

*****ADOPTED AUGUST 5, 2019*****

TOWNSHIP OF DELANCO

ORDINANCE 2019-16

**AMENDING THE TOWNSHIP CODE
AT CHAPTER 222 GOVERNING “PROPERTY MAINTENANCE” AND
CHAPTER 190 GOVERNING “GRAFFITI”**

WHEREAS, the Township Committee, in the interests of the health, safety and welfare of the public, desires to amend the Township Code to further regulate property maintenance and graffiti.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Township Committee of the Township of Delanco, County of Burlington, State of New Jersey that the Code of the Township of Delanco be amended as follows:

SECTION ONE.

Chapter 222, governing “Property Maintenance” is hereby amended to add the following subsection:

§222-8. Maintenance standards.

- A. Exterior of premises. The exterior of all premises shall be kept free from hazards and nuisances, which include but are not limited to the following:

- (11). Vehicles, excluding trailers, shall not be parked or stored in the front, side, or rear yards except within driveways and garages. No vehicle or trailer shall be stored on any property lacking a principal structure or use. A special exemption to the above may be obtained through the Code Enforcement Officer and Township Administrator for extraordinary circumstances to provide for the storage of one vehicle in the rear yard under a fitted and secured cover for a specific period of time, which under no circumstances shall cumulatively exceed one year. For the purposes of this chapter, the driveway shall be consistent with that approved by driveway or zoning permit, and may not be extended beyond same. Expansions or additions of curb cuts shall require a street opening permit in accord with Chapter 250.

- (19). Prohibited furniture. Interior type furniture which would be adversely affected by the elements and/or susceptible to infestation by insects, rats or other vermin is prohibited from being placed in certain exterior areas, including but not limited to yard areas, both pervious and impervious, roofed and unroofed porches; and roofed and unroofed patios and decks. Such prohibited furniture shall include, but is not limited to, upholstered couches, chairs or other fabric-covered articles not designed or intended for exterior use; and ottomans, tables, bookcases, and the like.
- (20). The placement or storage of swimming pools (temporary or otherwise), trash containers, recycling containers, and storage boxes on front porches, front steps or front yards is prohibited, except that curbside placement for disposal shall be permitted in accord with Chapter 245.

SECTION TWO.

Chapter 190, governing "Graffiti" is hereby created as follows:

Chapter 190. Graffiti.

§ 190-1. Findings.

The use of broad-tipped pens, paint spray cans, pencils, pens, crayons or other marking devices to write or place graffiti on the walls or other available spaces on public or private buildings, vehicles, areas or facilities causes serious defacement of such buildings, vehicles and areas, public and private, and contributes to the deterioration of property values, as well as offending the public's right, public and private, not to have unsightly and unlawful graffiti on, with defacement of, public and private property, and it constitutes a deleterious practice contrary to the public health and welfare. In addition, such contempt for the property rights of private citizens, as well as public facilities, contributes to the erosion of law and order and contributes to the deterioration in the quality of life of the community and must be opposed and punished.

§ 190-2. Definitions.

For the purposes of this chapter, the following definitions shall apply:

GRAFFITI -- Includes any and all unsightly, offensive or defacing writings, drawings, markings or other written or pictorial matter by any method or device and of any content which contributes to the defacement of the real or personal property involved and which contributes to the ugliness and unsightliness of the object, space, area or community and which is detrimental to the beauty, neatness and good order of the area and community.

MINOR -- Any person under the age of 18 years.

PERSON -- Includes associations, clubs, corporations, firms, partnerships and bodies politic, as well as all individuals.

PROPERTY -- Any public or private property in the Township of Delanco.

§ 190-3. Prohibited conduct.

- A. No person shall write, print or place with ink, paint, chalk or other substances graffiti on the real or personal property of another, whether said personal or real property be publicly or privately owned.
- B. No person shall carry an aerosol spray paint can, broad-tipped indelible marker or any other graffiti implement under circumstances which demonstrate the intent to violate the provisions of this chapter.
- C. It is unlawful for a person to use any object, bicycle or vehicle to assist a person to commit a violation of this chapter.

§ 190-4. Exception.

This chapter shall not be construed to prohibit easily removable chalk markings on the public sidewalks and streets used in connection with traditional children's games.

§ 190-5. Parental responsibility.

It shall be unlawful for any parent, legal guardian or other person having custody and care of any minor child under the age of 18 years to knowingly assist, aid, abet, allow, permit or encourage said minor to violate the provisions of this chapter, as herein defined, either by words, overt act or by failing to act.

§ 190-6. Accessories to prohibited acts.

All persons directly or indirectly involved shall be equally responsible and guilty, not alone the individual who may personally deface the object or area; but others in a group who knowingly make available the tools, writing material, ladders, lookout, materials or assistance or who knowingly supply funds to acquire such materials for such purposes shall be equally guilty and liable to punishment under this chapter.

§ 190-7. Violations and penalties.

- A. Any person who shall violate any of the terms or provisions of this chapter or who shall commit or do any act or thing in this chapter prohibited shall be liable to a penalty as provided in Chapter 1, General Provisions, Article II, General Penalty.

B. Any person who violated either § 190-3, 190-4 or 190-5 of this chapter shall also be liable for the cost of cleaning, repairing, painting or otherwise restoring the property which he/she damaged, defaced or vandalized so as to bring the property to the condition it was in prior to the application of the graffiti.

C. If said violator was under the age of 18 years old at the time of committing said offense, the Justice shall order the person having care and custody of said violator at the time of the incident to pay the prescribed fine and make restitution to said real or personal property owner.

§ 190-8. Liability of property owners for removal; fine.

Property owners shall be liable for removal of graffiti. If the property owner fails to completely and fully remove the graffiti, the Code Enforcement Officer shall, upon proper notice, order the property owner to fully remove or cause to be fully removed any and all such graffiti within 60 days. If the party or parties who committed or participated in the act of graffiti is determined, said party or parties shall immediately reimburse the property owner for the cost of removing the graffiti. Documentation regarding the removal cost should be retained by the property owner.

Failure of a property owner to remove graffiti from his property or to comply with a removal order from the Code Enforcement Officer shall result in the imposition of a property maintenance violation fine as provided in Chapter 222. In the event that the Township shall cause to have the graffiti removed because the owner has not complied with an order to do so, the Township may recover the costs of the same from the property owner and may file a lien in accord with the Township's Property Maintenance Code, Chapter 222.

SECTION THREE: All Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.

SECTION FOUR: If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.

SECTION FIVE: This ordinance shall take effect immediately upon final passage and publication according to law.