

Chapter 60B PROPERTY MAINTENANCE

ARTICLE I Property Maintenance

- § 60B-1. Adoption of standards by reference.**
- § 60B-2. Administration.**
- § 60B-3. Repealer.**
- § 60B-4. Amendments to standards.**
- § 60B-5. Unlawful acts.**
- § 60B-6. Notice; personal service.**
- § 60B-7. Alternate service of notice.**
- § 60B-8. Corrective measures.**
- § 60B-8.1. Subsequent remedial action; continuing notice.**
- § 60B-9. Lien by Borough.**
- § 60B-10. Cumulative penalties.**

ARTICLE II Usage of Storage Containers, Trash Dumpsters and Roll-Off Containers

- § 60B-11. Bulk storage containers – public property.**
- § 60B-12. Bulk storage containers – private property.**
- § 60B-13. Trash dumpsters and roll-off containers.**
- § 60B-14. Permits required.**
- § 60B-15. Responsibility.**
- § 60B-16. Violations; penalties.**

ARTICLE III Maintenance of Vacant Properties

- § 60B-17. Definitions.**
- § 60B-18. Registration requirements.**
- § 60B-19. Access to vacant properties.**
- § 60B-20. Responsible owner or agent.**
- § 60B-21. Fee schedule.**
- § 60B-22. Requirements of owners and/or operators of vacant properties.**

§ 60B-23. Violations; penalties.

[HISTORY: Adopted by the Merchantville Borough Council 1-24-1994. Amendments noted where applicable.]

GENERAL REFERENCES

Brush, weeds and trees — See Ch. 14.	Numbering of property — See Ch. 48.
Buildings unfit for human habitation — See Ch. 16.	Unsafe buildings — See Ch. 83.
Demolition of buildings — See Ch. 20.	Abandoned vehicles — See Ch. 87.
Littering — See Ch. 42.	

ARTICLE I Property Maintenance

§ 60B-1. Adoption of standards by reference. [Amended 9-24-2007 by Ord. 07-16; 6-8-2009 by Ord. No. 09-13]

The International Property Maintenance Code (IPMC), 2006 Edition, as published by the International Code Council, Inc., be and is hereby adopted as the Property Maintenance Code of the Borough of Merchantville, in the State of New Jersey, for the control of buildings and structures as herein provided, and each and all of the regulations, provisions, penalties, conditions and terms of said IMPC are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 60B-4 of this chapter, three (3) copies of which are on file in the Office of the Borough Clerk of the Borough of Merchantville.

§ 60B-2. Administration.

The Code Enforcement Officer of the Borough of Merchantville shall be charged with the responsibility to administer the Property Maintenance Code of the Borough of Merchantville and accomplish all activities necessary to enforce this chapter.

§ 60B-3. Repealer.

Chapter 15 of the Borough Code of the Borough of Merchantville entitled “Building Code” and all other ordinances or parts of ordinances in conflict herewith are hereby repealed solely as to the section or sections that conflict or are inconsistent with this chapter.

§ 60B-4. Amendments to standards. [Amended 6-8-2009 by Ord. No. 09-13]

The International Property Maintenance Code, 2006 Edition, is hereby amended and revised in the following respects:

A. Section PM-101.1, Title, shall now read as follows:

PM-101.1 Title: These regulations shall be known as the Property Maintenance Code of the Borough of Merchantville, hereinafter referred to as “this code.”

B. Section PM-103.1, General, shall be amended to read as follows:

PM-103.1 General: There is hereby created in the Borough of Merchantville the position of Property Maintenance Code Official (hereinafter, “Code Officer”) who shall be appointed annually by the Mayor of the Borough of Merchantville. The code official shall enforce all provisions of this code.

C. Section PM-106.4, Penalties, shall read as follows:

PM-106.4 Penalties: Any person who violates any provision of this article shall, upon conviction in the Municipal Court of the Borough of Merchantville, or such other court having jurisdiction, be liable to a fine not exceeding \$2,000.00, or imprisonment for a term not exceeding 90 days, or community service for a term not exceeding 90 days, or all of the above. Each day that a violation occurs shall be deemed a separate and distinct violation, subject to the penalty provisions of this article.

D. Section PM 111.0, MEANS OF APPEAL, shall be deleted in its entirety.

E. Section PM-304 shall be included in its entirety. [Added 6-13-2011 by Ord. No. 11-04]

F. Section PM-602.3, Heat supply, shall be amended as follows:

PM-602.3 Heat supply: Every owner and operator of any building who rents, leases or lets one (1) or more dwelling units, rooming units, dormitory or guest rooms on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from October 1 to May 1 to maintain the room temperatures specified in Section PM-602.2 during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than sixty degrees (60° F.) [sixteen degrees Celsius (16° C.)] during other hours.

§ 60B-5. Unlawful acts. [Added 10-11-2000 by Ord. No. 00-10; amended 6-13-2011 by Ord. No. 11-04]

It shall be unlawful for an owner, operator and/or occupier of property situate in the Borough of Merchantville to fail to comply with the Property Maintenance Code of the Borough of Merchantville.

§ 60B-6. Notice; personal service. [Added 10-11-2000 by Ord. No. 00-10; amended 6-13-2011 by Ord. No. 11-04]

The Code Enforcement Officer of the Borough of Merchantville, or his designee, shall serve written notice upon any such person described in Section 60B-5, describing the condition of the premises and demanding that the condition be abated within five (5) days of receipt of said notice, or an appropriate complaint shall be filed in violation of this article.

§ 60B-7. Alternate service of notice. [Added 10-11-2000 by Ord. No. 00-10; amended 8-11-2014 by Ord. No. 2014-05]

In the event that personal service cannot be made, or in the event that service by certified mail is not accepted, service shall be accomplished by posting said notice in a conspicuous place on the premises, or by electronic mail to an e-mail address provided by the property owner, operator or occupant, with a "Read Receipt Request" provided.

§ 60B-8. Corrective measures. [Added 10-11-2000 by Ord. No. 00-10; amended 6-13-2011 by Ord. No. 11-04]

Where the owner, operator and/or occupier shall refuse and/or neglect to correct the violation(s) within five (5) days after the date of the notice as referenced in Section 60B-6 of this chapter, or upon the expiration of five (5) days following posting of notice as provided in Section 60B-7 of this chapter, or, in the case of a second or subsequent violation within one year from the date of the last notice, three (3) days after the date of the notice as referenced in Section 60B-6 of this chapter, or upon the expiration of three (3) days following posting of notice as provided in Section 60B-7 of this chapter, the borough may correct or cause the violation(s) to be corrected, at the expense of the owner, operator and/or occupier of the property.

§ 60B-8.1. Subsequent remedial action; continuing notice. [Added 6-13-2011 by Ord. No. 11-04]

Where the owner, operator and/or occupier refuses and/or neglects to correct the violation(s) within five (5) days after receipt of notice as referenced in Section 60B-6 of this chapter, or upon the expiration of five (5) days following posting of notice as provided in Section 60B-7 of this chapter, or, in the case of a second or subsequent violation within one year from the date of the last notice, three (3) days after the date of the notice as referenced in Section 60B-6 of this chapter, or upon the expiration of three (3) days following posting of notice as provided in Section 60B-7 of this chapter, and the Borough is required to take corrective measures as referenced in Section 60B-8 of this chapter, the notices given to the owner, operator and/or occupier of any such land shall be valid for subsequent remedial action to the property a period of one hundred twenty (120) days from the expiration of five (5) days following posting of notice as provided in Section 60B-7 of this chapter.

§ 60B-9. Lien by Borough. [Added 10-11-2000 by Ord. No. 00-10]

In all cases where such conditions are abated by the Code Enforcement Officer of the Borough of Merchantville pursuant to Section 60B-6, the Code Enforcement Officer or his designee shall certify the cost thereof to the Council of the Borough of Merchantville, which shall examine the certificate, and if found correct, shall cause the cost as shown thereon to be charged against said land. The amount so charged shall forthwith become a lien upon such land and shall be added to and become a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes and shall be collected and enforced by the Borough of Merchantville Tax Collector.

§ 60B-10. Cumulative penalties. [Added 10-11-2000 by Ord. No. 00-10]

The imposition and collection of a fine imposed hereunder, shall not bar the right of the Borough of Merchantville to collect any costs in the manner as permitted herein, or by summary action, in a court of law, and the remedy herein provided shall be cumulative.

**ARTICLE II Usage of Storage Containers, Trash Dumpsters and Roll-Off Containers
[Adopted 11-14-2005 by Ord. No. 05-14]**

§ 60B-11. Bulk storage containers – public property.

No bulk storage container, storage container, storage device, “pod”, or similar container shall be placed or maintained by any private party in or on any Borough property, street or right of way.

§ 60B-12. Bulk storage containers – private property.

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

- A. Such containers may be placed or maintained on a driveway or other suitably paved area for purposes of packing or unpacking goods and materials of the owner or occupant of the property in preparation for or subsequent to moving into or out of the property for a period of not more than twenty-one (21) consecutive days.
- B. Such containers may be placed or maintained on a driveway or other suitably paved area for purposes of storing the goods and materials of the owner or occupant of the property when necessary during renovation or rehabilitation of the structure located on the premises in which the goods or materials would otherwise be located during the period of renovation or rehabilitation and up to ten (10) days prior to commencement and ten (10) subsequent to completion of the work but in no event more than a total of four (4) months.

