

ORDINANCE NO. 07-2010

AN ORDINANCE OF THE MAYOR AND COMMITTEE OF TOWNSHIP OF HARRISON, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY TO AMEND THE CODIFIED LAND DEVELOPMENT ORDINANCES OF THE TOWNSHIP OF HARRISON, SPECIFICALLY CHAPTER 159 ET SEQ ENTITLED "PROPERTY MAINTENANCE" TO CLARIFY THE DEFINITIONS AND STANDARDS FOR PROPERTY MAINTENANCE IN THE TOWNSHIP OF HARRISON AND REPEALING CHAPTER 106 ENTITLED "DUMPSTERS AND PORTABLE STORAGE UNITS"

BE IT ORDAINED by the Township Committee of the Township of Harrison in the County of Gloucester as follows:

SECTION 1.

The codified Land Development Ordinances of the Township of Harrison are hereby amended by deleting and repealing Chapter 106 Article I and Article II and Chapter 159 and replacing them with the new Chapter 159 Articles I and II to read as follows:

Chapter 159. Property Maintenance

ARTICLE I
Purpose, Definitions, Compliance

159-1. Title.

This chapter shall be known as the "Property Maintenance Ordinance of the Township of Harrison".

159-2. Findings of Fact.

It is hereby found and declared that there exists, in the Township of Harrison, buildings and premises used for residential and nonresidential purposes which are or may become substandard with respect to structural integrity and maintenance, and, further, that such conditions including but not limited to structural deterioration, lack of maintenance of the exterior of the premises, infestation, existence of fire hazards, constitute a menace to the health, safety, welfare and reasonable comfort of the citizens and inhabitants of the Township of Harrison.

159-3. Purpose.

The purpose of this chapter is to provide minimum standards of property maintenance:

- A. To promote the public health, welfare and safety.
- B. To make buildings and premises fit for human habitation, occupancy and use.

- C. To fix certain responsibilities and duties upon owners and operators.
- D. To foster a clean community.
- E. To prevent blighting conditions.
- F. To authorize and establish procedures for the inspection of such premises.
- G. To correct violations or to fix penalties for the violations of this chapter.
- H. To preserve the quality, character and property values of the Township.
- I. To provide ~~property~~ owners and operators with a system to enforce the standards set forth herein.
- J. To avoid, prevent and eliminate conditions which, if permitted to exist or continue, will depreciate or tend to depreciate the value of adjacent or surrounding properties.
- K. To avoid, prevent and eliminate the maintenance of or creation of hazards to the public health and safety.

159-4. Definitions.

For this purpose of this chapter the following words and phrases shall be defined as set forth herein:

BLIGHT – A destructive force; something that spoils or damages things severely.

BUILDING – Any structure which has enclosing walls, floor and roof, is affixed to the land and has one or more floors or stories. A building shall not include such structures as billboards, signs, fences, or structures with interior surfaces not normally accessible to human use, such as gas tanks, or similar structures. A building may be used for agricultural, commercial, industrial, public, institutional, or residential purposes.

COMMERCIAL VEHICLE – Any motor vehicle licensed by the state as a commercial vehicle.

DETERIORATION – The condition of a building or a part thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay, neglect, lack of maintenance or excessive wear.

DUMPSTER – Any container that has the ability to hold more than two fifty-gallon trash cans of debris.

DRIVEWAY – A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.

DWELLING UNIT – That part of a dwelling designed for use by one family only and containing one or more rooms and facilities for living, including cooking, sleeping, storage of possessions, and sanitary needs.

ENFORCEMENT OFFICER- The Zoning Officer or the Housing Officer.

ENFORCEMENT OFFICER— Any construction official, including all subcode officials, any police officer, the Zoning Officer, any official member of the Board of Health, the Township Engineer or his appointee, the Fire Chief of the Ewan or Harmony Fire Company and the Director of Public Works.

EXPOSED to PUBLIC VIEW – Any building or premises or part thereof which may be lawfully viewed by the public or any member thereof from a path, sidewalk, walk, street, alleyway or parking lot.

EXTERIOR of PREMISES – Those portions of a building or structure which are exposed to public view or are visible from adjoining or adjacent lots, including all outside surfaces and appurtenances thereto and the open land space of any premises outside of any building or structure erected thereon viewed by adjoining property owners or the public.

EXTERIOR— That portion of a structure or land that is able to be viewed by adjoining property owners or the public.

EXTERMINATION – The control and elimination of insects, rodents and other pests as determined by the County Department of Health by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food by poison, spraying, fumigating, trapping or by any other approved pest elimination methods.

FIRE HAZARD – Anything or any act which increases or may cause any increases of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire or which may obstruct, delay or hinder or may become the cause of an obstruction, delay, hazard or hindrance to the prevention, suppression or extinguishment of fire.

GARBAGE –Waste resulting from handling, preparing, cooking and consumption of food or other products. (See also “refuse” or “rubbish”).

HABITABLE SPACE – A space in a structure which is used for living, sleeping, eating, cooking, etc.; does not include basements, attics, patios, porches, garages, etc. A habitable space must have a clear height from finished floor to finished ceiling of not less than 7 ½ feet. A habitable room must have a minimum area of 70 square feet between enclosing walls, exclusive of closet space. A habitable space which is partly below and partly above grade must have at least one half its height above grade. The grade is a reference line representing the average of finished ground level adjoining the building at all exterior walls. Spaces under sloping roofs must be at least five feet in height to be considered habitable space.

HAZARDOUS MATERIALS – Materials or liquids that pose a threat present or future to the environment, whether in use, storage or transit.

INFESTATION – Inhabited or overrun in numbers or quantities large enough to be harmful, threatening or obnoxious.

MAINTENANCE – Work that is done regularly to keep a building or premises in good condition.

MIXED OCCUPANCY - Any building containing one or more dwelling units and also having a portion thereof devoted to nonresidential uses. The applicable provisions for residential and non-residential buildings shall control.

MULTI-FAMILY DWELLING – A freestanding residential building of three or more dwelling units, with common walls and floors, constructed on one lot or adjacent lots, having an indirect entrance from the outside to each dwelling unit, and, having yard area as common to all dwelling units.

MOBILE TRANSPORT VEHICLE – A trailer, horse trailer, utility trailer or other mobile device licensed to be lawfully used on public streets and which attaches to and is pulled or pushed by a powered vehicle and used for transporting or carrying a personal recreational vehicle, recreational home, watercraft, off-road vehicle or any other similar device, or any other types of items such as wood, dirt, building materials, etc.

