

Distributive Education — What It Is, Who It Is, Where It's Headed

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More On the Property Maintenance Code

This second article prepared by the Planning Board on the proposed Property Maintenance Code for the Borough of Fanwood is to explain the workings of the Code. The ordinance was introduced and passed on first reading by the Fanwood Borough Council at their regular meeting on October 11, 1972 and is scheduled for final consideration at the Wednesday, December 13, 1972 regular meeting. An Informal Public Hearing is scheduled to be held in Fanwood Presbyterian Church, 74 Martine Avenue, at 8:00 p.m. on Monday, November 20, 1972.

The ordinance can be separated into seven convenient sections for discussion purposes. The FIRST SECTION, "Title, Policy and Purposes," defines the object of the code, which simply stated, is to protect the residents and owners of borough property from a blight which may result from lack of maintenance of neighborhood property. The SECOND SECTION, "Definitions," defines such words as "exposed to Public View, Exterior, of the Premises, Maintenance, Nuisance, Weathering, etc." to assist in clarifying subsequent sections. The THIRD SECTION explains that the code shall apply to all structures and premises in the borough, both present and future. This section also allows the possible application and enforcement of other ordinances in case of conflict, by requiring the highest standard to prevail.

Section 4 through 6 deal specifically with requirements of the code. SECTION 4 details the necessary maintenance of the exteriors of premises and structures to keep them free of hazards and unsightly conditions. It defines the duty of all owners and operators to keep their properties free of refuse, dead or decaying vegetation, dangerous loose overhanging objects and other hazards or nuisances. The visible portions of all properties, structures, or signs shall be maintained so as not to constitute a blighting factor. Dumping and littering on public or private properties is prohibited. SECTION 5 refers to the additional maintenance responsibilities of owners of non-residential structures and premises such as display windows, storefronts, and awnings or marquees. SECTION 6 fixes the ultimate responsibility for the required maintenance on the particular owner or operator who violates the code.

The SEVENTH SECTION is the "Administrative Provisions" under which the Building Inspector is designated as the Public Officer to administer all code matters. No routine inspections

Attention!

The height of the leaf season, combined with two unusually heavy rainfalls, have created difficult conditions with storm drainage in many areas of Scotch Plains.

The Road Department, normally frantically busy with leaf collections at this time of year was engaged in brook and storm sewer work as well.

Mayor Albert Theurer this week asked for a citizen volunteer effort in cleaning catch basins of clogging leaves. The assistance would help in averting flooding problems.

are prescribed and investigations of premises are to be made only as the result of complaints or alleged violations called to the attention of the Public Officer by Borough employees or officials in the course of their normal work routines. Due and timely notice of purported violations are to be given, compliance and remedial action will be given reasonable time to be accomplished and the Public Officer is required to grant a hearing to all who seek relief.

Also within this section, a regular sequence of appeals is prescribed for persons aggrieved by the decisions of the Public Officer. Such appeals shall first be made to a Citizens Board of Appeals, and then to the Borough Council. This section further provides for the prompt correction, by the Borough if necessary, of violations of such emergency as to constitute a serious threat to life and limb. The cost of such corrections will be assessed to the owner. Lastly, the code provides further relief from enforcement of non-emergent violations when good and sufficient reasons are presented to the Public Officer at a public hearing.

Many questions regarding this proposed Property Maintenance Code have been raised by interested Fanwood Residents. In an attempt to clarify a few points of major misunderstanding, the following questions are answered:

1. Q. Isn't this an unreasonable violation of privacy of an individual citizen?

A. The code defines responsibilities for owners and operators only as they involve structures and premises exposed to public view. There is no right of entry by an official conferred by this code.

2. Q. Does the proposed code require or suggest routine inspections by the Public Officer?

A. None are required or suggested. The only inspections necessary are those essential to verify and assess the seriousness of the reported condition.

3. Q. Why not exempt the residential zone from the provisions of this proposed code?

A. The proper maintenance of residential property is an essential to preserve the quality of the community environment as that of the business and industrial zones, and furthermore, the people are entitled to protection from hazards wherever they may be in the borough.

4. Q. Why is the penalty of \$500.00 fine or 90 days in jail or both so drastic?

A. This is a maximum penalty recommended by the state and is intended to be imposed in varying degrees by a judge in a court of law for the most serious of such violations. This penalty could be reduced or, possibly, even eliminated since

Fanwood Council OK's "Peaceful" Ordinance

Recycling Set For Saturday

All Scotch Plains and Fanwood residents are reminded to bring their paper, glass, and cans to the Jaycees recycling center on Sat., Nov. 18th, between 9:00 a.m. and 1:00 p.m. The center is located in the Fanwood Railroad Station.

The abatement of a violation is the responsibility of the owner; the code provides that if the owner fails to make the necessary corrections, the Borough would then take the corrective action and assess the expense as a tax lien on the property.

