

ORDINANCE NO. 40-2023

BOROUGH OF ROSELAND  
COUNTY OF ESSEX, STATE OF NEW JERSEY

AN ORDINANCE OF THE BOROUGH OF ROSELAND TO REPEAL SECTION 2-31 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ROSELAND ENTITLED "DEPARTMENT OF CONSTRUCTION CODE ENFORCEMENT AND INSPECTIONS" IN ITS ENTIRETY AND REPLACE WITH NEW SECTION 2-31 ENTITLED "DEPARTMENT OF CODE ENFORCEMENT AND INSPECTIONS"

**BE IT ORDAINED** by the Mayor and Council of the Borough of Roseland, County of Essex, State of New Jersey as follows:

**SECTION I**

That section 2-31 of the Revised General Ordinance of the Borough of Roseland entitled "Department of Construction Code Enforcement and Inspections" is hereby repealed in its entirety and replaced with new Section 2-31 entitled "Department of Code Enforcement and Inspections" as follows:

**§ 2-31 DEPARTMENT OF CODE ENFORCEMENT AND INSPECTIONS  
ESTABLISHED.**

**§ 2-31.1. Department created.**

There shall be a Department of Code Enforcement and Inspections in the Borough of Roseland.

**§ 2-31.2 Office and Positions.**

- a. The Head of the Department of Code Enforcement and Inspections shall be the Department Supervisor. He/she shall be appointed by the Mayor, with the advice and consent of the Town Council, and shall serve during the term of office of the Mayor appointing him/her and until the appointment and qualification of his/her successor. In the absence of the appointment of the Department Supervisor, the Department of Code Enforcement and Inspections shall be under the direction of the Borough Administrator. The Department Supervisor shall receive such compensation as may be fixed by ordinance.
- b. The Department of Code Enforcement and Inspections shall administer and enforce all laws, codes, ordinances and regulations, both State and local, including the Uniform

Construction Code, the Land Use Regulations of the Borough of Roseland, the Property Maintenance Code of the Borough of Roseland and any laws and/or regulations relating to the Divisions within this Department, relating to building, construction, plumbing, fire protection, electrical enforcement, safety and control of land use, health, and shall perform all inspections relating thereto.

**§ 2-31.3. Divisions established.**

Within the Department there shall be the following divisions.

- a. Division of Building and Uniform Construction Code Enforcement.
- b. Division of Health.
- c. Division of Property Maintenance and Inspections.
- d. Division of Rent Leveling.
- e. Division of Zoning.
- f. Division of Fire Prevention.

**§ 2-31.4 DIVISION OF BUILDING AND UNIFORM CONSTRUCTION CODE ENFORCEMENT.**

**§ 2-31.4.1 Local enforcing agency established.**

- a. There is hereby established in the Borough of Roseland a State Uniform Construction Code Enforcing Agency to be known as the Division of Building and Uniform Construction Code Enforcement, consisting of a Construction Official, Building Subcode Official, Plumbing Subcode Official, Fire Protection Subcode Official and such other subcode officials as the Commissioner of the Department of Community Affairs, State of New Jersey, shall hereafter adopt as part of the State Uniform Construction Code. The Construction Official shall be the chief executive officer of the Division of Building and Uniform Construction Code Enforcement.
- b. Duties of Construction Official. It shall be the duty of the Construction Official to:
  - 1. Supervise the performance of the duties of all subcode officials in accordance with all regulations established by the State Uniform Construction Code.
  - 2. Oversee the keeping of all Construction Code proceedings, permits and complaints, violations, fines, etc., all of which shall be subject to inspection. The Construction Official shall report regularly to the Mayor and Council, at their discretion, the number of permits issued, the estimated cost of such work and the fees received and paid to the Chief Financial Officer.

3. Issue certificates of occupancy in accordance with State Statutes, regulations and Borough ordinances.
  4. Perform all duties required by all applicable statutes and regulations of the State of New Jersey, and any ordinances, resolutions and regulations of the Borough.
- c. Each official position created in Paragraph a shall be filled by a person qualified for such position pursuant to N.J.S.A. 52:27D-119 et seq., as amended, and N.J.A.C. 5:23-1 et seq., provided that in lieu of any particular subcode official, an on-site inspection agency may be retained by contract pursuant to N.J.A.C. 5:23 et seq. More than one such official position may be held by the same person; provided that such person is qualified pursuant to P.L. 1975, c. 217, and N.J.A.C. 5:23 to hold each such position.
  - d. Within the Division there shall be assigned technical assistants who shall perform the duties established in accordance with the provisions of the New Jersey Uniform Construction Code and related work assigned.

## **§ 2-31.5 DIVISION OF HEALTH.**

### **§ 2-31.5.1. Health Officer.**

- a. The Division of Health shall be administered by a Manager who shall be a licensed Health Officer of the State of New Jersey. He/she shall:
  1. Administer State laws and Borough ordinances conferring functions, powers and duties upon a board or Department of Health or a local Health Officer.
  2. Enforce laws and ordinances providing for the prevention and control of disease and related inspection, including but not limited to the enforcement of ordinances relating to the obligations of occupants and residents for the storage, collection and disposal of garbage and trash.
  3. Administer a public health nursing service and health education programs.
  4. Operate public health clinics as authorized by ordinance or general law.
  5. Supervise the animal control function. Animal Control shall be managed by an Animal Control Officer who, prior to his/her appointment, shall be certified by the State of New Jersey. He/She shall be responsible for administering Chapter 5 of this Code.

