

Chapter 198

PROPERTY MAINTENANCE

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[HISTORY: Adopted by the Mayor and Council of the Borough of Wood-Ridge 5-16-1983 by Ord. No. 5-83. Amendments noted where applicable.]

GENERAL REFERENCES

General penalty — See Ch. 1. Art. II.

Brush, grass, weeds and other debris — See Ch. 110.

Uniform construction codes — See Ch. 126.

Littering — See Ch. 170.

ARTICLE I
Title; Findings; Purpose

§ 198-1. Title.

This chapter shall be known as the "Property Maintenance Code of the Borough of Wood-Ridge" and may be referred to in this chapter in the short form as the "Property Maintenance Code" or as "this code."

§ 198-2. Statement of findings.

It is hereby found and declared that there exist in the Borough of Wood-Ridge structures used for residential and nonresidential purposes which are, or may become in the future, substandard with respect to structure, equipment or maintenance and further that such conditions, including but not limited to structural deterioration, inadequate maintenance, infestation and unsanitary conditions, constitute a menace to the health, safety and welfare of the residents and inhabitants of the Borough of Wood-Ridge. It is further found

and declared that the existence of such conditions has the further effect of creating blight and substandard neighborhoods and that by the enactment of timely regulations and restrictions as herein contained the development of blight may be prevented, neighborhood and property values maintained and the public health, safety and welfare protected and fostered.

§ 198-3. Purpose; construal of provisions.

- A. The purpose of this code is to protect the public health, safety and welfare by establishing minimum standards governing the maintenance, appearance and condition of residential and nonresidential premises: to establish minimum standards governing facilities and other physical components and conditions essential to make the aforesaid facilities nuisance-free; to fix certain responsibilities and duties upon owners, operators and occupants; and to fix penalties for the violation of this code.
- B. This code is hereby declared to be remedial and essential for the public interest, and it is intended that this code be liberally construed to effectuate the purposes as stated herein. This code specifically relates to the exterior maintenance of structures and premises only and shall not be construed to replace or infringe upon the jurisdiction or the powers of the Board of Health and its designated licensed personnel and other governmental agencies within the Borough.

ARTICLE II
Definitions

§ 198-4. Terms defined.

The following terms, wherever used herein or referred to in this code, shall have the respective meanings assigned to them unless a different meaning clearly appears from the context:

ACCESSORY STRUCTURE — A building or structure that is on the same lot as and subordinate to, and under the same ownership or control as and used for the purpose customarily incident to the use of the main building.

DETERIORATION — The condition or appearance of a building or structure, or part thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay or neglect, lack of maintenance or excessive use.

EXTERIOR OF THE PREMISES — Those portions of a building or structure which are exposed to public view and the open space of any premises outside of any building or structure erected thereon.

GARBAGE — Putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food. See also "refuse" and "rubbish."

INFESTATION — The presence of insects, rodents, vermin or other pests on the premises which constitute a health hazard.

JUNK VEHICLE — Any vehicle which the Property Maintenance Code Official determines is without currently valid license plates or is in a wrecked, discarded, dismantled, inoperative or abandoned condition. **[Added 8-20-1990 by Ord. No. 90-6]**

NUISANCE —

- A. Any public nuisance known at common law or in equity jurisprudence or as provided by the statutes of the State of New Jersey or the ordinances of the Borough of Wood-Ridge.
- B. Any attractive nuisance which may prove detrimental to the health or safety of children, whether on the premises of a building or upon the unoccupied lot. This includes but is not limited to abandoned wells, shafts, excavations, abandoned iceboxes, refrigerators, motor vehicles, any

structurally unsound fences or structures, lumber, trash or debris.

- C. Physical conditions dangerous to human life or detrimental to health of persons on or near the premises where the conditions exist.
- D. Causing, creating or maintaining unsanitary conditions or any conditions which render air, food, property, or drink detrimental to the health of human beings. **[Amended 8-13-2002 by Ord. No. 2002-13]**
- E. Unsightly conditions, including but not limited to grass, weeds and/or vegetation when it has attained a greater height than eight inches on the average. **[Added 2-20-1996 by Ord. No. 96-1]**
- F. Any matter, thing, condition or act which is or may become an annoyance or interfere with the comfort or general well-being of the inhabitants of this Borough. **[Added 5-11-2004 by Ord. No. 2004-4]**

OPERATOR — Any person who has charge, care, actual possession or control of a dwelling or premises or part thereof, whether with or without the knowledge and consent of the owner.