NUISANCE-

- (1) An interference with the enjoyment and use of property.
- (2) Any public or private condition that would constitute a nuisance according to the statues, laws and regulations of the State of New Jersey, its governmental agencies or the ordinances of the Township.
- (3) Any physical condition existing in or on the exterior of any premises which is potentially dangerous, detrimental or hazardous to the life, health or safety of persons on, near or passing within the proximity of the premises where such conditions exists.
- (4) Inadequate or unsanitary sewerage or plumbing facilities in violation of this chapter.
- (5) Fire hazards.

OCCUPANT – Any person residing, living or sleeping in or on the premises or having actual possession, use of occupancy of a dwelling, premises or unit or operating a business therein, or any person or entity in possession of or using any premises or part thereof, whether or not the owner thereof and regardless of the duration of time of such possession, use or occupancy.

OPERATOR – Any person, persons or entity but not the owner, who has charge, care or control of a dwelling or premises or a part thereof, with or without the knowledge, consent or authority of the owner.

OWNER – Any person, persons, or entity who shall have legal or equitable title in any form whatsoever to any premises or part thereof, with or without accompanying actual possession thereof or who shall have charge, care or control of any lot, premises, building, structure or part thereof, as owner or agent of owner, or as a fiduciary, trustee, receiver, guardian, lessee or mortgagee in possession, regardless of how such possession was obtained. Any person, group of persons or entity who is a lessee, sublessee or assignee of a lease of any part or all of any building, structure or land shall be deemed to be co-owner with the lessor for the purposes of this chapter and shall be deemed to be co-owner with the lessor for the purposes of this chapter and shall have responsibility over the portion of the premises so sublet, leased or assigned.

PATH – A cleared way for pedestrians and/or bicycles that may or may not be paved or otherwise improved.

PERSONAL PROPERTY – Any moveable item or thing that is subject to ownership.

PORTABLE ON DEMAND STORAGE UNIT STRUCTURES – Any container, storage unit, shed-like container, or other portable structure designed for the storage of personal property that is typically rented to owners or occupants of property for their temporary use, and which is customarily is delivered and removed by truck, and which is located for such purposes outside an enclosed building other than an accessory building or shed complying with all building codes and land use requirements. For the purpose of this article, a “portable storage unit” may also be identified as simply a “unit(s)”.

PREMISES – All buildings, structures or objects erected or placed upon any land, in addition to the land itself, and right-of-way or multiples thereof, which includes any naturally occurring conditions or things thereon.

PUBLIC AREA – Includes any street, sidewalk, highway, public lane, alley, right-of-way, Township parking lot or other public place in the Township.

RECREATIONAL HOME – Any enclosed mobile structure that can be used as temporary living accommodations, and which contains either built-in cooking facilities or lavatory facilities, and is self-motorized, placed on another vehicle for transport, or towed by another vehicle, including, but not limited to, items such as motor coaches, motor homes, fifth-wheelers, recreational vehicle, campers, or camper trailers.

RECREATIONAL VEHICLE – Any motorized, human powered, electrical powered, or wind powered vehicle used primarily for recreational purposes, including, but not limited to, such items as boats, sailboats, snowmobiles, canoes, kayaks, motor bikes, off-road vehicles, jet skies and other equipment or vehicles of a similar nature.

REFUSE or RUBBISH – All solid waste matter or materials, combustible or noncombustible, including but not limited to garbage, trash, ashes, paper goods and products, wrappings, cans, bottles, containers, yard clippings, garden refuse, brush and containers of waste materials, chemicals or oil other than garbage containers used and intended to be picked up in the normal weekly scavenger collection service; debris, junk, glass, boxes, crockery, wood, mineral matter, plastic, rubber, leather, furniture, household goods, appliances, fixtures, bedding, scrap lumber, scrap metal, construction material (except during construction); inoperable machinery or parts

thereof, dead or rotting vegetation, excluding compost piles which are not otherwise prohibited in this section, abandoned, inoperative, unused or unusual automobiles and vehicles, or parts or components of automobiles, motor vehicles, motorcycles or vehicles of any kind, and solid commercial or industrial waste.

SIDEWALK – A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

STRUCTURE – A combination of materials to form a construction for occupancy, use or ornamentation, having a fixed location on, above or below the surface of land or attached to something having a fixed location on, above or below the surface of land, including without limitation buildings, fences, tanks, towers, signs, advertising devices, patios and swimming pools.

TOXIC – Material which is capable of causing detrimental effects to the physical or economic well-being of individuals, animals, or other living organisms.

TRASH – Discarded, unwanted, or worthless materials or objects.

UNIFORM CONSTRUCTION CODE – The New Jersey State Uniform Construction Code (UCC) Act authorizes the Commissioner of the Department of Community Affairs to adopt and enforce rules pertaining to construction codes and provides for the administration and enforcement of those rules throughout the State. The Uniform Construction Code contains the UCC Act and all rules issued under the Act relating to the administration and enforcement of construction regulations. The UCC is comprised of four basic technical subcodes for construction: building, electrical, fire protection, and plumbing. In addition, the UCC contains technical subcodes for fuel gas installations; mechanical installations; one and two-family dwellings; accessible (barrier free) construction; the rehabilitation of existing buildings; the construction of manufactured homes; asbestos hazard abatement; radon hazard abatement; and playground safety.

VERMIN – Destructive animals or insects, such as rats or cockroaches, that are destructive, annoying or injurious to health and harm people, livestock, property or crops as determined by the County Department of Health.

WALK – Any sidewalk or walkway that is intended and suitable for pedestrian use.

WEATHERING – The deterioration, decay or damage caused by exposure to the elements.

ARTICLE II **Exterior Maintenance and Appearance**

159-5. Applicability of Provisions.

A. Buildings affected.

Every building and the premises on which it is situated, in the Township, used or intended to be used or designed to be used, in whole or in part, for residential or nonresidential

purposes shall comply with the provisions of this chapter, whether or not any such building shall have been constructed, altered or repaired before or after the enactment of this chapter and irrespective of any permits or licenses which shall have been issued for the use or occupancy of any such building or premises for the construction, alteration or repair of any such building or for the installation or repair of equipment or facilities therein or thereon prior to the effective date of this chapter. This chapter establishes standards for the occupancy and use of all such buildings and premises and does not replace, modify or lessen standards otherwise established for the construction, repair, alteration or use of such buildings and premises, equipment or facilities contained therein or thereon, except as provided in this section. Where there is mixed occupancy of such buildings and premises, the residential and nonresidential uses thereof shall be regulated by and be subject to the applicable provisions of both this chapter and the combined Land Use Code and other applicable ordinances of the Township of Harrison.

