

NOTICE OF PENDING ORDINANCE

Cranbury Township Ordinance 11-12-13

**AN ORDINANCE SUPPLEMENTING THE CODE OF
THE TOWNSHIP OF CRANBURY BY
CREATING A NEW SECTION 116, ENTITLED
“MINIMUM COMMUNITY PROPERTY STANDARDS”**

WHEREAS, Cranbury Township desires to protect the health, safety and welfare of the residents of the Township; and

WHEREAS, it is necessary to establish certain standards governing the maintenance, appearance and condition of residential and commercial property located in the Township;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Cranbury, in the County of Middlesex, State of New Jersey, that the Code of the Township of Cranbury is supplemented as follows:

SECTION 1. Chapter 116, entitled “Minimum Community Property Standards” is created as follows:

§116-1. Purpose

This chapter shall be known as the “Minimum Community Property Standards of the Township of Cranbury”. The purpose of the Property Maintenance Code is to protect the health, safety and welfare of the residents of the Township by establishing certain standards governing the maintenance, appearance and condition of residential and commercial property located in the Township.

The requirements of this chapter shall be in addition to and read in conjunction with the requirements and procedures set forth under Chapter 62 entitled “Buildings, Number Of”; Chapter 72 entitled “Construction Codes, Uniform”; Chapter 130 entitled “Streets and Sidewalks”; and, Chapter 161 entitled “Nuisances”.

§116-2. Definitions

“Building” shall mean any structure or part thereof, whether used for human habitation or otherwise, and include any outbuilding appurtenances thereto.

“Bulky waste” shall mean large items of solid waste which because of their size or weight require other handling than normal for municipal waste. Bulky waste includes, but is not limited to, items such as tree trunks, vehicle parts, auto bodies, tires, demolition or construction materials, appliances, furniture and drums.

“Deterioration” shall mean the condition of a building, or part therefore, characterized by holes, breaks, rot, crumbling, cracking, rusting or other evidence of physical decay, neglect, lack of maintenance or excessive wear.

“Garbage” or “Rubbish” shall mean any used or unconsumed substance or waste material which has been discarded.

“Lawns” shall be defined as a stretch of open grass covered, landscaped or manicured area of land, located adjacent to or along the street side of a property.

“Meadow” shall be defined as a mix of approximately fifty percent turf grasses and fifty percent native wildflowers which may be permitted on lots of 1.5 acres or larger.

“Occupant” shall mean any person or persons, including the owner, in actual possession of, and using the entire building or any occupancy unit in a building.

“Owner” shall mean the holder or holders of the title to premises in fee simple.

§116-3. Buildings

- A. Exterior cladding and/or roofing materials on residential and commercial buildings and outbuildings shall be securely affixed to the building so as to be weather resistant.
- B. Windows and doors shall be kept in good repair and must be capable of preventing vandalism on the interior of the buildings.
- C. If damage occurs to any building, such that windows and/or doorways are damaged, the window/doorway shall be covered with plywood or similar material so as to prevent vandalism until repairs can be completed. Repairs should be completed within thirty (30) days from the date the damage occurs.
- D. In order for emergency personnel and first responders to quickly identify buildings, the owner of every building within the Township, to which a number has been assigned in accordance with the system of building numbering adopted by the Township Committee, shall display the number at the owner’s expense as required by Chapter 62-2.

§116-4. Grounds

A. Sidewalks and Roadways

- 1. Shrubs, bushes, tree branches and other vegetation should be trimmed so as to prevent encroachment on the adjacent sidewalk and roadways.
- 2. Shrubs, bushes, tree branches and other vegetation should be trimmed and maintained such that a vertical clearance of at least seven (7) feet is created above the sidewalk to permit easy passage on the sidewalk.
- 3. Shrubs, bushes, tree branches and other vegetation should be trimmed and maintained such that a vertical clearance of at least fourteen (14) feet is created above the roadway to allow for the passage of Emergency vehicles.
- 4. Poison ivy, poison oak, poison sumac and similar noxious vegetation shall be trimmed so as to prevent encroachment on the adjacent sidewalk and roadways.

