and may be cited as the Edgewater Park Soil Removal Ordinance.
(Prior code § 12:13-1)

8.60.020 Definitions.

The words defined in this section shall mean and include the following when used in this chapter:

“Committee” means the township committee of the township of Edgewater Park.

“Permit” means a soil removal permit issued under the terms of this chapter.

“Person” means and includes an individual, a partnership, a corporation or any other legal entity.

“Soil” means and includes dirt, stone, gravel, sand, humus, clay, loam, rock, and mixtures of any of these.

“Topsoil” means the arable soil within six inches of the surface.

“Township” means the township of Edgewater Park. (Prior code § 12:13-2)

8.60.030 Permit required.

No person shall excavate for the removal of soil or otherwise remove soil for sale or for use other than on the premises from which the soil shall be taken, except in connection with construction or alteration of a building on such premises, for which a building permit has been issued, and excavation or grading incidental thereto, without first having obtained a permit therefor approved by the committee.
(Prior code § 12:13-3)

8.60.040 Application for permit.

Before the issuance of a permit, the applicant shall make application therefor on a form available from the township clerk and the data in said application or accompanying documents shall show the following:

A. The name and address of the owner or owners of the tract involved and the name and address of the applicant, if a different person is involved. The signed consent of the owner shall be required if the applicant is not the owner;

B. A map of the premises for which the permit is sought showing the existing topographical, contour lines of the land involved and abutting lands and roads, the proposed topographical contour grades which will result from the intended soil removal, and the location of any

streams or other bodies of water near the premises;

- C. The tax block and lot number of the property involved;
- D. A description of any processing of the soil which will be done on the premises including description of equipment and plans of such processing equipment and facilities;
- E. The name and address of the person who will do the work of removing the soil;
- F. The number of cubic yards to be removed pursuant to the permit;
- G. Routes to and from the proposed site to be used in transporting soil removed;
- H. Period for which the permit is sought. (Prior code § 12:13-4)

8.60.050 Fees.

Each such application shall be accompanied by the deposit of a fee of one hundred dollars (\$100.00) plus one dollar (\$1.00) for each one thousand (1,000) yards or part thereof for applications involving over one hundred thousand (100,000) yards, such deposit not to exceed one thousand dollars (\$1,000.00) in any case, which shall be used to cover the cost of examining the application, hearings or other processing thereof. No fee shall be required where the proposed removal application shall be for less than five hundred (500) cubic yards. In the event an application is denied, the fee deposited shall be returned after deducting actual engineering or legal fees incurred by the township in the course of processing the application. In the event the application is granted, the applicant shall pay the reasonable cost of engineering or legal services incurred by the township which exceed the original deposit. (Prior code § 12:13-5)

8.60.060 Engineering report.

The application and fee shall be filed with the township clerk and the application shall promptly be referred to the township engineer for investigation, report and recommendations. The engineer shall make a report concerning the application to the committee indicating specifically whether the proposed operation will result in any sharp declivities, pits or depressions, soil erosion or fertility problems, drainage or sewerage problems, or other dangerous conditions, and recommending reasonable conditions regarding the permit to be issued including the following:

- A. Areas shown on map, if any, where excavation should not be permitted because of adverse effects on abutting property or roads;
- B. Changes, if any, in permitted contours and slopes to be accomplished by proposed removal;
- C. Maximum area from which topsoil may be stripped before replacement thereof to permit soil removal, with consideration being given to the number of yards to be removed and the duration of the requested permit;
- D. Amount of bond to be required to insure the operation of the soil removal and replacement of topsoil in accordance herewith;
- E. Capacity of public roads to be used for ingress and egress to withstand damage from proposed operation;
- F. Any other recommended considerations or conditions to protect the public welfare or adjoining properties or roads. (Prior code § 12:13-6)