Vacant lots, lands and premises are also required to comply with the provisions of this chapter.

B. Higher standards to prevail.

All premises in the Township shall be subject to the provisions of this chapter. Nothing in this chapter shall limit or impair any of the existing remedies of the Township or its officials. In any case where the provisions of this chapter shall impose a higher standard that set forth in any other Township ordinance or law of the State of New Jersey then the standards set forth herein shall prevail; but if the provisions of this chapter impose a lower standard than any other Township ordinance or law of the State of New Jersey, then the higher standard shall prevail.

C. Issuance and renewal of other permits and licenses.

After the date of enactment hereof, all licenses, permits and Certificates of Occupancy relating to such buildings and premises which may be issued or renewed only upon compliance with this chapter as well as compliance with the ordinance under which such licenses and permits may be granted or renewed.

D. Compliance with other ordinances required.

Compliance with this chapter shall not constitute a defense against the violation of any provision of any other ordinance of the Township applicable to any building or premises.

E. Compliance by owners and operators.

~~All owners, operators, occupants and all other persons having a legal or equitable interest in any premises shall have, concurrently, all the duties prescribed by this chapter and shall be subject to all the penalties and procedures set forth herein.~~

Owners and operators shall have all the duties, obligations and responsibilities prescribed in this chapter, and no such person or entity shall be relieved of any such duty, obligation

or responsibility hereunder nor be entitled to assert as a defense against any charge made against him or them for violation of this chapter the fact that another owner, or operator or any other person or entity is also responsible therefore and in violation thereof.

F. Compliance with Uniform Construction Code.

Any alterations to buildings, structures or appurtenances thereto, or changes or use therein, which may be caused directly, indirectly by the enforcement of this chapter, shall be done in accordance with all applicable sections of the Uniform Construction Code.

G. Effect on zoning provisions.

Nothing contained in this chapter or any requirement of compliance herewith shall be deemed to alter, impair or affect the combined Land Use Code, or zoning laws of the Township.

H. Exemption

Any property under till (e.g. actively being farmed) that is regulated by Article XI Right to Farm District and the Agricultural Regulations found in Section 225-133 of the Land Use Code shall be exempt from the provisions of this chapter, except for the actual farm dwelling.

159-6. Responsibility for Maintenance.

A. Responsibilities of owner and operator.

Owners and operators shall have all the duties and responsibilities as prescribed in this chapter and the regulations promulgated pursuant thereto, unless specifically set forth to the contrary, and no owner operator shall be relieved from any such duty and responsibility.

B. Contract not to alter responsibilities.

Unless expressly provided to the contrary in this chapter, the respective obligations and responsibilities of the owner and operator shall not be altered or affected by any agreement or contract by and between any other parties.

C. Homeowner associations.

All homeowner associations shall be required to adopt by reference this chapter and utilize and follow the minimum standards contained in this chapter.

159-7 Exterior Maintenance Standards.

All of the provisions in this chapter shall be applicable to both residential and nonresidential buildings and premises, except where specifically provided to the contrary. The exterior of all any premises shall be kept free of the following refuse, nuisances and any hazards to the safety

of occupants, pedestrians and other persons utilizing the premises and free of unsanitary conditions. It shall be the duty of the owner or operator to keep the premises free of or remove, abate and correct the premises against such conditions, which include but are not limited to the following:

A. Prohibited uses and activities

- (1) Animal excrement piles or vegetable waste, paper, rags, cartons, boxes, fallen tree branches, yard trimmings except as may be stored in a formally constructed mulch or composting facility, objects in a state of general disrepair that are not being used for their original intended purpose, garbage, waste materials, scrap building materials, used tires, scrap metal, glass or wood, appliances in disuse, plumbing fixtures, furniture in disrepair. Prohibitions as to vegetable or animal waste shall not apply to premises that are actively annually farmed, including orchards, and that are subject to farmland assessment.
- (2) Structurally unsafe or unsound buildings or structurally unsound parts thereof, structurally unsound walls or foundations, and fences. ~~where more than 10% of the running length are in a state of general disrepair.~~
- (3) Wells, shafts or other excavations except those that have been secured or closed in such a way that they are not capable of entry by minor children.
- (4) Ground surface hazards, such as holes, excavations, sharp or jagged projections or obstructions, glass or metal shards, projections of pipes, metal rods or similar objects that are not well marked and plainly visible.
- (5) Stagnant or recurring accumulations of surface water that are present for more than 5 days and present a risk of insect infestation, excluding Chapter 188 Stormwater Management regulations, facilities and additional requirements for stormwater management facilities and areas outside sewer zones.
- (6) Dead or diseased trees or shrubbery; dead or diseased limbs still attached or suspended within trees with a diameter of more than one inch that because of their location might fall on ~~an adjoining premises or public right-of-way~~ private or public property including rights-of-way. The owner or operator shall be responsible for the removal of vegetation.
- (7) The outdoor placement of vehicles, machinery, equipment or parts thereof, including, but not limited to, boats and trailers, regardless of whether they are licensed or registered, which have been dismantled or have been in a state of visible disrepair for more than ~~28~~ 30 days; vehicles that are mechanically inoperable or unfit for immediate use on public roadways and that have been in that condition for more than ~~28~~ 30 days; unregistered motor vehicles that are operable but have remained unregistered for more than 90 days. Parking areas shall generally be free of grease, oil and debris. Vehicles shall be stored in designated parking stalls, in garages or carports or on driveways.

- (8) Chimneys, flues and vent attachments thereto, if used, shall be maintained structurally sound, free from defects and so maintained as to capably perform at all times the functions for which they were designed and constructed and they shall comply with the UCC. Chimneys, flues, vents and other draft-producing equipment shall provide sufficient draft to develop the rated output of the connected equipment, shall be structurally safe, durable, smoke-tight and capable of withstanding the temperature and action of flue gases.
- (9) Railings associated with exterior porches, landings, balconies, stairs and fire escapes shall be properly designed and kept structurally sound, in good repair, well painted or otherwise provided with a protective treatment to prevent deterioration and free from defects.
- (10) Refuse, rubbish or buried rubble, excluding legal landfills.
- (11) Trees and limbs or other natural growth which constitutes a hazard or _____ may be dangerous to persons in the vicinity thereof.
- (12) Loose, overhanging and projecting objects, whether naturally occurring or man-made, which by reason of location above ground level constitute dangers to persons in the vicinity thereof.
- (13) Breaks, projections, icy conditions, uncleared snow, obstructions and excretion of pets on paths, sidewalks, walks, driveways, streets, alleyway, parking lots and other parts of the exterior of the premises which are accessible to and used by persons having access to such premises.

