

**HAMPTON TOWNSHIP
ORDINANCE NO. 2024-03**

AN ORDINANCE TO AMEND CHAPTER 42, ENTITLED “PROPERTY MAINTENANCE”.

BE IT ORDAINED by the Township Committee of the Township of Hampton in the County of Sussex, as follows:

SECTION 1. Chapter 42, entitled “Property Maintenance”, of the Code of the Township of Hampton, County of Sussex, State of New Jersey, is replaced with the following:

Chapter 42. Property Maintenance

§ 42-1. Purpose.

The purpose of this chapter is to protect the public health, safety and welfare by establishing minimum standards governing the maintenance and condition of any premises, to fix certain responsibilities and duties upon owners and operators and upon occupants, to authorize and establish procedures for inspection of any premises and fix penalties for violations of this chapter.

§ 42-2. Definitions.

The following terms, whenever used herein or referred to in this chapter, shall have the following meanings assigned to them unless a different meaning clearly appears from the context:

ACCESSORY STRUCTURE

A structure, the use of which is incidental to that of the principal building on the premises, including driveways, parking lots and other structures designed for use by invitees, guests and the general public.

BASEMENT

The portion of the building that is partly underground which has more than one half of its height, measured from clear floor to ceiling, above the average adjoining ground level. Where the natural contour of the ground level immediately adjacent to the building is interrupted by ditching, pits or trenching, then the average adjoining ground level shall be the nearest natural contour line parallel to the walls of the building without regard to the levels created by the ditching, pits or trenching.

BUILDING

A combination of materials forming a construction used for or intended to be used for permanent, temporary or continuous occupancy and having a roof.

BUILDING CODE

The Building Code applicable to the Township of Hampton.

CELLAR

The lowermost portion of the building, partly or totally underground, having half or more of its height, measured from clear floor to ceiling, below the average adjoining ground level. Where the natural contour

of the ground level immediately adjacent to the building is interrupted by ditching, pits or trenching, then the average adjoining ground level shall be the nearest natural contour line parallel to the walls of the building without regard to the levels created by the ditching, pits or trenching.

DETERIORATION

The condition or appearance of a building or structure 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, from a sidewalk, street, alleyway, parking lot or from any adjoining or neighboring premises.

EXTERIOR OF THE PREMISES

Those portions of a building which are exposed to public view and/or the open space of any premises outside of any building erected thereon.

FIRE HAZARD

Any act or thing which increases or may cause an increase in the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of prevention, suppression or extinguishment of fire.

GARBAGE

Waste, including but not limited to discarded, windblown, deposited, dropped or strewn paper, wrappings, cardboard, bottles, cans, boxes, and broken glass, rubbish, ashes, street cleanup, dead animals, abandoned automobiles, furniture (excluding furniture designed for outdoor use) and appliances, and cigarettes; also known as "litter," "refuse" and "rubbish."

HAZARD

A condition, thing or act which is unsightly or detrimental or threatens the health, safety or welfare of any person or property; or a condition or situation that results in interference with the enjoyment and/or use of any property.

INFESTATION

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

NONRESIDENTIAL

All premises that are zoned for industrial or commercial purposes, or that contain two or more dwelling units, or that are not residential as defined by this chapter.

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 Township Code.
- B. Any attractive nuisance which may prove detrimental to the health or safety of children, whether in a building or on the premises of a building or upon an unoccupied lot. This includes but is not

limited to abandoned wells, shafts, basements, excavations, abandoned refrigerators and motor vehicles; structurally unsound fences or structures; and lumber, trash, fences, debris or vegetation, such as poison ivy, oak or sumac which may prove a hazard for inquisitive minors.

- C. Any physical condition in or on a premises which is potentially dangerous, detrimental or hazardous to the health or safety of persons on, near or passing in proximity of the premises where said condition exists.

OCCUPANT

A person in actual possession of a premises.

OPERATOR

Any person who has charge, care of or control of a 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 premises as owner or agent of the owner or as a 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 premises 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 the lessee.

PERSON

Any individual, corporation, company, partnership, firm, association or organization or a political subdivision of this State subject to the Township's jurisdiction.

PLUMBING

All the following supplies, facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed lavatories, showers, appliances, catch basin, vent and any other similar supplied fixtures, together with all connections to water, sewer or gas lines, and water pipes and lines utilized in conjunction with air-conditioning equipment, and all components thereof.

