

**BOROUGH OF FRANKLIN**

**AN ORDINANCE TO REPLACE CHAPTER 205  
OF THE CODE OF THE BOROUGH OF FRANKLIN  
REGARDING PROPERTY MAINTENANCE**

**ORDINANCE #15-2010**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Franklin as follows:

**Section 1.**

The Code of the Borough of Franklin is amended to replace Chapter 205 in its entirety as follows:

***CHAPTER 205 PROPERTY MAINTENANCE CODE.***

**205-1 Adoption of Property Maintenance Code.**

That the International Property Maintenance Code 2010 as published by the International Code Council, Inc., three copies of which are on file in the office of the clerk of the Borough of Franklin, be and is hereby adopted as the Property Maintenance Code of the Borough of Franklin for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are hereby referred to, adopted and part hereof, as if fully set out in this section.

**205-2 Powers of Property Maintenance Board to Issue Summonses.**

The property maintenance board of the Borough of Franklin, its agents, designees, inspectors, and retained professionals are hereby designated as the officials, acting singularly or in concert with others, to issue summonses to persons, corporations, partnerships, and/or other entities, with respect to alleged violations the Borough's Property Maintenance Code, together with issuing summonses to those persons, corporations, partnerships, and/or other entities responsible for leaving abandoned vehicles on property within the Borough of Franklin.

**205-3 Property Maintenance Board.**

There is hereby established a property maintenance board, whose job shall be to take action from time to time to effectuate the purpose of this code, meet as often and at such time and in such location and on such date as specified by the board. The board shall consist of three (3) members and one (1) alternate member: one member/ representative appointed by the Board of Health, a member of the common council appointed by the Mayor, one member of the public appointed by the Mayor, and one alternate member appointed by the Mayor of the Borough of Franklin. The term of the membership of the property maintenance board shall be as follows: the member appointed by the board of health shall be for a term of one year and shall be annually appointed or reappointed by their respective board; the member of the common council and the member of the public shall have a term of one year and shall be appointed annually by the mayor. In the event that the appointed members (Board of Health, Council and member of the public) shall deem it appropriate to appoint an alternate to the property maintenance board in order that board meetings shall have a required quorum, then the respective appointing authority shall be authorized to appoint alternate members.

#### **205-4 Powers and Duties of Property Maintenance Board.**

The board shall have the following powers and duties:

- a. To hear and decide appeals from decisions of the code official(s) as hereinafter provided;
- b. Request action to the borough council involving the purposes and objectives of this code;
- c. From time to time take action to implement and achieve objectives of this code;
- d. To conduct inspections of property from time to time and to take such action as deemed necessary by the board for the zoning code enforcement officer or building inspector;
- e. Establish programs and publicity for the purpose of achieving the purposes and objectives of this code;
- f. Receive voluntary contributions to support programs intended to achieve the purpose of the code;
- g. The enforcement authority shall repose in the property maintenance board, and zoning code enforcement officer and they shall have the duty and responsibility to enforce the provisions of this code herein provided. The property maintenance board and/or zoning code enforcement officer shall take enforcement action as directed by the board after the board has first attempted to obtain voluntary compliance;
- h. The property maintenance board and/or zoning code enforcement official shall enforce all provisions of the code relative to the maintenance of structures and premises, except as may otherwise be specifically provided for by other regulations;
- i. The property maintenance board and/or zoning code enforcement officer shall issue all necessary notices and orders to abate illegal or unsafe conditions to insure compliance with the code requirements or the safety, health, and general welfare of the public;
- j. In order to safeguard the safety, health and welfare of the public, the property maintenance code, committee thereof and/or the zoning code enforcement officer is authorized to enter any structure or premises at any reasonable time for the purpose of making inspection and performing duties under this code;
- k. If any owner, occupant, or other person in charge of a structure subject to the provisions of this code refuses, impedes, inhibits, interferes with, restricts, or obstructs entry or free access to any part of the structure or premises where inspection authorized by this code is sought, the property maintenance board and/or zoning code enforcement officer may seek, in a court of competent jurisdiction, an order that such owner, occupant, or other person in charge cease and desist from such interference;
- l. Every occupant of a structure or premises shall give the owner or operator thereof, or agent, or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs, or alterations as necessary to provide with the provisions of this code;
- m. The property maintenance board members and/or code enforcement official shall disclose proper credentials of their respective office for the purpose of inspection of any and all buildings and premises in the performance of their duties under this code;
- n. The property maintenance board shall have the power to adopt and promulgate rules and regulations to implement provisions of the code;