B. Required Obligations.

- (1) Adequate runoff drains shall be provided and maintained in accordance with applicable Township ordinances to eliminate recurrent accumulations of stormwater.
- (2) All premises shall be kept free of rodents, vermin, pests infestation or rodent harborages, and the conditions that contribute to their presence and population growth. An owner of a structure or property shall be responsible for the extermination of insects, rats, vermin or other pests in all exterior and interior areas of the premises.
- (3) Foundation walls and retaining walls shall be kept structurally sound, free from defects and damage and capable of sustaining imposed loads safely.
- (4) Any awning or marquee and its accompanying structural members which extend over any street, sidewalk or other portion of the premises shall be maintained in good repair and shall be so maintained as to not constitute a nuisance or a safety hazard. In the event that any such awning or marquee is not properly maintained in accordance with the foregoing it shall together with its supporting member be removed forthwith. Where such awning or marquee is exposed to public view, it

shall be maintained in good condition and shall not show evidence of excessive weathering, ripping, tearing or other deterioration.

- (5) All sidewalks, steps, driveways, walkways entrances, stairways, parking spaces and similar paved areas shall be maintained in a safe condition and kept in a proper state of repair such as will not constitute a hazard to persons using the premises.
- (6) All waterways, brooks, drainage ditches, intermittent waterways and swales shall be maintained free of obstructions which would impede the natural flow of water to be consistent with state rules and regulations and as such the dumping or discarding of lawn clippings, vegetation or yard waste into any running stream or brook shall be prohibited.
- (7) Anything which materially increases the risk of fire occurring or fire accelerating on the premises; any substance or arrangement of materials on the premises that materially increases the risk of fire spreading to an adjoining premises. Chemicals or other substances hazardous to human health, not safely stored in a sealed container that is inaccessible to children. Lead-based paint flakes on the ground where children are likely to be exposed to their presence.
- (8) Items of furniture, goods or appliances customarily intended for indoor use except insofar as the specific item is receiving regular use and is kept in good repair. No refrigerator, freezer or similar thing that presents a risk of suffocation to children shall be kept outdoors at any time unless the same is kept under lock or is otherwise altered to eliminate the risk of entry by children.
- (9) Grass or weeds of a height of more than six inches. Excluded from this requirement are power line rights-of-way and orchard or farm lands that are actively being farmed, fields or parts of a premises that have not heretofore been sown with commercially grown grass seeds or that heretofore have not been subjected to a regular program of cutting.
- (10) Brush, hedges, other plant life ~~or any other thing~~ that unreasonably obstructs the view of a person entering or exiting by motor vehicle from any driveway; obstructs to any degree the visibility of any children entering an existing marked crosswalk. Brush, hedges, other plant life ~~or any other thing~~ within 25 feet of the edge or curbline of two intersecting streets unless such plant life ~~or thing~~ shall be kept to a height of not more than 30 inches above the pavement. Exceptions shall exist for signage, street furniture and leaf collection.
- (11) Any pool or other large vessel, containing water, that has not been chemically treated and has become a potential source of insect breeding or a source of malodorous smells; any pool that has fallen into disrepair and that was not used for its intended purpose in the preceding 12 months.
- (12) Any physical condition which is potentially dangerous, detrimental or hazardous to the health or safety of persons on, near or passing in proximity to the premises

where the condition exists, including any condition that would constitute a nuisance according to the statutes, laws and regulations of the State of New Jersey. Any condition that would serve as a source of offensive odors readily detectable on adjoining properties, which source of odors is recurrent or which has been allowed to exist for more than 24 hours. Excluded are odors that are incident to the ordinary farming and livestock raising practices employed in this community.

- (13) It shall be unlawful for any person or persons, corporation or otherwise, to throw wastepaper, grass clippings, sweepings, ashes, household waste, rubbish, paper, trash, garbage or any other waste material of any kind onto another person's property or into any street, avenue or highway, cartway and right-of-way in the Township of Harrison or to interfere with, scatter or disturb the contents of any receptacle or receptacles containing waste material of any nature or description, which shall be placed upon any pavement, street or sidewalk in the Township of Harrison for collection by any duly authorized agency of the Township or otherwise. A trash container may be placed in the street along the curb or edge of pavement and within the grassy strip between the path, sidewalk or walk and the curb or edge of pavement as long as traffic, drainage, parking and pedestrian circulation is not impeded.

A residential property owner or a place of worship or non-profit shall not be liable for the condition of a path, sidewalk or walk unless the owner did something to cause the defect. Uneven pavement from tree roots, normal wear or cracking shall be the responsibility of the homeowner to fix. A non-residential property owner shall be liable for the condition of both the path, sidewalk or walk and grassy strip between the path, sidewalk or walk and the curb or edge of pavement.

The exterior of every building or accessory building, including fences, shall be maintained in good order and repair. They shall be maintained free of conditions reflective of extensive deterioration and subnormal maintenance, characterized by such conditions as broken panes of glass, excessively peeling paint, openings unprotected by doors or windows, loose or missing siding or roof coverings affecting 5% or more of the outside surface, numerous instances of rotting wood or crumbling stones or bricks, defective or inoperable leaders or gutters which permit water damage to the property, to the end that the property itself may be preserved, safety and fire hazards eliminated and the general welfare of the neighborhood protected.

159-8. Appearance of Exterior of Premises .

A. Residential buildings and premises.

The exterior of residential buildings and premises shall be maintained so as to facilitate the elimination of health, safety, and fire hazards and so that the appearance of the premises and all buildings thereon shall reflect a level of maintenance in keeping with the standards of the neighborhood, including but not limited to the following:

- (1) There shall not be stored or used at an outside location equipment and material relating to construction, commercial or business uses unless there is a valid construction or home office permit in effect for that site.
- (2) No person shall park, stop or stand any motor vehicle or permit or suffer the same to be done in any front yard area of any residential building except on driveways and parking areas located, constructed and installed in compliance with applicable Township ordinances.

