

**MEETING MINUTES  
TOWNSHIP COUNCIL – TOWNSHIP OF OCEAN**

**NOVEMBER 21, 2011**

**OAKHURST, NEW JERSEY**

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The Regular Meeting of the Township Council was held in the Township Meeting Room, First Floor, Public Meeting Room, 399 Monmouth Road, Oakhurst, NJ 07755 at 5:00 p.m.

**Present:** Mayor Larkin  
Deputy Mayor Siciliano  
Councilmember(s) Evans, Garofalo, Schepiga

**Others:** Martin J. Arbus, Esq., Township Attorney  
Andrew Brannen, Township Manager  
Vincent Buttiglieri, Township Clerk

**Statement of Compliance with the Open Public Meetings Act:**

Mayor Larkin announced that the notice requirements of the Open Public Meetings Act for this meeting have been satisfied; a copy of the Annual Notice was sent to the Asbury Park Press and The Coaster, posted in Town Hall and filed in the Office of the Township Clerk on December 6, 2010 and revised on November 18, 2011.

**Fire Exit Procedures:**

There are two emergency exits on the wall to my right that will take you to the front of the building and another one to my left that will take you to the rear parking lot.

**NOTICE:**

All cell telephones must be turned off. If you need to make a call, please make your call outside the meeting room.

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**Mayor's Statement:** Public Portion to Ask Questions with Regard to Agenda Items

The purpose of this public portion is solely to ask questions to understand items on the Agenda and is not an occasion for a public hearing on an Ordinance. All questions not related to an item on this Agenda should be asked during the Public Comments portion at the conclusion of the meeting.

**PUBLIC COMMENTS:**

There were no public comments at this time.

**ORDINANCES:**

**Introduction(s):**

Ordinance #2173 – An ordinance amending and supplementing Chapter VII of the “Revised (P.H. 12/5/11 Coaster) General Ordinances of the Township of Ocean, 1965” entitled: Property Maintenance and Housing

**ORDINANCE #2173**

ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 7 – THE REVISED GENERAL ORDINANCES OF THE  
TOWNSHIP OF OCEAN

**BE IT ORDAINED** by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey as follows:

1. Chapter 7, the Revised General Ordinances of the Township of Ocean is hereby amended and supplemented to read as follows:

## **CHAPTER VII PROPERTY MAINTENANCE AND HOUSING**

### **SECTION I.**

#### **7-1 General**

Powers of the Township Manager's Designated Agents.

The Code Enforcement Official, the Housing Inspector and the Township Manager's other designated agents are hereby authorized and empowered to exercise such powers as may be necessary to carry out and effectuate the purposes and provisions of this chapter, including the following, in addition to others herein granted:

- a. To investigate the dwelling conditions in the Township of Ocean in order to determine which dwellings therein are unfit for human habitation;
- b. To administer oaths, affirmations, examine witnesses and receive evidence; and
- c. To enter upon the premises for the purpose of making examination; provided, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession.
- d. To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter.
- e. To delegate any of his functions and powers under this chapter to such officers and agents as he may designate.

Rules and Regulations.

The Code Enforcement Official & the Housing Inspector along with the Township Manager's other designated agents are hereby authorized and empowered to make and adopt such written rules and regulations as they may deem necessary for the proper enforcement of the provisions of this chapter; provided, however, that such rules and regulations shall not be in conflict with the provisions of this chapter, nor in anyway alter, amend or supercede any of the provisions thereof. The Code Enforcement Official, the Housing Inspector and the Township Manager's other designated agents shall file a copy of all rules and regulations which they may adopt in their office and in the office of the Township Clerk.

The Division of Health shall also be authorized to enforce certain provisions of this chapter when same relate to public health.

#### **7-1.3 Adoption of Property Maintenance Code.**

Pursuant to the provisions of Chapter 21, P.L. 1964 (N.J.S.A. 40:49-5.1) and N.J.S.A. 40:69A-181 the 2009 International Property Maintenance Code be and is hereby adopted as the Housing and Property Maintenance Code of the Township of Ocean in the County of Monmouth, State of New Jersey, for the conditions and maintenance of property, buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Property Maintenance Code are hereby referred to, adopted and made a part hereof, as if fully set out in this subsection, with the additions, insertions, deletions and changes, if any, prescribed hereinafter in this subsection. Three copies of said Code have been placed on file in the office of the Township Clerk and in the office of the Department of Community Development of the Township of Ocean. The 2009 International Property Maintenance Code is amended and revised in the following respects:

SECTION 101.1 Insert: Township of Ocean.

SECTION 107.2(4) is amended by the addition of the following sentence:

Notice allowing a reasonable time for repairs shall not be applicable to a second or subsequent offense within a three-year period involving the same property and the same or similar subject matter as the first offense. Such second or subsequent violation will be considered to be a repeat offense. For such repeat offenses a violation may be cited without prior notice.

