

ORDINANCE NO. 1825-13

AN ORDINANCE TO AMEND CHAPTER 317 PROPERTY MAINTENANCE, SECTION 317-1 STORAGE OF CERTAIN MATERIALS AND EQUIPMENT RESTRICTED; SECTION 317-9 DEFINITIONS; SECTION 317-12 ADMINISTRATIVE PROVISIONS AND SECTION 317-13 VIOLATIONS AND PENALTIES IN THE CODE OF THE BOROUGH OF MIDDLESEX

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MIDDLESEX THAT:

Section 317-1 Storage of Certain Materials and Equipment Restricted is amended to read as follows:

§ 317-1. Storage of certain materials and equipment restricted.

Storage of materials or equipment which is dilapidated or in a condition of disuse or disrepair or unsanitary or unsafe or otherwise disturbing or inimical to the health, comfort and convenience of residents of the Borough of Middlesex, is prohibited on any property within 1,000 feet of any dwelling except if such storage is in an enclosed building and cannot be reasonably detected by a person of normal sensitivity at the property line of such building, or is otherwise regulated by this municipality. "Inimical to the health, comfort and convenience of residents" shall mean any condition that offends, or is pervasive or obnoxious odors, or airborne particles which cause breathing difficulties or eye irritation, or any other such irritations or disturbances of a person of normal sensitivity.

Section 317-9 Definitions is amended to include the following:

§ 317-9. Definitions.

ENFORCEMENT OFFICER – Except as defined in § 317-12A, the enforcement officer shall be the Construction Official or his authorized representative. At the request of the enforcement officer, any patrolman or special officer of the Police Department, as defined in Chapter 80 of the Code of the Borough of Middlesex shall be authorized to enforce § 317-1 of this Chapter as related to any condition that offends, or is pervasive or obnoxious odors, or airborne particles which cause breathing difficulties or eye irritation, or any other such irritations or disturbances of a person of normal sensitivity.

Section 317-12 Administrative Provisions is amended to include the following:

§ 317-12. Administrative provisions.

F. Odors and Airborne Particles. Notwithstanding the provisions of this section, if it is determined by the enforcement officer that there is an immediate disturbance to the comfort and convenience of any resident of the Borough of Middlesex by means of any pervasive or obnoxious odors, or airborne particles which cause disturbances of a person of normal sensitivity, then no notice shall be required hereunder and the enforcement officer may immediately issue a summons of violation to a person or entity.

Section 317-13 Violations and penalties is amended to read as follows:

§ 317-13. Violations and penalties.

Any person or entity who shall violate any of the provisions of this article or any order promulgated hereunder shall, after a summons is issued under the terms hereof, be punished as follows, for each such violation occurring during any calendar day being considered a separate offense:

- A. For the first offense, by a fine not less than \$500 or more than \$2,000.
- B. For a second offence, by a fine not less than \$1,000 or more than \$2,000.
- C. For a third offense or any subsequent offenses, by a fine of not less than \$1,500 or more than \$2,000.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey as follows:

- 1. The Governing Body does hereby amends the above-captioned sections of Chapter 317 Property Maintenance of the Code of the Borough of Middlesex.
- 2. This Ordinance shall take effect immediately upon final passage and publication according to law.

ATTEST

Kathleen Anello, Municipal Clerk

Ronald S. Dobies, Mayor

INTRODUCED: March 26, 2013

DATE PUBLICATION
OF INTRODUCTION:

ADOPTED:

DATE OF PUBLICATION
OF ADOPTION: