

ORDINANCE NO. 01-2017

**BOROUGH OF ROSELAND
COUNTY OF ESSEX, STATE OF NEW JERSEY**

**AN ORDINANCE AMENDING CHAPTER XI OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF ROSELAND
ENTITLED "PROPERTY MAINTENANCE"**

WHEREAS, the Mayor and Council of the Borough of Roseland wish to make administrative corrections to Chapter XI of the Revised General Ordinances of the Borough of Roseland entitled "Property Maintenance"; and

WHEREAS, the Mayor and Council of the Borough of Roseland wish to assign responsibility for enforcement of the Property Maintenance Code to the Superintendent of Public Works and his/her designee;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Roseland that Chapter XI of the Revised General Ordinances of the Borough of Roseland entitled "Property Maintenance" shall be amended as follows:

SECTION I

That section 11-1.3, entitled "Additions, Insertions, Deletions and Changes" shall be renumbered as section 11-1.4 and a new section 11-1.3 shall be added as follows:

11-1.3 Definitions.

The following words and terms shall have the meanings herein indicated for the purposes of the "International Property Maintenance Code, 2015 Edition"

a. **Code Official shall mean the Superintendent of Public Works of the Borough of Roseland or his/her designee with the concurrence of the Borough Administrator.**

SECTION II

That section 11-1.3, entitled "Additions, Insertions, Deletions and Changes" shall be renumbered as section 11-1.4 and amended to add the following **thus** and to delete the following **thus**:

~~11-1.3~~ 11-1.4 Additions, Insertions, Deletions and Changes.

The following sections of the "International Property Maintenance Code, ~~2000~~ **2015** Edition" are hereby revised to read as follows:

a. **Administration: RESERVED**

~~1. Chapter Section 104.1. Enforcement officer of the aforementioned code is amended to read as follows: It shall be the duty and responsibility of the zoning official of~~

~~the borough to enforce the provisions of this code as herein provided. Whenever any provision of any other law, regulation, ordinance or code of any other department of the borough is found to be in violation thereof, and related in any way whatsoever to this code it shall be the responsibility of the enforcing official of the department in question to cause an inspection to be made and, if it is found that a violation exists, shall issue the necessary order for the correction thereof.~~

~~2. Section 104.8. Coordination of enforcement of the aforementioned code is amended to read as follows: Inspection of premises and the issuing of orders in connection therewith under the provisions of this code shall be the responsibility of the construction code department of the borough. Wherever, in the opinion of the construction official or the building department of the borough it is necessary or desirable to have inspection of any condition by any other department, he shall arrange for this to be done in such manner that the owners or occupants of buildings shall not be subjected to visits by numerous inspectors nor to multiple or conflicting orders. No orders for correction of any violation under this code shall be issued without the approval of the construction official, and it shall be the responsibility of that official before issuing any such order to determine that it has the concurrence of any other department or official of the government concerned with any matter involved in the case in question.~~

~~3. Section 111. Right of appeal of the aforementioned code is amended to read as follows: Any owner or person who is aggrieved with the ruling or decision of the enforcing officer in any matter relative to the interpretation or enforcement of any of the provisions of the International Property Maintenance Code, 2000 Edition may appeal the decision or interpretation.~~

~~This appeal must be filed with the appropriate authority, in writing, within ten days of the date of the rendition of the decision or interpretation.~~

~~The appeal may be decided by one of the following methods of procedure:~~

~~The matter may be resolved by the Roseland Borough Mayor and Council, who shall have the duty and responsibility and authority to decide the matter referred to them.~~

~~The matter may be resolved by the normal procedure for appeals by the appropriate courts of the various governmental units.~~

~~The decisions of either body shall be subject to the appeal provisions as established by the appropriate courts of the various governmental units.~~

(1973 Code § 11-2.3)

SECTION III

That section 11-1.4, entitled “Effectiveness of Code” shall be renumbered as section 11-1.5 and amended to add the following thus and to delete the following ~~thus~~:

~~11-1.4~~ 11-1.5 Effectiveness of Code.

Nothing in this section or in the International Property Maintenance Code, ~~2000~~ 2015 Edition hereby adopted shall be construed to affect any suit or proceeding impending in any court or any rights acquitted, or liability incurred or any cause or causes of action required or existing, under any act or ordinance hereby repealed, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this section. (1973 Code § 11-2.4)

SECTION IV

That section 11-1.5, entitled “Abandoned Buildings; Exterior Maintenance of Property Other Than Multiple Dwellings” shall be renumbered as section 11-1.6 thus:

~~11-1.5~~ 11-1.6 Abandoned Buildings; Exterior Maintenance of Property Other Than Multiple Dwellings.

SECTION V

If any section or provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION VI

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

SECTION VII

This ordinance shall take effect in accordance with applicable law.

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at an Official Meeting of the Governing Body of the Borough of Roseland held in the Municipal Building on the 7th day of March, 2017, and the same shall come up for final passage at an Official Meeting of the Governing Body to be held on the 28th day of March, 2017, at 7:00 P.M. in the Municipal Building at 19 Harrison Avenue, at which time any persons interested shall be given the opportunity to be heard concerning said Ordinance.

Jock H. Watkins, Municipal Clerk