

Ordinance

No. 3-2021

AN ORDINANCE AMENDING CHAPTER 197, SECTION 373-5 DUTIES OF OWNERS AND AGENTS OF THE BOROUGH OF WESTVILLE CODE BOOK

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Westville, County of Gloucester and State of New Jersey, that Section 197-5 Duties of owners and Agents, is hereby amended for the streets as follows:

Section 1. 197-5 Duties of Owners and Agents

- A. Duties of owner, operator and/or registered agent. The duties and responsibilities of owner, operator and/or registered agent shall be as follows:
1. Maintenance of exterior of premises free of hazards and unsanitary conditions. The exterior of the premises and all structures thereon shall be kept free of all nuisances and any hazards to the safety of occupants, pedestrians, and other persons utilizing the premises, and free of unsanitary condition, and any of the foregoing shall be promptly removed and abated by the owner, operator and/or registered agent. It shall be the absolute duty of the owner, operator and/or registered agent, individually or jointly, to keep the premises free of hazards, which include but are not limited to the following:
 - a. Refuse. brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash, refuse and debris.
 - b. Natural growth. Dead and dying trees, stumps and limbs or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons or property in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions.
 - c. Overhanging objects. Loose and overhanging objects and accumulation of ice and snow which, by reason of location above ground level, constitutes a danger of falling on persons or property in the vicinity thereof.
 - d. 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, sidewalks, curbs, 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.
 - e. Brush and hedges near roadways. Any and all brush, hedges and similar plant life growing within 10 feet of any roadway and/or within 25 feet of the intersection of two roadways shall be cut to a height of not more than 2 1/2 feet.

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- f. Waste and recycling materials. The occupant of any rental unit shall be responsible for compliance with all waste and recycling regulations of the Borough of Westville. The owner, operator or registered agent shall require by the lease terms that the tenant/occupant comply with such regulations. Failure to do so will be deemed a violation of this chapter by the owner, operator or registered agent. Evidence of written notice to the occupant of his/her obligation to recycle shall be an absolute defense to such violation.
2. Appearance of exterior of premises and residential structures. The exterior of the premises, the exterior of dwelling structures and the conditions of accessory structures shall be maintained so that the appearance of the premises and all buildings thereon shall reflect a level of maintenance in keeping with the residential standards of the neighborhood or such higher standards as may be adopted as part of a plan of urban renewal by the Borough of Westville and such that the appearance of the premises and the structures shall not constitute a negative impact for adjoining property owners nor an element leading to the progressive deterioration and downgrading of the neighborhood with the accompanying diminution of property values, including the following:
 - a. Storage of commercial and industrial material. There shall not be stored or used at a location visible from the sidewalk, street or other public areas equipment and materials relating to commercial or industrial uses unless permitted under Chapter 205, Land Use and Development, for the premises.
 - b. Landscaping. Premises shall be kept landscaped, and lawns, hedges and bushes shall be kept trimmed and from becoming overgrown and unsightly where exposed to public view and where the same constitute a negative impact depreciating adjoining property and impairing the good residential character of the neighborhood. No automobiles shall be parked upon lawns or placed for sale on front lawns.
 - c. Signs. All signs permitted by reason of other regulations or as lawful nonconforming uses shall be maintained in good repair, and printed matter, pictures or illustrations contained thereon shall be completely maintained or, when no longer in use, completely removed.
- B. Conveyance of property. The owner, operator and/or registered agent of any property under order by the public officer to repair or demolish said property shall not convey such property to a new owner without first notifying the public officer. The new owner shall comply with the order of the public officer as served upon the seller of said property and shall not occupy said building or premises until the order of the public officer is obeyed and a certificate of occupancy is issued by the public officer.

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C. Obstructions. The front, side and back yards, the driveway, walks or other parts of the outside premises of any building or any lot on which no building is located shall not contain any boxes, barrels, sticks, stones, bricks, bottles, cans, metal drums, iron pipe, old sheet metal, old furniture, used or unused motor vehicles or boats, auto parts, old tires, unused bicycles or parts, filth, junk, rubbish, trash, debris, dead and dying trees, stumps, roots, obnoxious growths, old lumber or firewood, unless such lumber or firewood is neatly stacked and not more than five feet in height or piled on supports at least eight inches above the ground and stored not less than one foot from the property line; nor shall the grass or weeds on such premises be allowed to attain a growth of more than 6 inches. Shrubs and flowering woody plants shall be kept under control and shall not be allowed to grow beyond the boundaries of the premises on which a building is located. Various and sundry shacks and outhouses, including tool houses, storage sheds and garages, shall be repaired or improved so that they shall be aesthetically and structurally acceptable or shall be demolished and removed. Every fence which wholly or partially encloses a premises on which a building is located must be maintained in a manner that is aesthetically and structurally acceptable and shall not have broken posts, broken supporting members nor holes or voids in such fence.

Section 2. Repealer

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

Section 3. Severability:

Each section of this Ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective, shall not be deemed to affect the validity or constitutionality of any other sections or parts hereof.

Section 4. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduced: February 18, 2021

Adopted: March 18, 2021

BOROUGH OF WESTVILLE

**Fritz H. Sims, Jr.
MAYOR**

ATTEST:

**Kathleen Carroll
DEPUTY MUNICIPAL CLERK**