5. Q. Isn't appearance an arbitrary condition? Won't there be a lot of arguments?

A. The code is aimed at maintenance rather than appearance per se since maintenance is not as subjective an issue.

6. Q. What relief has been provided for a resident when aggrieved by an arbitrary decision of the Public Officer?

A. A resident aggrieved by the Public Officer's decision may appeal it to a proposed Board of Appeals of local citizens, appointed by the Mayor and Council. Decisions of this Board may in turn be appealed without expense to the Borough Council, and finally to a court of competent jurisdiction, if the aggrieved person wishes to carry his appeal further.

(Submitted for publication in THE TIMES issue of Nov. 16, 1972, by Councilman John Swindlehurst and J. J. Agnoli.)

Calling For Volunteers

The Scotch Plains Recreation Commission would like young adults to assist in their Special Education program on Saturday mornings at the Towne House in Green Forest Park from 10 a.m. to 12 Noon.

This program is designed to accommodate the "special" child at all levels and capacities. It varies in activities from arts and crafts, to cooking, to perceptual motor development.

If you are interested in assisting in this program please contact the Recreation office Monday thru Friday between the hours of 9 a.m. and 4:30 p.m. at 322-76--., Ext. 21 or 22.

NEXT WEEK

THE TIMES
Will Be Published
on
Wednesday, Nov. 22

Copy Deadline Is
Friday, Nov. 17

County Prosecutor Asked To Investigate "Spa" Closing

The Fanwood Borough Council voted unanimously to amend its "peace and good order" ordinance last week, with nary a peep from the public. The amendment provides more explicit details on permissible public behavior than had been previously spelled out. The amendment had been tabled last month, awaiting the Borough Attorney's study of a Supreme Court ruling on a similar ordinance from South Orange, to determine whether the Fanwood ordinance falls within the constitution. Attorney Edward Beglin found that the local ordinance was legal.

Councilman Tony McCall reported that the amendment has been discussed fully and endorsed fully by the Fanwood Recreation Commission. The amendment was originally drafted following citizen complaints regarding gatherings of teenagers at LaGrande Park during the evenings and Recreation Commission complaints that the presence of the teenagers lounging around the entrance to the park during the daytime deterred some families from encouraging young children to participate in the organized summer park program.

Under the amendment, no person would be permitted to remain idle in one public location in such manner so as to: create or cause to be created a breach of the peace; create or cause any disturbance or annoyance calculated to interfere with the comfort or repose of any person; obstruct free passage of pedestrians, bicycles, or vehicles; obstruct, molest, or interfere with any person lawfully in any public place; make unsolicited remarks of an offensive, disgusting, or insulting nature to annoy or disturb another.

The ordinance now provides that no person may enter or refuse to leave any public or semi-public property in violation of regulations promulgated by the official in charge of that property in violation of regulations promulgated by the official in charge of that property and approved by the commission or agency owning the property. The rules governing the property must be conspicuously posted or made known, and all regulations governing public places must be approved by the Borough Council.

In other action, Councilman Van Dyke Pollitt reported that the Council had requested an investigation by the county prosecutor and the Division of Consumer Fraud regarding the closing of the Venus Health Spa, a club facility which had been scheduled to open in a former supermarket on Martine Avenue. The club, which some local residents reportedly joined, had none of the promised spa facilities in two other communities, also reportedly unequipped as yet.

Pollitt said the Council has heard reports that those who made deposits would have their money refunded.

Mrs. Bernard Reilly of Watson Road said she held the Councilmen responsible for not "poking around" to determine what was going on at the location. She asked that such action occur in the future, to avoid "open-up, shut-down" businesses.

Pollitt said there had been no law broken to his knowledge, and officials had checked periodically on whether any licenses had been applied for. He said the attorney had been consulted, and it is possible for the council to create an ordinance which would necessitate licenses for such facilities in the future.

Pollitt announced that there will be a seven-week delay in construction of the Martine Avenue-North Avenue traffic light, due to the fact that the contractor cannot get the necessary stations to support the light.

The borough has a curbing project underway, replacing broken curbing in many locations throughout the borough. Residents were advised that the borough is placing stones and gravel in driveways affected by the curbing project. This is a temporary measure, and driveways will be repaved in the spring, when the paving would not be affected by heaving.

Frank Goodyear asked whether the borough could take any action about flooding at the railroad station. Goodyear said commuters must step up to their ankles in cold water during heavy storms.

He was told that the southside flooding situation had already been improved, but that there is an overflow from the north side where improvements have not been made. The borough has plans for eventual solution to the flooding along the northside of the tracks, as part of the master plan for overall flood control in Fanwood. However, other areas and improvements are of top priority, since damage to private property and homes results in some of the other locations.

Albert Vajda asked the Council to consider a stop light on Russell Road at Watson-Russell, to cut down on speeding in Russell Road. At present, the stop sign at that intersection faces Watson, and Vajda seeks to have it changed. The question was referred to the safety officer and the Police Board.

The election of William Nehring to the fire company was approved.