

**TOWNSHIP OF BASS RIVER
Ordinance 2012-02**

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

WHEREAS, the Bass River Township Board of Commissioners finds that there is a need to modify the Bass River Township Code provisions as they currently exist under Chapter 8.20 of the revised Township Ordinances which are applicable to Nuisances.

NOW, THEREFORE, BE IT RESOLVED by the Bass River Township Board of Commissioners that Bass River Township Code and specifically “Title 8 Chapter 8.20 Nuisances” is hereby amended to read as follows:

8.20.030 Zoning Enforcement Officer

The public officer charged with enforcement of this chapter and entitled to exercise the powers set forth herein shall be the zoning enforcement officer of the Township.

8.20.050 Inspections and Notice

A. Debris.

If upon inspection by the public officer, such public officer deems a property to be in violation of Section 8.20.040 hereof as same pertains to debris, such public officer shall issue a violation to the owner and notify the owner to remedy the violation. The notice shall inform the owner that any failure to remedy the condition may result in the Township correcting the violation and any expenses and costs so incurred shall become a lien upon such land and become part of the taxes next to be assessed and levied upon such lands.

B. Unfit Buildings.

1. Whenever a petition is filed with the public officer designated by this chapter by a public authority or by at least five residents of the municipality charging that any building is unfit for human habitation or occupancy or use or whenever it appears to the public officer that any building is unfit for human habitation or occupancy or use, the public officer shall, if preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such building, a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer or his or her designated agent at a place therein fixed not less than seven days nor more than thirty (30) days after the serving of the complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, to give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in the courts shall not be controlling the hearings before the public officer or his or her agent.

2. If after such notice and hearing, the public officer determines that the building under

consideration is unfit for human habitation or occupancy or use, he or she shall state in writing his or her findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof and parties in interest an order:

a. Requiring the repair, alteration and improvement of the building to be made by the owner, within a reasonable time, at which time shall be set forth in the order or at the option of the owner to vacate or have the building vacated and closed within the time set forth in the order; and

b. If the building is in such condition as to make it dangerous to the health and safety of persons on or near the premises, and the owner fails to repair, alter or improve the building within the time specified in the order then the owner shall be required to remove or demolish the building within a reasonable time as specified in the order of removal.

3. If the owner fails to comply with an order to repair, alter or improve, or, at the option of the owner, to vacate and close the building, the public officer may cause such building to be repaired, altered or improved, or to be vacated and closed, and the public officer may cause to be posted on the main entrance of any building so closed, a placard with the following words: This building is unfit for human habitation or occupancy or use; the use or occupation of this building is prohibited and unlawful.

4. If the owner fails to comply with an order to remove or demolish the building, the public officer may cause such building to be removed or demolished or may contract for the removal or demolition thereof after advertisement for, and receipt of, bids therefor, if required by law. Any expenses and costs so incurred shall become a municipal lien upon such land and become part of the taxes next to be assessed and levied upon such lands.

5. If an actual and immediate danger to life is posed by the threatened collapse of any fire damaged or other structurally unsafe building, the public officer may, after taking such measures as may be necessary to make such building temporarily safe, seek a judgment and summary proceedings for the demolition thereof.

8.20.090 Additional Powers of Public Officer

The public officer herein designated is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter including, without limitation, the following:

To investigate the building conditions in the municipality in order to determine which buildings therein are unfit for human habitation or occupancy or use;

To enter upon premises for the purpose of making examinations and inspections necessary to carry out the purposes of this chapter, provided that such entries shall be

made in such manner as to cause the least possible inconvenience to the persons in possession

To administer oaths, affirmations, examine witnesses and receive evidence;

To appoint and fix the duties of such officers, agents and employees as he or she deems necessary to carry out the purposes of the chapter; and

To delegate any of his or her functions and powers under the chapter to such officers and agents as he or she may designate.

Any failure to make the property available for such inspection based upon a reasonable request by the appropriate Township Official will constitute a violation of this Code. Any such violation of this Code shall subject the occupant and/or property owner of such property to a fine of not less than \$250 nor more than \$2,000.

All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

ALL OF WHICH IS ADOPTED this _____ day of _____, 2012, by the Bass River Township Board of Commissioners.

Amanda Somes, RMC/CMR

Deborah Buzby-Cope, Mayor

PUBLIC NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Commissioners of the Township of Bass River at a meeting held on January 9, 2012. The Ordinance will be considered for final adoption after a public hearing to be held at the Township of Bass River Town Hall located at North Maple Avenue, New Gretna, New Jersey, on February 6, 2012 at 7:30 p.m.