§ 60B-13. Trash dumpsters and roll-off containers.

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

§ 60B-14. Permits required.

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

- A. Application for the permit shall be made to the office of the Borough Clerk or such other office as the Borough Council may from time to time designate on a form provided by the Borough. The application shall require, among other things, the full name, address, and other contact information for both the owner of the container and the owner of the property with which the use of the container is associated. The application shall be accomplished by a permit fee of twenty-five dollars (\$25.00).
- B. Any container to be placed on a street or right of way shall be placed on the street in a legal parking space as approved or designed by the Borough and shall be equipped with appropriate reflectors or other safety markings so that the container will not constitute a hazard to traffic. The specific number, location, and nature of the markings shall be determined by the Borough Police in the exercise of their discretion and shall be noted on the permit as a condition of its issuance.
- C. Any permit issued for placement of a container on a street, right of way or other public property shall be valid for a period of five (5) days and sticker or notice shall be prominently displayed on the street side of the container indicating the commencement and expiration date of the permit.

- D. Any container placed on private property shall be placed on a suitable base to assure stability. If in the opinion of the Borough Police, the location is sufficiently near to a public vehicular or pedestrian path, the permit may require suitable safety markings as set forth in subsection B, above.
- E. Any permit issued for placement of a container on private property shall be valid for a period of ten (10) days and sticker or notice shall be prominently displayed on the street side of the container indicating the commencement and expiration date of the permit.
- F. Upon a showing of continued need for the container (such as during the course of major construction projects), permits may be renewed up to three (3) times for periods of up to five (5) days upon application for renewal and payment of an additional fifteen dollar (\$15.00) fee.

§ 60B-15. Responsibility.

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

§ 60B-16. Violations; penalties.

Any person who violates any provision of this article shall, upon conviction in the Municipal Court of the Borough of Merchantville, or such other court having jurisdiction, be liable to a fine not exceeding \$1,250.00, or imprisonment for a term not exceeding 90 days, or community service for a term not exceeding 90 days, or all of the above. Each day that a violation occurs shall be deemed a separate and distinct violation, subject to the penalty provisions of this article.

ARTICLE III Maintenance of Vacant Properties
[Adopted 7-8-2013 by Ord. No. 13-13]

§ 60B-17. Definitions.

OPERATOR – Any person, persons or entity who is not the owner, who has charge, care and control of a premises or part thereof, with or without the knowledge, consent or authority of the owner. Operator shall also include a creditor, as defined in P.L.2014, c.5, that has served a notice of intention to foreclose on a mortgage on a residential property pursuant to P.L.1960B, c.244, and that property has become vacant after the filing of this intention to foreclose. **[Added 8-11-2014 by Ord. No. 2014-05]**

OWNER — Shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions of C.46:10B-51 (P.L. 2008, c.127, Sec 17 as amended by P.L. 2009, c.296), or any other entity determined by the Borough of Merchantville to have authority to act with respect to the property.

VACANT PROPERTY — Any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation, including but not limited to any property meeting the definition of abandoned property in N.J.S.A. 55:19-80; provided, however, that any property where all building systems are in

working order, where the building and grounds are maintained in good order, or where the building is in habitable condition, and where the building is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property for purposes of this Article.

§ 60B-18. Registration requirements.

[Amended 8-11-2014 by Ord. No. 2014-05]

Effective September 1, 2013, the owner and/or operator of any vacant property, as defined herein, shall, within 30 calendar days after the building becomes vacant property or within 30 calendar days after assuming ownership of the vacant property, whichever is later, or within 10 calendar days of receipt of notice by the municipality, file a registration statement for such vacant property with the Property Maintenance Inspector on forms provided by the Borough of Merchantville for such purposes. Failure to receive notice by the municipality shall not constitute grounds for failure to register the property.

- A. Each property having a separate block and lot number as designated in official records of the municipality shall be registered separately.
- B. The registration statement shall include the name, street address, telephone number and e-mail address (if applicable) of a person 21 years or older, designated by the owner and/or operator or owner and/or operators as the authorized agent for receiving notices of Property Maintenance Code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owners and/or operators in connection with the enforcement of any applicable code, and the name, street address, telephone number and e-mail address (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the property. The individual or representative of the firm responsible for maintaining the property shall be available by telephone or in person on a twenty-four-hour-per-day, seven-day-per-week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.
- C. The registration shall remain valid for one year from the date of registration, except for the initial registration time, which shall be prorated through December 31. The owner and/or operator shall be required to renew the registration annually as long as the building remains a vacant property and shall pay a registration or renewal fee in the amount prescribed in Section 60B-21 of this article, for each vacant property registered.
- D. The annual renewal shall be completed by January 1 each year. The initial registration fee shall be prorated for registration statements received less than 10 months prior to that date.
- E. The owner and/or operator shall notify the Borough Clerk within 30 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Borough Clerk for such purpose.
- F. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough against the owners and/or operators of the building.

