

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – April 2, 2019**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:30 P.M.

Roll Call: Conry, Duchemin, Noone, Norris and Valle.

Absent: Parichuk and Higgins

Also, Present: Matthew Hall, Manager
Laurie A. Barton Borough Clerk
Leslie Parikh, Attorney

Deputy Mayor Conry led everyone in the flag salute.

Deputy Mayor Conry read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231’ have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.”

COUNCIL APPEARANCE

Motion made by Valle and seconded by Noone to open the audience portion.

Ayes: 5 Nays: 0
Motion Carried.

Jeanine Gleba, Vice Pres., Library, discussed the library budget and their updated requests.

Usha Lankos, Director, Library, gave a break down of the achievements of the library.

John Monteverde, BID, reminded everyone of the Arts and Sweets Craft Festival coming up.

VOUCHERS AND CLAIMS

Motion made by Valle seconded by Noone to pay the vouchers and claims in the amount of \$1,174,857.72 from the current fund and \$ 88,862.45 from sewer.

ROLL CALL: Roll Call: Conry, Duchemin, Noone, Norris and Valle.
Motion Carried.

NEW BUSINESS

Motion made by Noone and seconded by Valle to approve the following Raffle Licenses:

- Raffle License: RA-2019-5 & RA-2019-6 Wash Boro PTO-May 11, 2019

Ayes: 5, Nays: 0
Motion Carried

ORDINANCES

Motion made by Valle to pen the public hearing for Ordinance 2019-10 motion seconded by Noone, all were in favor.

Hearing no public comment, motion made by Duchemin and seconded by Noone to close the public hearing, all were in favor.

Motion made by Noone and seconded by Valle to adopt Ordinance 2019-10.

ROLL CALL: Roll Call: Conry, Duchemin, Noone, Norris and Valle.
Ayes: 5, Nays: 0
Motion Carried.

ORDINANCE 2019-10
AN ORDINANCE OF THE BOROUGH OF WASHINGTON REPEALING AND REPLACING CHAPTER 66 – RENTAL PROPERTY OF THE CODE OF THE BOROUGH OF WASHINGTON IN ITS ENTIRETY

WHEREAS, the Mayor and Council of the Borough of Washington have determined, with the advice and counsel of the Borough Manager, Code Enforcement and Zoning Officer, Animal Control Officer, and the Warren County Health Department that § 66 Rental Property of the Code of the Borough of Washington is outdated and in need of rewriting; and

WHEREAS, the Borough of Washington shall heretofore commit significant resources to ensure that safe, sanitary, and adequate housing is maintained by landlords offering properties for rent;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that § 66 of the Code of the Borough of Washington be hereby repealed in its entirety and replaced in its entirety with § 66 reading substantially as follows below:

§ 66-1. Purpose.

The purpose of this article is to insure the health, safety and welfare of all tenants residing in rental properties as well as all other residents and visitors to the Borough of Washington.

§ 66-2. Definitions.

For use in this article only, the following words and phrases shall have the meanings respectively ascribed to them by this section:

LANDLORD and OWNER — Any person who owns any legally cognizable interest in any rental property, including, but not limited to, outright ownership or ownership through a partnership, corporation or limited liability company.

OWNER-OCCUPIED — The primary residential living unit of the owner is located within the rental property.

PEST MANAGEMENT PROFESSIONAL — A person who:

- i) is licensed, registered, or certified by the State of New Jersey to perform pest control services;
- ii) has attended courses or undergone training on the proper method for the extermination of pests; and
- iii) follows the National Pest Management Association Best Practices.

PROPERTY MAINTENANCE — The cleanliness and proper working order and upkeep of all areas and facilities of the rental unit, rental property or complex used by the tenants and the public.

RENTAL PROPERTY — Any house, structure, building or complex which contains one or more individual residential rental units other than owner-occupied houses, structures or buildings.

RENTAL UNIT — Includes that portion of a house, building or structure rented or offered for rent, for living and dwelling purposes to individuals or family units.

RESIDE — To live or dwell permanently or continuously for more than 14 days. Said days need not be consecutive, but must occur within a reasonably short period of time to evidence an intent to utilize the rental unit as the person's primary place of residence.

TENANTS — Those persons who have leased the rental unit from the owner, regardless of the type of tenancy under which they occupy the rental unit.

OFFICE OF HOUSING – That Office within the Borough of Washington which shall administer this ordinance and shall keep records associated with same.

HOUSING INSPECTOR – Officer of the Borough of Washington located within the Office of Housing which shall be primarily responsible for administering this ordinance and all polices and procedures herein as designated by § 66-16 of this ordinance.

CERTIFICATE OF HOUSING – Certificate Issued by the Office of Housing only subsequent to a successful inspection conducted by the Housing Inspector finding no violations. No Certificate of Housing shall be issued if any open violations exist.

RENTAL REGISTRATION STATEMENT – Statement of information about the property required by the Office of Housing. No property shall be permitted to be rented without submission of a rental registration statement. No property shall be permitted to register without a valid Certificate of Housing beginning July 31, 2020 and continuing annually in perpetuity thereafter.

§ 66-3. Housing excepted from coverage.

- A. The provisions of this article shall not apply to owner-occupied units located within a rental property of not more than 2 units per property.
- B. The provisions of this article shall not apply to rental properties under the supervision of Public Housing Authorities or that exclusively provide restricted senior housing or housing for the developmentally disabled.

§ 66-4. Rental property registration.

- A. The owner of every rental property located in the Borough of Washington and regulated by this article shall file a rental property registration statement with the Office of Housing. Forms for said filing can be obtained from the Office of Housing. The Office of Housing shall provide copies of all rental property registration statements to the 911 Dispatch, the Police Chief, the Fire Chief, the construction and zoning officials, all other applicable local enforcement agencies and the local Board of Education. Said information will be kept confidential, and any personal identifying information will not be distributed or utilized in any manner not set forth herein unless required by law. No property shall be permitted to be rented or leased without a valid rental property registration as prescribed herein.
- B. A rental property registration statement shall be filed on an annual basis for each rental unit on or before July 31st of each year. The annual registration fee for each unit shall be in accordance with the fee schedule set forth herein. Beginning July 31st, 2020 and continuing annually in perpetuity thereafter no property shall be permitted to be

registered without a valid Certificate of Housing as prescribed herein. Properties shall be duly registered not later than August 15th of each year after which point the record owner or owners, registered agents, corporate officers or other responsible individuals as defined in this ordinance shall be subject to fines and penalties as set forth in § 66-22 of this ordinance.