B. Parking and storage of vehicles on properties with residential uses.

- (1) The purpose of this section is to establish standards for outdoor residential uses, storage and activities related to motor vehicles and non-motorized vehicles. These standards are intended to protect property values by reducing visual blight, aid in emergency access and fire safety, guard against the creation of rodent and pest harborage, and reduce the impact on the natural environment from the leaking of motor vehicle fluids.
- (2) Limitation on number of vehicles. No more than one (1) of the following may be parked, stored or kept on property utilized or zoned for residential purposes:
 - (a) Recreational home that is equal to or less than 28 feet in length.
 - (b) Mobile transport vehicle.
 - (c) Recreational vehicle that is equal to or less than 28 feet in length.
 - (d) Commercial vehicle having a rated maximum gross vehicle weight of 11,000 pounds or more.
 - (e) School bus
 - (f) Type II van with a seating capacity of 16 or less.
- (3) Parking or storage of vehicles, except for loading and unloading activities, is not permitted unless there is compliance with the following:
 - (a) The vehicle (except for kayaks and canoes which need not be sight-screened) is housed within a garage or within a carport which is sight-screened from abutting properties by solid wall or fence made of wood, brick, block or other permitted material or sight-obscuring landscaping.
 - (b) The vehicle (except for kayaks and canoes which need not be sight-screened) may be located within a side or rear yard if in compliance with setback requirements applicable to accessory structures and sight-screened from abutting properties by a solid wall or fence made of wood, brick, block or other permitted material or sight-obscuring landscaping. The vehicle shall be located behind the furthest front face of the main building, as measured from the front property line or front right-of-way line. No storage of such vehicle shall be permitted on a corner lot in the front yard setback space by the zoning ordinance for the yards adjacent to the streets.

- (c) The storage or parking of vehicles shall be limited to a parcel of land upon which is located an inhabited dwelling unit and the vehicle is stored or parked shall be owned by the occupant of that unit.
 - (d) All vehicles stored or parked outside shall be maintained clean, in well-kept condition which does not detract from the appearance of the surrounding area. Vehicles which are kept on-site shall be operational and currently registered and licensed and ready for use, if applicable.
 - (e) All motorized vehicles shall be parked or stored on a hard surfaced area or on a surface free from weeds or other vegetative growth. The approach between the driveway and the parking area does not need to be paved. When a surface other than blacktop or concrete is used, all loose material must remain within the parking area, and not be deposited on adjacent lots, sidewalks or public rights-of-way. Non-motorized vehicles and vehicles that do not have fluids are allowed to park on a grass surface.
 - (f) The outdoor storage of vehicles shall not be deemed to prevent the use of vehicles associated with a permitted home office and any vehicle engaged in delivery, pickup and service to the residential premises where located.
- (4) Sight Screening. Vehicles that are being stored outside shall be reasonably screened at the ground level from all surrounding adjacent properties and public or private streets. A fence or live plantings must be provided when the vehicle is visible from adjacent and abutting properties. Except where screening would limit legal access to a street, screening must be provided between a vehicle and public streets.
- If a fence is used, it must screen the maximum amount of the vehicle possible while meeting other requirements of the Land Use Code, such as the 6 foot maximum height for a fence. If live plantings are used, they must reasonably screen the length and height of the vehicle at the time of planting.
- (5) Prohibition of occupancy. No vehicles shall be occupied for human habitation while parked on the residential property.
 - (6) Prohibition of driving or parking on sidewalks. No vehicle shall be parked on, stored or driven over any public sidewalk at any time, except as such sidewalk has been integrated into an approved driveway.
 - (7) The parking and storage of vehicles in the context of this section shall not be permitted in association with nonresidential and mixed occupancy buildings, units designed for transient occupancy such as hotels, motels, tourist homes; or for sleeping and sanitary needs only such as a club, rooming house, fraternity, or an institutional home.

- (8) In addition to the vehicles listed in Section 159-8.B.(2), one (1) limousine may be parked on a residential driveway. It need not be sight screened.
- (9) Any unregistered vehicles shall be removed from the site within 30 days after the owner or operator receives written notification from the Enforcement Officer.

C. Nonresidential and mixed occupancy buildings.

The exterior of nonresidential and mixed occupancy buildings and premises shall be maintained so that the appearance thereof shall not constitute a blighting effect upon neighboring properties nor an element leading to a progressive deterioration and downgrading of neighboring properties including the following:

- (1) Any permanent sign and billboard exposed to public view shall be maintained in good repair. Any permanent sign or billboard which has weathered excessively or faded or the paint on which has excessively peeled or cracked shall, with its supporting members, be removed forthwith or put into a state of good repair. All non-operative or broken electrical signs shall be repaired or shall, with their supporting members, be removed forthwith. Permanent signs and billboards shall not be located within a public right-of-way.
- (2) Signs or advertisements; removal.
 - (a) Except for "for rent" signs, any temporary window lettering or signs advertising special sales events shall be removed within 2 days following the advertised event or within 30 days after erection, whichever is earlier.
 - (b) Temporary window lettering or signs in conjunction with any permanent window lettering or sign, shall not cover, in the aggregate, more than 50% of the window area.
- (3) All windows exposed to public view shall be kept clean and free of marks and foreign substance. Except when utilized for display purposes, no materials, stock or inventory shall be permitted in window display areas exposed to public view unless such areas are first screened by drapes, venetian blinds or other means of making the windows opaque. All screening of interiors shall be maintained in a clean and attractive manner and in a good state of repair.
- (4) All storefronts and the exteriors of all buildings shall be kept in good repair, painted where required or otherwise provided with protective treatment sufficient to prevent deterioration and shall not constitute a safety hazard or nuisance. In the event that repairs to a storefront become necessary, such repairs shall be made in harmony with the original design with the same materials or materials of appearance similar to those used in the construction of the storefront in such a manner as to permanently repair the damaged area or areas.

- (5) No shopping baskets, carts or wagons shall be left unattended or standing in open areas and shall be collected at the close of business each day and removed to the interior of the building or placed along an exterior building wall.
- (6) Any area designated for trash, refuse, or garbage disposal shall be totally screened, and plants shall be provided as part of the site plan, including the location, type of screening, height of screening, and access to site, and specifically provide for recycling areas, as well to be screened and shown on the site plan. The purpose is to screen recycling, trash, refuse and garbage disposal areas, so that they shall not be visible outside of the screen. Dumpsters and other trash containers shall be stored within approved enclosures at all times and shall be rolled out to vehicles for collection. The enclosure including gates shall be maintained in good condition. Gates shall remain closed at all times except during collection. No trash shall be visible above the height of the enclosure. All trash, refuse, garbage and dumpster materials may be handled privately and shall not be the responsibility of the Township of Harrison.