OWNER — Any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises with or without accompanying actual possession thereof or shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner or as fiduciary, including but not limited to executor, executrix, administrator, administratrix, trustee, receiver or guardian of the estate or as a mortgagee in possession regardless of how such possession was obtained. Any person who is a lessee subletting or reassigning any part or all of any premises shall be deemed to be a co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by said lease.

PREMISES — A lot, plot or parcel of land, including the buildings or structures thereon.

REFUSE — All putrescible and nonputrescible solid wastes, including but not limited to garbage, rubbish, ashes, street cleanings, dead animals, animal excrement, abandoned automobiles and parts, scrap metals, junk and solid market and industrial wastes. See also "garbage" and "rubbish."

RUBBISH — Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and building materials and similar materials. See also "garbage" and "refuse."

STRUCTURE — Anything that is built or constructed and permanently affixed on or under the ground or upon another structure or building.

ARTICLE III

Applicability; Effect of Other Legislation

§ 198-5. Applicability.

Every residential and nonresidential building, and the premises on which it is situated in the Borough of Wood-Ridge, previously or presently used or intended to be used for dwelling, commercial, business or industrial occupancy or such other uses permitted by the Borough of Wood-Ridge, shall comply with the provisions of this code, whether or not such building shall have been constructed, altered or repaired before or after the enactment of this code and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building or for the installation or repair of equipment or facilities prior to the effective date of this code. This code establishes minimum standards for the initial and continued occupancy and use of all such buildings and does not replace or modify standards otherwise established for the construction, repair, alteration or use of the building,

equipment or facilities contained therein, except as provided in § 198-6.

§ 198-6. Higher standard to prevail.

In any case where the provisions of this code impose a higher standard than set forth in any other ordinance of the Borough of Wood-Ridge or under the laws of the State of New Jersey, then the standards as set forth herein shall prevail, but if the provisions of this code impose a lower standard than any other ordinance of the Borough of Wood-Ridge or of the laws of the State of New Jersey, then the higher standard contained in any such other ordinance or law shall prevail.

§ 198-7. Effect of compliance.

No certification of compliance with this code shall constitute a defense against any violation of any other ordinance of the Borough of Wood-Ridge applicable to any structure or premises.

ARTICLE IV

Responsibilities of Owners, Operators and Tenants

§ 198-8. Construal of provisions.

Owners, operators and tenants shall have all the duties and responsibilities as prescribed in this code, and no owner, operator or tenant shall be relieved from any such duties and responsibilities nor shall be entitled to defend against any charge of violation thereof by reason of the fact that another is also responsible therefor and in violation thereof.

§ 198-9. Effect of agreements or contracts.

Unless expressly provided to the contrary in this code, the respective obligations and responsibilities of the owner, operator or tenant shall not be altered or affected by any agreement or contract.

§ 198-10. Hazards.

The exterior of the premises and all structures thereon shall be kept free of any hazards to the safety of occupants, pedestrians and other persons utilizing the premises and free of unsightly or unsanitary conditions, and any of the foregoing shall be promptly removed and abated. It shall be the duty of the owner, operator or tenant to keep the premises free of hazards and unsightly or unsanitary conditions which include, but are not limited to, the following:

- A. Garbage, refuse and rubbish.
- B. Loose and overhanging objects, including, without limitation, accumulations of ice, or other similar conditions which by reason of their location above ground level constitute a hazard to persons in the vicinity thereof.
- C. Ground surface hazards, including, without limitation, holes, excavations, breaks, projections and obstructions, which constitute a hazard to persons on the premises or the public easement.
- D. Inadequate foundation walls, piers and columns. Foundation walls, piers, columns or similar load-bearing components shall be kept structurally sound, free from defects and damage and capable of bearing loads safely.
- E. Unsafe exterior facilities, including, without limitation, exterior porches, elevated patios, landings, balconies, stairs and fire escapes, all of which shall be kept structurally sound and in good repair and shall be provided with bannisters or railings properly designed and maintained.
- F. Junk vehicles. [Added 8-20-1990 by Ord. No. 90-6]
- G. Bird feeding. [Added 8-13-2002 by Ord. No. 2002-13]
 - (1) Each property owner shall be permitted to have one bird feeder or suet, but not both, to be located in the

rear of the property, behind the existing house or premises, no closer than 12 feet to any property line.

(a) Bird feeder.