C. The rental property registration statement form shall require the submission of the following information:

- (1) The name, address and telephone number of the record owner or owners of the premises and the record owner or owners of the rental business if not the same persons. In the case of a partnership, the names of all general partners shall be provided. If the record owner is a corporation, the name and address of the registered agent and corporate officers of said corporation;
- (2) If the address of any record owner is not located in the county in which the premises is located, the name, address and telephone number of a person who resides in the county in which the premises is located and is authorized to accept notices from a tenant and to issue receipts therefor and to accept service of process on behalf of the record owner;
- (3) The name, address and telephone number of the managing agent of the premises, if any;
- (4) The name, address and telephone number, including the dwelling unit, apartment or room number, of the superintendent, janitor, custodian or other individual employed by the record owner or managing agent to provide regular maintenance service, if any;
- (5) The name, address and telephone number of an individual representative of the record owner or managing agent who may be reached or contacted at any time in the event of an emergency affecting the premises or any unit of dwelling space therein, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building, any repair thereto, disruption of utilities or expenditures in connection therewith and shall, at all times, have access to a current list of building tenants that shall be made available to emergency personnel as required in the event of an emergency;
- (6) The name and address of every holder of a recorded mortgage on the premises;
- (7) If fuel oil is used to heat the building and the landlord furnishes the heat in the building, the name and address of the fuel oil dealer servicing the building and the grade of fuel oil used (When deemed necessary, Borough officials may provide for the purchase of home heating oil or other fuel and may, thereafter, attach a lien on the subject rental property for all costs.);

- (8) The number of tenants over the age of two (2) years authorized to reside in each rental unit, including the number of tenants over the age of two years but under the age of nineteen (19) years (school-age children). The information contained in the rental property registration statement must set forth information for each unit within the rental property and must include the number of tenants actually residing in each rental unit;
- (9) As to each rental unit, the owner shall provide a floor plan of the rental unit, which shall depict the number, dimensions and location of each room in the rental unit. No space shall be used for sleeping purposes which has not been so designated as a sleeping area on the floor plan provided by the owner and approved by the local enforcing agency, which shall be on file with the Construction Official; and
- (10) As to each rental unit of ninety-nine (99) units or less, the owner shall provide a parking plan of the rental unit, which shall depict the number, dimensions and location of off-street parking space dedicated to each unit.
- (11) Such other information as may be deemed necessary to enforce this article.

D. In the event the tenancy of a rental unit changes during the year, the owner or managing agent shall, within thirty (30) days of the change in tenancy, provide an updated rental property registration statement. This shall be in addition to the requirements for obtaining a Certificate of Housing for the change of tenancy. A "change in tenancy" shall mean the addition of any person not included in the annual statement, or deletion of any person on the annual statement. Failure to provide the required information shall be deemed a violation of this article, and owners, managing agents and tenants may be held accountable for inaccurate rental property registration statements.

§ 66-5. Inspections.

- A. Inspections pursuant to this article shall be conducted on an annual basis unless good cause exists for requiring an earlier inspection.
- B. All rental units subject to this article shall be inspected by the enforcement officers duly authorized to conduct inspections for purposes of determining compliance with all applicable local, state and federal laws, regulations, ordinances, and codes, including, but not limited to, the Uniform Construction Code, local zoning ordinances, the property maintenance code, health codes, housing codes and fire codes.
- C. The owner and/or managing agent on record with the Borough shall be notified of said inspections before they commence and shall, by request, be required to be present during said inspections. The owner and/or managing agent must, upon receiving notice of pending inspections, immediately notify all affected tenants of

the pending inspections. Reasonable efforts will be made by the Borough to conduct said inspections at a mutually convenient date and time.

- D. The owner and/or managing agent and the tenant(s) shall make the subject rental units fully available for all required inspections and are required to make all necessary arrangements to facilitate such inspections. Where inspections have been scheduled, but the owner, managing agent and/or tenants fail to make the subject rental unit(s) available at the scheduled date and time, the owner and/or tenant(s) may be fined for violation of this article pursuant to **§ 66-22**.
- E. Inspections shall only be made with the consent of at least one of each rental unit's tenants who is of legal age to grant such consent. Absent such consent, inspections may only be conducted following the issuance of an administrative search warrant, unless there is reason to believe that a violation exists which poses an immediate threat to health or safety, requiring inspection and abatement without delay. Reasonable attempts shall be made to provide advance notice to the owner and/or managing agent and to obtain consent from the tenant(s).
- F. In the event of a tenant's refusal to allow entry for inspections, the inspecting officer may, upon affidavit, apply to the Judge of the Municipal Court for a search warrant setting forth the reasonable basis for believing that there exists a nuisance, violation of this article and/or violation of other local, state or federal laws, regulations, ordinances and/or codes.
- G. In the event that the inspections of a rental unit do not result in a satisfactory outcome, the owner, managing agent and/or tenants shall complete all required repairs or corrections within the time prescribed by the inspecting officials or applicable code, and if not made within that time period, the owner and/or tenants shall be deemed in violation of this article, and every day that said violation continues unabated shall constitute a separate and distinct violation subject to the penalty provisions herein. Failure to abate said violations may result in the revocation of a certificate of occupancy. In the event of the revocation of a certificate of occupancy, relocation of tenants shall be required. Such relocation shall be made at the owner's expense pursuant to the provisions of **§ 66-7**.

§ 66-6. Prerequisites to occupancy; maximum number of occupants.

- A. No person shall occupy any rental unit without first securing a Certificate of Housing, nor shall the owner and/or managing agent permit occupancy of any rental unit unless the rental unit has been registered and in compliance with the provisions of this article.
- B. The owner shall post the maximum authorized number of occupants in a conspicuous area within the rental unit. It shall be unlawful for any person, including the owner, managing agent and/or tenants, to allow a greater number of persons than the posted

maximum number of occupants to reside in the rental unit. This provision may be enforced against the owner, managing agent and/or tenants as well as against the unauthorized persons residing in the rental unit under this article or any other applicable local, state or federal law, regulation, ordinance or code.

§ 66-7. Nuisances; utilities; relocation costs.

A. No rental property or unit shall be conducted or maintained in a manner that constitutes a nuisance. The owner and the tenants will be held responsible for any such conditions and/or activities, and such conditions and/or activities shall constitute a violation of this article as well as violations of any other applicable local, state or federal laws, regulations, ordinances and/or codes. For the purposes of this section, any violation of any applicable local, state or federal laws, regulations, ordinances and/or codes including but not limited to the Uniform Fire Code, the International Property Maintenance Code as adopted by the Borough of Washington, and others shall be deemed a nuisance and therefore shall be subject any costs or penalties associated with the sections below.

B. Owners and/or tenants shall be liable to the Borough for the cost of reinstating utility operations should any utilities to a rental property or rental unit be permitted to lapse either by the owner or the tenants.

C. Owners shall be held fully liable to the Borough for relocation costs incurred due to the displacement of any tenants pursuant to **N.J.S.A.20:4-4.1.**

§ 66-8. Additional lease requirements.

A. Owners are required to enter into a written lease with the persons renting each rental unit. A copy of said lease must be provided to the Office of Housing within 10 days of its execution.

B. In addition to those provisions required by other local, state and federal laws, regulations, ordinances and codes, owners shall also include the following additional provisions in every written lease entered into or renewed following the date of adoption of this article:

(1) A provision setting forth the maximum number of residents permitted in the unit and a clear description of the location of designated sleeping areas.

(2) A provision confirming that the tenants agree to permit reasonable inspections of their rental unit by duly authorized officials upon reasonable notice to the tenants. This provision must additionally require that the owner and/or managing agent, upon receiving

notice of pending inspections from the Borough, will immediately provide notice of the pending inspections to the tenants.

§ 66-9. Inspection, treatment and extermination of pests.

A. Landlord's pest control responsibility.

(1) It is the responsibility of every landlord to provide pest control services when an infestation of pests is found or reasonably suspected on the landlord's premises. The landlord must continue to provide such services until such time as evidence of pests can no longer be found or verified on the premises. Every landlord shall maintain a written record of all pest control measures performed and shall include reports and receipts prepared by the pest management professional relating to those measures taken. This record shall be maintained for three years and shall be open to inspection by the Borough.

(2) A landlord shall provide the pest control services within ten (10) days after: 1) a bedbug is found or reasonably suspected anywhere on the premises; or 2) being notified in writing by a tenant of a known or reasonably suspected pest infestation on the premises or in the tenant's rental unit.

B. Method of extermination. The extermination of pests shall be by inspection and, if necessary, the treatment of the dwelling unit on either side of the affected dwelling unit and the unit directly above and below the affected dwelling unit. This pattern of inspection and treatments shall be continued as necessary until no further infestation is detected.