D. Occupied and Vacant Buildings. Every occupied and vacant dwelling, building (residential or commercial) or other similar structure shall comply with the following requirements:

- (1) All exterior doors and windows shall be kept in sound working condition free of broken glass.
- (2) All exterior doors shall be equipped with a workable lock or locking device and shall be kept securely locked during the period of time said building is vacant.
- (3) All windows shall be secured by latch, lock or other means so as to prevent easy entry into such structure by children, vagrants, or unauthorized persons.
- (4) All exterior walls and roofs shall be kept in good repair, painted where required, and free of holes, cracks, defective materials and structural deterioration so as to keep such building from becoming a breeding place for rodents, roaches and disease-carrying insects.
- (5) The exterior of said building and the premises thereon shall be kept free of any accumulation of flammable or combustible rubbish or waste materials of sufficient quantity to constitute a danger to said buildings or any other building or premises in the event that such waste materials become ignited.
- (6) The exterior of the premises shall be kept free of any accumulation of trash, garbage, rubbish or any waste material of such quantity as to constitute an unsanitary condition.
- (7) Any existing fence shall be maintained in good order and repair.

E. Burned Structures

Whenever any building or structure suffers fire damage, the owner or person in control shall, within 6 months after completion of the scene investigation by the Fire Chief of the Ewan or Harmony Fire Company and/or insurer of the property, remove from the premises all refuse, debris, and all other charred and partially burned lumber and material. If such building or structure shall be burned to such an extent that it is rendered incapable of being repaired, the owner or person in control shall, within 6 months after completion of the scene investigation by the Fire Company and/or insurer of the property, remove from the premises all the remaining portion of the building or structure. If the building or structure is to be repaired, work shall begin within 6 months and shall be completed within 1 year after completion of the scene investigation by the Fire Company and/or insurer of the property.

SECTION 2.

The codified Land Development Ordinances of the Township of Harrison are hereby amended by deleting and repealing Chapter 106 Article II and replacing it with the new Chapter 159 Article III to read as follows:

ARTICLE III
Portable On-Demand Storage Structures

159-9 Portable On-Demand Storage Structures.

- (A) A portable on-demand storage structure may be utilized as a temporary structure within the Township when in compliance with the standards of this section. Any use of such structures within the Township not in compliance with this section shall be unlawful and subject to fines and penalties as permitted under this Chapter.
- (B) No person shall place or utilize a portable on-demand storage structure or permit a portable on-demand storage structure to be placed on or along a public area in the Township of Harrison without first having obtained a permit from the Enforcement Officer upon approval from the Police Department.
- (C) Use of a portable on-demand storage structure shall only be permitted where a permit has been issued by the Enforcement Officer. Application for a storage structure shall be made by submission of the following information:

 - (1) An application for the permitted use of a portable on-demand storage structures may be obtained from the Enforcement Officer, and the application shall be submitted when completed by the party requesting use of a portable on-demand storage structure on that form provided by the Enforcement Officer to the Enforcement Officer with a sketch showing the location of the structure on the site and detailing the distance of the structure from other buildings, fire hydrants and/or utilities.

- (2) Name and address of the applicant and the owner of the property, if different.
 - (3) Street address.
 - (4) Size of the portable on-demand storage structure to be placed at the site and the proposed location of the portable on-demand storage structure.
 - (5) Anticipated length of time the portable on-demand storage structure will be located at the site.
 - (6) All portable on-demand storage units shall be placed in driveways unless otherwise approved by the Enforcement Officer.
- (D) Length of time structures may be on property; extensions. The permit shall be valid for a period of seven (7) days and may be renewed upon application to the Enforcement Officer for an additional seven day period, not to exceed a total period of 14 days. Where exceptional circumstances exist, the Enforcement Officer may alter the permit to extend the time where these structures may be permitted on property.
- (E) A permit may be revoked at any time during its term if the placement or use of the portable storage unit structure constitutes a hazard to the health, safety or welfare of the citizens of the Township or for any other reason that constitutes a nuisance.
- (F) No permit shall be issued if the Police Department determines that the issuance of a permit will constitute a danger to public safety or an unwarranted interference with the efficient movement of traffic.
- (G) No more than two (2) portable on-demand storage structures may be located on a specific piece of property within the Township at one (1) time; such structures shall be individually limited for the duration time period established herein.
- (H) No portable on-demand storage structure located within the Township shall contain toxic or hazardous materials.
- (I) Location, placement and condition of portable on-demand storage unit structures:
- (1) Portable on-demand storage unit structures may be located in residential zoning districts. They shall not be placed in a public area, and shall be set back a minimum of 10 feet from the front property line. Final placement shall be to the satisfaction of the Enforcement Officer.
 - (2) Portable on-demand storage structures may be allowed in nonresidential zoning districts. The units shall be placed only in the rear or side portion of a site. Under no circumstances shall a portable storage unit be placed in an area fronting a street or road, or in a grass/landscaped area, or in the front parking lot of a commercial establishment. The placement of portable storage units in fire lanes, passenger loading zones, commercial loading zones or public rights-of-way shall be strictly prohibited. Portable storage units in nonresidential zoning

districts must also demonstrate, to the satisfaction of the Enforcement Officer, that the specific location/complex has sufficient space to place a portable storage unit and continue to provide adequate parking, public safety access and comply with all health, safety and welfare concerns.

- (3) Portable on-demand unit structure(s) shall never be utilized as accessory structures in any zoning district.
- (4) The owner and operator of any site on which a portable on-demand storage unit structure is placed shall be responsible in ensuring that his/her portable storage unit is in good condition, free from evidence of deterioration weathering, discoloration, rust, ripping, tearing or other holes or breaks. When not in use, the portable on-demand storage structure unit shall be kept locked with a combination-style lock; no key locks. The owner and operator of any site on which a portable on-demand storage unit structure is placed shall also be responsible that no form of waste, refuse, or hazardous substance is stored or kept within the portable on-demand structure unit.
- (5) A portable on-demand storage structure unit shall have no signage other than a serial number identifying the unit, the name, address and telephone number of the person or firm engaged in the business or renting or otherwise placing of the portable on-demand storage structure unit.

SECTION 3.

The codified Land Development Ordinances of the Township of Harrison are hereby amended by deleting and repealing Chapter 159 and replacing it with the new Chapter 159 Article IV and V to read as follows:

ARTICLE IV **Sidewalk Maintenance and Repair; Defense to Prosecution**

159-10. Sidewalk maintenance and repair; defense to prosecution.

- A.** All sidewalks shall be maintained in accordance with the following standards:
- (1) Fallen snow shall be removed, creating a clear path as wide as the sidewalk within 24 hours of the cessation of the snowfall.
 - (2) All sidewalks shall have grass and weed overgrowth removed to the edge of the walking surface in order to provide the maximum safe passageway for pedestrians and eliminate tripping hazards.
 - (3) Any section of sidewalk that is cracked, crumbling or substantially pitted, such that its surface presents an unreasonable tripping or falling hazard, shall be removed and replaced.

