

**BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 2019:18**

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE
BOARD OF HEALTH OF THE BOROUGH OF NEW MILFORD, THEREBY ADDING
CHAPTER BH:XV ENTITLED "INSPECTION PRIOR TO BUILDING,
DEVELOPMENT OR CLEARING"**

WHEREAS, the Mayor and Council of the Borough of New Milford have been advised by the Board of Health that the present ordinance does not adequately protect the residents of New Milford; and

WHEREAS, the Mayor and Council of the Borough of New Milford wish to add Chapter BH:XV entitled "Inspection Prior to Building, Development or Clearing" to address the concerns that affect the needs of residents.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of New Milford, County of Bergen, State of New Jersey, that Chapter BH:XV entitled "Inspection Prior to Building, Development or Clearing" be added to the Revised General Ordinances of the Board of Health of the Borough of New Milford as follows:

**CHAPTER XV
INSPECTION PRIOR TO BUILDING, DEVELOPMENT OR CLEARING**

BH:15-1 DEFINITIONS

As used in this Article, the following terms shall have the meanings indicated:

Certified Professional Exterminating Firm

Includes persons, sole proprietorships, associations or other business entities wherein at least one person is a certified professional exterminator engaged in rodent elimination or eradication by use of rodenticides approved by the New Jersey Department of Environmental Protection.

Wherever in this Article work is to be conducted by a professional exterminating firm, the work must be supervised by a licensed professional exterminator.

Certified Professional Exterminator

Includes persons certified by the State of New Jersey, Department of Environmental Protection, as competent and authorized to use or supervise the use of pesticides who is engaged in rodent elimination or eradication by use of rodenticides.

Clearance

The act or acts ridding a property of obstructions, entanglements or obstacles, including trees and other growth.

Construction

The erection, alteration or repair of any building or structure that requires a plan review by the Zoning Official.

Excavation

The act or acts of digging or uncovering or removing soil or material used as the foundation of a building or a structure as requires municipal approval or a building permit.

Health Official

Includes the Health Officer or Health Inspector of the Borough of New Milford or any duly authorized agent or employee of the Board of Health, Borough of New Milford, County of Bergen, New Jersey.

Person

Includes any person, persons, partnership, firm, association, corporation and the owner of buildings or properties subject to construction or excavation.

Real Estate Premises

Includes any vacant land or structure, whether public or private, or whether adapted for vacant land or any use.

Rodent Extermination

Includes the elimination or eradication of rats, mice and other rodents on said real estate premises such that said real estate premises are completely freed of such rodents or there is no evidence of rodent infestation remaining after implementation of accepted measures such as poisoning and other means approved by the Health Official.

Vacant Property

As defined in Borough of New Milford Ordinance 12-4.1.

BH:15-2 INSPECTION AND APPROVAL

- A. It shall be the duty of any person engaged in any construction, excavation or clearance of any real estate premises in the Borough of New Milford to first secure approval from the Health Official before commencement of such demolition, construction, excavation or clearance.
- B. At the onset of any construction, excavation or clearance of any real estate premises, a certified professional exterminator shall inspect the premises and the immediate surrounding premises to determine whether evidence of rodent infestation exists in or about said real estate premises.
- C. In the event that inspection reveals evidence of rodent infestation, the Health Official shall require a program of rodent extermination undertaken and completed by a certified professional exterminating firm. The program for rodent extermination in the case of vacant land shall be baiting of dusting burrows, approved by the Health Official, until

results of said baiting indicate to the satisfaction of the Health Official that rodent infestation is nonexistent or eliminated.

- D. At the onset of any construction, excavation or clearance, a certificate shall be issued by the Health Official.
- E. After completion of a rodent extermination program as required herein, the Health Official or Property Maintenance Inspector shall reinspect the premises and, upon determination that the program has been effective, shall issue a certificate from the Board of Health signifying its approval of said extermination.
- F. Notwithstanding the issuance of a certificate of approval, in the event that evidence of reinfestation of said real estate premises is discovered by the Health Official or Property Maintenance Inspector, then, prior to any construction, excavation or clearance, the foregoing provisions of this Article shall apply, and new requests for permission to construct, excavate or clear shall be made by the persons required herein.
- G. Notification to the Construction Official. The Board of Health, upon issuing a certificate of approval, shall notify the Construction Official of the Borough of New Milford of said issuance.

BH:15-3 FEES

- A. Upon application to the Zoning Officer for a review of any proposed construction of any premises, the applicant shall pay, in addition to any other fees, an application fee of \$50 to the Health Department.
- B. Upon any reinspection by the Health Official pursuant to this Article, the applicant shall pay a fee of \$100 for initial inspection, \$250 for a second inspection and \$400 for all additional inspections.

BH:15-4 VIOLATIONS AND PENALTIES

Any person who shall violate any provision of this Article shall, upon conviction, either be imprisoned in the county jail or other place provided by the municipality for the detention of prisoners for a term not exceeding 90 days or shall be liable to a penalty of not more than \$500 nor less than \$100, or both.