SECTION 202 BEDROOM DEFINITION SHALL BE AMENDED TO ADD:

Every Bedroom Occupied By One Person Shall Contain At Least 70 Square Feet (6.5m<sup>2</sup>) Of Floor Area And Every Bedroom Occupied By More Than One Person Shall Contain At Least 50 Square Feet (4.6m<sup>2</sup>) Of Floor Area For Each Occupant Thereof. Every Living Room Shall Contain At Least 120 Square Feet.

SECTION 107.3 Delete certified mail

SECTION 107.2(5) & (6) Delete.

SECTION 109.6 Delete.

SECTION 111 Delete.

SECTION 302.4 Add 10 inches

SECTION 304.14 Delete "During the period from [date] to [date],"

SECTION 602.3 Insert date "October 1 to May 1"

SECTION 602.4 Insert date "October 1 to May 1"

Pursuant to the provisions of Chapter 21, P.L. 1964, N.J.S.A. 40:49-5.1 and N.J.S.A. 40:69A-181, Article 19 of "Regulations for the Construction and Maintenance of Hotel and Multiple Dwellings" as adopted and promulgated by the Commissioner of Community Affairs of the State of New Jersey effective July 19, 1968 as amended, is hereby accepted, adopted and established in and for the Township of Ocean as a standard to be used as a guide in determining the fitness of a building for human habitation or occupancy or use. A copy of Article 19 of "Regulations for the Construction and Maintenance of Hotel and Multiple Dwellings" is annexed hereto and made a part hereof without inclusion of the text thereof. Three copies of the code have been placed on file in the office of the Township Clerk and in the office of the Department of Community Development of the Township and will remain on file in such offices for the use and examination of the public.

#### 7-1.4 Definitions.

- a. Dwelling shall mean a building occupied or intended to be occupied exclusively for residential purposes by one family or one housekeeping unit and shall any mean room or rooms or suite or apartment thereof, whether furnished or unfurnished, which is occupied or intended, arranged or designed to be occupied for sleeping, dwelling or residential purposes by one or more persons.
- b. Hotel shall mean a building containing one or more rooms used, rented or hired out on a transient basis to be occupied for sleeping purposes only, and not containing individual eating and cooking facilities.
- c. Inspector shall mean the Housing Inspector and the Township Manager's other designated agents for the issue of certificates of occupancy under this code.
- d. Motel shall mean a building containing one or more rooms with individual entrances used, rented or hired out on a transient basis to be occupied for sleeping purposes only and not containing individual eating and cooking facilities.
- e. Garden apartment shall mean multifamily dwelling units adhering to the standards set forth in the zoning ordinances of the township and amendments thereto.
- f. Emergency condition shall mean any condition dangerous or injurious to the health or safety of the occupants of a building, or occupants of neighboring buildings which arises out of any of the following circumstances or conditions:
  1. Lack of adequate ventilation or light.
  2. Lack of adequate and properly functioning sanitary facilities.
  3. Lack of adequate and healthful water supply.
  4. Structural, mechanical or electrical defects which increase the hazards of fire, accident or other calamity, or create a security risk to the occupants therein.

- g. Multiple Dwellings. Any building or structure of one or more stories, and any land appurtenant thereto and any portion thereof, in which four or more dwelling units are occupied, or are intended to be occupied, by four or more persons who live independently of each other. Premises which are used primarily for purposes other than sleeping, dwelling or residence, shall not be considered a "multiple dwelling".

#### Notice of Violation.

Whenever the Code Enforcement Official, Housing Inspector or the Township Manager's other designated agents determine that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter, or of any rule or regulation adopted pursuant thereto, they shall give notice of such alleged violation to the person or persons responsible therefore as hereinafter provided. Such notice shall:

- a. be put in writing
- b. include a statement of the reasons why it is being issued
- c. allow a reasonable time for the performance of any act it requires
- d. be served upon the owner or his agent, or the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally; or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of this state.

Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and with rules and regulations adopted pursuant thereto.

#### Violation and Penalty.

Any person found guilty of violating any provision of this section shall be subject to one or more of the following: imprisonment for any term not exceeding 90 days; or by a fine not exceeding one thousand two hundred fifty (\$1,250.00) dollars; or by a period of community service not exceeding 90 days. Each day of violation shall constitute an additional, separate and distinct offense.

#### Property Maintenance

##### Additions to Property Maintenance Code, Nonresidential Structures.

- a. Maintenance of Exterior of Premises and Structures.

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

1. Refuse. Brush, weeds, broken glass, stumps, roots, growths, filth, garbage, trash, refuse and debris.
2. Natural Growth. Dead and dying trees and limbs or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions.
3. Overhangs. Loose and overhanging objects and accumulations of ice and snow which, by reason of location above ground level, constitute a danger of their falling on persons in the vicinity thereof. It shall be unlawful to permit the branches or limbs of any trees or shrubbery to grow or extend in any of the streets within the territorial limits of the Township of Ocean, at a height of less than eight feet from the surface of any such streets, and

any limb or branch the whole or any part of which may be lower than eight feet from the surface of any such street shall be and the same is hereby declared to be a nuisance and unlawful. If such limbs or branches shall not be removed within the time period specified, after service of the notice as provided for Section 107 of the 2009 International Property Maintenance Code, then the Township Manager, by its duly authorized agents, may abate said nuisances. The cost and expense paid and incurred by the township shall be added to the tax or taxes on the lot or lots of land in front of which said limbs or branches have been removed or cut, to be collected according to law, and shall be a lien upon such lands until paid.