- (4) Any section of sidewalk that is uplifted such that the edge of one section is elevated one inch or more over any point of the edge of an adjoining section of sidewalk shall be removed, repositioned or repaired in order to remove the tripping hazard.
- (5) No person shall place anything on a sidewalk that would obstruct safe passage thereon unless such placement is temporary, unavoidable, the obstruction is clearly marked and visible at nighttime, and a safe path around the obstruction is provided not requiring travel into the roadway. Any substance or thing that through force of nature or man falls upon the surface of any sidewalk and presents a tripping or slipping hazard shall be removed as soon as practicable.

B. It shall not be a defense to a prosecution under this section that the defect in the sidewalk was caused by natural conditions or by reason of the condition existing at the time the premises was acquired. This section, being concerned with public safety, shall apply to all conditions that exist at the time of the effective date of this chapter. However, no action to prosecute for a violation of an existing defective condition of this section shall be brought earlier than ~~18~~ 6 months after the effective date of this chapter.

ARTICLE V

Debris, Snow Removal, Standards Applicable To Developers

159-11. Debris removal along public roadways.

~~At least twice a year~~ All premises fronting on any Township road, County road or State highway shall be cleared of litter and other traffic-generated debris from a point beginning at the edge of the roadway to a ~~point 20 feet~~ the right-of-way line inward therefrom for the entire length of the tract fronting the road. To the extent allowed by law, the Chief of Police or other authorized official shall make available to the property owners of ~~undeveloped~~ such lands along such roadways persons sentenced to perform community service for the purpose of performing such cleanups.

159-12. Construction and building materials.

All persons building any single housing unit, not in a development, and any person remodeling, renovating or adding on to any existing structure shall comply with the following standards:

- A. Waste and scrap materials shall not be allowed to remain on the ground for more than 24 hours, by which time such waste or scrap materials must be containerized or removed from the premises.
- B. Broken glass, sharp metal scraps and any other material capable of inflicting a serious cut or wound due to its inherently dangerous condition shall be containerized immediately and shall not be placed on the ground or stored in places readily accessible to children.
- C. All persons subject to this section shall conduct their operations with due regard to the presence of minor children in their vicinity. They shall provide advance warning to

parents of minor children on adjoining properties of any hazardous operations, such as the use of heavy equipment, the use of tree-felling equipment, the excavation of trenches or other inherently dangerous procedures such that the parents may employ proper safeguards. Methods of advance warning shall be documented, reviewed and approved by the Chief of Police and the Enforcement Officer prior to implementation.

159-13. Standards applicable to developers.

All persons or other business entities charged with developing any tract of land for residential purposes, which development involves the construction of new streets, shall be subject to the following standards while construction continues:

- A. The provisions of Section 159-12.A. through C. shall also apply to developers.
- B. All streets in any development that are regularly used as a means of access for residents shall be cleared of debris by sweeping or other means that will remove loose stones, mud, accumulations of dirt or sand, hay, construction debris or similar matter on an as needed basis but, at least once every ~~60~~ 30 days.
- C. Any undeveloped lot adjoining a developed lot, which has had substantially all trees and shrubs removed, shall be cleared at least monthly of weed growth over six inches. ~~unless the adjoining property owner shall sign a waiver of such requirement. No developer shall make the signing of such a waiver a condition of the sale of the home.~~
- D. All barriers erected to control erosion or flow of debris into sanitary sewers shall be cleared of debris and restored to their original condition at least once every 30 days. All plastic film barriers shall be retacked and restored to their original condition once every 30 days.
- E. Until sidewalks are installed to provide a continuous path, all developers shall provide a safe passageway for children within the development that does not require them to travel in the roadway. At a minimum the developer shall provide a clear, continuous path across the front of all lots on one or both sides of a street which shall be free at all times of construction materials, construction equipment, rocks of a diameter greater than two inches, surface conditions that present an unreasonable risk of tripping or falling, weeds or grasses higher than six inches. Such path shall be at least four feet wide and the path shall have a surface of either hay, grass, bark, wood chips or stone.
- F. All persons submitting plans to the Planning or Zoning Board for approval of the construction of roadways or buildings shall submit there with a plan detailing efforts to preserve existing trees with a diameter of greater than six inches.
- G. Snow and ice removal by developers in multi-unit developments.
 - (1) The developer shall remove snow and ice from streets within the development when accumulation reaches an inch or greater. Snow and ice must also be removed from any and all fire hydrants within the development. Snow and ice

removal must occur within ~~12 hours of daylight~~ 2 days after the same has fallen or has formed thereon.

- (2) The developer shall file with the Clerk of Harrison Township the name of the contractor to be employed and proof that the contractor is adequately insured.
- (3) Failure to remove ice and snow within the requisite period of time shall result in the penalties provided by Section 159-17 of this chapter. Additionally, should the snow and ice not be removed within ~~12 hours of daylight~~ 2 days after the same has fallen or has formed thereon, the municipality may provide for the removal of same. The cost of removal of such snow and ice by the municipality shall be certified to the governing body of the municipality. The governing body shall examine such certificate and, if found to be correct, shall cause such cost to be charged against such real property, and the amount so charged shall thereupon become a lien and a tax upon such real property and be added to and be part of the taxed collected with interest in the same manner as other taxes, and/or made a billing on developer's escrow account and/or bonding requirements.
- (4) The provisions of this section shall be applicable only to the owner of real property on which there has been constructed a multiple dwelling housing development containing three or more units of dwelling space which are occupied or are intended to be occupied by three or more persons who live independently of each other.

159-14. Discharge of water.

- A. No person shall discharge or direct water from his premises onto the property of another, except incident to lawn or garden watering, without express permission of another. No person shall be permitted to discharge or direct water from his premises onto a public area or street.
- B. No person shall direct the flow of rainwater collected by rain gutters onto an adjoining premises.
- C. No person shall alter the contour of the land so as to materially increase the flow of surface water onto an adjoining premises. Any person violating this section shall be ordered to restore the altered land to its original condition.

SECTION 4.

The codified Land Development Ordinances of the Township of Harrison are hereby amended by deleting and repealing Chapter 106 Article I and replacing it with the new Chapter 159 Article VI to read as follows:

ARTICLE VI
Dumpster Use and Placement

159-15. Dumpster Use and Placement

A. The purpose of this section is to regulate the use and placement of dumpsters in public areas, on construction and development sites and in association with the renovation, rehabilitation and reconstruction of buildings and structures in private areas located within the Township of Harrison.