## **§ 2-31.6. DIVISION OF PROPERTY MAINTENANCE AND INSPECTIONS.**

### **§ 2-31.6.1. Code Enforcement Officer.**

The Division of Property Maintenance and Inspections shall be administered by the Code Enforcement Officer who shall, prior to his appointment, be qualified by training and experience, to perform the duties of the position.

### **§ 2-31-6.2. Duties of the Division.**

The Division of Property Maintenance shall administer and enforce all laws, codes ordinances, regulations both State and local, including the Property Maintenance Code of the Borough of Roseland, relating to the maintenance, appearance, condition and occupancy of residential and nonresidential premises and to all sanitary, housing and food inspection functions plus such other inspection functions as designated by the Health Officer to control the spread of communicable diseases and shall perform all inspections relating thereto.

## **§ 2-31-7. DIVISION OF RENT LEVELING.**

### **§ 2-31-7.1. Manager; appointment; duties.**

The Division of Rent Leveling shall be administered by a Manager who shall be qualified by training and experience to perform the duties of the position. The powers and duties of the Manager shall be as follows:

- a. To be responsible for all aspects of the administration of Chapter 10, Rent Control.
- b. To hold hearings and adjudicate applications from landlords for additional rental or such other relief as may be provided for by Chapter 10.
- c. To hold hearings and adjudicate applications from tenants for reduced rental or such other relief as may be provided for by Chapter 10.
- d. To fix and determine coverage in rentals and charges made contrary to the provisions of Chapter 10 and to order the landlord to make restitution to the tenant within 30 days for such overage. Any rebate ordered by the Manager of the Division of Rent Leveling shall be paid by the landlord to the tenant within 30 days of the service upon the landlord of the final determination of the Manager, or as otherwise prescribed by the Manager. Within the thirty-day period, the landlord shall also provide proof to the Manager that the rebate has been paid. Any failure by the landlord to pay the tenant any rebate so ordered within the

aforesaid time limit shall constitute a violation of Chapter 10. In the case of any such violation, the penalty shall be determined as prescribed Chapter 10.

- e. To supply information and assistance to landlords and tenants in order to foster compliance with the provisions of Chapter 10.
- f. In the absence of the Manager of the Division of Rent Leveling, the Department Supervisor of Code Enforcement or his/her designee shall be Acting Manager of Rent Leveling.

#### **§ 2-31-7.2. Duties of the Division.**

The Division of Rent Leveling shall be responsible for administering and enforcing the Rent Leveling Ordinance of the Borough.

#### **§ 2-31-8 DIVISION OF ZONING.**

##### **§ 2-31-8.1. Supervision of Office.**

The Division of Zoning shall be overseen by the Zoning Officer under whose direction it shall be to:

- a. Provide administrative services to the Planning Board and Board of Adjustment.
- b. Be responsible for enforcing the zoning ordinances of the Borough of Roseland, including the issuing of zoning permits, complaints and maintenance of files.

##### **§ 2-31-8.2. Assignment of Planning Board and Zoning Board of Adjustment.**

For purposes of budget, personnel and purchasing, the Planning Board and the Zoning Board of Adjustment are allocated and assigned within the Division of Zoning.

#### **§ 2-31-9 DIVISION OF FIRE PREVENTION**

##### **§ 2-31-9.1 Fire Official.**

The Division of Fire Prevention shall be administered by the Fire Official.

##### **§ 2-31.9.2 Duties of the Division.**

The Fire Official shall be primarily responsible for enforcing the Uniform Fire Safety Act and the Fire Prevention Code as set forth in Chapter 13 of this Code.

## **SECTION II**

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

## **SECTION III**

This ordinance shall take effect immediately upon its proper publication after passage in the manner provided by law.

DATE OF INTRODUCTION: December 5, 2023

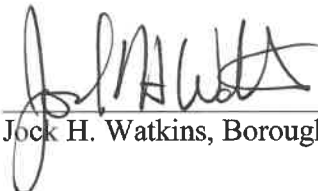
Motion to Introduce by: Councilwoman Fishman  
Motion Seconded by: Councilman Trillo  
Introduction Approved: 5-0 Voice Vote (Freda absent)

DATE OF ADOPTION: December 19, 2023

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Councilman Bardi		X	X				
Councilwoman Fishman			X				
Councilman Freda							X
Council President Perrotti			X				
Councilwoman Tolli			X				
Councilman Trillo	X		X				
Mayor Spango (In case of tie)							
VOTE:			5	0			

I hereby certify that the above Ordinance was duly adopted by the Mayor and Council of the Borough of Roseland at a meeting of Borough Council held on the 19<sup>th</sup> day of December, 2023.

  
James R. Spango, Mayor

  
Jock H. Watkins, Borough Clerk

Date of Publication: December 28, 2023, The Progress