PREMISES

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

PUBLIC OFFICER

The Construction Official of the Township of Hampton.

REFUSE

All perishable and nonperishable 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.

RESIDENTIAL

Any full or partial premises used as a dwelling unit, except that any premises with two or more dwelling units shall be considered a nonresidential premises for purposes of this chapter.

RUBBISH

Nonperishable solid wastes consisting of both combustible and noncombustible wastes, including but not limited to paper, wrappings, cigarettes, tin cans, metals, plastics, glass, bedding, furniture (excluding furniture designed for outdoor use), and crockery.

SANITARY SEWER

Any sanitary sewer owned, operated and maintained by the Township or other public entity and available for public use for the disposal of sewage.

STRUCTURE

A combination of materials, whether fixed or portable, forming a construction, including buildings, walks, drives, parking areas, swimming pools and the like.

UNSANITARY

Generally contaminated with dirt or filth, which may lead to injury or health problems; conditions which are not sanitary or healthy, including but not limited to the absence of running potable water and/or a sewer or septic system that is not fully operational; unclean or unhealthy conditions or practices, including but not limited to the following: buildings, including floors and ceilings, that are not properly constructed and maintained; sidewalks that are not properly constructed and maintained; food in the process of production, storage, sale or distribution unnecessarily exposed to flies, dust, dirt, or to the products of decomposition or fermentation incident to such production, storage, sale or distribution; and any other condition or practice which endangers the wholesomeness of food and/or the health and safety of any animal or person in the general public.

WEATHERING

The deterioration, decay or damage caused by exposure to the elements.

§ 42-3. Applicability.

Every structure, and the premises on which it is situated, in the Township used or intended to be used for residential and/or nonresidential occupancy or purposes shall comply with the provisions of this chapter, whether or not the structures shall have been constructed, altered or repaired before or after the enactment of this chapter, and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building or structure or for the installation or repair of equipment or facilities prior to the enactment of this chapter. This chapter establishes minimum standards for the initial and continued occupancy and use of all structures and buildings and does not replace or modify standards otherwise established for the construction, repair, alteration or use of the structure or building, equipment or facilities contained therein, except as provided in Section 42-4.

§ 42-4. Higher standard to prevail.

Where the provisions of this chapter impose a higher standard than set forth in any other ordinance of the Township or under the laws of the State of New Jersey, then the standards set forth herein shall prevail; but

if the provisions of this chapter impose a lower standard than any other ordinance of the Township or of the laws of the State of New Jersey, then the higher standard contained in such other ordinance or law shall prevail.

§ 42-5. Issuance and renewal of other permits and licenses.

- A. All licenses and permits shall be issued and/or reviewed on compliance with this chapter, where applicable, as well as on compliance with the ordinances pursuant to which such licenses and permits are granted.
- B. No license or permit or other certification of compliance with this chapter 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 other provision nor prevent any official of the Township from enforcing any other provision.

§ 42-6. Responsibilities of owners, operators and occupants independent of one another.

- A. Owner and operator. Owners and operators shall, jointly and severally, have all the duties and responsibilities described in § 42-7 of this chapter, 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 an occupant is also responsible therefor and in violation thereof.
- B. Non-owner occupants. Non-owner occupants shall have all the duties and responsibilities as prescribed in § 42-8 of this chapter, 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 operator is also responsible therefor and in violation thereof.
- C. Contract not to alter responsibilities. Unless expressly provided to the contrary in this chapter, the respective obligations and responsibilities of the owner and operator on the one hand and the occupant on the other shall not be altered or affected by any agreement or contract by and between any of the aforesaid or between them and other parties.

§ 42-7. Duties and responsibilities of owners and operators.

- A. Maintenance of premises. The exterior of the premises and of all structures thereon shall be kept free of nuisances and hazards to the safety of occupants, guests, invitees, pedestrians and other persons and of unsanitary conditions; and any of the foregoing shall be promptly removed and abated by the owner and operator of the premises. It shall be the duty of the owner and operator, jointly and severally, to keep the premises free of hazards, which include but are not limited to the following:
 - (1) Brush, weeds, trash and debris. Brush, weeds (biennial and/or perennial, including but not limited to thistle and burdock), broken glass, stumps, roots, obnoxious growth, filth, garbage, trash, refuse and debris. Violations hereof may, at the election of the Township, be sought to be abated under this chapter and/or Chapter 41 of the Revised Code of the Township of Hampton.