B. Permit required.

No person shall place or utilize a dumpster or permit a dumpster to be placed on or within a public or private area in the Township of Harrison without first having obtained a permit from the Construction Office and upon approval from the Chief of Police.

C. Application for permit; fees; conditions of issuance.

(1) Application for a dumpster permit shall be made by submission of the following information to the Township Zoning Office:

(a) Name and address of the applicant and the owner of the property, if different.

(b) Street address.

(c) Size of the dumpster to be placed at the site and the proposed location of the dumpster.

(d) Anticipated length of time the dumpster will be located at the site.

(2) The permit shall be valid for a period of 7 days and may be renewed upon application to the Construction Office for additional 7 day periods not to exceed a total period of 24 days.

(3) A permit may be revoked at any time during its term if the placement or use of the dumpster constitutes a hazard to the health, safety or welfare of the citizens of the Township or for any other reason that constitutes a nuisance.

(4) No permit shall be issued if the Police Department determines that the issuance of a permit will constitute a danger to public safety or an unwarranted interference with the efficient movement of traffic.

D. Location, placement and condition of dumpsters.

(1) No dumpster shall be placed in a public or private area unless it is determined by the Police Department that there is insufficient room to place the dumpster on the

property of the person utilizing the dumpster. No dumpster placed on a property shall impede the flow of pedestrian or vehicular traffic or safety site lines.

- (2) The dumpster shall be equipped with markers consisting of reflective diamond-shaped panels measuring a minimum of 18 inches by 18 inches. These panels shall be mounted at the edge of the dumpster at both ends nearest the path of passing vehicles and facing the direction of oncoming traffic. The required markers shall have a minimum height of three feet from the bottom of the panels to the surface of the roadway.
- (3) Dumpsters shall at all times be kept in good repair and shall be structurally sound and leak proof and shall be painted as to prevent the show off rust or deterioration and shall be constructed to stand firmly upright.
- (4) Upon removal of the dumpster, the area shall be swept clean of all loose debris and restored to its former condition in accordance with the standards of the Township Engineer and/or Public Works supervisor.
- (5) The applicant shall be responsible for any damage to the roadway or other property caused by the placement of the container.

E. Failure to remove: removal by Township; cost to be lien.

If the dumpster is not removed at the expiration of the time allowed by the permit, the Construction Code Official shall notify the owner that he/she has 3 days in which to have the dumpster removed from the premises. In the event the owner fails to comply, the dumpster shall be deemed to have been abandoned and the Construction Code Official may arrange for its removal and the disposal of its contents. The costs associated with the removal of the dumpster and the disposal of its contents shall be a municipal lien against the property. A detailed statement of the aforesaid costs shall be certified by the Construction Code Official and forwarded to the Township Council, which shall examine the certification and, if found correct, shall cause the same to be filed with the Tax Collector and a copy forwarded to the property owner. This amount shall be charged against the land and shall become a lien upon such lands and shall bear interest at the same rate as taxes and shall be collected and enforced by the Tax Collector.

SECTION 5.

The codified Land Development Ordinances of the Township of Harrison are hereby amended by deleting and repealing Chapter 159 and replacing it with the new Chapter 159 Article VII to read as follows:

ARTICLE VII
Compliance and Enforcement

Section 159-16. Compliance.

- A. All premises in the Township of Harrison are subject to this chapter, and any person or business entity holding an interest in any affected premises shall comply without further notice.
- B. No person or business entity subject to prosecution in Municipal Court for a violation of this chapter shall be prosecuted if, upon receipt of a summons, they shall make an application to the Township Committee for a stay of prosecution to allow them time to take immediate and substantial steps to remedy the violation or to be temporarily excused from compliance due to extraordinary circumstances making compliance an extreme burden.
- C. If the owner or operator of any lands or buildings in the Township shall fail or neglect to remedy any identified deficiency within 90 days after notice to remove the same in the manner and within the time provided, the Enforcement Officer may, in addition to such other remedies provided herein, cause the same to be removed by the Township. In such cases the Enforcement Officer shall certify the cost thereof to the Township Committee based upon obtaining up to 3 cost estimates, which shall examine the certificate and, if found correct and reasonable, shall, by resolution, approve the cost as shown thereon to be charged against said lands. The amount so charged shall become a lien upon such lands and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands; the same to bear interest at the same rate as taxes and shall be collected and enforced in the same manner as are taxes.
- D. Any Township resident as well as, the Enforcement Officer may prosecute a violation of any subsection of this chapter in the Municipal Court of Harrison Township.

159-17. Hearings.

- A. Any person appearing before the Municipal Court may introduce at the time of the hearing evidence that they have substantially complied with the requirements of this chapter since receiving a summons, in which case the matter may be dismissed, with or without payment of court costs.
- B. In any case, under all circumstances, the Judge hearing the matter may order the suspension of prosecution of the case for a reasonable time to allow compliance with the standards of this chapter.

159-18. Violations and penalties.

Any person who shall violate any provisions of this chapter shall, upon conviction thereof, be subject to a fine not exceeding \$1,250. ~~Imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days.~~ Each day that a violation is continued shall constitute a separate offense.

159-19 Enforcement Remedies.

In case any building, structure or land is, or is proposed to be used in violation of any provision of this chapter, the Township Committee or, with the approval of the Township Committee, the Enforcement Officer may, in addition to the other remedies, institute in the name of the Township any appropriate action or proceeding to prevent, restrain, correct or abate such use; or to prevent, in or about such premises, any act, conduct, business or use constitute a violation.

SECTION 6.

Severability

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

SECTION 7.

Repealer

All Ordinance or parts thereof, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 8.

When Effective

This ordinance shall take effect immediately upon final passage and publication in accordance with law.

TOWNSHIP OF HARRISON

**BY: _____
LOUIS F. MANZO, MAYOR**

ATTEST:

DIANE L. MALLOY, Municipal Clerk

NOTICE

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Committee of the Township of Harrison, in the County of Gloucester and State of New Jersey, held on April 5, 2010. It will be further considered for final passage, after public hearing thereon, at a meeting of said Mayor and Committee to be held in the Township's Municipal Building, 114 Bridgeton Pike, Mullica Hill, New Jersey 08062, in the Township, on May 3, 2010 at 7:30 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at the Municipal Building, 114 Bridgeton Pike, in the Township, to the members of the general public who shall request the same.

DIANE L. MALLOY, Clerk