8.60.070 Issuance of permit.

A. After receiving said report, the committee shall fix a time and place for a public hearing thereon not less than two weeks, nor more than thirty (30) days, from the date of the report. The applicant shall publish a notice of the time and place of such hearing in the official newspaper of the municipality, at least one week prior thereto, specifying that he is applying for a permit, the general location and size or acreage of the property involved, and the names and addresses of the owner and applicant. The applicant shall notify the owners of property within five hundred (500) feet of the outside boundaries of the property to be licensed, personally or by certified mail. Notices may be mailed to the addresses shown on

the tax records. After the hearing, the committee shall grant or deny the permit, after giving consideration to the engineering report (which shall be incorporated in the record thereof by reference), the evidence adduced at the hearing, and the effect of such permit on the public health, safety and general welfare and particularly, but not in limitation thereof, the following factors:

1. Soil erosion by water and wind;
2. Drainage or sewerage problems;
3. Soil fertility;
4. Lateral support slopes and grades of abutting roads and lands;
5. Land values and uses;
6. Such other factors as may bear upon or relate to the coordinated, adjusted and

harmonious physical development of the township.

B. If the committee finds that the permit, if granted, will not have an adverse effect on the above considerations, the permit shall be issued. Permits may be issued with reasonable conditions designed to meet the engineering recommendations made under Section 8.60.060. (Prior code § 12:13-7)

8.60.080 Bond required.

Before any work is done, for which a permit is required, and during the period covered by a permit, the applicant shall file and maintain a bond in form and with surety acceptable to the committee in such amount as in the opinion of the committee shall be sufficient to insure the faithful performance of the work to be undertaken pursuant to the conditions of the permit and the terms of this chapter. (Prior code § 12:13-8)

8.60.090 Regulation of operation.

No soil shall be removed nor shall any operation be conducted so as to violate any of the following conditions after a permit is granted:

A. Topsoil shall not be removed from the licensed owner's premises but on completion of operations in each area defined in the permit as determined pursuant to Section 8.60.060(C) the topsoil so retained shall be respread on the surface. If no such area be defined, the topsoil shall be respread when the entire operation is completed.

B. Soil removed shall not be deposited or in any way thrown or placed upon adjoining property or public roads.

C. All operations shall be conducted in strict accordance with any state law, other ordinances of the township, and the terms the application as modified by the permit as granted.

D. The operation shall be so conducted as not to constitute a nuisance to adjoining owners and in no event shall any sharp declivities, pits or depressions be created.

E. Upon completion of an operation or of excavation from an area delimited under Section 8.60.060(C), the area shall be properly leveled off, cleared of debris, and graded to conform to the contours and grades as approved by the committee.

F. No slope along the perimeter of any excavated area shall exceed thirty (30) degrees from the horizontal.

G. Hours of operation shall be limited to the following: seven a.m. to five p.m., Mondays to Fridays, both inclusive. There shall be no operations of any kind of character on Saturdays, Sundays or legal holidays.

H. Notwithstanding any provisions of this chapter, an owner of a water hole, drainage area, water collection area shall be permitted to maintain such existing facility, if it existed at the time of the enactment of the ordinance codified in this chapter, without the necessity of applying for a permit or paying the prescribed fee therefor. This exception, however, is to apply only in the case of an owner maintaining an existing facility and is not to be construed as allowing the enlargement of an existing facility. (Prior code § 12:13-9)

8.60.100 Inspections.

Each such operation shall be inspected by the township engineer at least once in each calendar year and a written report made of such inspection. The permittee shall pay the cost of such inspection not to exceed the sum of fifty dollars (\$50.00) and the reasonable cost of reinspections required because of violations found in the course of regular inspections. (Prior code § 12:13-10)

8.60.110 Revocation of permit.

After reasonable notice and an opportunity to be heard before the committee, the permit of any person may be revoked or suspended for such period as the committee may determine, for any violation of the terms hereof or the terms and conditions of any permit granted hereunder. (Prior code § 12:13-11)

8.60.120 Violation—Penalty.

In addition to action on the bond required or the revocation provided for herein, any person who violates this chapter or any director or officer of a corporation who participates in a violation of this chapter shall, upon conviction thereof, be subject to a fine not exceeding two hundred dollars (\$200.00) or imprisonment not exceeding ninety (90) days, or both, in the discretion of the judge before whom such violation is tried. Each day that a violation continues shall be considered a separate and distinct violation hereof. (Prior code § 12:13-12)

Chapter 8.64

STORAGE OF INOPERABLE MOTOR VEHICLES

Sections:

- 8.64.010 Storage of inoperable motor vehicle prohibited.
- 8.64.020 Terms defined.
- 8.64.030 Violation—Penalty.

