

3-2 LITTER CONTROL.

3-2.1 Purpose.

The Borough of Pitman finds that the reduction of litter is an important public concern to protect public health, safety and welfare and to implement the requirements of the New Jersey Department of Environmental Protection Clean Communities Program. (Ord. No. 08-9 § 4-5.1; Ord. No. 24-2011)

3-2.2 Definitions.

As used in this section:

Litter shall mean any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.

Litter Receptacle shall mean a container suitable for the depositing of litter.

Person shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction. (Ord. No. 08-9 § 4-5.2; Ord. No. 24-2011)

3-2.3 Littering Unlawful.

- a. It shall be unlawful for any person to throw, drop, discard or otherwise place litter of any nature upon any public or private property other than a litter receptacle.
- b. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this section, the operator, owner, or both, of the motor vehicle or boat shall also be deemed to have violated this section. (Ord. No. 08-9 § 4-5.3; Ord. No. 24-2011)

3-2.4 Receptacles Required in Certain Places and Events.

Litter receptacles and their servicing are required at the following public places which exist in the municipality, including: sidewalks used by pedestrians in active retail commercially zoned areas, such as that, at a minimum, there shall be no linear quarter mile without a receptacle; buildings held out for use by the public, including schools and government buildings; parks, drive-in restaurants; all street vendor locations; self-service refreshment areas; construction sites; gasoline service station islands; shopping centers; parking lots; and at special events to which the public is invited, including sporting events, parades, carnivals, circuses and festivals. The proprietors of these places or the sponsors of these events shall be responsible for providing and

servicing the receptacles so that adequate containers are available. (Ord. No. 08-9 § 4-5.4; Ord. No. 24-2011)

3-2.5 Unlawful Dumping.

It shall be unlawful for any person to discard or dump along any street or road, on or off any right-of-way, any household or commercial solid waste, rubbish, refuse, junk, vehicle parts, rubber tires, appliances, furniture, or private property, except by written consent of the owner of the property, in any place not specifically designated for the purpose of solid waste storage or disposal. (Ord. No. 08-9 § 4-5.5; Ord. No. 24-2011)

3-2.6 Storage of Household Solid Waste.

It shall be unlawful for any property owner to store or permit the storage of any bulky household waste, including but not limited to household appliances, furniture and mattresses, except in a fully enclosed structure. (Ord. No. 08-9 § 4-5.6; Ord. No. 24-2011)

3-2.7 Storage of Tires.

It shall be unlawful to any residential property owner to store or permit the storage of tires in areas zoned residential, except in a fully enclosed structure or on days designated for the collection of tires. (Ord. No. 08-9 § 4-5.7; Ord. No. 24-2011)

3-2.8 Enforcement.

a. The Borough Council shall designate one (1) or more enforcement officers with authority to enforce the provisions of this section. The enforcement officers shall be officers or employees of the Borough government.

b. The Police Department of the Borough of Pitman may enforce the provisions of this section.

(Ord. No. 08-9 § 4-5.10; Ord. No. 24-2011)

3-2.9 Violations and Penalties.

a. Any person violating any provision of this section shall, upon conviction thereof, be liable to the penalties stated in Chapter I, Section 1-5 with a minimum penalty of twenty-five (\$25.00) dollars.

b. Any person who is convicted of violating the provisions of this section within one (1) year of the date of previous violation of the same section and who was fined for the previous violations shall be sentenced by the Municipal Court to an additional fine as a repeat offender. The additional fine imposed by the Municipal Court for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of this section, but shall be calculated separately from the fine imposed for the original violation of this section. Whenever such person shall have been officially notified or by service of a Summons in a prosecution, or in any other official

manner, that the person is committing a violation, each day that the continuance of such violation exists after such notification shall constitute a separate offense, punishable by a like fine or penalty. (Ord. No. 08-9 § 4-5.11; Ord. No. 24-2011)

CHAPTER X BUILDING AND CONSTRUCTION

10-1 UNIFORM CONSTRUCTION CODE.

10-1.1 Local Enforcing Agency Established; Composition.

There is hereby established in the Borough a uniform construction code enforcing agency to be known as the Borough of Pitman Uniform Construction Code Enforcing Agency, consisting of the Construction Official, Building Subcode Official, Electrical Subcode Official, Plumbing Subcode Official and Fire Protection Subcode Official and such other 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 of the Borough shall be the chief administrator of the enforcing agency. (1967 Code § 9A-1.1; Ord. No. 27-2011)

10-1.2 Qualifications.

Each official position created in subsection 10-1.1 shall be filled by a person qualified for such position pursuant to the State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., as amended and N.J.A.C. 5:23-1.1 et seq., provided that, in lieu of a particular subcode official, an on-site inspection agency may be retained by contract, pursuant to N.J.A.C. 5:23-1.1 et seq. More than one official position may at any time be held by the person; provided that such person shall be found to be qualified pursuant to N.J.S.A. 52:27D-119, et seq., and N.J.A.C. 5:23-1.1 et seq., to hold such position. (1967 Code § 9A-1.2; Ord. No. 8-10 § 1.1; Ord. No. 27-2011)

10-1.3 Office Location.

The public shall have the right to do any business with the enforcing agency at its office located at the Borough administration building, except for emergencies and unforeseen or unavoidable circumstances. (1967 Code § 9A-1.3; Ord. No. 27-2011)

10-2 CONSTRUCTION CODE FEES.

10-2.1 Construction Fees.

The fee for a construction permit shall be the sum of the subcode fee listed in paragraphs a. through e. hereof and shall be paid before any permit for construction shall be issued.

a. *Building Subcode Fees.*

1. New Construction. The fee shall be computed at \$0.038 per cubic foot of building volume with a minimum of \$250.00 for each permit.

*Exception: Exception to such minimum charge shall apply to small sheds, residential garages not insulated and other small uninsulated accessory structures on residential

properties, as determined by the Construction Official. The minimum charge shall be computed at \$0.035 per cubic foot of building volume, with a minimum charge of \$75.00.

- (a) Modular Homes. Permit fees for the erection of modular or manufactured homes shall be based upon the estimated costs of the work, inclusive of labor and materials. The fee shall be \$45.00 per thousand dollars of cost, with a minimum of \$400.00.
- 2. Renovations, Alterations and Repairs. Permit fees for renovations, alterations and repairs shall be based upon the estimated cost of the work, inclusive of labor and materials.
 - (a) Per thousand dollars of cost: \$35.00
 - (b) Minimum fee: \$65.00
- 3. Combination of Renovations and Additions. The amount shall be the sum of the fees computed separately as renovations and additions.
- 4. Moving of Building. The fee for a permit for the removal of a building or structure from one lot to another or to a new location on the same lot shall be ten (\$10.00) dollars per one thousand (\$1,000.00) dollars of the sum of the estimated costs for moving, provided that the minimum fee shall be thirty (\$30.00) dollars. (1967 Code § 9A-3.3)
- 5. Demolition. Permit fees for the demolition of buildings shall be as follows:

<i>Use</i>	<i>Flat Fee</i>
Single-family dwelling	\$75.00
Garage	\$50.00
Other use group	\$200.00

- 6. Special Permits.
 - (a) Swimming Pools. Permit fees for the construction and installation of swimming pools:
 - (1) In-ground: \$125.00
 - (2) Aboveground: \$75.00
 - (3) Hot tub: \$55.00
 - (b) Fences. Permit fees for the installation of a fence (over 6 feet):
 - (1) Per \$1,000.00 estimated cost: \$20.00
 - (2) Minimum fee: \$50.00
 - (c) Signs.
 - (1) The permit fee for a permit to construct and install a sign, per square foot of the surface are: \$6.00
 - (2) Minimum fee: \$65.00

- (3) In the case of double-faced signs, the area of the surface of only one side of the sign shall be used for purposes of the fee computation.
 - (d) Siding. The permit fee for a permit to construct and install siding shall be \$85.00.
 - (e) Roofing. The permit fee for a permit to construct and install roofing shall be \$85.00.
- b. *Plumbing Subcode Fees.*
- 1. For each plumbing application, minimum fee: \$65.00
 - 2. Additional fees shall apply to the following devices:

<i>Device</i>	<i>Fee</i>
Air-conditioner Unit	\$30.00
Backflow Device (Commercial \$65.00)	\$30.00
Bathtub	\$15.00
Commercial Dishwasher	\$15.00
Dishwasher	\$15.00
Domestic Boiler or Furnace	\$15.00
Garbage Disposal	\$15.00
Grease Trap	\$90.00
Hose Bib	\$15.00
Indirect Connection	\$90.00
Interceptor	\$90.00
Lavatory, Sink	\$15.00
Floor Drain	\$15.00

Gas Pipe – Each outlet	\$15.00
Gas Service Connector	\$65.00
Reduce Pressure Backflow Device	\$15.00
Sewer Ejector	\$90.00
Steam Boiler	\$90.00
Vent Stack	\$15.00
Washing Machine	\$15.00
Water Closet, Bidet or Urinal	\$15.00
Water Heater	\$15.00
Water Cooler	\$15.00
New, Replacement or Repair of Sewer or Water Laterals	\$90.00

3. The fees charged herein shall be for each living unit or multiple dwelling, apartment house or building and structures containing separate living units and all other building and structure classifications. For any item not listed above, a special fee shall be determined by the Construction Official and the Plumbing Subcode Official.

c. *Electrical Subcode Fees.*

1. For each electrical application, the minimum fee shall be: \$65.00.
2. Additional fees shall apply to the following devices:

<i>Device</i>	<i>Fee</i>
Rough wiring, all switches, receptacles and lighting outlets to be counted as outlets	
1 to 25	\$ 30.00

26 to 50	\$ 55.00
For each additional 25 outlets or fraction	\$ 10.00
Mercury vapor lamps; mogul sockets, 300 watts and over	
1 to 5	\$ 25.00
Additional Lamps, each	\$ 6.00
Swimming Pools	
In-ground	\$100.00
Aboveground	\$ 75.00
Spa, Hot Tub	\$ 75.00
Hydromassage Bathtubs	\$ 40.00
Fountains	\$ 40.00
Therapeutic Pools	\$ 40.00
Electrical Appliances	
Range/Oven	\$ 30.00
Central Heating and Air Conditioning	\$ 30.00
Heat Pumps	\$ 30.00
Electrical baseboard, cable, ceiling, all units, duct, door heaters, radiant heaters	
First unit	\$ 30.00
Each additional unit	\$ 5.00
Electrical Furnaces, Boilers, Welders, Motors or Generators:	

