

ORDINANCE 2012-03

**AN ORDINANCE OF THE TOWNSHIP OF BASS RIVER AMENDING
BASS RIVER CODE SECTION 8.20 NUISANCES**

An ordinance accepting and adopting the “New Jersey State Housing Code (1980 Revision) as a standard governing supplied facilities and other physical things and conditions essential to making dwellings safe, sanitary and fit for human habitation and governing conditions of dwellings, authorizing inspection of dwellings and fixing penalties for violations.

The Board of Commissioners of the Township of Bass River does ordain that:

1. The Burlington County Health Department be and is hereby designated as the Enforcement Officer to exercise the powers prescribed by the within ordinance, and they shall serve in such capacity without any additional salary.
2. Pursuant to the provisions of Chapter 21, P.L. 1946 (N.J.S.A. 40:49-5.1 et. Seq.); the “New Jersey State Housing Code (1980 Revision)”, as approved by the Department of Community Affairs and filed in the Secretary of State’s Office, is hereby accepted, adopted and established as a standard to be used as a guide in determining whether dwellings in this municipality are safe, sanitary and fit for human habitation and rental. A copy of the “New Jersey State Housing Code (1980 Revision)” is annexed to this ordinance and three copies of same have been placed on file in the office of the Bass River Township Clerk and are available to all persons desiring to use and examine the same.
3. The Enforcement Officer is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units, and premises located within the Township of Bass River in order that they may perform their duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections, the Enforcement Officer is hereby authorized to enter, examine and survey, at all reasonable times, all dwellings, dwelling units and rooming units, and premises. The owner or occupant of every dwelling, dwelling unit, rooming unit, or the person in charge thereof, shall give the Enforcement Officer free access to such dwellings, dwelling unit, or rooming units and its premises at all reasonable times for the purpose of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, or its premises at all reasonable times, for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this ordinance, or with any lawful rule or regulations adopted, or any lawful order issued pursuant to the provisions of this ordinance.
4. Whenever the Enforcement Officer determines that there are reasonable grounds to believe that there has been a violations of any provision of this ordinance, or any rule or regulations adopted pursuant thereto, they shall give notice of such alleged violations to the person or persons responsible therefore as hereinafter provided. Such notice shall (a) be put in writing; (b) include a statement of reasons why it is being issued; (c) allow a reasonable time for the performance of any act it requires; and (d) be served upon the owner or his agent, to the occupant, as the case may require; provided that such notice shall be deemed to be properly serviced upon such owner or agent, or upon such occupant, if a copy thereof is served upon him

personally; or if a copy thereof is posted certified mail to his last known address; or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by this notice; or if he is served with such notice by any other method authorized or required under the laws of this State. Such notice may contain an outline of remedial action, which, if taken, will affect compliance with the provisions of this ordinance and with rules and regulations adopted pursuant thereto.

Any person affected by a notice which has been issued in connection with the enforcement of any provision of this ordinance, or of any rule or regulations adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Board of Commissioners provided such person shall file, in the office of the Township Clerk, a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within ten days after the day the notice was served. Upon receipt of such petition, the Township Clerk shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall commence not later than ten days after the day on which the petition was filed; provided that, upon application of the petitioner, the Township Clerk may postpone the date of the hearing for a reasonable time beyond such ten day period, if in his judgment the petitioner has submitted a good and sufficient reason for such postponement. After such hearing, the Township Board of Commissioners shall sustain, modify, or withdrawn the notice, depending upon their findings as to whether the provisions of this ordinance and of the rules and regulations adopted pursuant thereto have been complied with. If the Township Board of Commissioners sustains or modifies such notice, it shall be deemed to be in order. Any notice served pursuant to this ordinance shall automatically become an order if a written petition for a hearing is not filed in the office of the Township Clerk within ten days after such notice is served. The proceedings of such hearing, including the findings and decision of the Board of Commissioners, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Township Clerk. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Board of Commissioners may seek relief therefrom in any court of competition jurisdiction, as provided by the laws of this State. Whenever the Enforcement Officer finds that an emergency exists which requires immediate action to protect the public health, or safety, they may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as they deem necessary to meet the emergency. Notwithstanding the other provisions of this ordinance, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petitions to the Township Board of Commissioners, shall be afforded a hearing as soon as possible. After such hearing, and depending upon their findings as to whether the provisions of this ordinance and of the rules and regulations adopted pursuant thereto have been complied with, the Township Board of Commissioners shall continue such order in effect, or modify it or revoke it.

5. The Board of Commissioners is hereby authorized and empowered to make and adopt such written rules and regulations as they may deem necessary for the proper enforcement of the provisions of this ordinance, provided, however, that such rules and regulations shall not be in conflict with the provisions of this ordinance, nor in anyway alter, amend, or supersede any of the provisions thereof. The Board of Commissioners shall file a certified copy of all rules and regulations which they may adopt in the office of the Clerk of the Township of Bass River.

6. No person shall occupy as owner, occupant, or rent to another for occupancy, any dwelling or dwelling unit for the purpose of living therein which does not conform to the provisions of the "New Jersey State Housing Code (1980 Revision)", established hereby as the standard to be used in determining wither a dwelling is safe, sanitary and fit for human habitation.
7. Any person, firm or corporation who shall violate any of the provisions of this ordinance shall, upon conviction, be punished by a fine not exceed Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for such period of time not to exceed ninety (90) days or by both such fine and imprisonment, and each violations of any of the provisions of this ordinance and each day the same is violated, shall be deemed and taken to be a separate and distinct offense.
8. All other ordinances and parts of ordinances in conflict or inconsistent with this ordinance are hereby repealed, but only to the extent that of such conflict or inconsistency and this ordinance shall be in full force and effect immediately up its adoptions and its publications as provide by law.
9. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to this end, the provisions of the ordinance are hereby declared to be sevarable.

NOTICE

The foregoing ordinance was finally adopted by the Board of Commissioners of the Township of Bass River on _____ after a public hearing held at the Municipal building on _____ in the Township of Bass River, County of Burlington, State of New Jersey

Amanda S. Somes, RMC
Township Clerk