- (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 pruned and trimmed to prevent such conditions.
- (3) Overhanging. Loose and overhanging objects and accumulations of ice and snow which, by reason of location above ground level, are in danger of falling on persons in the vicinity thereof.
- (4) Ground surface hazards or unsanitary conditions. Holes, excavations, breaks, 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 repaired or replaced and other conditions removed as necessary to eliminate hazards or unsanitary conditions with reasonable dispatch upon their discovery.
- (5) Leaders and gutters, if present, shall be maintained in good condition in order to perform their functions and facilitate the flow of water and removal of snow and ice.
- (6) Infestation. Infestation and sources of infestation.
- (7) Foundation walls. Foundation walls shall be kept structurally sound, free from material defects and damage, and capable of bearing imposed loads safely.
- (8) Chimneys and all flue and vent attachments. Operating chimneys and all flue and vent attachments thereto shall be structurally sound, free from material defects and maintained to safely perform the functions for which they are designed. Operating chimneys, flues, gas vents or other draft-producing equipment shall provide sufficient draft to develop the rated output of the connected equipment and shall be structurally safe, durable, smoke tight and capable of withstanding the action of through gases.
- (9) Exterior porches, landings, balconies, stairs and fire escapes. Exterior porches, landings, balconies, stairs and fire escapes shall have banisters or railings designed and maintained to minimize the hazard of falling and shall be kept structurally sound, in good repair and free from defects.
- (10) Accumulations of garbage; obstructions. There shall be no accumulation of garbage or obstruction therefrom permitted on any premises, including exterior stairways, balconies, porches, and alleyways, except that garbage stored in proper containers may be set out at proper times for removal.
- (11) Dumpsters. Dumpsters shall be fully enclosed and concealed by a fence at least six feet high.
- (12) Snow and ice. All snow and/or ice on sidewalks and on and around fire hydrants shall be removed within 24 hours after the accumulation of snow and/or ice.
- (13) Recurring accumulations of stormwater. Adequate runoff drains shall be present and maintained to eliminate recurrent or excessive accumulation of stormwater.
- (14) Drainage of water onto neighboring premises. The drainage of water onto a neighboring premises by way of sump pump, hose or similar device without the permission of the owner of that neighboring premises or a legal right to do so is prohibited.
- (15) Inoperable vehicles. Vehicles or parts thereof, including boats and trailers, motorized or not, regardless of whether licensed or registered, which vehicles or parts thereof are or have been abandoned, dismantled or are in a state of visible disrepair are prohibited if not fully enclosed within a lawfully permitted garage or similar structure.

- (16) Unsafe structures: structurally unsafe or unsound buildings, structures or fences or abandoned, uncovered or structurally unsound wells, shafts, towers, exterior cellar openings, basement hatchways, foundations or excavations are prohibited.
 - (17) Discarded appliances: abandoned refrigerators, boilers, hot-water heaters, television sets and other similar major appliances are prohibited if not fully enclosed within a lawfully permitted garage or similar structure.
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- B. Appearance of exterior premises and structures. The exterior of every structure and accessory structure (including fences) shall be maintained and kept in good repair. The same shall be free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint and other conditions reflective of deterioration or inadequate maintenance so that the property itself may be preserved, infestation avoided, safety and fire hazards eliminated and adjoining properties in the neighborhood protected from blighting influences.
 - C. Signs. All permitted signs shall be kept in good repair, and printed matter, pictures or illustrations contained thereon shall be maintained in good condition. Signs in violation of any ordinance or law shall be removed from the premises. Nonoperative or broken signs shall be repaired or shall, with their supporting members, be removed forthwith.
 - D. Windows. All windows of commercial establishments exposed to public view shall be kept clean and free of marks or foreign substances except when necessary in the course of changing displays. All screening of the interior shall be maintained in a clean and attractive manner and in a good state of repair.
 - E. Storefronts. All storefronts shall be kept in good repair, painted where required, and shall not constitute a safety hazard or nuisance. In the event that repairs to a storefront become necessary, such repairs shall be made with the same or similar materials used in the construction of the storefront in such a manner as to permanently repair the damaged area or areas. Any cornice visible above a storefront shall be kept painted, where required, and in good repair.
 - F. 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 safety hazard. In the event that such awnings or marquees are not properly maintained in accordance with the foregoing, they and their supporting members shall be removed forthwith. In the event that the awnings and marquees are made of cloth, plastic or a similar material, 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 holes. Nothing herein shall be construed to authorize an encroachment on streets, sidewalks or other parts of the public domain.
 - G. Reconstruction of walls and siding. All reconstruction of walls and siding shall be at least of standard quality and appearance, and the materials used shall not be of a kind that will depreciate the value of neighboring and adjoining premises.
 - H. General sanitation and safety. All parts of the premises shall be kept in a clean and sanitary condition, free of nuisances and garbage, and free from health, safety and fire hazards.