4. Ground Surface Hazards. Holes, excavations, breaks, projections, obstructions on paths, walks, driveways, parking lots, and parking areas, and other parts of the premises which are accessible to and used by persons on the premises. All such holes and excavations shall be filled and repaired, walks and steps replaced and other conditions removed where necessary to eliminate hazards or unsanitary conditions with reasonable dispatch upon their discovery.
  5. Recurring Accumulations of Stormwater. Adequate run-off drains shall be provided and maintained to eliminate any such recurrent or excessive accumulation of stormwater to minimize soil erosion.
  6. Sources of Infestation. Sources of infestation shall be eliminated.
  7. Foundation Walls. Foundation walls shall be kept structurally sound, free from defects and damage and capable of bearing imposed loads safely.
  8. Chimneys, Flues and Vents. Chimneys and all flue and vent attachments thereto shall be maintained structurally sound, free from defects, and so maintained as to capably perform at all times the functions for which they were designed. Chimneys, flues, gas vents or other draft-producing equipment shall provide sufficient draft to develop the rated output of the connected equipment and shall be structurally safe, durable, smoke tight, and capable of withstanding the action of the flue gases.
  9. Porches, Landings, Balconies, Stairs and Fire Escapes. Porches, landings, balconies, stairs and fire escapes shall be provided with banisters or railings properly designed and maintained to minimize the hazards of falling, and they shall be kept structurally sound, in good repair, and free from defects.
  10. Accumulation of Leaves. Any accumulation of fallen leaves on a developed property that exists outside the dates set forth in subsection 10-6.4 of the "Revised General Ordinances of the Township of Ocean, 1965" for the municipal collection of leaves.
- b. The exterior of the premises and condition of accessory structures shall be maintained so that the appearance of the premises and all buildings thereon shall reflect a level of maintenance in keeping with the standards of the neighborhood, and such that the appearance of the premises and structures shall not constitute a blighting factor for adjoining property owners, nor an element leading to the progressive deterioration and downgrading of the neighborhood with accompanying diminution of property values including the following:
1. Landscaping. Premises shall be kept landscaped to prevent erosion, and lawns, hedges and bushes shall be kept trimmed and free from becoming overgrown and unsightly where exposed to public view and where they constitute a blighting factor depreciating adjoining property.
  2. Signs and Billboards. All permanent signs and billboards exposed to public view permitted by reason of other regulations or as a lawful nonconforming use shall be maintained in good repair. Any signs which have excessively weathered or faded or upon which the paint has excessively peeled or cracked shall, with their supporting members, be removed forthwith.

3. Windows. All windows exposed to public view shall be kept clean and free of marks or foreign substances except when necessary in the course of changing displays.
  4. Awnings and Marquees. Any awning or marquee and its accompanying structural members which extend over any street, sidewalk, or other portion of the premises shall be maintained in good repair and shall not constitute a nuisance or a safety hazard. In the event such awnings or marquees are not properly maintained in accordance with the foregoing, they shall, together with their supporting members, be removed forthwith. In the event the awnings or marquees are made of cloth, plastic, or of similar materials, the cloth or plastic where exposed to public view shall be maintained in good condition and shall not show evidence of excessive weathering, discoloration, ripping, tearing, or other holes. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks, or other parts of the public domain.
- c. General Maintenance. The exterior of every structure or accessory structure not inherently resistant to decay, including fences, shall be maintained in good repair and all surfaces thereof shall be kept painted or otherwise provided with a protective coating sufficient to prevent structural deterioration and to maintain appearance. Such structures shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint, or other conditions reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated, and adjoining properties and the neighborhood protected from blighting influences.
  - d. Structural Soundness. The exterior of every structure or accessory structure, including fences, signs, and store fronts, shall be maintained in good repair and all surfaces thereof shall be kept painted or otherwise provided with a protective coating sufficient to prevent structural deterioration and to maintain appearance. All surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint, or other conditions reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved and safety and fire hazards eliminated.
  - e. Store Fronts. In the event repairs to a store front become necessary, such repairs shall be made with the same or similar materials used in the construction of the store front in such a manner as to permanently repair the damaged area or areas. Any cornice visible above a store front shall be kept painted, where required, and in good repair.
  - f. General Sanitation and Safety. All parts of the premises under the control of the occupant or operator shall be kept in a clean and sanitary condition, and the occupant shall refrain from performing any acts which would render other parts of the premises unclean or unsanitary, would obstruct the owner or operator from performing any duty required hereunder or maintaining the premises in a clean and sanitary condition, including:
    - Refuse, storage and accumulation: Storage bins, rooms, and areas shall not be used for accumulated garbage or refuse.
  - g. Hazards/dangerous conditions or any dangerous or hazardous conditions that are outlined as follows:
    - Dangerous conditions that are liable to cause or contribute to the spread of fire in or on said premises, building or structure or endanger the occupants thereof.
    - Conditions that would interfere with the efficiency and use of any fire-protection equipment.
    - Obstruction to or on fire escapes, stairs, passageways, doors or windows liable to interfere with the egress of occupants or the operation of the Fire Department in case of fire.
    - Accumulations of dust or waste material in air-conditioning or ventilating systems or grease in kitchen or other exhaust ducts.

- Accumulations of grease on kitchen cooking equipment or oil, grease or dirt upon, under or around any mechanical equipment.
- Accumulations of rubbish, waste, paper, boxes, shavings or other combustible materials or excessive storage of any combustible material.
- Hazardous conditions arising from defective or improperly used or installed electrical wiring, equipment or appliances.
- Hazardous conditions arising from defective or improperly installed equipment for handling or use of combustible, explosive or otherwise hazardous materials.
- h. Costs of cleanup, remediation, abatement or correction of other violations as defined in this or any chapter of the code, including but not limited to relocation fees, shall be certified to the Tax Collector, to be enforced on a parody as and with the lien for unpaid real estate taxes. Said expenses shall thereby constitute a lien on the premises and shall be entered on the tax records kept by the Tax Collector and shall be collectible as are overdue taxes pursuant to this Code. The municipality may bring an action in the Superior Court to recoup any and all costs and fees not made a part of a tax lien, including attorneys' fees incurred in the abatement process and in the effort to recoup costs.
- i. If the property is going to remain vacate for 30 days or more, the owner not more than 30 days prior nor more than ten days after a tenant removes from and vacates a dwelling, shall file with the office of the code enforcement official and/or housing inspector a statement containing the address of the premises or other specific description of the place vacated, point of emergency contact information and the reason why the unit was vacated.

#### Unfit Dwellings.

Whenever a petition is filed with the Code Enforcement Official, the Housing Inspector or the Township Manager's designated agents by a public authority as defined in N.J.S.A. 40:48-2.4, or by at least five residents of the township charging that any building is unfit for human habitation or occupancy or use, or whenever it appears to the Code Enforcement Official, the Housing Inspector, or the Township Manager's designated agents (on their own motion) that any building is unfit for human habitation, they shall, if their preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest in such building a complaint stating the charges in that respect and containing a notice that a hearing will be held before a hearing panel appointed by the Township Manager at a place therein fixed not less than seven days nor more than 30 days after the serving of said complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaints; and that the rules of evidence prevailing in the courts shall not be controlling in the hearings.

#### Hearing Provisions.

Any person affected by a notice which has been issued in connection with the enforcement of unfit dwelling, may request and shall be granted a hearing on the matter before the Township Manager's hearing panel, provided such person shall file in the office of the Township Clerk a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within ten days after the day the notice is served. Upon receipt of such petition, the Township Manager shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten days after the day on which the petition is filed; provided that upon application of the petitioner the Code Enforcement Official and the Township Manager may postpone the date of the hearing for a reasonable time beyond such ten-day period, if in their judgment the petitioner has submitted a good and sufficient reason for such postponement. After such hearing the Code Enforcement Official and the Township Manager shall sustain, modify or withdraw the notice, depending upon their findings as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with. If the Code Enforcement Official and the Township Manager sustain or modify

such notice, it shall be deemed to be an order. Any notice served pursuant to this chapter shall automatically become an order if a written petition for a hearing is not filed in the office of the Code Enforcement Official and the Township Manager within ten days after such notice is served. The proceedings at such hearings, including the findings and the decision of the Code Enforcement Official and the Township Manager shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Code Enforcement Official and the Township Manager. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Code Enforcement Official and the Township Manager may seek relief there from in any court of competent jurisdiction, as provided by the laws of the State. Whenever the Code Enforcement Official and the Township Manager's designated agents find that an emergency exists which requires immediate action to protect the public health or safety, he may, without notice of hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as they deem necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Code Enforcement Official and the Township Manager's designated agents shall be afforded a hearing as soon as possible. After such hearing, depending upon their findings as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with, the Code Enforcement Official and the Township Manager's designated agents shall continue such order in effect, or modify it, or revoke it.

#### 7-2.4 Order for Abatement or Demolition.

If after notice and hearing, as provided above, the hearing panel determines that the dwelling is unfit for human habitation, as defined in the Property Maintenance and Housing Code, they shall state in writing their findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof and parties in interest an order requiring:

- a. The repair, alteration or improvement of said building to be made by the owner, within a reasonable time, which time shall be set forth in the order, or at the option of the owner, to vacate or to have said building vacated or to have said building vacated and closed within the time set forth in the order; and
- b. If the building is in such a condition as to make it dangerous to the health and safety of persons on or near the premises, and the owner fails to repair, alter or improve the said building within the time specified in the order, that the owner shall remove or demolish the said building within a reasonable time as specified in the said order of removal;
- c. That, if the owner fails to comply with an order to repair, alter or improve, or at the option of the owner to vacate and close the building, the Construction Official, Code Enforcement Official, Housing Inspector or the Township Manager's designated agent may cause such building to be repaired, altered or improved, or to be vacated and closed; that the Code Enforcement Official, Housing Inspector and the Township Manager's designated agents may cause to be posted on the main entrance of any building so closed, a placard with the following words: "This building is unfit for human habitation or occupancy or use. The use or occupation of this building is prohibited and unlawful.";
- d. That, if the owner fails to comply with an order to remove or demolish the building, the Code Enforcement Official, Housing Inspector or the Township Manager's designated agents may cause such building to be removed or demolished or may contract for the removal or demolition thereof after advertisement and receipt of bids therefore;
- e. That the amount of:
  1. The cost of the filing of legal papers, expert witnesses' fees, search fees and advertising charges incurred in the course of any proceeding taken under this chapter and determined in favor of the Township; and

2. Such cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition, if any, or the amounts of the balance thereof remaining after deduction of the sum, if any, realized from the sale of materials derived from such building or from any contract for removal or demolition thereof, shall be a municipal lien against the real property upon which such cost was incurred. If the building is removed or demolished by the Code Enforcement Official, Housing Inspector or the Township Manager's designated agents, they shall sell the materials of such building. There shall be credited against the cost of removal or demolition thereof, including the clearance, and if necessary, leveling of the site, the proceeds of any sale of such materials or any sum derived from any contract for the removal or demolition of the building. If there are no such credits, or if the sum total of such costs exceeds the total of such credits, a detailed statement of the aforesaid costs and amount so due shall be filed with the municipal Tax Assessor or other custodian of the records of tax liens and a copy thereof shall be forthwith forwarded to the owner by registered mail. If the total of the credits exceeds such costs, the Code Enforcement Official, Housing Inspector or the Township Manager's designated agents shall be secured in such manner as may be directed by such court and shall be disbursed according to the order or judgment of the court to the persons found to be entitled thereto by final order or judgment of such court. Any owner or party in interest may, within 30 days from the date of the filing of the lien certificate, proceed in a summary manner in the Superior Court to contest the reasonableness of the amount or the accuracy of the costs set forth in the municipal lien certificate. If an actual and immediate danger to life is posed by the threatened collapse of any fire-damaged or other structurally unsafe building, the public officer may, after taking such measures as may be necessary to make such building temporarily safe, seek a judgment in summary proceedings for the demolition thereof. Nothing in this section shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise, nor is anything in this act intended to limit the authority of the enforcing agency or Code Enforcement Official, Housing Inspector or the Township Manager's designated agents under the "State Uniform Construction Code Act," P.L. 1975, c. 217 (C.52:27D-119 et seq.) or any rules or regulations adopted there under.

#### 7-2.5 Serving of Complaints or Orders on Unfit Dwellings.

Complaints or orders issued by the Code Enforcement Official, Housing Inspector and the Township Manager's designated agents pursuant to this chapter shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by said Code Enforcement Official, Housing Inspector and the Township Manager's designated agents in the exercise of reasonable diligence, and the Code Enforcement Official, Housing Inspector and the Township Manager's designated agents shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once in a newspaper having circulation in the Township of Ocean. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order, and a copy of such complaint or order shall be duly recorded or lodged for record with the Monmouth County recording officer.

### 7-3 Housing Code

#### 7-3.1 Certificate of Occupancy Inspections.

The Housing Inspector, Code Enforcement Official and the Township Manager's other designated agents are hereby authorized to make inspections to determine the condition of dwellings, dwelling units, rooming units, and premises located within the Township of Ocean in order that they may perform their duties safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections, the Housing Inspector, Code Enforcement Official and the Township Manager's other designated agents are hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units, and premises. The owner or occupant of every dwelling, dwelling unit, and rooming unit, or the person in charge thereof, shall give the Housing Inspector, Code Enforcement Official and the Township Manager's other designated agents free access to such dwelling, dwelling unit or rooming unit and its premises at all times for the purposes of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful rule or regulation adopted, or any lawful order issued pursuant to the provisions of this chapter. If any discrepancies were noted, a violation notice shall be issued.

Compliance with the 2009 International Property Maintenance Code and Article 19 of "Regulations for the Construction and Maintenance of Hotel and Multiple Dwellings."

No person shall occupy as owner or occupant, or rent to another for occupancy, any dwelling or dwelling unit for the purpose of living therein which does not conform to the provisions of the BOCA Basic Housing Property Maintenance Code and Article 19 of "Regulations for the Construction and Maintenance of Hotel and Multiple Dwellings" established hereby as the standards to be used in determining whether a dwelling is safe, sanitary and fit for human habitation.

#### 7-3.3 Certificate of Occupancy Required.

No owner shall occupy or let to an occupant or occupants, nor shall any person or persons lease or occupy any vacant dwelling unit or lodging unit, except if the same is part of a motel or hotel, unless a certificate of occupancy certifies that the room, dwelling, apartment, or the like, is in compliance with all of the ordinances of the township and fit for human habitation, and is further in compliance with all Federal and State laws. The certificate of occupancy so issued shall apply only to the tenant for which it is issued. A new Certificate of Occupancy is required for every change in ownership or change in occupancy for every dwelling, apartment and/or there alike.

