

## ORDINANCE NO. 2026 -03

### AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 244 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF JACKSON, ENTITLED "LAND USE AND DEVELOPMENT REGULATIONS" AS TO AMEND §244-164 ENTITLED, "PROPERTY MAINTENANCE,"

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Township of Jackson, County of Ocean, State of New Jersey, as follows:

**SECTION 1.** The Township Code of the Township of Jackson is hereby amended and supplemented so as to amend Chapter 244, entitled "Land Use and Development Regulations," so as to amend §244-164 entitled, "Property Maintenance," so as to read in its entirety as follows:

#### § 244-164 Property maintenance.

It shall be the responsibility of every property owner, tenant, developer and applicant to maintain in a safe and orderly condition all buildings and land in the Township of Jackson which he owns, uses, occupies or has maintenance responsibility for. Land uses within the Township of Jackson shall be maintained in accordance with the following regulations:

**A.** Maintenance of all land uses within the Township shall include but not be limited to the following:

**(1)** Potholes and other pavement failures within paved parking areas shall be repaired on a regular basis, but in no event shall potholes or pavement failures be left unrepaired for a period in excess of 30 days. If such potholes or pavement failures are hazardous to vehicles, they shall be appropriately barricaded and marked to warn motorists.

**(2)** Paint striping, traffic control signs and markings and all other signs and graphics shall be maintained in a condition whereby they can be clearly seen and are legible.

**(3)** Curbing, other pavement edging and sidewalks shall be maintained free of cracks and holes which would present a hazard to pedestrians or are unsightly.

**(4)** Unpaved or gravel parking and pedestrian areas shall be maintained and regularly regraded in a manner which will keep the area free of holes and other severe grade changes which would be hazardous to vehicular and pedestrian usage.

**(5)** All areas of the site shall be kept free of debris and other materials. All users of shopping carts or similar items shall provide for the regular pickup of such shopping carts or similar items from parking areas and other portions of the site. All shopping carts or similar items shall either be stored indoors or in a location adjacent to the building specifically set aside for such storage during nonbusiness hours. Shopping carts shall be marked with the name of the establishment, the title and telephone number of the person responsible for maintenance of the shopping carts and a notice that they are not to be removed from the property on which the business is located. If shopping carts are removed from the property and abandoned, they shall be picked up by the business to which the cart belongs within 24 hours of notice from the Township. Failure to pick up such shopping carts within 24 hours of notice shall be a violation of this chapter, subject to the penalties prescribed herein.

**(6)** All plantings and ground cover shall be regularly watered and **shall be not exceed 10 inches in height**. All dead plant materials shall be removed or replaced. All lawn or other nonpaved areas shall be kept trimmed and free from weeds and other noxious growth.

**(7)** Building finishes shall be maintained reasonably free of peeling or cracked paint, rust or other unsightly conditions.

**(8)** All refuse stored outdoors shall be kept within containers in a manner that the refuse is not visible to pedestrians or persons within vehicles on or off the site. Such containers shall be stored only within the side or rear yard areas and shall not be so located as to interfere with vehicular or pedestrian circulation.

**(9)** All outdoor lighting shall be maintained in a working condition.

**B.** All land uses for which future development (site plan or subdivision) approval is granted subsequent to the adoption of this chapter or for which site plan or subdivision approval was previously granted under regulations heretofore in effect shall be required to maintain all structures and improvements shown on the approved site plan or subdivision in a safe and orderly condition. In addition to the maintenance responsibilities specified in Subsection **A** above, additional maintenance responsibilities shall include but are not limited to the following:

**(1)** All ground cover and plantings within screening and landscaping areas shown on an approved site plan or subdivision **shall be maintained free from weeds, grass, brush or plant growth in excess of 10 inches.** When plant material shown on an approved site plan or subdivision dies, it shall be replaced within the first 30 days of the next planting season.

**(a)** Refuse enclosures. Where a site plan specifies an outdoor refuse storage area, such area shall contain an enclosure not less than 100 inches wide, 84 inches deep and 72 inches high and be sufficient to enclose containers of up to six cubic yards. The enclosure shall have locking gates. Any containers larger than six cubic yards must be located in an enclosure using accepted industry requirements. Refuse containers located elsewhere on the site shall not be permitted.

**C.** All uses in the Township of Jackson shall also be subject to the provisions of Chapter **372**, Streets and Sidewalks, of the Code of the Township of Jackson.

**D.** Failure of the responsible property owner, tenant, developer and/or applicant to maintain property in accordance with the provisions herein shall be a violation of this chapter subject to the penalties prescribed in **subsection F. below.**

**E. Notice of Violation and opportunity to cure required prior to issuance of summons.**

**The Zoning Officer, Code Enforcement Officer, Construction Code Official, or other designated officer is authorized to notify, in writing, by mailing by certified mail, return receipt requested, and regular mail or hand delivering to the owner, or person or entity in control of the subject premises, or the agent of the owner, person in control or entity, advising of the particular violation. In the event that the property is in foreclosure, notice may also be sent to the mortgagee in the manner set forth herein. If the notice is returned showing the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. The person or entity shall correct the violation within 10 of receipt of the violation. Said notice shall be deemed to serve as a continuing notice for the remainder of the violation on the subject property in accordance with the provisions of this article.**

**F. Penalties.**

**1. First Offense:** Any person, entity, firm, corporation or group who has been cited for violation of this section, may plead guilty by affidavit through the Township of Jackson Municipal Court. The fine for a first-time offense, plead guilty by affidavit, is one hundred (\$100.00) dollars for violations of B(1) above and five hundred (\$500.00) dollars for all other provisions of this section. The offending party may also appear in Municipal Court and plead not guilty to the citation and be heard before the Court.

**2. Second offense for violations of B(1) above.** Any person, entity, firm, corporation or group who has been cited for violation of B(1) above for the second time within a calendar year of the first offense, may plead guilty by affidavit through the Township of Jackson Municipal Court. The fine for a second-time offense, plead guilty by affidavit, is two hundred fifty (\$250.00) dollars. The offending party may also appear in Municipal Court and plead not guilty to the citation and be heard before the Court.

**3. Second and/or Subsequent Offenses for all provision other than violations of B(1) above and third and/or subsequent offenses for violations of B(1) above:**

Any Second and/or Subsequent Offenses for all provision other than violations of B(1) above and third and/or subsequent offenses for violations of B(1) above, within the same calendar year shall be scheduled for Court, at which time, the person, entity, firm, corporation, or group who has been cited for violation of this section will be required to appear in Municipal Court, and for any and every violation of the provisions of this chapter, the owner, general agent or contractor of a building or premises where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violations have been committed or shall exist, and the owner, general agent, contractor lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist, and the general agent, architect, building contractor or any other person who commits, takes part or assists in such violation or who maintains any building or premises in which any such violation shall exist, shall, for each and every day that such violation continues, be subject to a fine of not more than \$1,000 or be imprisoned for a term not exceeding 90 days, or both.

**3. Correction of conditions**

In addition to any penalty, pursuant to paragraph f2 above, the violation must be corrected by the notice date and must be properly maintained thereafter, or the owner of the property will be cited for an additional offense and will be required to appear in Municipal Court.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 4.** This ordinance shall take effect after second reading and publication as required by law.

**NOTICE**

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of

**Jackson held on the 27<sup>th</sup> day of January , 2026, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 10th day of February, 2026 at 6:30 p.m., at the Township Municipal Building, located at 95 West Veterans Highway, Jackson, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.**

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**Sandra Martin RMC, Township Clerk, Township of Jackson**

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**Jennifer Kuhn**

**MAYOR**