- I. Accumulations and obstructions. No accumulation or obstruction from garbage, refuse or rubbish shall be permitted on stairways, common areas, balconies, porches, hallways, roof(s), basements or cellars, except that garbage stored in proper containers may be set out for removal, provided that such containers shall have tight-fitting covers in place at all times.
- J. Washroom and water closet compartments. Washroom and water closet compartment floors of business establishments to which customers and/or clients are invited shall be kept in a dry and sanitary condition.
- K. Supporting structural members. Supporting members are to be kept structurally sound, free of deterioration and infestation, and capable of bearing imposed loads safely. No temporary scaffold or other temporary equipment or dumpsters used for construction, repair, maintenance or demolition shall be permitted to remain in place beyond a period of 90 days after placement without permission from the Township Planning Board.
- L. Exterior walls and ceilings. Exterior walls and ceilings shall be kept in good repair and free from cracks and breaks that constitute a hazard. Exterior walls and ceilings shall be provided with paint or other protective covering and kept clean, sanitary and well maintained.
- M. Garbage and recycling removal. All garbage and recyclables shall be removed from the premises in a clean and sanitary manner on a regular basis. While on the premises, garbage and recycling shall be kept in leakproof, covered containers.
- N. Accumulating refuse and non-fireproof storage. Storage bins, rooms and areas shall not be used for accumulated garbage or refuse. Flammable or combustible liquids or other materials may not be stored on the premises, unless they are of a type approved for storage in quantities and meet applicable state fire code regulations.
- O. Connection to sanitary sewer. All plumbing fixtures shall be connected to the sanitary sewer or septic system through lines which are free of leaks, corrosion or deterioration and provide an unobstructed passage from the plumbing facilities within the building to the sanitary sewer or septic system.
- P. Deposits on streets and highways. An owner or operator shall not deposit dirt, ashes, leaves or other material on a street or highway or portion thereof or cause or permit the same to be done.
- Q. Structural soundness. 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, including but not limited to the following:
 - (1) Foundation walls: inadequate or unsafe foundation walls, piers and columns and other similarly unsound, damaged or defective load-bearing components which are incapable of supporting the imposed loads safely at all points.
 - (2) Exterior porches, landings, balconies, stairs and fire escapes: structurally unsound, loose, dangerous, crumbling, missing, broken, rotted or unsafe exterior portions of buildings or structures, including but not limited to porches, landings, balconies, stairways, handrails, steps, walls, overhangs, roofs, fences, supporting members,

timbers, abutments, fire escapes, signs and loose, crumbling or falling bricks, stones, mortar or plaster.

- (3) Projecting surfaces: exterior surfaces or parts of buildings or structures containing sharp, rough or projecting surfaces or objects which might cause injury to persons coming in contact therewith.
- (4) Windows, doors, etc., Broken glass or windows, rotten, missing or substantially destroyed window frames and sashes, door frames, exterior doors or other junior exterior component parts of buildings or structures are prohibited.
- (5) Exterior chimneys shall be maintained and kept structurally sound, free from defects and so maintained as to capably perform, at all times, the functions for which they were designed.
- (6) Steps, walks, driveways and parking lots, parking spaces and similar paved areas shall be maintained so as to afford safe passage under normal use and weather conditions. Any holes or other hazards that may exist shall be filled, and necessary repairs or replacement shall be performed promptly.

§ 42-8. Duties and responsibilities of occupants.