#### 7-3.4 Application for Certificate of Occupancy.

Application for a certificate of occupancy shall be made in writing to the Housing Inspector, Code Enforcement Official or the Township Manager's designated agents.

The Housing Inspector, Code Enforcement Official or the Township Manager's designated agents shall cause to be printed appropriate application forms for certificates of occupancy, which forms shall be available on the Township's website and at the Department of Community Development office.

#### 7-3.5 Bedroom door locks in dwellings:

Bedrooms which are to be occupied for sleeping purposes may not have locks or assemblies on the exterior of the bedroom door which need keys, special knowledge or codes to access the bedrooms other than what is used and customary in single family homes, i.e. privacy and passage locksets.

### 7-3.6 Inspection.

No such vacated room, dwelling, apartment or the like shall be transferred, rented or occupied by any tenant or owner until an inspection has been made by the Housing Inspector, Code Enforcement Official or the Township Manager's designated agents to determine whether such room, dwelling, apartment or the like is in violation of any of the applicable Federal, State, or municipal laws of the township. If no such violation exists, the Housing Inspector, Code Enforcement Official or the Township Manager's designated agents shall issue a certificate of occupancy. If a violation exists, the Housing Inspector, Code Enforcement Official or the Township Manager's designated agents shall forthwith notify the owner in writing, setting forth the specific violations thereof to afford the owner the opportunity of correcting same in order that the premises may be occupied upon the correction of the condition.

### 7-3.7 Issuance of Certificate of Occupancy or Notice of Violation.

An inspection pursuant to this section shall be made and either a certificate of occupancy or a notice of violation shall be issued within five days from the date of application. If the inspection is not made within the five-day period, the room, dwelling, apartment or the like may be occupied by the new tenant or owner, but subject to the right of the Township to cause the room, dwelling, apartment or the like to be inspected, and if a violation is found, to cause the premises to be vacated within ten days of the date of the notice thereof.

### 7-3.8 Posting of Certificate of Occupancy.

A certificate of occupancy issued pursuant to this section shall be posted in a conspicuous place in the room, dwelling, apartment or the like upon the issuance thereof.

### 7-3.9 Cost of Inspection.

- a. A nonrefundable fee of one hundred twenty-five (\$150.00) dollars shall be charged to cover the cost of inspection in connection with a resale of a detached dwelling unit.
- b. A nonrefundable fee of one hundred (\$125.00) dollars shall be charged to cover the cost of inspection in connection with a resale of an attached single-family dwelling unit.
- c. A nonrefundable fee of one hundred twenty-five (\$150.00) dollars shall be charged to cover the cost of inspection in connection with the rental of a single-family dwelling, whether attached or detached.
- d. A nonrefundable fee of one hundred ten (\$125.00) dollars shall be charged to cover the cost of inspection in connection with the reoccupancy of a single-family dwelling, whether attached or detached by the owner after a change in tenancy.
- e. A nonrefundable fee of forty (\$50.00) dollars shall be charged to cover the cost of inspection in connection with the rental of a multifamily dwelling unit.
- f. A nonrefundable fee of fifteen (\$15.00) dollars shall be charged to cover the cost of inspection in connection with the rental of a dwelling unit owned by a nonprofit corporation.
- g. There shall be no charge for the first reinspection of any unit which fails inspection for one or more items if all utilities are operational. A reinspection fee of fifty (\$75.00) shall be required for all re-inspections where the utilities are not operational and for all second and subsequent reinspections for sales, rentals, and re-occupancy of single-family dwellings.

### 7-3.10 Smoke Detectors Required.

- a. Preamble. The township council is knowledgeable that many instances have been documented whereby lives have been saved as a result of smoke detectors/ Carbon Monoxide detectors being provided in residential dwellings and multifamily dwellings, and the township council is further knowledgeable that the New Jersey State Uniform Construction Code and, in particular, the ICC

Basic Building Code/2009 and Uniform Fire Code 5:70-2.3 and, in particular, New Jersey Edition of the ICC New Jersey Edition, requires that smoke detectors be installed in all dwellings. The township council deems it necessary to the health, safety and welfare of its inhabitants to enact certain amendments to its certificate of occupancy ordinance.

- b. Installation Required. No person shall sell, rent, transfer, grant or lease any dwelling, motel room or garden apartment unit unless such dwelling, motel room or garden apartment unit shall be provided with a minimum of one approved U.L. listed and labeled smoke detector and one carbon monoxide detector sensing visible or invisible particles of combustion installed in a manner and location consistent with its listing and approved by the Fire Official. When actuated, the detector shall provide an alarm suitable to warn the occupants within the dwelling, motel room or garden apartment unit.
- c. Required to Obtain Certificate of Occupancy. In addition to requirements that an application for a certificate of occupancy established that the dwelling, motel unit or garden apartment unit meets the standards as set forth therein, it shall also be a requirement that each dwelling shall be provided with a minimum of one approved U.L. listed/ labeled smoke detector and one carbon monoxide detector, sensing visible or invisible particles of combustion installed in a manner and location consistent with its listing and approved by the Fire Official. When actuated, the detector shall provide an alarm suitable to warn the occupants within the dwelling.

