Chapter 66

PROPERTY MAINTENANCE

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[HISTORY: Adopted by the Mayor and Common Council of the City of Gloucester City 11-4-1982 as Ord. No. 9-1982; amended in its entirety 1-3-1991 by Ord. No. 2-1991. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Brush, weeds and debris — See Ch. 25.
Unsafe buildings and structures — See Ch. 30.
Garbage collection — See Ch. 50.
Housing Code — See Ch. 55.
Sidewalks, streets and shade trees — See Ch. 73.
Pubic Health Nuisance Code — See Ch. 99.

ARTICLE I
General Provisions

§ 66-1. Legislative findings.

It is hereby found and declared that there exists in the City of Gloucester 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 not limited to structural deterioration, lack of maintenance and the appearance of the exterior of the premises, infestation, lack of essential heating, plumbing, storage or refrigeration equipment, lack of maintenance or upkeep of essential utilities and facilities, the existence of fire hazards, inadequate provisions for light and air, insanitary conditions and overcrowding, constitute a menace to the health, safety, morals, welfare and reasonable comfort of the citizens and inhabitants of the City of Gloucester. 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.

§ 66-2. Purpose.

The purpose of this ordinance is to protect the public health, safety and welfare by adopting minimum standards governing a supply of utilities and facilities and other physical things and conditions essential to making dwellings safe, sanitary and fit for human habitation and governing the conditions of dwellings, authorizing the inspection of dwellings and fixing penalties for violations.

§ 66-3. Enforcement officer designated. [Amended 4-2-1992 by Ord. No. 12-1992; 4-6-1995 by Ord. No. 11-1995; 7-6-1995 by Ord. No. 21-1995]

The Mayor and Council shall appoint by resolution public officers to serve in the following positions: Housing Inspector, Housing Field Representative, parking enforcement officer and Code Enforcement Officer. The Housing Inspector, Housing Field Representative, parking enforcement officer, Code Enforcement Officer and/or any other designee by the Housing Inspector are hereby designated as the officers to exercise the powers prescribed by this ordinance.

§ 66-4. International property maintenance code adopted; Gloucester City property maintenance code sustained. [Amended 3-21-2005 by Ord. No. O10-2005]

The International Property Maintenance Code is hereby accepted, adopted and established as the base standard to be used as a guide in determining whether dwellings and structures in this municipality are safe, sanitary and fit for human habitation and rental and that other buildings in this municipality are safe, sanitary and fit for the general protection of the citizens of the municipality. Three (3) copies of the International Property Maintenance Code are on file in the office of the City Clerk and are available to all persons desiring to use the same.

The Gloucester City Maintenance Code, Article II, Sections 66-14 to 66-20, is hereby sustained and shall continue in effect in the extent to which various issues therein are not addressed by the International Property Maintenance Code.

§ 66-5. Additional powers of enforcement officer.

The Housing Inspector is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units, vacant and/or unoccupied buildings and premises located within the City of Gloucester, in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and the general public. For the purpose of making such inspections, the Housing Inspector is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling, dwelling unit and rooming unit or the person in charge thereof shall give the Housing Inspector free access to such dwelling, dwelling unit or rooming unit and its premises at all reasonable times for the purpose of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof or his agent or employee access to any part of

such dwelling or dwelling unit or its premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this ordinance or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provision of this ordinance. The Housing Inspector shall also be authorized to administer oaths and affirmations, examine witnesses and receive evidence in addition to such other powers that may be necessary or convenient to carry out and effectuate the purposes and provisions of this ordinance.

§ 66-6. Notice of violation.

Whenever the Housing Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this ordinance or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor as hereinafter provided. Such notice shall be put in writing, include a statement of the reasons why it is being issued and allow reasonable time for the performance of any act it requires, not to exceed thirty (30) days, to correct or abate the violation. The notice shall also advise the recipient that if the violation is not corrected or abated, the municipality will pursue remedies in Municipal Court, and that any fines assessed shall become

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a lien on the subject property, if unpaid within thirty (30) days of the fine assessment.

§ 66-7. Service of notice.

The notice shall be served upon the owner or his agent, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent if a copy thereof is served upon him personally; or, if after diligent inquiry and effort, an individual cannot be served personally, then, consistent with due process of law, service may be made by mailing, by registered or certified mail, return receipt requested. If the addressee refuses to claim or accept delivery of the registered or certified mail, service may be made by ordinary mail. The party making service may, at his option, make service simultaneously by registered or certified mail and ordinary mail, and if the addressee refuses to claim and accept delivery of the registered or certified mail, and if the ordinary mail is not returned, the simultaneous mailing shall constitute effective service. Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this ordinance and with rules and regulations adopted pursuant thereto.