C. Landlord's duty of nonretaliation. The landlord may not retaliate in any manner, including by terminating a tenancy, increasing rent, decreasing services, threatening litigation, or refusing to renew a tenancy, against a tenant who in good faith requests or furthers in any manner the treatment of a known or reasonably suspected pest infestation or who in good faith registers a complaint with the Borough or other appropriate authority alleging a violation of the requirements of this § 66-9. Any landlord who violates this section shall pay the affected tenant penalty equivalent to two (2) months rent, shall return the tenant all security deposits and advanced front payments, and shall forfeit the right to require any further security deposit.

D. Tenant's responsibility.

(1) Within fifteen (15) days after a tenant finds or reasonably suspects a pest infestation in the presence of the tenant's dwelling unit, the tenant shall notify the landlord in writing of such infestation, or of any recurring or unexplained bites, stings, irritation, or sores of the skin or body which the tenant reasonably suspects are caused by bedbugs. This notification shall describe with specificity the evidence and location of any infestation. On receipt, the landlord shall file a copy of the notification with the Borough.

(2) The tenant shall cooperate with the landlord in the control, treatment, and eradication of the pest infestation found or reasonably suspected in the tenant's rental unit. As part of this cooperation, the tenant shall:

- (a) Not interfere with inspections or treatments;
- (b) After reasonable notice in writing to the tenant, grant access at reasonable times to the tenant's rental unit for purposes of infestation inspection or treatment;
- (c) Make any necessary preparations prior to treatment in accordance with any pest management professional's recommendations; and
- (d) Promptly dispose of any personal property that a pest management professional has determined cannot be treated or cleaned, by enclosing such personal property in a plastic bag and clearly labelling it as infested prior to transporting such property out of the dwelling unit.

(3) Prior to inspection or treatment for the infestation, the landlord shall send a written notice to the tenant of the rental unit being inspected or treated, advising the tenant of the tenant's responsibilities under this section and setting forth the specific preparations required of the tenant.

E. Enforcement. Borough inspectors shall have authority to inspect the interior and exterior of buildings and attached lands for the infestation, and when any evidence of an infestation of pests is found, to report such evidence to the appropriate Borough authority.

F. Violations and penalties. Any person who violates this § 66-9 shall be fined not less than \$300 nor more than \$500 for the first violation, not less than \$500 nor more than \$1,000 for the second violation, and not less than \$1,000 nor more than \$2,000 for the third or subsequent violation. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply.

§ 66-10. Violations and penalties.

Any person violating any of the provisions of this article, other than § 66-9, shall, upon conviction, be subject to a penalty as stated in § 66-22, of the Code of the Borough of Washington.

§ 66-11. Certificate required.

No person, firm, corporation or any combination thereof shall occupy any residential, commercial, industrial or other structure in the Borough of Washington unless said person, firm or corporation shall first obtain from the Borough of Washington a Certificate of Housing in accordance with this chapter.

§ 66-12. Compliance required; effect on existing occupancies; exception.

A. No person, firm, corporation or combination thereof who owns residential, industrial or other structures shall permit the same or part thereof to be occupied by another without first securing from the Office of Housing of the Borough of Washington a certificate of habitability for said structure. Those who must obtain a Certificate of Housing under § 66-12C of this chapter shall be exempt from this requirement.

B. No persons, firms, corporation, association, partnership, or any combination thereof owning a structure shall allow the same to be leased or rented without registering for the Certificate of Housing with the Office of Housing of the Borough of Washington.

C. Persons, firms or corporations or any combination thereof who rent or lease a structure or portion thereof and who have registered for a Certificate of Housing shall allow the Office of Housing to inspect the same on the time and date prescribed by the Office of Housing and shall further comply with all the requirements necessary for issuance of a Certificate of Housing prescribed by the Office of Housing within the time period prescribed.

D. No person, firm, corporation or combination thereof who owns any unoccupied residential, commercial, industrial or other structure or portions thereof shall permit the same to be reoccupied for the purposes of leasing same to tenants in accordance with the provisions of this ordinance without first securing from the Office of Housing a Certificate of Housing.

§ 66-13. Prerequisites for issuance.

A. No Certificate of Housing shall be issued for a structure being offered for lease to any tenant unless the condition of the same complies with all health, safety, fire and departmental regulations established pursuant to said ordinances or laws of the Borough of Washington and the Property Maintenance Code adopted by the Borough of Washington.

B. Once a Certificate of Housing has been issued, it shall be valid for twelve (12) months from the date of issuance absent any substantial change to the premises following the date of issuance.

§ 66-14. Periodic inspections.

All rental structures registered for a Certificate of Housing inspection will be assigned for a date and time for an inspection by the Office of Housing. Thereafter, the structure and its units will require inspections and Certificates of Housing every twelve (12) months. Structures found not to be in conformance with the standards of this chapter may, at the discretion of the Office of Housing, be required to have periodic inspections of a frequency determined by the Housing Inspector. The Office of Housing and/or Housing Inspector may establish categories of structures and schedules of inspections.

§ 66-15. Higher standards to prevail.

In any case where there may be a conflict in the provisions of the codes or ordinances of the Borough of Washington and the Property Maintenance Code adopted by the Borough of Washington, or in the regulations of the State of New Jersey, the higher standards for the promotion and protection of the safety and health of the people shall prevail.

§ 66-16. Enforcement.

The Housing Inspector of the Borough of Washington shall be the primary officer who has the duty and power to enforce said ordinance. The Housing Inspector shall also, at his discretion, confer upon the Zoning Officer, Animal Control Officer, Fire Official, or

any Police Officer in the employ of the Police Department currently serving the Borough of Washington, the duty and power to enforce said ordinance.

§ 66-17. Fees.

A. Fee schedule.

UNITS	FEE
1 - 2	\$100 1st Unit + \$75 Additional Unit
3 - 5	\$125 Units 1-3 + \$50 Per Unit, Units 4-5
6 - 9	\$175 Units 1-6 + \$35 Per Unit, Units 7-9
10 - 24	\$250 Units 1-10 + \$25 Per Unit, Units 11-24
25 - 49	\$350 Units 1-25 + \$15 Per Unit, Units 26-49
50+	\$500 Units 1-50 + \$10 Per Unit Thereafter

B. All checks shall be made payable to the Borough of Washington.

§ 66-18. Applications and registrations.

The Office of Housing will register the structure after the owner provides the name and address of the owner, the name and address of the rental agent, if any, the name of the property, the tenants and a description of the premises, including the number of units, the street address, the property block and lot number, any applicable apartment number, a verification of current sewer and tax payments, and a valid Certificate of Housing. This registration shall be required annually.

§ 66-19. Powers and duties of Office of Housing; inspection; report.

A. The Office of Housing of the Borough of Washington shall have such powers as may be necessary to carry out the intent and purposes of this chapter, including but not limited to the following enumerated powers:

- (1) To investigate the habitable conditions of the Borough of Washington in order to determine which houses, apartments or other structures, including a mobile home and a modular unit, are unfit for human habitation.
- (2) To enter upon said premises for the purposes of making examinations incidental to his duties.
- (3) To delegate any of the functions and powers to the employees of the Borough of Washington or the Police Department serving the Borough of Washington as the Office of Housing may designate or as may be designated by the Council of the Borough of Washington.

B. Upon application of a property owner, the Housing Inspector shall make an inspection of said house, apartment or other structure for which there has been an application for an occupancy permit within five working days from receipt of said application and the payment of the fee or, where applicable, on the date prescribed upon registration.

C. The Housing Inspector shall make a report promptly after such inspection and advise the applicant of any violations of the codes or ordinances of the Borough of Washington and the Property Maintenance Code adopted by the Borough of Washington, or in the regulations of the State of New Jersey.

§ 66-20. Construction of sidewalks, curbs and gutters.

A. Prior to issuance of a Certificate of Housing, sidewalks, curbs and gutters shall be constructed in accordance with § 75-19 of the Borough Code.

B. The Borough Council may waive the requirement for sidewalks, curbs and gutters if either of the following two conditions exists:

(1) No sidewalks, curbs or gutters are installed on adjacent properties.

(2) The Municipal Engineer certifies that the existing conditions prohibit the required improvements from being made in a safe fashion.

§ 66-21. Denial.

Violations of the foregoing codes and ordinances or noncompliance therewith shall be grounds for denial of the Certificate of Housing.

§ 66-22. Violations and penalties.

In addition to the penalties set forth in § 66-9, any owner or agent, landlord, tenant, and any person or corporation who shall violate any of the provisions of this chapter or fail to comply therewith or with any of the requirements thereof shall be liable to a fine of not more than \$2,000, community service or imprisonment for not more than 90 days, or a fine, community service and imprisonment. Each and every day such violation continues shall be deemed a separate and distinct violation. Each violation of this chapter shall be a separate and distinct violation.

§ 66-23. Certificate of Housing Standards.

This section establishes the minimum regulations governing the conditions and maintenance of all rental property, buildings and structures described herein by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation or use; and the condemnation of buildings or structures deemed unfit for human occupancy or use and for the demolition of such structures.

§ 66-24. Adoption of standards.

That certain document, three copies of which are on file in the office of the Office of Housing of the Borough of Washington, being marked and designated as the International Property Maintenance Code (2015 Edition), as published by the International Code Council, Inc., be and is hereby adopted as the rental property maintenance code of the Borough of Washington, in the State of New Jersey, for the control of buildings, structures and property offered for rent or lease by tenants as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 66-25 of this chapter.

§ 66-25. Modifications.

The following modifications to the International Property Maintenance Code (2015 Edition) are hereby adopted:

101.1, Title, is amended to read:

101.1. These regulations shall be known as the "Rental Property Maintenance Code of the Borough of Washington," herein after referred to as "this code."

Section 102.3, Application of other codes, is amended to read:

102.3 Application of other codes. Repairs, additions or alterations to a structure or changes of occupancy shall be performed in accordance with the procedures and the provisions of the New Jersey Uniform Construction Code. Nothing in this code shall be construed to cancel, modify or set aside any provision of **§ 94, Zoning**, of the Code of the Borough of Washington. Where any model code cited within this chapter is found to conflict with the model codes adopted under the New Jersey Uniform Construction Code, the state code requirements shall prevail.

Section 111.1, Application for appeal, is amended to read:

111.1 Application for appeal. Any person directly affected by a decision of the Housing Inspector or a notice or order issued under this code or regulation adopted pursuant thereto shall have the right to appeal and shall be granted a hearing before the department head; provided a written application for an appeal is filed in the office of the Office of Housing within twenty (20) days after the decision, notice or order was served. An application for an appeal shall be based on a claim that the true intent of this code or the rules legally adopted herein have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Section 111.2 Membership of board, and all subsections (111.2 through 111.2.5) are deleted in their entirety and is retitled and shall read:

111.2 Appeals. The department head shall hear all appeals relative to the enforcement of the code and, after conferring with the Borough Manager, shall reverse or affirm in whole or in part or modify the decision, order or notice of the Housing Inspector. The decision of the department head shall be set forth in writing stating the reasons and justifications for reversing, modifying or affirming the orders and decisions of the Housing Inspector.

Section 111.3, Notice of meeting, is amended to read:

111.3 Notice of meeting. The department head shall hear all appeals relative to the enforcement of the Code within twenty (20) days of receipt of a written application for an appeal. The appellant shall be notified in writing of the date, time and place of the meeting or hearings for an appeal.

Section 111.4, Open hearing, is amended to read:

111.4 Open hearing. All hearings before the Borough Council shall be open to the public. The appellant, the appellant's representative, the Housing Inspector and any person whose interests are affected shall be given an opportunity to be heard.

Section 111.4.1, Procedure, is amended to read:

111.4.1 Procedure. The Borough Council shall adopt and make available to the public through the Office of Housing procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

Section 111.5, Postponed hearing, is amended to read:

111.5 Postponed hearing. When the department head or a quorum of Borough Council is not present to hear an appeal, either the appellant or appellant's representative shall have the right to request a postponement of the hearing. A quorum shall consist of not less than two-thirds of the Borough Council membership.

Section 111.6, Board decisions, is retitled and amended to read:

111.6 Borough Council decisions. The Borough Council shall modify, reverse or affirm the decisions of the Housing Inspector or the department head only by a concurring vote of a majority of the total members present for the hearing. Failure to secure such concurring votes shall be deemed a confirmation of the department head's decision.

Section 111.6.1, Records and copies, is amended to read:

111.6.1 Records and copies. The decision of the Borough Council shall be recorded. Copies shall be furnished to the appellant and to the Housing Inspector.

Section 111.6.2, Administration, is amended to read:

111.6.2 Administration. The Housing Inspector shall take immediate action in accordance with the decision of the Borough Council.

Section 201.3, Terms defined in other codes, is amended to read:

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the New Jersey Uniform Construction Code or in Chapter 94, Zoning, and other municipal codes of the Borough of Washington, such terms shall have the meanings ascribed to them as in those codes.

Section 302.3, Sidewalks and driveways, is amended to read:

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar paved areas shall be kept in a proper state of repair, free of all snow, ice, mud, debris, overhanging trees and shrubs which obstruct the walkways and shall be maintained free from hazardous conditions. If any sidewalk or driveway or portion thereof by virtue of its state of repair shall constitute a danger to public health and safety,

the sidewalk or driveway or portion thereof shall be replaced. Steps shall comply with the dimensional requirements for exterior stairways. Sidewalks that are heaved or cracked with loose concrete or having open holes will constitute a violation. Sidewalks heaved greater than two inches must be reset level or replaced. Sidewalks heaved less than two inches may be filled in and blended with the adjacent sidewalk. Blended areas shall have a maximum slope of 1:6 pitch. It shall be the responsibility of the property owner to maintain the sidewalks, curbs and gutters in the public right-of-way which front their property.

Section 302.4, Weeds, is amended to read:

302.4 Weeds and trees. All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches (203.2 mm). All noxious weeds shall be prohibited. "Weeds" shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; provided, however, this term shall not include cultivated flowers and gardens. The property owner shall ensure that trees growing on their property do not create a hazardous condition on their property or directly upon an abutting or adjacent property over which their tree has grown. A hazardous condition will be deemed to exist if the tree is decayed and dead or its branches touch a structure or interfere with any utility wire or hang less than eight feet above the surface of a street or sidewalk. It shall be the responsibility of the property owner to cut and maintain the grass strip and eliminate any hazardous conditions upon their property or on the public right-of-way which fronts their property.

Section 303.3 Premises identification, is amended to read:

303.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of three (3) inches (76.2 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Each apartment within a building shall have its number or letter clearly displayed on the apartment door, and all buildings on the premises shall be identified.

Section 303.7, Roofs and drainage, is amended to read:

303.7 Roof, sump, and parking area drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof, sump, or parking area water shall not be discharged in a manner that creates a public nuisance or is creating an adverse condition to neighboring buildings or property by the creation of mildew, molds or moss due to dampness, undermining or erosion, ice formation or ponding of water either on the property producing the water, adjacent private property, or adjacent public property/public rights-of-way.