#### 7-3.11 Landlord Registration.

Every landlord of a residential unit is required to register the property with the Housing Inspector on an annual basis. Those units covered under Section 7-4 of the chapter would be exempt from this requirement.

Registration will be accomplished by the completion of application forms available in the Department of Community Development and on the Township Website.

#### Fees:

The fee for the first registration by a landlord for a particular unit shall be in the amount of 150.00.

The fee for an annual renewal registration is \$75.00.

All fees are due and payable by March 1 of each year.

The late fee for the annual renewal is \$75.00. This fee is in addition to the renewal fee of \$75.00.

#### 7-4 Multiple-Dwelling Security Funds.

##### 7-4.1 Multiple-Dwelling Emergency Board.

There is hereby established the Township of Ocean Multiple-Dwelling Emergency Board, hereinafter referred to as the "Board". The membership of the Board shall consist of the Township Manager, the Director of Public Works, the Director of Community Development, the Director of Finance, and a member of the Township Council who shall be selected by the members of such Council and who shall serve as chairman. Any conduct or action of the board authorized by this section shall be deemed valid and effective when taken by any three members of the Board. At any meeting of the Board, a quorum shall consist of a majority of the membership of the Board.

#### 7-4.2 Duties of Board.

The duties of the Board shall consist of the following:

- a. Receiving, administering and expending security funds deposited pursuant to the terms of this section.
- b. Examining those circumstances and conditions alleged to constitute emergency conditions and declaring, where applicable, an emergency condition to exist.
- c. Arranging, in accordance with the terms of this section, for the prompt repair, maintenance, supply or replacement of those items of structure, equipment or supplies which are necessary to correct, eliminate or alleviate the emergency condition.

#### 7-4.3 Depositing of Security Funds.

The owner or proprietor of a multiple dwelling shall deposit with the Board security funds to be used for the repair, maintenance, supply or replacement of those items of structure, equipment or supplies which are necessary to correct, eliminate or alleviate an emergency condition. The amount of the security funds to be deposited with the Board shall be computed in the following manner:

- a. Where the owner owns between four and 25 dwelling units, the owner shall deposit one hundred (\$100.00) dollars for each unit.
- b. Where the owner owns over 25 units, the owner shall deposit two thousand five hundred (\$2,500.00) dollars for the first 25 units and fifty (\$50.00) dollars for each additional dwelling unit owned.
- c. In no event shall an owner be required to deposit more than fifty thousand (\$50,000.00) dollars in security funds pursuant to this section.
- d. All funds required to be deposited under the terms of this section shall be deposited with the Board by delivering such funds to the Office of the Township Manager within ten days after receipt of notice from the Board or its agent of the amount due. Notice of the amount due may be given by the Board or its agent by personally delivering same to the owner or the owner's agent, servant, employee or joint venture on the owner's premises, or by certified mail sent to the owner's last registered address. Upon receipt of such security funds, the Board shall transmit the funds immediately to the Treasurer of the Township. The Treasurer shall place the funds so received in an interest-bearing account in the name of the Township in trust for each particular owner. All interest payable on such accounts shall accrue to the benefit of that particular account and shall be used for further security for the purposes set forth in this section.

#### 7-4.4 Spending of Money by Board.

In the event the Board spends money from any account as authorized by section 7-4, thus reducing the amount in the account and leaving less than the sum required as computed in subsection 7-4.3, the Board shall immediately notify the owner, in the same manner as notification is given in subsection 7-4.3, of the amount necessary to bring the account up to the originally required amount. The owner shall thereafter deposit the required sum necessary to bring the account up to the originally required amount with the Board within ten days from the date of notice.

Where the Board has expended money from an account, the owner of the premises may appeal to the Township Council for a hearing concerning solely the issues of (a) that an emergency condition exists, and (b) was the amount expended to remedy the emergency condition reasonable. If such an appeal is desired, the owner shall, within ten days of receiving notice of the amounts expended, file with the Township Clerk a letter requesting such appeal. The Township Council shall hold a hearing regarding the above within 30 days from the request and they shall render their decision within 14 days after the hearing has been concluded.

7-4.5 Authorization to Expend Moneys.

The Board shall be authorized to expend the moneys from the account it maintains to correct, eliminate or alleviate an emergency condition only when:

- a. It has examined those circumstances and conditions alleged to constitute an emergency condition and have declared that such emergency condition exists.
- b. The remedying of such emergency condition is the owner's responsibility.
- c. The owner or the owner's agent, servant, employee or joint venture has received notice of the circumstances or conditions constituting the emergency condition from either the board or an affected tenant and by personal service to registered agent, manager or employee on premises or by certified mail or telegram.
- d. No work has been commenced by the owner or the owner's agent, servant or employee within 24 hours after such owner or the owner's agent, servant or employee has received notice from the board that the board has found that the requirements specified under paragraphs 7-4.5a, b. and c. have been met.
- e. Where work was commenced within the 24 hour period referred to in paragraph 7-4.5d, but such work has not been reasonably completed within 72 hours after the work was commenced so as to remove the emergency condition and such work under the applicable circumstances and in the opinion of the health officer or the construction official could have been completed within 72 hours.
- f. Any withdrawal or expenditure of security funds by the Board shall require the signatures of any two members of the board.

