

ORDINANCE NO. 5, 2022

AN ORDINANCE AMENDING CHAPTER 205 PROPERTY MAINTENANCE, ARTICLE I, SECTION 205-2, REVISIONS TO STANDARDS, OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

WHEREAS, the City of Linwood, on November 27, 2001, adopted Ordinance No. 27, 2001 creating a Property Maintenance Code for the City by adopting the International Property Maintenance Code, published by the International Code Council; and

WHEREAS, the City of Linwood desires to update to the most current version of the International Property Maintenance Code for the control of buildings and structures as therein provided, and each and all regulations, provisions, penalties, conditions, and terms of said code are hereby referred to, adopted, and made a part hereof, as if fully set forth in this chapter, with the additions, insertions, deletions, and changes, if any, prescribed herein.

NOW THEREFORE, BE IT ORDAINED, by the Common Council of the City of Linwood, County of Atlantic and State of New Jersey as follows:

SECTION 1: Chapter 205, Property Maintenance, Article I, Section 205-2, Revisions to Standards, is hereby revised to read as follows:

Section 101.1. Insert: The City of Linwood

Section 102.3. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the International Zoning Code.

Section 103.1. The Property Maintenance Division is hereby created within the Construction Department and the Construction Code Official in charge of the Department shall also be known as the Code Official.

Section 103.3. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Code Official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees. Such employees shall have the powers as delegated by the Code Official. Those employees include the Zoning Official and members of the Police Department.

Section 104.1. Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule attached hereto and made part hereof.

Section 104.1A. Any person or persons found to be in violation of this ordinance may be subject to the following fines, penalties and/or any combination thereof.

Section 104.1B. Fail to comply with a Notice of Violation within the reasonable time to be determined by the Code Official may result in fines and penalties not less than \$100.00 nor more than \$2,000.00.

Section 104.1C. Any violation order that is not promptly complied with, the City

shall, at its discretion, correct said violation, the cost of which shall be charged against the owner of said real estate and shall be a lien upon such real estate.

Section 104.1D. Cost to bring a property into compliance with code; by resolution of its governing body, may abate a nuisance, correct a defect, or put any private premises in proper condition so as to comply with municipal ordinance or state law applicable thereto, at the cost of the owner or lessor, and to extend municipal funds for such purpose and to charge the same against the premises and the amount thereof as determined by the governing body of the municipality shall be a lien against the premises and collectible as provided by the statutes of the State of New Jersey.

Section 104.1E. Any person who has taken out a construction or demolition permit and who shall be found guilty of violating the provisions of this ordinance by the Judge of Linwood Municipal Court or any other Court of competent jurisdiction shall, upon conviction, be subject to a fine of not more than \$1,000.00 plus the cost of the cleanup and the proper and legal disposal of the waste material improperly disposed of; or community service for a term of not less than 20 hours nor more than 40 hours; or any combination of these penalties.

Section 104.1F. Each and every day that a violation continues after proper notice shall be considered a separate offense.

Section 302.4. Insert: 10 inches

Section 304.14. Insert: May 1 to October 1

Section 602.3. Insert: October 1 to April 30

Section 602.4. Insert: October 1 to April 30

SECTION 2: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 3: Should any sentence, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 4: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

<i>FIRST READING:</i>	<i>March 23, 2022</i>
<i>PUBLICATION:</i>	<i>March 28, 2022</i>
<i>PASSAGE:</i>	<i>April 13, 2022</i>

The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on, March 23, 2022 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on April 13, 2022.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR