

**BOROUGH OF SUSSEX
COUNTY OF SUSSEX
ORDINANCE NO. 2023-11**

AN ORDINANCE TO AMEND SECTION 12-4, ENTITLED “PROPERTY MAINTENANCE CODE”, OF THE CODE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, STATE OF NEW JERSEY

BE IT ORDAINED by the Borough Council of the Borough of Sussex, in the County of Sussex and State of New Jersey, as follows:

SECTION 1. Subparagraphs (a)(4) and (5) of Subsection 12-4.5, entitled “Enforcement Procedure”, of Section 12-4, entitled “Property Maintenance Code”, of the Code of the Borough of Sussex are amended to read as follows:

4. The time period by which, after service of the notice upon the owner, the owner has to correct or abate the violation;
5. A statement that the notice shall become an order of the Code Enforcement Officer upon the expiration of the time period specified in the notice; and

SECTION 2. Subparagraph (c) of Subsection 12-4.5, entitled “Enforcement Procedure”, of Section 12-4, entitled “Property Maintenance Code” of the Code of the Borough of Sussex is amended to read as follows:

- c. Upon expiration of the time period identified in the notice, the notice shall constitute a final order. If the violation is not corrected or abated by the time the notice constitutes a final order, the Code Enforcement Officer shall issue a summons to the owner to appear in municipal court for violation of the final order, pursuant to N.J.S.A. 2B:12-17a.

SECTION 3. Section 12-4.6, entitled “Violations and Penalties” of Section 12-4, entitled “Property Maintenance Code”, of the Code of the Borough of Sussex is amended to read as follows:

§ 12-4.6 Violations and Penalties.

- a. Failure to comply with a final order of the Code Enforcement Officer per this section shall be punishable by a fine in an amount not to exceed \$1,250.
- b. A violation of any one provision of this section which is a basis of a final order shall constitute a separate and distinct offense for which a summons may be issued.
- c. Each day that a violation continues after issuance of a summons shall be deemed a separate offense and shall be subject to imposition of daily penalties.
- d. In the event that a fine shall, in total, be greater than \$1,250, the owner of the subject property shall first have had 30 days from the service of the notice of violation pursuant to N.J.S.A. 40:49-5 and this section to cure and abate the condition and shall be afforded an opportunity for a hearing before the Municipal Court for an independent determination of whether such violation occurred and what the amount of the fine should be. Subsequent to the expiration of the 30-day period, a fine greater than \$1,250 may be imposed if the Court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.
- e. If a final order of the Code Enforcement Officer shall be in effect without cure or abatement of the condition, additional summonses may be issued without the requirement of additional notice for the violation or violations which is or are the basis for the final order. This provision shall not limit the ability of the Court to impose penalties per paragraph (c) of this subsection.

SECTION 4. If any article, section, subsection, paragraph, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 5. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 6. This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey following the required 20-day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

Attest:

Antoinette Smith, Borough Clerk

Edward Meyer, Mayor

NOTICE

NOTICE IS HEREBY GIVEN that the attached Ordinance 2023-11 was introduced at a regular meeting of the Mayor and Council of the Borough of Sussex, Sussex County, New Jersey, held on April 18, 2023 and passed on first reading, and that such Ordinance was further considered for final passage and adoption at the regular meeting of the Mayor and Council held on May 2, 2023 , and after all persons present were given the opportunity to be heard concerning the same, it was finally passed and adopted and will be in full force and effect according to law.

Antoinette Smith, RMC