Section 303.12, Handrail and guards, is amended to read:

303.12 Handrail and guards. Every flight of stairs which is more than four risers high shall have a handrail on at least one side of the stairway, and every open portion of the stairway, landing or balcony which is more than 30 inches above the floor or grade below shall have guardrails. Handrails shall be not less than 30 inches nor more than 38 inches high measured vertically above the nosing of the stair treads. Guardrails shall be not less than 36 inches high measured vertically above the floor of a porch, landing or balcony. Existing handrail or guardrail heights of other dimensions may be approved where in the opinion of the Housing Inspector it should not represent a hazard. All guardrails shall be properly balustered. Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Section 303.14, Insect screens, is amended to read:

303.14 Insect screens. During the period from April 1 to December 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (mesh per 25 mm), and every swinging door shall have a self-closing device in good working condition.

Section 304.5, Handrails and guardrails, is amended to read:

304.5 Handrails and guardrails. Interior handrails and guardrails shall comply with the requirements for exterior handrails and guardrails. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

A new Section 304.7, Bathroom and kitchen floors, is added and shall read:

304.7 Bathroom and kitchen floors. Every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to permit such floor to be kept in a clean and sanitary condition. Every floor shall be covered with a moisture-resistant material such as ceramic tile, vinyl tile, and linoleum, two coats of floor paint approved for the purpose, similar coatings or suitable carpet if the subflooring has been sealed in an approved manner.

A new Section 304.8, Basement floors, is added and shall read:

304.8 Basement floors. Every basement or usable portion of a crawl space shall have a concrete floor for the mitigation of dampness to the interior parts of a building. New concrete floors shall be provided with a six-mil polyethylene vapor barrier. When in the opinion of the Housing Inspector the construction of said floor would be impractical, the concrete floor may be substituted for two inches of clean stone with the polyethylene vapor barrier.

Section 305.1, Accumulation of rubbish or garbage, is amended to read:

305.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish, garbage or other unused equipment and appliances such as washers, dryers, refrigerators, water

heaters, furnaces, boilers, and abandoned aboveground oil tanks. Accumulations of furniture, toys, bicycles, construction supplies and equipment and other items or personal belongings shall not be stored on the exterior of the premises or on open porches or decks and only within an enclosed utility shed or garage. Lawn furniture and ornaments shall be permitted to be displayed or remain on the exterior of the premises, provided the furniture or ornaments are constructed or manufactured of materials approved for exterior use.

Section 305.3.2, Containers, is amended to read:

305.3.2 Containers. The operator of every establishment producing garbage, vegetable waste or other putrescent material shall provide at all times leakproof containers provided with closed-fitting covers for the storage of such materials until the removal from the premises for disposal. Approved containers and rules governing placement of same shall be in accordance with § 47 of the Borough Code.

Section 501.2, Responsibility, is amended to read:

501.2 Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter. It shall be the responsibility of the owner to maintain electrical, gas, water or other utilities for the proper operation of plumbing systems, and at the time of any required inspection. All fixtures with outlets emptying into the main sewer, installed in cellars or basements of any or all buildings within the limits of the Borough of Washington, are done so solely at the risk of the owner. The Borough of Washington will not be responsible for any damage or inconvenience sustained by the property owner due to the backup of sewers into cellars or basements of any and all buildings where fixtures have been installed preceding the adoption of this chapter.

Section 505.4, Water heating facilities, is amended to read:

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, and laundry facility at a temperature of not less than 105° F. (41° C.) nor more than 140° F. (60° C.) and shall not exceed 120° F. (49° C.) at bathtub and shower fixtures. A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom, storage closet, or other occupied room normally kept closed unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

Section 507.1, General, is amended to read:

507.1 General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance. Stormwater from roof drains, gutters and swales shall not be directed onto neighboring properties, public or private, including onto easements and rights-of-way other than those

established with the express purpose of conveying drainage, and shall not be piped or deposited into the sanitary sewer system.

Section 601.2, Responsibility, is amended to read:

601.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter. It shall be the responsibility of the owner to maintain electrical, gas, water or other utilities for the proper operation of the mechanical and electrical systems and at the time of any required inspection.

Section 602.3, Heat supply, is amended to insert the dates: October 1 to May 15.

Section 602.4, Occupiable work spaces, is deleted in its entirety.

Section 603.5, Combustion air, is amended to read:

603.5 Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided. The fuel-burning equipment shall not be located within or obtain combustion air from bathrooms, toilet rooms or bedrooms.

A new Section 603.7, Boiler, furnace cleaning and servicing, is added and shall read:

603.7 Boiler, furnace cleaning and servicing. All oil or other solid-fuel-fired boilers or furnaces shall be cleaned and serviced on a yearly basis. All gas-fired boilers or furnaces shall be serviced and cleaned as required every two years. Evidence that the boiler or furnace has been cleaned and serviced in accordance with the above must be provided to the Housing Inspector upon inspection.

Section 604.2, Service, is amended to read:

604.2 Service. The size and use of appliances and equipment shall serve as a basis for determining the need for additional service facilities in accordance with the New Jersey Uniform Construction Code. When the electrical system requires modification to correct inadequate service, the service requirements shall be a minimum of 60 ampere, 120/240 volt for apartment dwelling units and 100 ampere, 120/240 volt for single-family houses. All existing fused panel boards shall be required to be replaced with a molded circuit breaker type panel board.

Section 605.2, Receptacles, is amended to read:

605.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacles. Receptacles shall be provided in every habitable room so that no point along the floor line of any unbroken wall space is more than 10 feet from a receptacle within the space. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle adjacent the basin area, and all receptacles located within a

bathroom shall be ground fault protected. All exterior receptacles and all countertop receptacles located within six feet of the kitchen sink shall be ground fault protected.

Section 605.3, Luminaries, is amended to read:

605.3 Lighting fixtures. Every habitable room, public hall, interior or exterior stairway, toilet room, kitchen, bathroom, laundry room, furnace/ boiler room, basement or an attic accessed by a permanent stairway shall contain at least one permanent electric lighting fixture that is controlled by a switch near the door leading to the room. All means of egress stairways must be illuminated and controlled by a switch that is accessible prior to the use of the stairs.

A new Section 702.4, Means of egress, is added and shall read:

702.4 Means of egress. All hallways, balconies, fire escapes, stairways, doors, windows, passageways or other means of egress shall not be blocked or used to store rubbish, garbage or otherwise be used for the storage of objects which will create a hazardous condition or block an exit way.

Section 704.2.1, Smoke detectors, is retitled to read:

704.2.1 Smoke detectors/carbon monoxide alarms. All Use Group R buildings and dwelling units shall be provided with smoke detectors and carbon monoxide alarms in accordance with this section and shall be installed in accordance with the building and fire protection subcodes. All detectors and alarms shall be equipped with a manual test button.

Section 704.2, Installation, is amended to read:

704.2 Installation. Approved single station smoke detectors shall be installed in the immediate vicinity and within 10 feet of the bedrooms and on every habitable story of the dwelling, including the basement. Approved carbon monoxide alarms shall be installed in the immediate vicinity and within 10 feet of the bedrooms. Existing 120-volt single station or interconnected smoke detection systems and carbon monoxide alarms installed in accordance with the New Jersey Uniform Construction Code shall not be replaced with a system or devices and alarms which will not provide an equivalent or greater degree of protection. Multiple-family dwellings shall be required to have a 120-volt interconnected with battery backup smoke detection system installed in all common areas, including basements, vestibules, hallways, stairways and in other common or public elements of the building. Additional audible alarms shall be installed whenever required under the provisions of the New Jersey Uniform Construction Code.

