

AN ORDINANCE PROVIDING FOR THE MAINTENANCE OF  
PROPERTY WITHIN THE BOROUGH OF MILLSTONE,  
COUNTY OF SOMERSET, STATE OF NEW JERSEY

BE IT ORDAINED, by the Mayor and Borough Council of the  
Borough of Millstone, County of Somerset, State of New Jersey as  
follows:

1. Administration and Enforcement.

A. This Ordinance shall be known and may be referred  
to as the "Property Maintenance Code".

B. Purpose. The purpose of this Ordinance is to  
protect the public health, safety and welfare in buildings and on  
property in the Borough of Millstone and to provide for  
responsibilities of owners, operators and occupants of property.

C. Applicability. This Ordinance shall apply to all  
structures and premises within the Borough of Millstone.

D. Application of Zoning Ordinance. Nothing in this  
Ordinance shall permit the establishment or conversion of any  
property in any zone to use not permitted within that zone.

E. Conflict with Other Ordinances. In the event that  
a provision of this Ordinance is found to be in conflict with the  
provision of any zoning, building, fire, safety or health  
ordinance or code, the provision which establishes the highest

standard for promotion and protection of the safety and health of the public shall prevail.

F. Enforcement. The provisions of this Ordinance shall be enforced by the Building Inspector and Zoning Officer of the Borough of Millstone or such other borough official as designated by the Borough Council which official shall hereinafter be referred to as the Enforcement Official.

G. Application of Building Code. Any alterations or changes to structures of buildings which may be caused directly or indirectly by the enforcement by this Ordinance shall be done in accordance with the applicable sections of the Building Code then in effect.

2. Definitions.

A. Terms Defined in Building Code. When any terms or words are not defined in this Ordinance but are defined in the Building Code, they shall have the same meaning as described in the Building Code.

B. Terms Not Defined. When terms are not defined under the provisions of this Ordinance or under the provisions of the Building Code, they shall have their ordinary and customary meaning.

C. Meaning of Words and Terms. The following words and terms shall, for the purpose of this Ordinance shall have the meanings indicated:

(a) Basement. A portion of the building partly underground, but having less than half its clear height below the average grade of the adjoining ground (see "cellar").

(b) Cellar. The portion of the building partly underground, having half or more than half of its clear height below the average grade of the adjoining ground.

(c) Dwelling Unit. One or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

(d) Enforcement Officer. The official designated herein or otherwise by the Borough Council with the responsibility of administering this Ordinance.

(e) Exterior Property. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

(f) Extermination. The control and elimination of insects, rodents or other pests 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.

(g) Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(h) Infestation. The presence, within or contiguous to, a structure or premises of insects, rodents, vermin or other pests.

(i) Occupant. Any person over one year of age, including owner or operator, living, and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.

(j) Openable Area. That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

(k) Operator. Any person who has charge, care or control of a structure or premises which are let or offered for occupancy.

(l) Owner. Any person who alone or jointly or severally with others shall have legal or equitable title to property.

(m) Rubbish. Combustible and non-combustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

(n) Structure. An assembly or materials forming a construction for occupancy or use, including among others,

buildings, stadiums, tents, water tanks, storage tanks, open sheds, shelters, fences, swimming pools and display signs.

(o) Workmanlike. When the words "workmanlike state of maintenance and repair" are used in this code, they shall mean that such maintenance and repair shall be made in a reasonable skillful manner.

(p) Yard. An open unoccupied space on the same lot with a building extending along the entire length of a street, or rear, or interior lot line.

### 3. Duties and Responsibilities.

A. Every building and structure occupied in the Borough of Millstone shall comply with the conditions provided in this Ordinance.

B. Exterior of property areas. No person shall occupy as owner/occupant or let another occupy any structure or premises which does not comply with the following requirements.

C. Sanitation. All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage.

D. Grading and Drainage. All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any building or structure located thereon.

E. Noxious Weeds. All exterior property areas shall be kept free from species or weeds or plant growth which are noxious or detrimental to the public health.

F. Insect and Rodent Harborage. Every owner of a structure or property shall be responsible for the extermination of insects, rodents, vermin, or other pests in all exterior areas of the premises, except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation exists in the shared or public parts of the premises of other than a single-family dwelling, extermination shall be the responsibility of the owner.

G. Grass. All grass or other ground covering on exterior property and yards in the Borough of Millstone shall be maintained so that it does not exceed a height of 10 inches.

H. Accessory Structures. All accessory structures, including detached garages and swimming pools shall be maintained structurally sound and in good repair.

I. Exterior Structure. No person shall occupy as owner-occupant, or let to another for occupancy, any structure or portion thereof which does not comply with the following requirements:

(a) Foundations, Walls and Roof. Every foundation, exterior wall, roof and all other exterior surfaces

shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rodents.

(b) Foundations. The foundation elements shall adequately support the building at all points.

(c) Exterior Walls. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain, or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface material must be painted in accordance with acceptable standards, and all siding material must be kept in repair.

(d) Roofs. The roof shall be structurally sound, tight, and have no defects which might admit rain, and roof drainage shall be adequate to prevent rain water from causing dampness in the walls or interior portion of the building.

(e) Stairs, Porches and Railings. Stairs and other exit facilities shall be adequate for safety as provided in the building code and shall comply with the following sections.

(f) Structural Safety. Every outside stair, every porch, and every appurtenance attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected as required by the building code and shall be kept in sound condition and good repair.

(g) Handrails. Every flight of stairs, which is more than two risers high, shall have handrails which shall be located as required by the building code, and every porch which is more than two risers high shall have handrails so located and of such design as required by the building code. Every handrail shall be firmly fastened and shall be maintained in good condition.

(h) Windows, Doors and Hatchways. Every window, exterior door and basement hatchway shall be substantially tight and shall be kept in sound condition and repair.

(i) Door Hardware. Every exterior door, door hinge, and door latch shall be maintained in good condition.

(j) Doors To Fit in Frame. Every exterior door, when closed shall fit reasonably well within its frame.

(k) Window and Door Frames To Fit in Wall. Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind.

(l) Basement Hatchways. Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain, and surface drainage water into the dwelling or structure.

(m) Insect and Rodent Harborage. Buildings shall be kept free from insect and rodent infestation, and where



insects or rodents are found, they shall be promptly exterminated by acceptable processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

(n) Extermination from Structures. Every owner of a dwelling or structure shall be responsible for the extermination of insects, rodents, vermin, or other pests whenever infestation exists. In addition, in the case of non-owner occupied dwellings or structures, the occupant shall also be responsible for the extermination of insects, rodents, vermin or other pests where infestation exists.

4. Violations. Any person who shall violate any provision of this Ordinance shall be subject to a fine not to exceed \$500 and/or imprisonment in the county jail for a period not to exceed 90 days. Each violation of any provision of this Ordinance and each date that such violation shall continue shall be deemed a separate and distinct offense.

5. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such invalidity shall not affect the remaining portions of the Ordinance which shall remain and continue in full force and effect.

6. Effective Date. This Ordinance shall take effect upon final passage and publication as required by law.

Introduced: September 7, 1988  
Published : September 23, 1988  
Adopted : October 5, 1988