§ 66-8. Emergencies; issuance of order; hearing.

Whenever the Housing Inspector finds that an emergency exists which requires immediate action to protect the public health or safety, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this ordinance, such order shall be effective immediately but, upon petition to the Housing Inspector, shall be afforded a hearing as soon as possible. After such hearing, depending upon his findings as to whether the provisions of this ordinance and the rules and regulations adopted pursuant thereto have been complied with, the Housing Inspector shall continue such order in effect or modify it or resolve it.

§ 66-9. Power to adopt rules and regulations.

The Housing Inspector is hereby authorized and empowered to make and adopt such written rules and regulations as he may deem necessary for the proper enforcement of the provisions of this ordinance; provided, however, that such rules and regulations shall not be in conflict with the provisions of this ordinance nor in any way alter, amend or supersede any of the provisions thereof. The Housing Inspector shall file a certified copy of all rules and regulations which he may adopt in his office and in the office of the Clerk of the City of Gloucester.

§ 66-10. Conformance with standards required.

No person shall occupy as owner-occupant or rent to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not conform to the provisions of the Gloucester City Property Maintenance Code, established hereby as the standard to be used in determining whether a dwelling is safe, sanitary and fit for human habitation.

§ 66-11. Violations and penalties.

Any person, firm or corporation who shall violate any of the provisions of this ordinance shall, upon conviction, be punished by a fine not to exceed one thousand dollars ($1,000.) or by imprisonment in the county jail for a period not to exceed ninety (90) days or a period of community service not exceeding ninety (90) days, or by both such fine and imprisonment, and each violation of any of the provisions of this ordinance and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

§ 66-12. Severability.

Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

§ 66-13. Construal of provisions.

Nothing in this ordinance shall be construed to abrogate or impair the power of the city or any officer or department to enforce any provisions of the Charter or its ordinances or regulations or to prevent or punish violations thereof, and the powers conferred by this ordinance shall be in addition and supplemental to the powers conferred upon the city by any other law or ordinance.

ARTICLE II
Enumeration of Standards

§ 66-14. Standards to determine fitness of buildings.

The provisions of this Article shall constitute the standards to guide the public officer or his agents in determining the fitness of a building for human habitation, use or occupancy.

§ 66-15. Definitions.

The following terms, wherever used herein or referred to in this code, shall have the respective meanings assigned to them unless a different meaning clearly appears from the context. All definitions of the International Property Maintenance Code are hereby included. **[Amended 3-21-2005 by Ord. No. O10-2005]**

DETERIORATION — The condition 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.

EXPOSED TO PUBLIC VIEW — 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.

EXTERIOR OF THE PREMISES — Open space on the premises outside of any building thereon.

EXTERMINATION — The control and elimination of insects, rodents and vermin.

GARBAGE — Putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food. (See also the definitions of "refuse" and rubbish.")

HABITABLE ROOMS — Rooms used or designed for use by one (1) or more persons for living or sleeping or cooking and eating, but not including bathrooms, water-closet compartments, laundries, serving and storage pantries, corridors, foyers, vestibules, cellars, heater rooms, boiler rooms or utility rooms, and other rooms or spaces that are not used frequently or for an extended period of time or that have less than fifty (50) square feet of superficial floor area shall not be considered as "habitable rooms."

INFESTATION — The presence of insects, rodents, vermin or other pests on the premises, which constitutes a health hazard.

MIXED OCCUPANCY — Any building containing one (1) or more dwelling units or rooming units and also having a portion thereof devoted to nondwelling uses or as a hotel.

NUISANCE:

A. 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 City of Gloucester.

B. 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 hazardous for inquisitive minors.

C. Physical conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist.

D. Overcrowding of a room with occupants in violation of this code.

E. Insufficient ventilation or illumination in violation of this code.

F. Inadequate or insanitary sewage or plumbing facilities in violation of this code.

G. Insanitary conditions or anything offensive to the senses or dangerous to health in violation of this code.

H. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings.

I. Fire hazards.

OPERATOR — Any person who has charge, care or control of a dwelling or premises, or a part thereof, whether with or without the knowledge and consent of the owner.

OWNER — 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 unit, as owner or agent of the owner or as 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 shall have joint responsibility over the portion of the premises sublet or assigned by said lessee.

PARTIES IN INTEREST — All individuals, associations and corporations who have interests of record in a building and who are in actual possession thereof.

PREMISES — A lot, plot or parcel of land, including the buildings or structures thereon.

PUBLIC AUTHORITY — Any officer who is in charge of any department or branch of the government of the municipality, county or state relating to the health, fire, building regulations or to other activities concerning buildings in the municipality.

REFUSE — All putrescible and nonputrescible 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. (See also the definitions of "garbage" and "rubbish.")

RUBBISH — Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials. (See also the definitions of "garbage" and "refuse.")

§ 66-16. Applicability; higher standards to prevail; compliance with other ordinances required.

A. Compliance required. Every residential, nonresidential or mixed-occupancy building, and the premises on which it is situated, used or intended to be used for dwelling, commercial, business or industrial occupancy 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 premises, for the construction or repair of the building or for the installation or repair of equipment or facilities prior to the effective date of this code. This code shall also apply to mobile home parks.

B. Higher standards 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 local ordinance or under the laws of the State of New Jersey, then the standards set forth herein shall prevail, but if the provisions of this code impose a lower standard in any other local ordinances or of the laws of the State of New Jersey, then

the higher standard contained in any such other ordinance or law shall prevail.

C. 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 local ordinance applicable to any structure or premises, nor shall any provision herein relieve any owner, operator or occupant from complying with any such other provision, nor any official of the City of Gloucester from enforcing any such other provision.

§ 66-17. Responsibilities of owners and operators.

A. Maintenance of exterior of premises free from hazards and insanitary conditions. The exterior of the premises and all structures thereon shall be kept free from all nuisances and any hazards to the safety of occupants, pedestrians and other persons utilizing the premises and free from 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 from hazards, which include but are not limited to the following:

(1) Refuse: brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash, refuse and debris.

(2) Natural growth: 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.

(3) 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.

(4) Ground surface hazards or insanitary conditions: holes, excavations, breaks, projections, obstructions, icy conditions, uncleared snow and excretion of pets and other animals on paths, walks, driveway, 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 shall be replaced and other conditions removed where necessary to eliminate hazards or insanitary conditions with reasonable dispatch upon their discovery. **[Amended 5-4-1995 by Ord. No. 12-95]**

(5) Recurring accumulations of stormwater. Adequate runoff drains shall be provided and maintained to eliminate any recurrent or excessive accumulation of stormwater.

(6) Sources of infestation. Nests, hives, standing water and other breeding grounds for insects, vermin and other pests shall be properly exterminated and appropriate preventive action taken to prevent reoccurrence.

(7) Foundation walls. Foundation walls shall be kept structurally sound, free from defects and damage and capable of bearing imposed loads safely.

(8) 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. Chimney, flues, gas vents or other draft-producing equipment shall be structurally safe, durable, smoketight and capable of withstanding the action of flue gases.

(9) Exterior porches, landings, balconies, stairs and fire escapes. Exterior porches, landings, balconies, stairs and fire escapes shall be provided with banisters or

railings properly designed and maintained to minimize the hazard of falling, and the same shall be kept structurally sound, in good repair and free from defects.

(10) All pools shall be maintained for recreational use in good repair and meet all UCC code standards.

(a) Portable pool/seasonal pools – For the purpose of this Property Maintenance Code, portable/seasonal pools by definition shall mean a pool that consists of a liner insert with PVC/plastic/fiberglass frame, and inflatable pool, or any pool that does not require a building permit. All portable pools may be erected for recreational use from May 1st and shall be disassembled by October 1st of the same calendar year.

[Added 2-28-2013 by Ord. No. O03-2013]

B. 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 structures shall not constitute a blighting factor for adjoining property owners, including the following:

(1) 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 for the premises under Chapter 92, Zoning.

Editor's Note: Chapter 93, Zoning, was repealed 1-2-1997 by Ord. No. 36-1996. Said ordinance, which adopted the Development Ordinance, is on file in the office of the City Clerk.

(2) Landscaping. Premises with landscaping and lawns, hedges and bushes shall be kept trimmed and from becoming overgrown and unsightly where exposed to public view and where the same constitute a blighting factor depreciating adjoining property.

(3) Reconstructed walls and sidings. Reconstructed walls and sidings of nonresidential structures 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 practice and standards, will depreciate the values of the neighboring and adjoining premises as aforesaid.

(4) General maintenance. The exterior of every structure or accessory structure, including fences, shall be maintained in good repair. The same shall be maintained free from broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other condition reflective of deterioration of inadequate maintenance, to the end that the property itself may be preserved safely and fire hazards eliminated and the adjoining properties protected from blighting influences. A periodic (every month) exterminating service shall be maintained in all multiple family dwellings.

(5) Street numbers affixed to buildings. Each building to which street numbers have been assigned shall have a number displayed in a position easily observed and readable from the public right-of-way. All numbers shall be in Arabic numerals, at least three inches (76 millimeters) high and with a one-half-inch- (thirteen-millimeter-) wide stroke.

C. Structural and general maintenance.

(1) The outside building walls shall not have any holes or loose boards or any broken, cracked or damaged finish which admits rain, cold air, dampness, rodents, insects or vermin.

(2) Every dwelling shall be so maintained as to be weather- and watertight.

(3) Basements, cellars and crawl spaces shall be free from moisture resulting from seepage, and cross-ventilation shall be required where necessary to prevent accumulations of moisture and dampness, and they shall be paved with stone or concrete not less than four (4) inches thick and shall be maintained at all times in a condition so as be smooth, clean, free from cracks, breaks and other hazards.

(4) All parts of the premises shall be maintained so as to prevent infestation.

(5) All parts of the dwelling shall be kept in a clean and sanitary condition, free from nuisance and free from health, safety and fire hazards.

(6) Every roof, roof gutter, flashing, rainwater conductor and roof cornice shall be weather- and raintight and shall be kept in good repair.

(7) All accessory structures including but not limited to garages, sheds, decks, gazebos, patios, screen houses, awnings, carports, pools, hot tubs, fish ponds, shall be maintained for its intended use and shall be free from all nuisances, and free from health, safety and fire hazards. **[Added 2-28-2013 by Ord. No. O03-2013]**

D. Disposal of unwanted furnishings, trash, junk and debris. Upon the vacancy of any dwelling unit or other premises, whether for residential, commercial or industrial use, and regardless of vacancy being effected voluntarily or by eviction, the owner shall be responsible for the disposal of any and all unwanted furnishings, trash, junk and debris when the same is in excess of the limits established in § 51-3H of this Code. Such disposal shall be by a private hauler contracted by the owner. Unwanted furnishings, trash, junk and debris that are within the limits established in § 51-3H shall be placed at curbside for disposal only in accordance with § 51-5 of this Code. **[Added 5-6-1999 by Ord. No. 4-1999]**

§ 66-18. Removal of garbage; janitorial services.

A. Responsibility of the owner or operator. The owner or operator shall have the duty and responsibility of removing garbage wherever a janitor is required for the premises in accordance with Subsection C of this section.

B. Storage areas. All accumulation of trash and debris shall be removed daily from collection areas and trash chutes if the trash compactor is out of order. In dwellings containing 50 or more units, storage areas or storage bins of fireproof construction and containing fireproof walls and partitions of at least two hours' rating shall be provided.

C. Janitorial service. In every dwelling containing three (3) or more dwelling units or rooming units or combination thereof, the owner shall provide or designate a superintendent, janitor, caretaker, housekeeper or other responsible person who is readily available to perform the foregoing duties, who shall, at all times, maintain the premises in compliance with the code and keep the premises free from filthy garbage, refuse and rubbish, and who shall be responsible for the daily collection of garbage and other refuse from the occupants on a regular schedule and at a reasonable time and

placement of the same out for collection. Said person shall be regularly available on the premises to perform the foregoing duties and, in the case of complexes of 50 or more units, shall reside on the premises. In the event that said superintendent, janitor, caretaker, housekeeper or other responsible person who is readily available to perform the foregoing duties shall not reside in said premises, the owner or operator shall make his name, address and telephone number known to all tenants and shall register the same with the public officer, and shall also make available and known to all tenants and the public officer the name of an alternative individual who shall be responsible at all times during the absence of said superintendent, janitor, caretaker, housekeeper or other responsible person who is readily available to perform the foregoing duties. The failure of any superintendent, janitor, caretaker, housekeeper or other responsible person who is readily available to perform the foregoing duties to comply with the provision of this code, even in disobedience of instructions, shall not relieve the owner or operator from the duties and responsibilities imposed by this code. Additionally, the owner or operator shall register the name, address and telephone number of said owner or operator with the public officer.

§ 66-19. Change in commercial use.

Any change in commercial use or commercial use by way of a new operator on the first floor of any apartment building where such use is permitted shall require a new occupancy certificate.

§ 66-20. Storage of motor vehicles.

No currently unregistered and/or uninspected motor vehicle shall be parked, kept or stored on any property, and no vehicle shall at any time be in a state of major disassembly, disrepair or in the process of being stripped or dismantled.