8.64.010 Storage of inoperable motor vehicle prohibited.

No person, firm or corporation, except as hereafter specifically exempted, shall store or permit or suffer to be stored upon any lands within the township, any motor vehicle which is not capable of being used or operated unless said motor vehicle is garaged or covered by a properly maintained cover especially manufactured for the purpose of providing temporary covers for automobiles. Storage of covered vehicles shall be limited to one per property. The foregoing shall not apply to any person, firm or corporation holding a valid license to carry on, maintain or establish any motor vehicle business, motor vehicle junkyard or who shall possess a state license to sell second-hand motor vehicles. Additionally, the parking or storing of motor vehicles is subject to the provisions of the property maintenance code of the township, specifically, Section 8.44.270 of that chapter. (Prior code § 12:15-1)

8.64.020 Terms defined.

A. Any motor vehicle which is not capable of being used or operated shall be deemed to be a motor vehicle which cannot be moved under its own power from place to place upon any public street or highway.

B. The words “store or stored” shall be deemed to mean the keeping of a motor vehicle upon any lands for a period of more than seven days. When the said motor vehicle is under repair, the person or persons shall have thirty (30) days to have the repairs completed or the vehicle removed or show just cause for inability to comply. (Prior code §§ 12:15-2, 12:15-3)

8.64.030 Violation—Penalty.

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine not exceeding two hundred dollars (\$200.00), or imprisonment for a term not exceeding ninety (90) days, or both, at the discretion of the magistrate before whom such conviction is had. Each and every day that such violation continues or exists shall be considered a separate and distinct violation and not as a continuing offense. (Prior code § 12:15-4)

Chapter 8.68

WEEDS, BRUSH AND OBNOXIOUS GROWTHS

Sections:

- 8.68.010 Removal required.
- 8.68.020 Inspection—Notice.
- 8.68.030 Failure to comply with notice.
- 8.68.040 Additional fine.

8.68.010 Removal required.

Any lands lying within the township containing brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris which is or may become a hazard to life, health or general welfare, or might tend to extend a conflagration in the township, shall be removed by the owner, tenant or agent of the premises immediately as prescribed in this chapter. (Prior code § 7:2-1)

8.68.020 Inspection—Notice.

If, after inspection by the director of public safety/chief law enforcement officer or the health officer of the township, it is determined that any such condition of lands is a hazard to life, health or general welfare, or may tend to extend a conflagration, the owner, tenant or agent thereof shall within ten days after being notified by the director of public safety/chief law enforcement officer or the health officer who made the inspection, remove such brush, weeds, dead or dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris. (Ord. 6-97 § 2(c): prior code § 7:2-2)

8.68.030 Failure to comply with notice.

If any owner, tenant or agent fails to comply with the notice from the director of public safety/chief law enforcement officer or health officer of the township, within ten days from the date of the notice, the brush, weeds, dead or dying trees, stumps, roots, obnoxious growth, filth, garbage, trash and debris shall be removed under the discretion, expense and cost of the township. The superintendent of public works shall certify the costs thereof to the township committee which shall notify the owner, tenant or agent when and where it will examine the certificate, and that his objections will be heard at that time. The township committee, if the certificate is found correct, shall cause the cost as shown thereof to be charged against the 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. Such charge shall 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. (Ord. 6-97 § 2(d), 1997: prior code § 7:2-3)

8.68.040 Additional fine.

In addition, any owner, tenant or agent may be fined not more than one hundred dollars (\$100.00) for refusing or failing to comply with the notice to remove, as provided for in this section. Each day of violation shall be a separate offense under this chapter. (Prior code § 7:2-4)