Section 704.2.3, Power source, is amended to read:

704.2.3 Power source. In Group R occupancies, single-station smoke alarms may be battery-operated or shall receive their primary power from the building wiring, provided that the power is provided by a utility source. Multiple occupancy dwellings or mixed-use buildings with dwelling units shall be provided with a separate building electric panel and meter to provide the power source for the required detection/alarm systems. This

electrical panel may serve other common electrical or power requirements for the building.

A new Section 704.2.5, Tampering with smoke detectors and carbon monoxide alarms, is added and shall read:

704.2.5 Tampering with smoke detectors and carbon monoxide alarms. It shall be unlawful for any tenant, occupant, owner or any other person to tamper with, damage, destroy, steal, paint or do anything to cause such detectors or alarms to malfunction or fail to operate.

§ 66-26. Violations and penalties.

Any person who shall violate any of the provisions or regulations of this chapter shall, upon conviction, be punished as provided in § 66-22. Each day that such violation continues shall constitute a separate offense.

Motion made by Valle to open the public hearing for Ordinance 2019-11, motion seconded by Noone, all were in favor.

Hearing no public comment, motion made by Norris and seconded by Noone to close the public hearing, all were in favor.

Motion made by Noone and seconded by Duchemin to adopt Ordinance 2019-11.

ROLL CALL: Roll Call: Conry, Duchemin, Noone, Norris and Valle.
Ayes: 5, Nays: 0
Motion Carried.

ORDINANCE 2019-11

**AN ORDINANCE OF THE BOROUGH OF WASHINGTON AMENDING THE SALARY
ORDINANCE FOR CERTAIN POSITIONS AND ADDING CERTAIN TITLES AS
FOLLOWS**

WHEREAS, pursuant to changes to state minimum wage requirements, various collective bargaining agreements, and the reorganization of certain positions, it has become necessary to adjust certain salary ranges and add various titles;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the following salary ranges be amended:

SCHEDULE A – FULL-TIME CLASSIFIED							
<u>POSITION TITLE</u>					<u>SALARY OR WAGE RANGE</u>		
Account Clerk					\$37,195	-	\$58,018 AN
Animal Control Officer					\$12,500	-	\$80,000 AN
Keyboarding Clerk 2					\$37,195	-	\$58,018 AN
Administrative Clerk					\$51,471	-	\$80,945 AN
Assistant Municipal Tax Collector					\$44,509	-	\$69,479 AN
Building Maintenance Worker					\$45,998	-	\$60,579 AN
Clerk 1 (NC)					\$21,621	-	\$32,824 AN
Code Enforcement Officer/Zoning Officer					\$51,091	-	\$71,636 AN
Equipment Operator					\$55,182	-	\$72,680 AN
Keyboarding Clerk 3					\$55,182	-	\$72,680 AN
Laborer 1 (NC)					\$41,699	-	\$56,258 AN
Library Assistant					\$32,832	-	\$50,599 AN
Keyboarding Clerk I					\$32,832	-	\$50,599 AN
Road Repairer 3					\$61,570	-	\$79,594 AN
Road Repairer Supervisor					\$66,763	-	\$83,048 AN
Senior Account Clerk					\$53,614	-	\$73,598 AN
Supervising Library Assistant					\$39,691	-	\$60,334 AN
Truck Driver (NC)					\$49,495	-	\$67,177 AN

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the following titles and ranges be added to the salary ordinance under “Schedule A – Full-Time Classified”:

Housing and Zoning Inspector Trainee (NC)					\$32,832	-	\$50,499 AN
Housing and Zoning Inspector					\$21,621	-	\$57,904 AN
Code Enforcement Officer					\$21,621	-	\$57,904 AN
Zoning Officer					\$21,621	-	\$57,904 AN
Fire Official					\$21,621	-	\$57,904 AN

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the following titles and ranges be added to the salary ordinance under “Schedule B – Part-Time Classified”:

Housing and Zoning Inspector Trainee (NC)					\$8.85	-	\$28.62 Hr.
Housing and Zoning Inspector					\$8.85	-	\$28.62 Hr.

RESOLUTIONS

Motion made by Noone and seconded by Valle to approve Resolution 2019-67

ROLL CALL: Conry, Duchemin, Noone, Norris and Valle.

Ayes: 5, Nays: 0
Motion carried.

RESOLUTION # 2019-67
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 13, 2017 to Christiana T C/F CE1/Firsttrust, PO Box 5021, Philadelphia, PA 19111-5021, in the amount of \$714.96 for taxes or other municipal liens assessed for the year 2016 in the name of Hajder, Edward as supposed owner, and in said assessment and sale were described as 21 Valley View Terrace, Block 41 Lot 13, which sale was evidenced by certificate #17-00015 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 3-20-19 and before the right to redeem was cut off, as provided by law, EastWest Bank on behalf of Lereta Tax Service, claiming to have an interest in said lands, did redeem said lands claimed by Christiana T C/F CE1/Firsttrust by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$28,800.55 which is the amount necessary to redeem Tax Sale Certificate #17-00015.

NOW THEREFORE BE IT RESOLVED, on this 2nd day of April 2019 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Christiana T C/F CE1/Firsttrust, PO Box 5021, Philadelphia, PA 19111-5021 in the amount of **\$55,800.55** (This consists of \$28,800.55 Certificate Amount redeemed + \$27,000.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 41 Lot 13 from the tax office records.

Motion made by Noone and seconded by Valle to approve Resolution 2019-68 and 2019-74.

ROLL CALL: Conry, Duchemin, Noone, Norris and Valle.
Ayes: 5, Nays: 0
Motion carried.

RESOLUTION #2019-68
A RESOLUTION TO REFUND OVERPAYMENT
ON 2018 REAL ESTATE TAXES

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$1,875.80 on 2018 4th Quarter Regular Taxes paid on property located at 56 Carlton Avenue, also known as Block 6 Lot 25, and in the name of Duffin, Willard C. III; and

WHEREAS, Black River Title and Corelogic Tax Service had both paid the 4th Quarter 2018 property taxes, resulting in the overpayment; and

WHEREAS, the property has changed ownership and the Tax Collector has been resolving the matter of tax overpayments and has notified Corelogic Tax Service that their 4th quarter payment caused an overage on Block 6 Lot 25.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector and Treasurer to refund the amount of \$1,875.80 payable to:

Corelogic
Centralized Refunds
P.O. Box 9202
Coppell, TX 75019-9760

RESOLUTION #2019-74
A RESOLUTION TO REFUND OVERPAYMENT
ON 2018 REAL ESTATE TAXES

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$1,961.00 on 2018 2nd Quarter Regular Taxes paid on property located at 124 Sunrise Terrace, also known as Block 66.02 Lot 4, and in the name of Copenhagen, David J.; and

WHEREAS, Triax Title Services and Corelogic Tax Service had both paid the 2nd Quarter 2018 property taxes, resulting in the overpayment when the property changed ownership; and

WHEREAS, the Tax Collector has been resolving the matter of tax overpayments and has received a written request from Corelogic Tax Service that the overpayment be refunded to them in order to forward the funds to David J. Copenhagen.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector and Treasurer to refund the amount of \$1,961.00 payable to:

Corelogic
Centralized Refunds
P.O. Box 9202
Coppell, TX 75019-9760

Motion made by Noone and seconded by Valle to approve Resolution 2019-69.

ROLL CALL: Conry, Duchemin, Noone, Norris and Valle.

Ayes: 5, Nays: 0
Motion carried.

RESOLUTION 2019-69
CHANGING PETTY CASH CUSTODIAN

WHEREAS, petty cash was properly established for the Borough of Washington administration division in 1971, and

WHEREAS, the authorized custodian no longer employed by the Borough of Washington; and

WHEREAS, a need exists to appoint a new petty cash custodian; and

WHEREAS, it is the desire of the Borough Council to appoint municipal clerk as a petty cash custodian

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the municipal clerk for the Borough of Washington is appointed as a petty cash custodian and the copy of this resolution is to be forwarded to the Local Government services for approval.

Motion made by Duchemin and seconded by Valle to approve Resolution 2019-70.

ROLL CALL: Conry, Duchemin, Noone, Norris and Valle.

Ayes: 5, Nays: 0

Motion carried.

RESOLUTION 2019-70
GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in
Employment Decisions Under Title VII of the Civil Rights Act of 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the *Borough Council* of the *Borough of Washington*, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

Motion made by Duchemin and seconded by Noone to approve Resolution 2019-71.

ROLL CALL: Conry, Duchemin, Noone, Norris and Valle.

Ayes: 5, Nays: 0

Motion carried.

RESOLUTION 2019-71

RESOLUTION AFFIRMING THE BOROUGH OF WASHINGTON'S SUPPORT FOR RESPONSIBLE PET OWNERSHIP PROGRAMS IN THE COMMUNITY

RECOGNIZING that cats and dogs are an integral and valuable part of all communities, and contribute to the well-being of humans, whether as companions, service animals, or therapy pets, and

UNDERSTANDING that municipalities have an important role in ensuring the well-being of animals while balancing the needs of pet owners and non-pet owners.

WHEREAS legislators and municipal officials report that the number of calls from citizens about animal related issues rival any other issue(s); and

WHEREAS there are approximately 2.2 million owned dogs and 2.5 million owned cats in New Jersey; and

WHEREAS New Jersey was the first state in the nation to develop an innovative state-wide spay/neuter program and all proceeds from the sale of Animal Friendly License Plates are used to reimburse participating veterinarians for spaying and neutering surgeries; and

WHEREAS State responsibility for promoting responsible pet care and ensuring that pets do not suffer due to abuse, neglect, or lack of proper care in kennels, pet shops, shelters, and pounds (animal facilities) is vested in the Office of Animal Welfare within the New Jersey Department of Health and Senior Services; and

WHEREAS Local Humane Law Enforcement Officers are responsible for investigating and acting as officers for the detection, apprehension, and arrest of offenders against the animal cruelty laws; and

WHEREAS New Jersey mandates training requirements for animal control officers; and

WHEREAS New Jersey impounds over 100,000 animals per year in animal shelters and impoundment facilities; and

WHEREAS approximately 37% of the animals that enter New Jersey's impoundment facilities are euthanized, at a rate of around 3000 every month; and

WHEREAS free-roaming unvaccinated cats and dogs present a potential health threat to humans through the spread of such zoonotic diseases as rabies, leptospirosis, toxoplasmosis, roundworms, animal bites, and environmental contamination from animal feces; and

WHEREAS stray and unwanted pets place an enormous financial burden on municipalities and non-profit humane agencies organized to care for these animals; and

WHEREAS it is more humane and cost-effective to reduce the number of unwanted animals than it is to impound and euthanize unwanted or unclaimed dogs and cats; and

WHEREAS all dogs are required to be licensed in the municipality where they are housed and the majority of municipalities also require licensure of cats; and

WHEREAS it is good practice for all municipalities to canvass their residents to locate unlicensed dogs;

NOW THEREFORE BE IT RESOLVED, by the Borough of Washington to take the following steps with regard to our municipal responsibilities with the intent of making the Borough of Washington a truly sustainable community.

It is our intent to do our utmost, within the bounds of our jurisdiction, to ensure that companion animals are treated humanely, respectfully, and responsibly through public education and through exercise of powers vested within New Jersey municipalities as follows:

Authority of municipalities:

Pursuant to New Jersey Statutes, all municipalities must appoint a certified animal control officer who shall be responsible for animal control within the jurisdiction of the municipality, including providing emergency veterinary care for injured stray animals and coverage outside of normal working hours; The municipality in which an animal facility is located is responsible for issuing the license for that facility to operate; The NJ Vicious Dog Law establishes a state-wide standard for municipalities to effectively address situations of vicious or potentially dangerous dogs, regardless of breed; The Animal Population Control Program provides for low-cost spaying and neutering for pet owners adopting dogs and cats from New Jersey shelters, pounds, and animal adoption referral agencies and pet owners participating in one of several Public Assistance Programs.

The Municipality pledges to:

Enforce all animal and rabies control statutes and regulations, including the requirement to pick up and impound all stray dogs and cats, excepting stray and feral cats in managed TNR programs.

Work to improve the enforcement of animal cruelty statutes.

Educate our community, including school children, about their responsibilities towards the pet animals they chose to keep.

Institute, as appropriate, cat licensing ordinances and increase the percentage of licensed dogs and cats through ease of licensing and licensing enforcement measures.

Identify and work to implement best practices to prevent unwanted breeding through effective animal control, availability of low-cost pet spaying and neutering services, public education, and pet-friendly rental and senior housing.

Identify alternatives to euthanasia of adoptable companion animals, including utilizing foster homes, adoption networks and providing remedial behavior training services to existing and future owners.

Assist in identifying resources to improve the conditions and increase the capacity of animal shelters and impoundment facilities and animal control services.

Motion made by Noone and seconded by Duchemin to approve Resolution 2019-72.

ROLL CALL: Conry, Duchemin, Noone, Norris and Valle.

Ayes: 5, Nays: 0

Motion carried

RESOLUTION 2019-72

A RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF WASHINGTON AND THE TOWNSHIP OF WASHINGTON FOR THE PROVISION BY WASHINGTON TOWNSHIP OF FIRE PREVENTION OFFICER SERVICES INCLUDING SMOKE DETECTOR AND CARBON MONOXIDE DETECTOR INSPECTIONS TO THE BOROUGH OF WASHINGTON.

WHEREAS, the Township of Washington, County of Morris and the Borough of Washington, County of Warren, desire to enter into a shared services agreement for the provision by Washington Township of Fire Prevention Officer services to Washington Borough; and

WHEREAS, municipalities are permitted to enter into such agreements pursuant to the Uniform Shared Services and Consolidation Act, **N.J.S.A 40A:65-1** et seq.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Washington, in the County of Warren and State of New Jersey, as follows:

1. That the Mayor and Borough Clerk are hereby authorized to execute the Shared Services Agreement between the Township of Washington, County of Morris, and the Borough of Washington, County of Warren, for Fire Prevention Officer services for a term to commence April 1, 2019 and to terminate on December 31, 2022.
2. A copy of the Agreement is on file in the office of the Borough Clerk for inspection by the public.
3. A copy of this Agreement shall be filed, for informational purposes, with the Department of Community Affairs, Division of Local Government Services, pursuant to rules and regulations promulgated by the Division.
4. This resolution shall take effect immediately.

Motion made by Noone and seconded by Duchemin to approve Resolution 2019-73.

ROLL CALL: Conry, Duchemin, Noone, Norris and Valle.

Ayes: 5, Nays: 0

Motion carried

RESOLUTION 2019-73

RESOLUTION OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING A SECOND OPEN PUBLIC SALE FOR PROPERTY LOCATED AT BLOCK 100, LOT 52 PURSUANT TO N.J.S.A. 40A:12-13

WHEREAS, Lot 52 of Block 100 (the Property); which consists of 12.16 acres, was acquired by the Borough of Washington through tax foreclosure and is not needed for public purposes; and

WHEREAS, it is in the best interest of the Borough to sell such land to generate revenue, reduce taxes and reduce liabilities; and

WHEREAS, the Borough proposed to sell such land by Open Public Sale to the highest bidder as authorized by N.J.S.A. 40A:12-13(a); and

WHEREAS, the Borough previously authorized the sale of such land by Open Public Sale pursuant to Ordinance No 2018-20, however, no bids were received; and

WHEREAS, the Mayor and Council have determined that it is in the best interests of the Borough to attempt to again sell such property by Open Public Sale; and

NOW, THEREFORE, BE IT RESOLVED by Council of the Borough of Washington, County of Warren, State of New Jersey, as follows:

The Borough Clerk is authorized, subject to the conditions set forth herein, to offer for sale by public auction all of the Borough's right, title and interest in and to the following lot pursuant to the provisions of N.J.S.A. 40A:12-13:

1. The sale of said property shall be pursuant to the provisions of subsection (a) of Section 13 of P.L. 1971, c. 199 (N.J.S.A. 40A:12-13), by open public sale at auction to the highest bidder after advertisement thereof in a newspaper

circulating in the Borough of Washington, by two insertions at least once a week during two consecutive weeks, the last publication to be not earlier than seven days prior to such sale. The Borough Council reserves the right to reject all bids where the highest bid is not accepted, and notice of such reservation shall be included in the advertisement of the sale, and public notice thereof shall given at the time of sale. No minimum bid or price shall be specified, and upon the completion of bidding, the highest bid may be accepted or all the bids may be rejected by the Borough of Washington

2. Pursuant to N.J.S.A. 40A:12-13(a), each bidder shall be required to submit one bid under each Option A and Option B below.

i) **Option A** - shall be for the real property subject to the following restrictions on the use to be made of such property, which shall be conditions or restrictions imposed, or interest or state retained, which the Borough proposes to retain or impose:

a. The deed of conveyance to the successful bidder for Block 100, Lot 52 shall contain an easement permitting and allowing the Borough of Washington and the Borough of Washington Municipal Sewer Utility (BOWMSU), and any authorized designees to locate, maintain, repair, and replace a sewer line that runs beneath a portion of the subject property. Such easement shall run parallel to the Shabbecong Creek and be approximately 50 feet in width.

b. The deed of conveyance to the successful bidder for Block 100, Lot 52 shall contain an access easement permitting and allowing the Borough of Washington, BOWMSU, and any authorized designees, to utilize an existing roadway on the Property for access to the Borough's Sewer system as the system's main trunk runs beneath said Property, along its northern boundary and parallel to the Shabbecong Creek. The said roadway shall not be open to the general public.

c. The Property shall not be utilized for any purpose which is tax exempt from municipal property taxes unless the owner thereof shall pay an equivalent amount to the Borough which it would otherwise pay as municipal property taxes if the said use of the property was not tax exempt (municipal, school, county, fire district, etc. taxes). This payment in lieu of taxes shall be paid wholly to the Borough and shall be a condition upon the sale and a restriction as to the use of the property which shall run with the land.

- d. The subject property shall not be subject to further subdivision, unless the purpose of such subdivision is to donate a portion of the subject property to the Borough as open space.
 - e. Such other restrictions, easements, rules and regulations as are contained in the above, referred to in deeds, the information to bidders and related documentation in connection with this sale.
 - f. All restrictions, requirements and easements imposed as conditions of the sale of the above property shall run with the land, and any subsequent sale or conveyance of the property by the buyers' successors in right, title, or interest, shall be subject to said restrictions, requirements and easements.
 - g. The Clerk shall make known the specific restrictions set forth in this section in the advertisement and invitation to bid and shall comply with the statute's direction to receive bids under "Option A and Option B" as provided in N.J.S.A. 40A:12- 13.
- ii) **Option B** – shall be for the real property to be sold free of all such restrictions, conditions, interests or estates on the part of the Borough. (Note: Option B is listed solely in compliance with N.J.S.A. 40A: 12-13(a)(2). The Borough does not intend to accept any bids under Option B).
3. The Borough may accept or reject either or both options and the highest bid for each. Such acceptance or rejection shall be made not later than at the second regular meeting of the Borough following the opening of bids, and, if the Borough of Washington shall not so accept such highest bid, or reject all bids, said bids shall be deemed to have been rejected. Any such sale may be adjourned at the time advertised for not more than one week without re-advertising.
 4. The Borough makes no warranty concerning the marketability or the insurability of title to the said parcel. In the event title of the said parcel, or portion thereof, is not marketable or insurable at regular rates by a reputable title insurance company licensed to do business in the State of New Jersey, a successful bidder's sole remedy shall be the right to demand the return of any deposit paid to the Borough of Washington.
 5. At least fifteen (15) days prior to the date of settlement, the successful bidder will provide the Borough Attorney with the following: a) Preliminary report of title

with legal description; and b) Current survey, including descriptions of the easements set forth in Section (2)(i) above.

6. At least ten (10 %) percent of the minimum sales price shall accompany the bid which may be by personal check. The balance of the bid price or purchase price shall be cash, certified or official bank check, payable at the time of transfer of title, but in no event later than thirty (30) days after the date of the land sale, except, in the event that the Borough Attorney certifies that questions of title exist, in which event payment shall be made within ninety (90) days after the date of land sale, unless further extended by resolution of the Borough Council.
7. In the event the successful bidder shall fail to pay the balance as herein provided, the payment made at the time of sale shall be retained by the Borough as liquidated damages for the non-performance of said bidder. The Borough shall be entitled to rescind the prior bid approval and terminate any and all rights of the designated bidder in said property.
8. All sales and conveyances shall be subject to all covenants, conditions, encumbrances, easements, and restrictions, whether of record or not, as well as subject to all presently existing municipal rules, regulations and ordinances and amendments thereto of the Borough of Washington. The sale of any parcel shall in no way bind the Borough to provide access or to improve presently existing accesses.

NOW, BE IT FURTHER RESOLVED that the Mayor, Clerk and Borough Attorney are authorized to sign all documents and do all things necessary to effectuate the sale and conveyance of the above described property in accordance with the terms of this resolution and other applicable requirements of law.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

REPORTS

Motion made by Noone and seconded by Duchemin to receive and file the following reports:

1. Police
2. Court

Ayes: 5, Nays: 0
Motion carried.

RECAP

M. Hall recapped the following:

- Send resolutions to DCA for Shared Services Agreement and have the public land sale advertised.

COUNCIL REMARKS

Councilwoman Noone gave the dates of the clean-up of Shavacong Creek (April 13th). A demonstration from the Board of Elections of the new voting machines will be conducted here on May 3rd and 4th.

Councilman Norris reported on his fundraiser he started on Facebook for bike racks. A total of \$430 dollars was turned over to the BID that was raised. Mr. Norris reported that some businesses and including the Fire Department want to donate bike racks.

Councilwoman Duchemin stated she is excited for springtime in the borough.

Councilwoman Valle thanked Councilman Norris for the donations towards to the bike racks. Councilwoman Valle stated she was happy to see a pothole filled and can not wait for the kick off to the downtown this season.

Deputy Mayor Conry thanked Councilman Norris for the bike rack donations.

ADJOURNMENT

Hearing no further business, a motion was made by Valle seconded by Norris to adjourn the meeting at 7:59 pm.

Ayes: 5; Nays: 0
Motion Carried.

Mayor David Higgins

Laurie A. Barton, Borough Clerk