§ 60B-19. Access to vacant properties.

[Amended 8-11-2014 by Ord. No. 2014-05]

The owner and/or operator of any vacant property registered under this article shall provide access to the Borough to conduct exterior and interior inspections of the building to determine compliance with municipal codes, upon reasonable notice to the property owner and/or operator or the designated agent.

Such inspections shall be carried out on weekdays during the hours of 8:00 a.m. and 4:00 p.m., or such other time as may be mutually agreed upon between the owner and/or operator and the Borough.

§ 60B-20. Responsible owner or agent.

- A. An owner who meets the requirements of this Article with respect to the location of his or her residence or workplace in the State of New Jersey may designate himself or herself as agent or as the individual responsible for maintaining the property.
- B. By designating an authorized agent under the provisions of this section, the owner consents to receive any and all notices of Property Maintenance Code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce Property Maintenance Code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the borough in writing of a change of authorized agent or until the owner files a new annual registration statement.
- C. Any owner who fails to register vacant property under the provisions of this article shall further be deemed to consent to receive by posting on the building, in plain view, and by service of notice at the last known address of the owner of the property on record within the Borough of Merchantville by regular and certified mail, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

§ 60B-21. Fee schedule.

- A. The initial registration fee for each building shall be five hundred dollars (\$500.).
- B. The fee for the first renewal is one thousand five hundred dollars (\$1,500.).
- C. The fee for a second renewal is three thousand dollars (\$3,000.).
- D. The fee for any subsequent renewal beyond the second renewal is five thousand dollars (\$5,000.).

**§ 60B-22. Requirements of owners and/or operators of vacant properties.
[Amended 8-11-2014 by Ord. No. 2014-05]**

The owner and/or operator of any building that has become vacant property, and any person maintaining or operating or collecting rent for any such building that has become vacant, shall, within 30 days thereof:

- A. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Borough Code or as set forth in the rules and regulations supplementing those codes; and
- B. Post a sign affixed to the building indicating the name, address and telephone number of the owner and/or operator, the owner and/or operator's authorized agent for the purpose of service of process (if designated pursuant to § 60B-20 of this article), and the person responsible for the day-to-day supervision and management of the building, if such person is different from the owner and/or operator holding title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 8 inches by 10 inches; and
- C. Secure the building from unauthorized entry and maintain the sign until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete;

- D. Ensure that the exterior grounds of the structure, including yards, fences, sidewalks, walkways, rights-of-way, alleys, retaining walls, attached or unattached accessory structures and driveways, are well maintained and free from trash, debris, loose litter and grass and weed growth; and
- E. Continue to maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition, and ensure that the sign is visible and intact until the building is again occupied or is demolished or until repaid and/or rehabilitation of the building is complete.
- F. If the owner of a residential property vacates or abandons any property on which a foreclosure proceeding has been initiated, or if a residential property becomes vacant at any point subsequent to the operator's filing the summons and complaint in an action to foreclose on a mortgage against the subject property, but prior to vesting of title in the operator or any other third party, and the property is found to be a nuisance and/or in violation of any of the provisions of this article, the Code Enforcement Officer shall notify the operator, which shall have the responsibility to abate the nuisance and/or correct the violation in the same manner and to the same extent as the title owner of the property, to such standard or specification as may be required by State law or this article. The Borough shall include a description of the conditions that gave rise to the violation with the notice of violation, and shall provide a period of not less than 30 days from the operator's receipt of the notice for the operator to remedy the violation. If the operator fails to remedy the violation within that time period, the Borough may impose penalties allowed for such violations pursuant to Section 60B-23 of this article.

§ 60B-23. Violations; penalties.

[Amended 8-11-2014 by Ord. No. 2014-05]

- A. Any owner, operator or occupant who or which shall violate any of the provisions of this article shall, upon conviction thereof, be liable for penalties or any combination thereof as set forth in Chapter 1-9 of the Code of the Borough of Merchantville, in the discretion of the Judge of the Municipal Court before whom such violation is heard and conviction made, but in no event shall the fine be less than \$250.00. Each day that a violation occurs shall be deemed a separate and distinct violation, subject to the penalty provisions of this chapter.
- B. For purposes of this article, failure to file a registration statement within 30 calendar days after a building becomes vacant property or within 30 calendar days after assuming ownership of a vacant property, whichever is later, or within 10 calendar days of receipt of notice by the municipality, and failure to provide correct information on the registration statement, or failure to comply with the provisions of such provisions contained herein shall be deemed to be violations of this article.

Please note that there may be some amendments to the Code that have not been compiled into the Code of Ordinances yet.