5. At no time shall vegetation be permitted to obstruct the sight lines at the intersection of two roadways or the intersection of a commercial driveway and a roadway.
- B. Lawns shall be trimmed such that they do not exceed a height of twelve (12) inches from the ground. No height restriction shall apply to farm/agriculture assessed property, ornamental grasses, a stream corridor restoration or stream bank stabilization plan, or a meadow.
- C. Property shall be kept free from debris including, but not limited to, rubbish or garbage, construction materials, broken glass and shingles or other materials resulting from building deterioration or inadequate maintenance; physical hazards or areas that permit rodent harborage.
- D. Accumulation of waste building materials or other debris from land development, building construction/renovation, street grading or installation of underground utilities on private land shall be removed within thirty (30) days of final permit inspection, issuance of a certificate of occupancy or completion of the construction/renovation project.
- E. Yard areas visible from the roadway shall not be used to store bulky waste, including, but not limited to, appliances, furnaces, hot water heaters, water softeners, indoor furniture, etc. This section shall not apply to barbeque grills.

§116-5. Fences

Fences shall be maintained in an upright position and have all their attendant parts.

§116-6. Enforcement

- A. The provisions of the Property Maintenance Code shall be enforced by a duly authorized agent or employee of Cranbury Township who shall be known as the Property Maintenance Code Enforcement Officer.
- B. The Enforcement Officer shall be authorized to make or cause to be made any such inspections as may be necessary to determine the condition of buildings, structures and premises located in the Township.

§116-7. Notice

- A. Notice. If the Enforcement Officer determines that a violation of the Property Maintenance Code exists, then he/she shall issue a written violation notice.
- B. Contents of the notice. The notice shall contain a description of the property sufficient to identify it, but need not contain a legal description; shall contain a statement of the reason(s) it is being issued; and shall contain a reasonable time to remedy the violation, which is not less than ten (10) days.
- C. Service. Notice shall be made by leaving a copy of the notice at the property and by sending a copy to the owner of record by regular and certified mail.

§116-8. Appeal

Any person aggrieved by any notice issued pursuant to the Property Maintenance Code may request and shall be granted a hearing before the Township Administrator. Any such appeal must be requested with the Township Administrator in writing, setting forth a brief statement of the grounds for the appeal within ten (10) days of the issuance of the violation notice. Upon receipt of the appeal request, the Township Administrator shall schedule the date and time for the hearing and shall provide written notice of the hearing to the property owner/occupant by leaving a copy of the notice at the property and by sending a copy to the owner of record by regular and certified mail. The hearing shall be held within ten (10) days of the appeal being filed unless the Township Administrator and the property owner/occupant agree, in writing, to postpone the hearing to a later date.

After the hearing, the Township Administrator shall sustain, modify or withdraw the notice of violation. If the Township Administrator sustains the notice of violation, then it shall become an order and the property owner/occupant shall have ten (10) days to comply with the requirements of the order. If no appeal is filed from the issuance of a notice of violation, the notice shall automatically become an order after ten (10) days.

Any person aggrieved by the decision of the Township Administrator may seek relief from any court of competent jurisdiction located in the County of Middlesex, State of New Jersey.

§116-9. Failure to comply

If the owner, occupant or tenant of such lands to whom such notice has been given, refuses or neglects to perform the required repair or maintenance the Township may, at its discretion, cause said work to be performed or said violation to be remedied.

The cost of said work shall be certified by the Enforcing Officer and shall be charged against the property affected. The amount so charged shall become a lien upon such lands and shall be added to the taxes next to be assessed and levied upon such lands, bearing interest at the same rate as taxes and collected and enforced in the same manner as taxes.

§116-10. Violations and penalties

Any owner, occupant or tenant violating any provision of this chapter shall be liable to the penalties established in Chapter 1, § 1-15 of this Code, entitled "General penalty; continuing violations," except that no person found to have violated a provision of this chapter shall be subject to imprisonment for such violation.

SECTION 2. Repealer. All ordinances and resolutions, or parts thereof, inconsistent with this Ordinance, are hereby repealed.

SECTION 3. Severability. If any section, paragraph, subsection, clause or provisions of this Ordinance shall be adjudged to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 4. Effective Date. This Ordinance shall take effect immediately upon its passage and publication, as required by law.

The ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Township of Cranbury, in the County of Middlesex, State of New Jersey held on November 26, 2012. It will be further considered for final passage, after a public hearing thereon, at a meeting of the governing body to be held in the meeting room of Town Hall, 23-A North Main Street, in the Township of Cranbury on December 10, 2012 at 7:00 P.M. and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office or on the Township's web site: www.cranburytownship.org ,to the members of the general public who shall request the same.