[1] A bird feeder shall be either:

[a] A tube- or cylinder-type feeder hung from a tree or pole; or

[b] A hopper-type feeder which shall be no larger than 12 inches in width and height, be fully enclosed on all sides with openings of no more than 1/2 inch in size.

[2] Bird feeders shall be hung no less than three feet nor more than eight feet from the ground.

[3] Bird feeders shall be filled with no more than 10 ounces of bird feed or bird food at any time, to be placed inside the feeder only.

(b) Suet. Suet is a formulation of animal fat and other ingredients in cake or brick form. Suet shall be placed in either a mesh bag or wire cage and suspended close to the trunk of a tree between five and six feet from the ground.

(2) No bird seed or any form of bird food shall be thrown or scattered on the ground of any property. No suet shall be smeared on any tree. Seed shells or bird food dropped by birds or which otherwise fall to the ground shall be removed immediately so that no accumulation results.

(3) Any person who violates the terms and provisions of this subsection shall be subject to the fines and penalties set forth in Article VI of this Property Maintenance Code.

H. Feeding of pigeons. [Added 5-11-2004 by Ord. No. 2004-4]

- (1) Purpose. It has been determined that the presence of large numbers of pigeons in and around the Borough causes a public health nuisance which is detrimental to the health and general welfare of the public. The purpose of this subsection is to prevent such conduct that may attract such pigeons to properties in the Borough.
- (2) Definitions. "Pigeons" shall include any of various related birds with a small head, short neck, stout bodies with short legs, and sleek plumage and have a fleshy or waxy protuberance, the cere, at the base of the bill.
- (3) No person shall systematically feed, cause to be fed or provide a food for pigeons in the Borough on lands either publicly or privately owned.
- (4) Any person who violates the terms and provisions of this subsection shall be subject to the fines and penalties set forth in Article VI of this Property Maintenance Code.

§ 198-11. Nuisances.

The exterior of all buildings and structures and the condition of accessory buildings and structures shall be maintained so that such premises and structures shall not constitute a nuisance.

§ 198-12. Exterior of structures; grounds. [Amended 8-20-1990 by Ord. No. 90-6]

In order to preserve property values, eliminate safety hazards and protect adjoining properties and the neighborhood from blighting influences, the exterior of every structure or accessory structure, including fences and retaining walls, shall be maintained in good repair, free of broken glass, loose shingles,

peeling paint or crumbling stone, brick or cement. The grounds shall be maintained to an extent sufficient to prevent them from becoming a nuisance. No junk vehicle, as described in Article II, § 1984, herein shall be kept or stored on any properties within the Borough of Wood-Ridge.

§ 198-13. Accessways.

The sidewalks, driveways, walkways and entrance stairways shall be maintained in a safe condition, such as will not constitute a hazard to persons on the premises or the public easement.

§ 198-14. Compliance with conditions of approval; maintenance of on-site improvements.

- A. All conditions of approval incorporated in the resolutions or other acts of the Borough Council or of any duly constituted board or agency of the Borough of Wood-Ridge shall be adhered to and shall be construed to be continuing conditions of approval.
- B. Any on-site improvements of every kind or nature, including, without limitation, sidewalks, curbs, catch basins, storm drains and driveways, installed pursuant to the requirements of the Borough Council or any duly constituted board or agency of the Borough of Wood-Ridge shall be maintained in good and serviceable condition at all times.

§ 198-15. Parking in front yards of one- and two-family residential uses. [Amended 10-21-1996 by Ord. No. 96-28]

No persons shall park, stop or stand any motor vehicle, camper, trailer, motor boat or other water-going vessel, or permit or suffer the same to be done, in any front or rear or side yard area of premises occupied by a dwelling or other approved structure except on driveways and parking areas constructed

and installed in compliance with applicable Borough ordinances.

§ 198-16. Storefronts of uses other than one- and two-family residential uses.

All storefronts shall be maintained in good repair.

§ 198-17. Awnings and marquees of uses other than one- and two-family residential uses.

Any awning or marquee and its accompanying structural members which extend over any street, sidewalk or any portion of the premises shall be maintained in good repair and shall not constitute a nuisance or a safety hazard. In the event that such awnings or marquees are not properly maintained in accordance with the foregoing, they shall, together with their supporting members, be repaired or removed forthwith. In the event that said awnings or marquees are made of cloth, plastic or similar materials, said cloth or plastic, where exposed to public view, shall be maintained in good condition and shall not show evidence of excessive weathering, ripping, tearing or other holes. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks or other parts of the public domain.

§ 198-18. Signs and light poles of uses other than one- and two-family residential uses.