Fractional horsepower or less than 1 kilowatt	\$ 12.00
Paddle Fans	\$ 12.00
Small Exhaust Fans	\$ 12.00
Gas Dryers	\$ 12.00
Gas Heaters	\$ 12.00
1 horsepower or kilowatt to 10 horsepower or kilowatt	\$ 15.00
Dishwasher	\$ 15.00
Water Heater	\$ 15.00
Garbage Disposal	\$ 15.00
Compactor	\$ 15.00
Sump Pump	\$ 15.00
Electric Dryer	\$ 15.00
More than 10 horsepower or kilowatt to 20 horsepower or kilowatt	\$ 65.00
More than 20 horsepower or kilowatt to 50 horsepower or kilowatt	\$ 75.00
More than 50 horsepower or kilowatt	\$150.00
Bond Wire and Heater	\$ 15.00
Electrical service, subpanels and feeders and reintroduction of services:	
Less than 100 amperes	\$ 45.00

100 amperes to 149 amperes	\$ 60.00
More than 149 amperes to 199 amperes	\$ 60.00
More than 199 amperes to 399 amperes	\$ 75.00
More than 399 amperes to 599 amperes	\$125.00
More than 599 amperes to 999 amperes	\$150.00
Over 999 amperes	\$650.00
Transformers	
200 kilovolt-ampere or less	\$ 45.00
More than 200 kilovolt-ampere to 500 kilovolt-ampere	\$100.00
More than 500 kilovolt-ampere	\$200.00
Other Electrical Equipment:	
Motion Picture Equipment	
Booth, including equipment	\$ 50.00
Capacitors, resistors, reactors	
1 unit	\$ 25.00
Each additional unit	\$ 10.00
Each sign	\$ 40.00
Radio and television installation	\$ 50.00
Solar energy devices	
Each array panel	\$ 10.00

Residential solar devices to 10kW	\$300.00
Residential solar devices to 10kW	\$300.00 + \$15.00 over 10kW
Commercial solar devices to 50kW	\$750.00 + \$50.00 per each kW over 50
Protective signal systems:	
First 15 devices	\$ 45.00
Each additional five devices	\$ 10.00
First pneumatic circuit	\$ 45.00
Each additional	\$ 10.00
Each detector single-family dwelling	\$ 10.00
Other use groups, each five	\$ 40.00
Exit signs and emergency	
Lighting, each five	\$ 30.00
Battery pack, each five	\$ 50.00
Rain sensor – sprinkler system	\$ 25.00

- d. *Fire Protection Subcode Fees.*
1. For each fire-protection application, the minimum fee shall be \$65.00.
 2. Permit fees for fire protection devices shall be as follows:

Device

Fee

Sprinkler systems

1 to 20 heads	\$100.00
21 to 100 heads	\$150.00
101 to 200 heads	\$300.00
201 to 400 heads	\$650.00
401 to 1,000 heads	\$1,000.00

Hydraulic designed systems shall be assessed twice the standard price.

Special suppression systems:

Carbon dioxide systems

agent 1 to 75 pounds of \$95.00

pound Over 75 pounds of agent, additional, per \$0.10

Halogenated systems

agent 1 to 35 pounds of \$95.00

pound Over 35 pounds of agent, additional, per \$ 1.50

Dry chemical systems

system Cooking operation \$70.00

agent Comparable systems, per 50 pounds of \$70.00

	Wet		chemical	\$70.00
	system			
system	Kitchen		ventilation	\$65.00
	Alarms:			
	Residential, one- and two-family dwellings per detector			\$8.00
	All other groups:			
devices:	Detectors, pull stations, bells and other sounding			
	1 to 20			\$100.00
				0
	Each additional			\$ 5.00
				0
	Supervisory device			\$ 30.00
				0
	Standpipes:			
	Per riser			\$250.00
				0
and	Plus	per	floor,	\$ 30.00
				0
cabinet	Plus	per	hose	\$ 30.00
				0
	Heat-Producing Devices:			
dwelling	One-and		two-family	\$ 65.00
				0

materials	Other use groups, per thousand dollars of labor and	\$ 15.0 0
	Minimum fee	\$ 65.0 0

3. *Other.* For any item not listed above, a special fee shall be determined by the Construction Official and the Fire-Protection Subcode Official.

e. *Mechanical Subcode Fees.*

1. For each mechanical application, minimum fee \$65.00
2. Additional fee shall apply to the following devices:

Replacement Only Residential	\$65.00 minimum fee per application
Replacement-Heating Dev.-R3,R4,R5	\$85.00
LPG, NG, Oil Furnaces, Wtr Htr, Boiler	\$85.00
Generators, LPG, NG	\$85.00
Tanks, Oil and LPG	\$65.00
Piping Connections, LPG, NG, Oil	\$65.00

3. The fees charged herein shall be for each living unit or multiple dwelling, apartment, house, or building, and structures containing separate living units and all other building and structure classifications. For any item not listed in the Mechanical Subcode Fee, a special fee shall be determined by the Construction Official and the Plumbing Subcode Official.

(1967 Code § 9A-3.1; Ord. No. 08-10; Ord. No. 10-5; Ord. No. 27-2011; Ord. No. 2-2016)

10-2.2 Moving of Buildings.

The fee for a permit for the removal of a building or structure from one lot to another or to a new location on the same lot shall be ten (\$10.00) dollars per one thousand (\$1,000.00) dollars of the sum of the estimated costs for moving, provided that the minimum fee shall be thirty (\$30.00) dollars. (1967 Code § 9A-3.3; Ord. No. 27-2011)

10-2.3 Certificates of Occupancy; Temporary Certificate of Occupancy; Change of Use and Continued Use Certificates.

- a. *Certificate of Occupancy.* The fee for a certificate of occupancy shall be as stated in Section 10-4.
- b. *Temporary Certificate of Occupancy.* The fee for the issuance and the renewal of a temporary certificate of occupancy shall be thirty (\$30.00) dollars.
 1. Exception. There shall be no fee for the first issuance of the temporary certificate of occupancy provided the certificate of occupancy fee is paid at the start.
- c. *Change of Use and Continued Use Certificate.* The municipality shall establish a flat fee of seventy-five (\$75.00) dollars for certificate of continued occupancy, for certificate of occupancy granted pursuant to a change of use, for multiple certificates of occupancy (as for a shopping center), and similar conditions.

(1967 Code § 9A-3.4; Ord. No. 27-2011)

10-2.4 Ongoing Inspections.

Ongoing inspections in accordance with N.J.A.C. 5:23 et seq. (1967 Code § 9A-3.5; Ord. No. 27-2011)

10-2.5 Elevators.

Elevators in accordance with N.J.A.C. 5:23 et seq. (1967 Code § 9A-3.6; Ord. No. 27-2011)

10-2.6 Reinspections.

All reinspections of work covered under this section and made necessary by noncompliance, omission or addition, after inspection, shall be performed for an additional fee of fifty (50%) percent of the appropriate fee, or a minimum fee of twenty-five (\$25.00) dollars, per such inspection. (1967 Code § 9A-3.7; Ord. No. 27-2011)

10-2.7 Fees for Multiple Dwelling Units.

The fees imposed herein shall be charged for each living unit of each multiple dwelling, apartment house or buildings containing separate living units. (1967 Code § 9A-3.8; Ord. No. 27-2011)

10-2.8 Biannual Fee Schedule Report.

The Construction Official, with the advice of the subcode officials, in his/her capacity as Construction Official, shall prepare and submit to the Borough, biannually, a report recommending a fee schedule based on the operating expenses of the agency and such other expenses of the Borough fairly attributable to the enforcement of the State Uniform Construction Code Act. (1967 Code § 9A-3.9; Ord. No. 27-2011)

10-2.9 Surcharge Fee for New Construction.

- a. *Collection, Remittance to Department of Community Affairs.* In order to provide for the training, certification, and the technical support programs required by the Uniform Construction Code Act, the enforcing agency shall collect, in addition to the fees specified above, a surcharge fee in accordance with N.J.A.C. 5:23 et

seq. Such surcharge fee shall be remitted to the Department of Community Affairs, on a quarterly basis.

- b. *Annual Report.* The enforcing agency shall report annually at the end of each fiscal year to the Department of Community Affairs, and not later than July 31, the total amount of the surcharge fee collected in the fiscal year.

(1967 Code § 9A-3.10; Ord. No. 08-10; Ord. No. 27-2011)

10-2.10 Waiving of Fees to Promote Accessibility by Disabled Persons.

Notwithstanding the provisions of the “State Uniform Construction Code Act,” P.L.1975, c.217 (C. 52:27D-119 et seq.), or any rules, regulations or standards adopted pursuant thereto, no person shall be charged a construction, reconstruction, alteration or improvement designed and undertaken solely to promote accessibility by disabled persons to an existing public or private structure or any of the facilities contained therein.

A disabled person, or a parent or sibling of a disabled person, shall not be required to pay any municipal fee or charge in order to secure a construction permit for that portion of (calculated as percentage) construction, reconstruction, alteration or improvement which promotes accessibility to his own living unit.

For the purposes of this section, disabled person shall mean a person who has the total and permanent inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, including blindness, and shall include, but not be limited to, any resident of this State who is disabled pursuant to the federal Social Security Act (42 U.S.C. 416), or the federal Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.) or is rated as having sixty (60%) percent disability or higher pursuant to any federal law administered by the United States Veterans’ Act. For purposes of this paragraph, “blindness” means central vision acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty (20) degrees shall be considered as having a central visual acuity of 20/200 or less.

(Ord. No. 27-2011)

10-2.11 Exemption for Nonprofit Organizations.

- a. *Definitions.* As used in this **chapter**, the following terms shall have the meanings indicated:

Nonprofit Corporation shall mean and refers only to any charitable, philanthropic, fraternal or religious nonprofit organization, recognized as holding a tax exempt status under the Federal Internal Revenue Code, 26 U.S.C. § 501 (c) or (d).

Construction Fees and Surcharges shall mean and refers only to the subcode fees defined in this **chapter** for construction, plumbing and/or electrical charged by the Borough to an applicant for the review of an application for development and/or construction fees imposed pursuant to the Borough Construction Fee Schedule.

- b. *Request for Waiver of Construction, Plumbing and/or Electrical Subcode Fees.* Any application for development filed for or on behalf of a charitable, philanthropic, fraternal or religious nonprofit organization as defined in this **chapter** may request that a portion of the construction, plumbing

and electrical subcode fees for such an application or appeal be waived. The request for waiver shall be made simultaneous with the submission of the application for development.

- c. *Procedure for Waiver Request.* The applicant shall request a waiver of construction, plumbing and/or electrical subcode fees under this **chapter** as follows:
 1. A qualified nonprofit organization seeking a partial exemption from payment of any fee shall request such exemption in writing to the Municipal Clerk.
 2. Any written application for exemption under this **chapter** shall include a copy of the nonprofit organization's Federal tax exemption certificate.
 3. The applicant shall provide verification from the Borough Tax Collector that all municipal taxes and assessments on the property in question are current as of the date of application for waiver of fees.
 4. The Municipal Clerk shall forward the written request and documentation to the Borough Council for consideration of the exemption.
- d. *Maximum Waiver.* The Borough Council, upon showing by the applicant that it is a charitable, philanthropic, fraternal or religious nonprofit organization recognized under the Federal Internal Revenue Code, 26 U.S.C. § 501 (c) or (d), is the holder of a Federal tax exempt status and is current with all municipal taxes and assessments on the property in question may waive twenty (20%) percent of combined construction fees and surcharges as defined in this **chapter**, up to a maximum waiver of fees not to exceed two thousand (\$2,000.00) dollars.

(Ord. No. 16-2012)

10-3 RESERVED.

10-4 CERTIFICATES OF OCCUPANCY.

10-4.1 Legislative Intent.

This section is hereby adopted to provide for inspections, and to regulate and govern the conditions and maintenance of all property, dwellings, buildings and structures (collectively “premises”) in the Borough of Pitman; and providing for the issuance of occupancy permits and collection of fees relating thereto. (Ord. No. 08-12 § 1; Ord. No. 27-2011)

10-4.2 Adoption of Codes by Reference.

Pursuant to the provisions of N.J.S.A. 40:48-2.12a et seq. and N.J.S.A. 40:49-5.1; the 2003 International Property Maintenance Code; 2006 International Building Code, New Jersey Edition; 2006 International Residential Code; 2006 National Standard Plumbing Code; and the Uniform Fire Safety Act, N.J.S.A. 52:27D-192 et seq. (collectively “codes”), as may be approved by and adopted subsequent thereto by the Department of Community Affairs of the State of New Jersey, are hereby accepted, adopted and established as a standard to be used as a guide in determining

whether dwellings and buildings in this Borough are safe, sanitary and fit for human habitation and/or rental. When required by law, at least three (3) copies of said codes and regulations, and any amendments subsequent thereto, have been placed on file in the office of the Borough Clerk and are available for inspection to all persons desiring to use and examine same. (Ord. No. 08-12 § 2; Ord. No. 27-2011)

10-4.3 Definitions.

As used in this section:

Occupant shall mean any person or entity having actual use, possession or control of the dwelling, building and/or structure, or any part thereof.

Operator shall mean any person who has charge, care or control of the dwelling, building and/or structure, or any portion thereof, whether with or without the consent of the owner.

Owner shall mean any person or person’s agent who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without accompanying actual possession thereof, or shall have charge, care or control of any premises as owner or agent of the owner or as fiduciary, including but not limited to executor, executrix, administrator, adminisitratrix, trustee, receiver or guardian of the estate or as a mortgagee in possession, regardless of how such possession was obtained. Any person who is a lessee subletting or reassigning any part or all of any premises shall be deemed to be a co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by said lessee. (Ord. No. 08-12 § 3; Ord. No. 27-2011)

10-4.4 Inspections.

All buildings and premises for use and occupancy in the Borough are subject to inspection from time to time by the Code Enforcement Officer, Police Department or any other Borough official charged with the duty of enforcing regulations governing any aspects or use of said premises. At the time of such inspections, all parts of the premises must be available and accessible for such inspection, and the owner, operator and/or occupant are required to provide the necessary arrangements to facilitate such inspections. Such inspections shall be made during open hours of the business occupying said premises unless there is reason to believe a violation exists of a character which is an immediate threat to health or safety requiring inspection and abatement without delay. (Ord. No. 08-12 §4)

10-4.5 Certificate of Occupancy Required.

No person shall occupy or use any premises or portion thereof after such premises has been vacated, or ownership, control or possession transferred or conveyed until he/she shall have applied for and secured a certificate of occupancy from the Code Enforcement Officer. (Ord. No. 08-12 § 5; Ord. No. 27-2011)

10-4.6 Inspections; Issuance; Fees.

a. No certificate of occupancy shall be issued hereunder until an inspection is made by the Code Enforcement Officer of the premises to determine whether the premises or a portion thereof and/or the proposed use complies with the applicable provisions of this section, and any other codes pertaining to the use, occupancy and/or maintenance of said premises.

b. The Code Enforcement Officer shall cause such inspection to be made within ten (10) business days of the date of the submission of a written application. The Code Enforcement Officer shall issue a certificate of occupancy only after he/she shall have determined that the premises and/or proposed use complies with all applicable provisions of the codes referred to in subsection 10-4.2 and any other codes or regulations as required.

c. If the Code Enforcement Officer shall determine that the premises and/or the proposed use are not in compliance with the aforesaid codes referred to in subsection 10-4.2, the Code Enforcement Officer shall deliver written notice to the applicant advising of the violations and items which the premises and/or proposed use do not comply with such codes.