- o. The code enforcement officer appointed by the governing body and a member of the property maintenance board shall have such duties as are assigned by the governing body and the property maintenance board;
- p. Whenever the property maintenance board and/or code enforcement official determines that there has been a violation of this code or has reasonable grounds to believe that a violation has occurred, notice shall be given to the owner, or the person or persons responsible therefore in the manner described below;
- q. Such notice shall:
  - 1. Be in writing;
  - 2. Include a description of the real estate sufficient for identification;
  - 3. Include a statement of the reason or reasons why it is being issued;
  - 4. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code;
  - 5. Include an explanation of the owner's right to seek modification or withdrawal of the notice by petition to the property maintenance board.
- r. The service of the notice shall be deemed to be properly served upon such owner if a copy thereof is delivered to the owner personally, or by leaving the notice at the usual place of abode in the presence of someone in the family of suitable age and discretion who shall be informed of the contents thereof; or by certified or registered mail addressed to the owner at the last known address with return receipt requested; or if the certified or registered mail is returned with receipt showing that it has not been delivered, by posting a copy thereof in a conspicuous place in or about the structure affected by such notice;
- s. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served, to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee (purchaser of property), transferee, mortgagee, or lessee, a true copy of any compliance order or notice of violation issued by the property maintenance board and/or code enforcement officer and shall furnish to the property maintenance board a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of such compliance order or notice of violation, and fully accepting the responsibility without condition for making the corrections or repairs, required by such compliance order or notice of violation. Copies of all compliance orders shall be filed with the Sussex Borough municipal lien search officer for inclusion in assessment search;
- t. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, use, or occupy any structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with, or in violation of any of the provisions of this code;
- u. Any person, firm, or corporation who shall violate any provision of this code shall, upon conviction thereof, be subject to a fine as provided in the penalty provisions of the codified general ordinances of the Borough of Franklin at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense;

- v. In the event that a violation order is not promptly complied with, the property maintenance board and/or code enforcement officer may proceed with a complaint in municipal court or, with the advice and consent of the governing body, commence proceedings in the Superior Court. The property maintenance board shall hear all appeals relative to the enforcement of this code and rule upon notices of violation by way of affirmation, reversal, wholly or partly, or may modify the notice of violation;
- w. A member of the property maintenance board shall not participate in any hearing or vote on any appeal in which that member has a direct or indirect financial interest or is engaged as a contractor, or is engaged in the preparation of plans and specifications, or in which that member has any personal interest;
- x. The property maintenance board, in making a decision, shall make written findings of fact and conclusions. All proceedings and/or hearings before the property maintenance board shall be electronically recorded;
- y. The provisions of this code shall apply to all property located within the Borough of Franklin, regardless of how utilized, and regardless of whether same is occupied by a structure or inhabitants;
- z. Except as provided in other regulations, and not more than one currently unregistered and/or uninspected motor vehicle shall be parked on any property in a residential district, and said vehicle shall not at anytime be in a state of major disassemble, disrepair, or shall it be in the process of being stripped or dismantled. A vehicle of any type shall not at any time undergo major overhaul, including body work, in a residential zone;
- aa. Except as provided in other regulations and approved by the property maintenance code, or the code enforcement officer, not more than two currently unregistered and/or uninspected motor vehicles shall be permitted on any property in a nonresidential district, and any vehicle shall not at anytime be in a state of major disassemble, disrepair, nor shall it be in the process of being stripped or dismantled.

**Section 2.**

Severability: If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

**Section 3.**

Effective Date: This Ordinance shall take effect after publication and passage according to law.

\_\_\_\_\_  
Paul B. Crowley, Mayor

ATTEST:

\_\_\_\_\_  
Patricia A. Leasure, Borough Clerk

**NOTICE**

TAKE NOTICE that the above entitled ordinance was introduced at a regular meeting of the Borough Council of the Borough of Franklin on October 12, 2010, and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Franklin to be held on October 26, 2010, at 7:00 p.m. in the Municipal Building, 46 Main Street, Franklin, New Jersey.

---

Patricia A. Leasure, Borough Clerk