All signs, including structural and supporting components thereof, and all light stanchions and poles shall be maintained in good repair.

§ 198-19. Marking of parking areas of uses other than one- and two-family residential uses.

All parking areas shall be marked with clearly visible parking lines and necessary directional arrows. Such markings shall be

consistent with any requirements as to parking areas imposed by the Borough Council or any other duly constituted board or agency of the Borough of Wood-Ridge.

§ 198-20. Snow and ice removal. [Amended 8-18-2009 by Ord. No. 2009-12]

- A. The owner or owners, tenant or tenants of land abutting or bordering on the public streets, avenues, rights-of-way or highways within the limits of the Borough of Wood-Ridge shall remove or cause to be removed all snow and ice from the paved sidewalk in front of such land within 12 hours of daylight after the same shall have formed or fallen thereon.
- B. No person shall sweep, shovel, push, plow or throw snow or ice into or upon any public street, sidewalk or private property belonging to another, nor shall any person direct, permit or suffer another to so do any of the foregoing from any property owned, occupied, used or leased by such person.
- C. Any person who violates the terms and provisions of this section shall be subject to the fines and penalties set forth in Article VI of this Property Maintenance Code.
- D. If the owners or tenants of any such premises shall refuse or neglect to remove all ice and snow from the paved sidewalks in front of such land as required by § 198-20A it shall be the duty of the Property Maintenance Code Enforcement Officer and/or the Superintendent of Public Works to cause such work to be done.
- E. The Property Maintenance Code Enforcement Officer and/or the Superintendent of Public Works shall certify the cost of the removal of such ice and snow to the Council. After verification by the Council, the cost shall be charged against the land abutting or bordering, and the amount so charged, shall become a lien upon the land of the owner or tenant charged with the duty of removal of such ice and

snow. Said amount shall be added to and become a part of the taxes next to be assessed and levied upon such land, and the same shall bear interest at the same rate as taxes.

- F. The Council shall, upon receiving and verifying the cost of removal of such ice and snow, adopt a resolution directing that the cost shall be charged against such land and shall cause a certified copy of such resolution to be delivered to the Tax Collector, who shall collect such taxes at the time of collection of the taxes next to be assessed and levied upon such land.

§ 198-21. Exterior of premises to be kept structurally sound.

Every building or structure and accessory building or structure and every part thereof shall be kept structurally sound and in a state of good repair to avoid safety or health hazards. All surfaces shall be maintained free of broken glass, loose shingles, peeling paint, crumbling stone, brick or cement or other conditions reflective of deterioration or inadequate maintenance to the end that property itself may be preserved, safety hazards eliminated and adjoining properties and the neighborhood protected from blighting influences.

- A. Exterior walls, sidings and roofs. Exterior walls, retaining walls, sidings and roofs shall be kept structurally sound, in good repair and free from defects.
- B. Protective coating. All exposed surfaces susceptible to decay shall be provided with a protective coating sufficient to prevent deterioration.
- C. Weather- and watertightness. The exterior walls, roofs, windows, window frames, doors, door frames, foundations and other portions of every building and structure shall be so maintained as to prevent deterioration from water and weather. Damaged materials must be repaired or replaced promptly. Places showing signs of rot, leakage,

deterioration or corrosion are to be restored and protected against weathering or seepage.

§ 198-22. Vacant buildings.

All vacant buildings and structures shall be thoroughly secured so as to prevent unauthorized access and vandalism. When doors and windows are boarded over for this purpose, the construction and placement of said boards shall be done in a neat and workmanlike manner so as not to constitute a blighting influence on adjoining and neighboring properties and the community at large. To the extent that boards are used for the purpose of securing any building, such boards shall be precisely placed within the door and window frames to the extent practicable as permitted by the framing and building lines and shall be painted the same color as the surrounding material and shall not be permitted to deteriorate.

§ 198-23. Encroachments.

There shall be no encroachment on streets, sidewalks or other parts of the public domain by the placement, display or storage of items for sale, rental or use by the planting or overgrowth of shrubbery or plantings.

§ 198-24. Sight triangles.

There shall be adherence to the sight triangle requirements as defined in Chapter 220, Subdivision of Land; Site Plans, Article I, § 220-3.

§ 198-24.1. Feeding of wildlife. [Added 2-8-2005 by Ord. No. 2005-6]

A. Purpose. A section to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Borough of Wood-Ridge so as to protect

public health, safety and welfare, and to prescribe penalties for the failure to comply.