- A. Obligation to report. Upon discovery by an occupant of any condition of the premises which constitutes a violation of this chapter, the occupant shall report the same to the public officer.
- B. Cleanliness and sanitation. All parts of the premises under the control of the non-owner occupant shall be kept in a clean and sanitary condition, and the non-owner 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 by the chapter or maintaining the premises in a clean and sanitary condition.
- C. Deposits on streets and highways. A non-owner occupant shall not deposit dirt, ashes, leaves or other material on any street or highway or portion thereof or cause or permit the same to be done.

§ 42-9. Administrative provisions.

- A. Enforcement by Public Officer. The public officer is designated to serve as the enforcing officer hereunder, and all inspections, regulations, enforcement and hearings on violations of the provisions of this chapter, unless expressly stated to the contrary, shall be under the public officer's discretion and supervision. The public officer may appoint or designate such other public officials or employees of the Township to perform such duties as may be necessary to enforce this chapter, including but not limited to conducting inspections.
- B. Inspections of premises used for commercial or industrial operations. All premises subject to this chapter used for commercial and/or industrial operations are subject to an inspection, from time to time, by the public officer during regular open hours of the business occupying the premises and/or regular business hours of the township administrative offices.
- C. Inspections. Areas to be inspected by the public officer or his/her designee shall be dependent upon any complaint filed with the public officer by three or more owners, operators or occupants of a premises, a requested inspection per § 42-10, observation by the public officer of noncompliance

with this chapter or determination by the public officer of probable cause of noncompliance with this chapter. The owner or operator is required to make arrangements to facilitate such inspections within 30 days after issuance of the notice of required inspection, except when there is reason for the public officer to believe a violation exists of a character which is an immediate threat to health or safety, requiring inspection and abatement without delay. Nothing herein shall preclude the public officer from conducting an inspection in accordance with a warrant issued by a court of competent jurisdiction.

D. Identification of inspectors; right of entry.

- (1) Identification. The public officer shall be supplied with official identification and shall exhibit such identification when entering any part of any premises subject to this chapter.
- (2) Entry. Where the public officer is refused entry or access or is otherwise impeded or prevented by the owner, occupant or operator from conducting a scheduled inspection of the premises as specified in §42-9B, such person shall be in violation of this chapter and subject to the penalties hereunder.

E. Notice of violation; abatement; appeals.

- (1) Notice. Except as provided elsewhere in this chapter, where a violation of this chapter is found to exist, a written notice from the public officer shall be served on the person or persons responsible for the correction thereof.
- (2) Contents of notice. The notice shall specify the violation or violations committed; what must be done to correct the same; a reasonable period of time, to be determined by the public officer based on facts and circumstances of the complaint, but not to exceed 14 days, to correct or abate the violation; the right of the person served to request a hearing; and a statement that the notice shall become an order of the public officer in 10 days after service unless a hearing is requested pursuant to Subsection E hereof. The 14-day deadline set forth herein may be extended by the public officer for up to an additional 30 days if the public officer decides it to be appropriate in light of the nature and complexities of what would be required to correct or abate the violation.
- (3) Extensions of time. The Administrator and/or Township Committee may extend the time for correction or abatement of the violations for an additional period of time, not to exceed 30 days, except where major capital improvement or renovation is involved, in which instance the time for completion may be extended for such additional time as the Administrator or Township Committee deems to be reasonably adequate.
- (4) Service of notice. Notice may be served personally or by certified mail and regular mail, with postage prepaid, addressed to the last known address of the person or entity to be served. The last known address shall be the address of the owner as shown on the most recent Township tax assessment records. If the last known address cannot be ascertained, the notice may be posted on the outside of the front entrance of the building. Service on an owner, operator or occupant may be attained by service of a notice by personal delivery or certified mail and regular mail upon a member of the family of the owner, operator or occupant. Service via overnight or priority mail delivery by the United States Postal Service or by a private carrier shall be deemed to constitute service upon completed delivery as confirmed by the USPS or private carrier. Acknowledgement of receipt of notice through email, text or other form of written communication by the person to whom the notice is directed shall also constitute proof of completed service. The time of service of the notice shall be determined, where service is by mail, as of the day following the day 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 the Township. Service shall also be deemed to be complete upon posting in accordance with this paragraph. When the day of service falls on a Sunday or other day when mail is not ordinarily delivered, then the day of service shall be the next regular delivery day.

- (5) Appeals; notice of hearing. A person aggrieved by a notice or order issued in connection with the enforcement of a provisions of this chapter may request a hearing on the matter before the Township Administrator or his/her designee, provided that such person shall file in the office of the Clerk a written petition requesting such hearing, setting forth a brief statement of the grounds therefor, within 10 days after the day the notice or order was served or within 10 days from the date on which the action complained of occurred. On receipt of the petition, the Clerk shall forward the petition to the Township Administrator, who shall set a time and place for such hearing and shall give the petitioner written notice thereof.
- (6) Hearing. At the hearing, the petitioner shall be given an opportunity to be heard and shall show why such notice, order or other action complained of should be modified or reversed. The petitioner may present such evidence or testimony on his/her behalf as he/she may deem necessary and desirable. The proceedings at such hearing, including the findings and decision, shall be summarized, reduced to writing and entered as a matter of public record in the office of the Clerk. The records shall include a copy of every notice or order issued in connection with the matter.
- (7) Decision. After completion of the hearing, at a regularly scheduled meeting of the Township Committee, the Township Committee shall review the Township Administrator's findings of fact and conclusions of law and may affirm, modify or reverse the order appealed from. Copies of the resolution shall be filed with the public officer and Clerk and mailed to the appellant.
- (8) Further Appeal. In the event an aggrieved party seeks further review of the decision of the Township Committee, the party shall have the right to file an appeal with a court of competent jurisdiction with venue in Sussex County, New Jersey within the time and in the manner prescribed by applicable law.
- (9) Summary abatement and emergency; notice and hearing not required. When the violations or conditions existing on the premises pose an immediate threat to life and limb unless abated without delay, the public officer, Township Administrator or Township Committee 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 business days; and upon failure to do so, the public officer shall abate the conditions immediately thereafter.

F. Cost of abatement to be a lien against premises.

- (1) If abatement of a nuisance, correction of a defect in the premises or maintenance of the premises to conform to the applicable provisions of this chapter or other ordinances or laws requires expenditure of Township funds, the public officer shall present a report of work and materials proposed to accomplish the foregoing to the Committee with an estimate of the cost thereof and a summary of the proceedings undertaken by the public officer to secure compliance, including notices served on the owners, operators, lessors, occupants and/or agents, as the case may be, and hearings and orders of the public officer with reference thereto.
- (2) The Township Committee may thereupon, by resolution, authorize the abatement of the nuisance, correction of the defect and/or work and purchase of materials to place the premises in compliance with this chapter and/or other applicable ordinances and laws. If such resolution is made, the public officer may proceed to have the work performed in accordance with said resolution at the Township's expense, not to exceed the amount specified in the resolution, and shall, upon

completion thereof, submit a report of the cost incurred to the Committee. After review of the same, the Committee may approve the cost, whereupon the cost so incurred shall become a lien against the premises, collectible as provided by law, and recorded with the Sussex County Clerk.

- (3) A copy of the resolution approving the cost shall be certified by the Committee and filed with the Tax Collector, who shall be responsible for the collection thereof, and a copy of both the report and resolution shall be sent by certified mail to the assessed owner(s) of the premises at the address set forth in the records maintained by the Tax Collector.

G. Where notice and hearing not required prior to court proceedings. Violations of §§ 42-7A(3) and 42-9(D)(2) may be prosecuted, without the requirement of advance notice and hearing, by the filing of a complaint in the Municipal Court.

H. Effect of notice on owner. For the purpose of enforcement of this chapter, 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 the violations are abated in conformity with this chapter and other applicable ordinances of the Township.

§ 42-10. Issuance of inspection and status reports.

- A. Application for inspection. Whenever any owner, operator, occupant or mortgagee shall apply to the public officer for an inspection in order to ascertain if any provision of this chapter has been violated, the public officer shall, upon receipt of written consent signed by the owner and receipt of the required fee, cause an inspection to be made of the premises and issue a citation for any violations of this chapter on the premises. The applicant for inspection shall state in writing his/her full name, residence and the reason and basis for which the inspection is requested. The public officer may deny the application for failure to comply with this requirement.
- B. Application for status report. When an owner, operator, occupant, prospective purchaser, mortgagee or prospective occupant requests a status report as to whether or not there are known violations presently on the premises, then, upon receipt of written consent signed by the owner and payment of the required fee, a copy of any notice or order of any violation then pending shall be sent to the applicant and owner.
- C. No inspection report or status report issued pursuant to the provisions of this chapter shall be construed as providing a defense against any violation of this chapter or any other ordinance of the Township, whether or not the condition or violation existed at the time of such inspection or issuance of status report. The inspection or status report is provided as a convenience to the public and shall not constitute a limitation on the enforcement of this chapter. The inspection or status report shall address only such matters and conditions which are the subject of this chapter.