d. Upon correction of the violations, the owner, operator or occupant shall notify the Code Enforcement Officer of the corrections, and within seven (7) days a reinspection shall be made of the prior violations and noncompliant items.

e. The Code Enforcement Officer may, in his/her sole discretion, issue a temporary certificate of occupancy, notwithstanding a failure to comply with the aforesaid codes, permitting use and/or occupancy of the premises while corrective action is being conducted and upon such further conditions as he/she deems reasonable, provided that no such temporary certificate shall be issued unless the Code Enforcement Officer determines that the same will not pose an imminent or substantial danger to the public health, safety or welfare. In no event shall such temporary certificate be valid for a period of more than thirty (30) days unless good cause is shown to the Code Enforcement Officer or his/her designee.

f. A certificate of occupancy issued as provided herein shall be valid for a period of sixty (60) days from the date of issuance.

g. The owner, operator and/or occupant shall be charged a fee of seventy-five (\$75.00) dollars per building, dwelling or unit for the initial inspection. If additional reinspection is required, an additional fee of forty-five (\$45.00) dollars per building, dwelling or unit shall be charged for each reinspection.

(Ord. No. 08-12 § 7; Ord. No. 27-2011)

10-4.7 Denial and Appeal.

Whenever the Code Enforcement Officer shall deny or revoke the issuance of a certificate of occupancy by reason of a determination that the premises or proposed use does not comply with the applicable codes respecting such use, occupancy or maintenance of said premises, the applicant may appeal said decision in accordance with the appeal procedures set forth in the codes to which the alleged violation applies. (Ord. No. 08-12 § 8; Ord. No. 27-2011)

10-4.8 Enforcement.

The Borough's Code Enforcement Officer is hereby designated as the officer(s) to exercise the powers prescribed by this section. (Ord. No. 08-12 § 9; Ord. No. 27-2011)

10-4.9 Violations and Penalties.

a. Any person violating this section shall, upon conviction thereof, be punishable by one or more of the following: imprisonment in the county jail for a term not exceeding ninety (90) days; by a period of community service not exceeding ninety (90) days; by a fine of not less than twenty-five (\$25.00) dollars or more than one thousand two hundred fifty (\$1,250.00) dollars, at the discretion of the Judge.

b. Any person who is convicted of violating the provisions of this section within one (1) year of the date of the previous violation of the same section and who was fined for the previous violation shall be sentenced by the Court to an additional fine as a repeat offender. The additional fine imposed by the Court for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of this section, but shall be calculated separately from the fine imposed for the original violation of this section. Whenever such person shall have been officially notified or by service of a summons in a prosecution, or in any other official manner, that said person is committing a violation, each day's continuance of such violation after such notification shall constitute a separate offense, punishable by a like fine or penalty.
(Ord. No. 08-12 § 10; Ord. No. 27-2011)

10-5 UNSAFE BUILDINGS.

10-5.1 Legislative Finding; Statutory Authority.

It is hereby found and declared that the existence or occupation of any building or buildings or parts thereof in the Borough which are so old, dilapidated or have become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy or use inimical to the welfare and dangerous and injurious to the health and safety of the people of the Borough, and that a public necessity exists for the repair, closing or demolition of such building or buildings or part thereof. It is hereby found that there exists in the Borough building or buildings which are unfit for human habitation or occupancy or use due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, lack of sanitary facilities, or due to other conditions rendering such building or buildings or part thereof unsafe or in-sanitary or dangerous or detrimental to the safety or otherwise inimical to the welfare of the residents of the Borough and as to which the Borough has power, pursuant to N.J.S.A. 40:48-2.3 et seq., to exercise its police powers to repair, close or demolish, or cause or require the repairing, closing or demolition of, such building or buildings or part thereof in the manner provided herein. (N.J.S.A. 40:48-2.3; Ord. No. 27-2011)

10-5.2 Definitions.

As used in this section:

Building shall mean any building, or structure, or part thereof, whether used for human habitation or otherwise, and includes any outhouses, and appurtenances belonging thereto or usually enjoyed therewith.

Governing Body shall mean the Mayor and Council of the Borough of Pitman.

Owner shall mean the holder or holders of the title in fee simple.

Parties in Interest shall mean all individuals, associations and corporations who have interests of record in a building and any who are in actual possession thereof.

Public Authority shall mean any housing authority or any officer who is in charge of any department or branch of the government of the municipality, county or State relating to health, fire, building regulations, or to other activities concerning buildings in the municipality.

Public Officer shall mean the officer or officers authorized by this section to exercise the powers prescribed by this section and by P.L. 1942, c. 112 (N.J.S.A. 40:48-2.3 et seq.).
(1967 Code § 9-2.1; N.J.S.A. 40:48-2.4; Ord. No. 27-2011)

10-5.3 Designation of Public Officer.

The Public Officer shall be the Construction Official and he shall exercise the powers prescribed by this section. (Ord. No. 27-2011)

10-5.4 Service of Complaint and Notice of Hearing.

Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the Borough of Pitman charging that any building is unfit for human habitation or occupancy or use, or whenever it appears to the public officer (on his own motion) that any building is unfit for human habitation or occupancy or use, the public officer shall, if his 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 designated agent) at a place therein fixed, not less than seven (7) days nor more than thirty (30) days after the serving of the complaint, and 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 and 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 in hearings before the public officer. (N.J.S.A. 40:48-2.5; Ord. No. 27-2011)

10-5.5 Determination of Unfitness; Service of Order; Appeal.

a. If the public officer shall determine after such notice and hearing that the building under consideration is unfit for human habitation or occupancy or use, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner and parties in interest an order as follows:

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

2. 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. (New; N.J.S.A. 40:48-2.5)

b. Within ten (10) days after the service of the order provided for in paragraph a., the owner of the building involved may appeal to the Borough Council which, after a review of all evidence presented at the hearing, shall affirm, modify or revoke the order issued by the public officer. (N.J.S.A. 40:48-2.5; Ord. No. 27-2011)

10-5.6 Failure to Comply with Order to Repair or Close.

If no appeal is taken, or an appeal is taken and the order of the public officer is affirmed thereon, and 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; provided that the public officer shall not incur any expense to repair, alter or improve any building without the approval, by resolution, of the Borough Council. 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." (N.J.S.A. 40:48-2.5; Ord. No. 27-2011)

10-5.7 Failure to Comply with Order to Remove or Demolish.

If no appeal is taken, or an appeal is taken and the order of the public officer is affirmed thereon and 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, subject to the approval, by resolution, of the Borough Council, or may contract for the removal or demolition thereof, subject to the approval of such contract by the Borough Council, after advertisement for and receipt of bids therefor. (Ord. No. 27-2011)

10-5.8 Lien for Borough's Costs.

The amount of the cost of the filing of legal papers, expert witnesses' fees, search fees and advertising charges incurred in the course of any proceeding taken under this section determined in the favor of the Borough, and such cost of repairs, alterations or improvements, or vacating and closing or removal and demolition, if any, or the amount of the balance thereof remaining after deduction of the sum, if any, realized from the sale of materials derived from such building or from any contract for removal or demolition thereof shall be a municipal lien against the real property upon which such cost was incurred. If the building is removed or demolished by the public officer, he shall sell the materials of such building. There shall be a credit against the cost of removal or demolition thereof the proceeds of any sale of such materials or any sum derived from any contract for the removal or demolition of the building. If there are no such credits or if the total sum of such costs exceeds the total of such credits, a detailed statement of the aforesaid costs and the amount so due shall be filed with the Municipal Tax Assessor or other custodian of record of tax liens and a copy thereof shall be forthwith forwarded to the owner by registered mail. If the total of the credits exceeds such costs, the balance remaining shall be deposited in the Superior Court by the public officer, shall be secured in such manner as may be directed by such Court and shall be disbursed according to the order or judgment of the Court to the persons found to be entitled thereto by final order or judgment of such Court; provided, however, that nothing in this subsection shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise. Any owner or party in interest may, within thirty (30) days from the date of the filing of a lien certificate proceed in a summary manner in the Superior Court to contest the reasonableness of the amount or the accuracy of the costs set forth in the municipal lien certificate. (N.J.S.A. 40:48-2.5; Ord. No. 27-2011)

10-5.9 Standards for Determination of Unfitness.

a. The public officer may determine that a building is unfit for human habitation or occupancy or use if he finds that conditions exist in such building which are dangerous or injurious to the health or safety of the occupants of such building, the occupants of neighboring buildings or other residents of the Borough of Pitman. Such conditions may include the following, without limiting the generality of the foregoing defects therein increasing the hazards of fire, accident or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation, disrepair, structural defects, uncleanliness.

b. Without in any way limiting the standards and conditions set forth in paragraph a. above and without in any way requiring that any one (1) or all of the conditions hereinafter set forth be found in order to declare a building unfit for human habitation, occupancy or use, the following are additional standards to guide the public officer or his agent in determining the unfitness of buildings for human habitation or occupancy or use:

1. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

2. Those which, exclusive of foundation, show thirty-three (33%) percent or more of damage, disrepair or deterioration of the supporting members, or fifty (50%) percent of damage, disrepair or deterioration of the nonsupporting enclosing or outside walls or covering.

3. Those which have improperly distributed loads upon floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.

4. Those structures and every part thereof which are not maintained in good repair by the owner or agent and unfit for human habitation; also where the roof is not maintained so as not to leak and where all rainwater is not properly drained and conveyed therefrom so as not to cause dampness in the wall or ceilings on the interior or exterior.

5. Those structures which are not maintained in proper repair so as to give adequate protection from the elements and those structures where the windows and doors do not fit properly and where all exterior wood surfaces are not protected from the elements and decay by painting or other protective covering.

6. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants or the people of the Borough.

7. Where public water facilities are available, the following shall also apply: those which lack a supply to potable running water; those which do not have at least one (1) flush toilet for each dwelling unit, or, if present, is unfit for use; those which do not have a bathtub or shower in each dwelling unit, or if present, is unfit for use.

8. Those which have improper connections between plumbing fixtures and the sanitary sewage disposal system.

9. Those which, if wired for electricity, contain an inadequate, unsafe or hazardous electrical system.

10. Those which contain unsafe or hazardous heating or cooking facilities.

11. Those having living room, bedroom or a kitchen without windows, or with windows opening on an airshaft, or toilet or bathroom without adequate ventilation.

12. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, fire escapes or other means of communication.

13. Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

14. Those which have become so dilapidated, decayed, unsafe or unsanitary that they are unfit for human habitation, or, by reason of structural deficiencies or of continuous dampness or exposure brought about by neglect or dilapidation, are likely to cause sickness or disease or may reasonably be presumed to result in injury to the health, safety or general welfare of those living therein.

15. Those buildings existing in violation of any provision of the ordinances of the Borough of Pitman or of the Board of Health relating to buildings or health. (Ord. No. 27-2011)

10-5.10 Method of Service of Complaints and Orders.

Complaints or orders issued by the public officer pursuant to this section shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the service of such complaint or order upon such persons may be made by publishing the same once in a newspaper printed and published in the County of Gloucester and circulating in the Borough of Pitman. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall be duly recorded or lodged for record with the County Clerk of the County of Gloucester. (Ord. No. 27-2011)

10-5.11 Statutory Relief to Person Aggrieved.

Any person aggrieved by an order issued by the public officer pursuant to this section may, within thirty (30) days after the posting and service of such order, avail himself of such remedies as are set forth in N.J.S.A. 40:48-2.8. (N.J.S.A. 40:48-2.8; Ord. No. 27-2011)

10-5.12 Powers of Public Officer.

The public officer is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this section, including the following powers in addition to others granted herein:

- a. To investigate the building conditions in the Borough in order to determine which buildings therein are unfit for human habitation or occupancy or use.
 - b. To administer oaths, affirmations, examine witnesses and receive evidence.
 - c. To enter upon premises for the purpose of making examinations; provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession.
- (Ord. No. 27-2011)

10-5.13 Violations and Penalties.

Any person who shall violate this section or who shall violate an order of the public officer, duly made and promulgated pursuant to this section, or who shall interfere with the public officer or any other person authorized to exercise the powers of the public officer, shall, upon conviction, be liable to the penalty stated in **Chapter** I, Section 1-5. Such action in and penalties imposed by the Municipal Court may be in addition to any other action or proceedings provided in this section. Each day that a violation is permitted to exist shall constitute a separate offense. (Ord. No. 27-2011)

10-6 SIDEWALKS AND CURBING.

10-6.1 New Construction Requirements.

Each new construction project shall include concrete sidewalks, driveway aprons and concrete curbs, constructed and paid for by the property owner, on all street frontages of the property upon which new construction is erected. (1967 Code § 8-3.1; Ord. No. 27-2011)

10-6.2 Requirements for Additions.

Each additional construction project of more than four hundred (400) square feet in finished floor area, and each accessory building construction project which adds more than six hundred (600) square feet of enclosed building on a site shall include concrete sidewalks, driveway aprons and concrete curbs, constructed and paid for by the property owner, on all street frontages of the property upon which addition or accessory building is to be constructed. (1967 Code § 8-3.2; Ord. No. 27-2011)

10-6.3 Location, Elevation, Materials and Design.

All new curbs, driveway aprons and sidewalks shall be built in location and elevation, of detail, and of materials designated by the Borough Engineer. All new driveway aprons shall be of concrete and constructed as follows:

a. The depressed curb which forms the opening of the driveway shall be poured first, to a full depth of eighteen (18) inches, with a one-and-one-half (1 1/2) inch reveal at the pavement surface. Where an existing curb is to be removed and replaced with depressed curb, the existing curb shall be removed to the nearest expansion joint or sawcut when the nearest expansion joint exceeds half (1/2) the length of the curb section.

b. The concrete driveway apron shall be poured separately, with a bituminous expansion joint placed between the apron and the depressed curb. The apron shall be a minimum of six (6) inches thick and reinforced with a six (6) inch-by-six (6) inch, No. 10 welded-wire fabric.

c. The sidewalk adjacent to the apron shall also be a minimum of six (6) inches thick and reinforced as noted above. It shall also be poured separately, with a bituminous expansion joint placed between the sidewalk and the apron.

d. The order of installation between the apron and sidewalk shall be the contractors choice. (1967 Code § 8-3.3; Ord. No. 27-2011)

10-6.4 Inspection Procedure.

Where existing curbs or existing sidewalks are in place, the Construction Official shall examine them and shall order the replacement sections which he deems hazardous as part of project construction requirements. (1967 Code § 8-3.4; Ord. No. 27-2011)

10-6.5 Certificate of Occupancy.

No certificate of occupancy shall be issued for any of the above projects unless the work is completed to the satisfaction of the Construction Official. (1967 Code § 8-3.5; Ord. No. 27-2011)

10-6.6 Corner Radius Curbing.

Corner radius curbs shall be constructed by the Borough and shall not be considered a part of the above work. (1967 Code § 8-3.6; Ord. No. 27-2011)

10-6.7 All Properties.

a. All property owners shall install curbs and, where required by the Planning Board shall install sidewalks for pedestrian passage.

b. It shall be the responsibility of all abutting landowners having street frontage on improved streets to construct and maintain, at such property owner's expense, sidewalks and curbs.

c. The Borough will provide elevations and grades at its expense in order that the property owners can install the improvements set forth in paragraphs a. and b. above.

d. If any property owner required to install such improvements fails to do so after notice, in writing, by the Mayor and Borough Council, then, pursuant to New Jersey statutes, the Mayor and Council may install such curbs and sidewalks at public expense and shall assess the costs thereof against the abutting property owner.

(1967 Code § 1024; Ord. No. 27-2011)