- B. Definitions. For the purpose of this section, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

FEED — To give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

PERSON — Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

WILDLIFE — All animals that are neither human nor domesticated.

- C. Prohibited conduct. No person shall feed, in any public park or on any other property owned or operated by the Borough of Wood-Ridge, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers).
- D. Enforcement.
- (1) This section shall be enforced by the Police Department and/or the Health Department of the Borough of Wood-Ridge.
 - (2) Any person found to be in violation of this section shall be ordered to cease the feeding immediately.

- E. Violations and penalty. Any person(s) who violates any of the provisions of this chapter shall, upon conviction, be punishable as provided in Chapter 1, General Provisions, Article II.

ARTICLE V

Administration and Enforcement [Amended 10-11-1983 by Ord. No. 16-83]

§ 198-25. Enforcement officers designated.

The Property Maintenance Code Enforcement Officer of the Borough of Wood-Ridge is hereby designated as the officer charged with the enforcement of this code and is hereinafter referred to as the "Property Maintenance Code Enforcement Officer." In the event of a vacancy in the office of the Property Maintenance Code Enforcement Officer of the Borough of Wood-Ridge, or in his or her absence, the Borough Council shall designate an acting Property Maintenance Code Enforcement Officer. All members of the Police Department and authorized Inspectors of the Building Department of the Borough of Wood-Ridge are hereby designated as assistant Property Maintenance Code Enforcement Officers for the purposes of the enforcement of this code. The members of the Fire Department shall be assistant Property Maintenance Code Officers to the extent of their expertise in the area of fire prevention. Under the provisions of this chapter, the jurisdiction of the Property Maintenance Code Enforcement Officer and the assistant officers shall relate solely to the exterior of buildings and structures. This chapter, however, shall not be construed to delimit the powers of any governmental agency of the Borough hereinbefore or hereinafter established by any state statute or by any other ordinances of the Borough of Wood-Ridge.

§ 198-26. Notice of violation. [Amended 12-20-1993 by Ord. No. 93-26; 11-13-2006 by Ord. No. 2006-11]

Whenever the Property Maintenance Code Enforcement Officer or any assistant Property Maintenance Code Enforcement

Officer determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter, the Property Maintenance Code Enforcement Officer shall give notice of such alleged violation to the person or persons responsible therefor as hereinafter provided. Such notice shall be in writing, shall include a statement of the reasons why it is being issued and shall be served upon the owner, operator or tenant of the premises or their agent, provided that such notice shall be deemed to be properly served if a copy thereof is served upon such person personally, or sent by certified or registered mail to his last known address, or posted in a conspicuous place on or about the premises affected by the notice. Such notice shall also state that unless, within 10 days from the service of the notice, abatement of such violation is not consummated, then and in that event said notice shall be deemed an order to cease and desist from and to abate the described violation, and such notice shall prescribe a reasonable time within which such person shall be required to cease and desist from and abate such violation. The notice may also contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter.

§ 198-27. (Reserved) ¹

§ 198-28. Emergency situations. [Amended 11-13-2006 by Ord. No. 2006-11]

Whenever the Property Maintenance Code Enforcement Officer finds that an emergency exists which requires immediate attention to protect the public health or safety, he may, without notice, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding any other provisions of this chapter, such order shall be effective immediately.

1. Editor's Note: Former § 198-27, Hearings, was repealed 11-13-2006 by Ord. No. 2006-11.

§ 198-29. (Reserved) ²

ARTICLE VI
Complaints; Penalties

§ 198-30. Filing of complaint. [Amended 10-20-1986 by Ord. No. 86-16; 11-13-2006 by Ord. No. 2006-11]

The Property Maintenance Code Enforcement Officer, upon failure of the noticed party to abate such violation within the time period prescribed in the notice of violation, shall file a complaint with the Municipal Court of the Borough of Wood-Ridge.

§ 198-31. Violations and penalties. [Amended 10-20-1986 by Ord. No. 86-16]

Any person who shall violate any of the provisions of this chapter shall, upon conviction, be punishable as provided in Chapter 1, General Provisions, Article II. Each day that any violation shall continue shall be deemed to be a separate and distinct offense.³

2. Editor's Note: Former § 198-29, Hearing Tribunal, was repealed 11-13-2006 by Ord. No. 2006-11.

3. Editor's Note: Former Art. VII, Appeals; Fees, which immediately followed this section, was repealed 11-13-2006 by Ord. No. 2006-11.