§ 42-11. Violations and penalties.

- A. Failure to comply with a final order of the public officer per this chapter shall be punishable by a fine in an amount not to exceed \$1,250.

- B. A violation of any one provision of this chapter which is a basis of a final order shall constitute a separate and distinct offense for which a summons may be issued.
- C. Each day that a violation continues after issuance of a summons shall be deemed a separate offense and shall be subject to imposition of daily penalties.
- D. In the event that a fine shall, in total, be greater than \$1,250, the owner of the subject property shall first have had 30 days from the service of the notice of violation pursuant to N.J.S.A. 40:49-5 and this chapter to cure and abate the condition and shall be afforded an opportunity for a hearing before the Municipal Court for an independent determination of whether such violation occurred and what the amount of the fine should be. Subsequent to the expiration of the 30-day period, a fine greater than \$1,250 may be imposed if the Court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.
- E. If a final order of the public officer shall be in effect without cure or abatement of the condition, additional summonses may be issued without the requirement of additional notice for the violation or violations which is or are the basis for the final order. This provision shall not limit the ability of the Court to impose penalties per paragraph C of this section.
- F. If a fine or penalty is ordered by the Municipal Court or any other court of competent jurisdiction against the owner, operator or lessor of a premises or building or structure in the Township for violation(s) of this chapter, the fine or penalty shall be collectible as a lien against the premises and, in addition thereto, shall be collectible pursuant to any other methods and remedies allowed by law.

§ 42-12. Frivolous or malicious complaints.

Any person found by the public officer to have filed a frivolous or malicious private citizen's complaint under this chapter shall receive notice and may appeal such notice in accordance with § 42-9(E). Any person who shall be found to have filed a frivolous or malicious complaint shall be fined not less than \$500 for each false or malicious filing.

§ 42-13. Existing Offenses and Violations Not Discharged.

The repeal of any provisions of any other ordinances by this chapter 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 before the effective date of this section 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.

§ 42-14. Repealer; effect on other provisions.

In any case where a provision of this chapter is found to be in conflict with or inconsistent with a provision of any other ordinance which establishes a lower standard for the promotion and protection of the safety, health and welfare of its inhabitants, the provisions of this chapter shall prevail, and such other ordinance or parts thereof are hereby declared to be repealed to the extent that they may be so found to be in conflict with this chapter.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. This Ordinance shall take effect upon its passage and publication as provided by law.

CERTIFICATION

I hereby certify that Ordinance #2024-3 was adopted by the Hampton Township Committee at their regular meeting held on March 26, 2024 at the Hampton Township Municipal Building, Baleville, Sussex County, New Jersey.

Date: _____

Kathleen Armstrong, RMC
Township Clerk

HAMPTON TOWNSHIP NOTICE ORDINANCE 2024-03

NOTICE IS HEREBY GIVEN that the attached Ordinance #2024-03 was introduced at a regular meeting of the Township Committee of the Township of Hampton, Sussex County, New Jersey, held on the 27th day of February 2024 and passed on first reading, and that such Ordinance will be further considered for final passage and adoption at the regular meeting of the Township Committee to be held on the 26th day of March 2024 at the Municipal Building, One Rumsey Way, in the Township of Hampton, at 7:00 p.m., and remotely via Zoom if available, or remote only at the discretion of the Administrator or Mayor, at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance. To attend the meeting remotely use the following link: <https://us02web.zoom.us/j/4919500389>, or to attend the meeting by phone, dial 929-205-6099 (Meeting ID: 491 950 0389).

Kathleen Armstrong, RMC
Township Clerk

HAMPTON TOWNSHIP NOTICE ORDINANCE 2024-03

NOTICE IS HEREBY GIVEN that the foregoing Ordinance #2024-03 was adopted at Final Reading at the regular meeting of the Township Committee of the Township of Hampton, County of Sussex held on Tuesday, March 26, 2024 at the Hampton Township Municipal Building, Baleville, N.J.

Kathleen Armstrong, RMC
Township Clerk