**SECTION II.**

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

**SECTION III.**

This ordinance shall take effect following the final adoption and publication pursuant to the law subject to the filing of a copy of same with the Monmouth County Planning Board. This Ordinance will take effect upon passage and publication according to law subject to the filing.

Record of Vote	Deputy Mayor Siciliano	Councilman Evans	Councilman Garofalo	Councilwoman Schepiga	Mayor Larkin
Motion To Approve			X		
Motion to Second	X				
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

Ordinance #2177a – An ordinance amending and supplementing Chapter(s) II, VI, XIV, XVI, (P.H. 12/5/11 Coaster) XXII of the “Revised General Ordinances of the Township of Ocean, 1965” amending the fees associated with said operations

ORDINANCE # 2177a

AN ORDINANCE AMENDING THE FOLLOWING CHAPTERS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF OCEAN, 1965

- CHAPTER II ADMINISTRATION
- CHAPTER VI BUILDINGS
- CHAPTER XIV SWIMMING POOLS
- CHAPTER XVI PARKS AND PLAYGROUNDS
- CHAPTER XXII TAXICABS

BE IT ORDAINED, by the Township Council of the Township of Ocean, County of Monmouth and State of New Jersey that the following be and are hereby amended to read as follows:

CHAPTER II ADMINISTRATION

SECTION 2-10 Public Records

2-10.2 Fees for Copies

- p. Charge for notary services -
 

Residents	\$10.00
Non-Residents	\$15.00

CHAPTER VI BUILDINGS

6-1.1 Established

- a. There is hereby established in the township a State Uniform Construction Code Enforcing Agency to be known as the Construction Department of the Township of Ocean, consisting of a construction official, building subcode official, electrical subcode official, fire subcode official and other such subcode officials for such additional subcodes as the Commissioner of the Department of Community Affairs, State of New Jersey, shall hereafter adopt as part of the State Uniform Construction Code. The construction official shall be the chief administrator of the enforcing agency. The township manager shall appoint the officials referred to herein.

6-1.3 Fees

- a. The fee for a construction permit shall be the sum of the subcode fees listed in paragraphs "1" through "8" hereof and shall be paid before the permit is issued. The total of the subcode fees shall be rounded to the nearest dollar with fifty (\$.50) cents or more being rounded to the next higher dollar and forty-nine (\$.49) cents or less to the lower dollar.

1. Building subcode fees shall be:

- (a) For new construction, per cubic foot of building or structure volume as follows:

Use Group R-5 (resident)	cubic ft.	\$10.00 plus \$0.32 per
Use Group A, B, E, I, H, M, F, S, U, other than R-5 use groups	cubic ft.	\$10.00 plus \$0.30 per

(b) For renovations, alterations, repairs (decks, porches, fireplaces, enclosures) shall be	\$10.00 plus \$30.00 per \$1,000.00 of estimated cost of work
(b2) Roofs for R-5 flat fee	\$200.00
Other than R-5	\$25.00 per thousand plus
	\$10.00
(c) Permit fee for aboveground swimming pools R-5	\$100.00
Permit fee for inground Swimming pools R-5	As per Alteration cost
Commercial pools, hot tubs and spas other than R-5	As per Alteration cost
(d) Per fee for fences around Pools or over 4 feet in height	\$85.00
(e) The fee for tent structures	\$100.00
(f) The fee for asbestos abatement Shall be described by the UCC	plus \$10.00
(g) The fee for lead abatement shall be described by the UCC	plus \$10.00

(h) For combination of renovations and additions, the sum of the fees shall be computed separately as renovations and additions.

(i) Moving and demolition fees shall be as follows:

The permit fee for the moving of a building or structure from one lot to another or to a new location on the same lot shall be \$5.00 plus \$28.00 per \$1,000.00 of the estimated cost of work. (For moving, new foundations and for placement in a completed condition in a new location).

The permit fee for the demolition or removal of a residential accessory structure less than 500 square feet and inground/aboveground pools shall be	\$125.00
All types of structures larger than 500 square feet	\$525.00
Removal of interior demolition	\$150.00

(j) Sign permits for signs greater than 25 square feet in surface area on one side or higher than six feet mounted height above the ground shall be \$5.00 plus \$2.50 per square foot of the surface area of the sign. (In the case of double-faced signs, only the area of one side shall be used to compute the permit fee).

(k) The minimum sign permit fee shall be	\$85.00
(l) The minimum for building subcode Permits shall be	\$85.00

## 2. Plumbing subcode fees shall be:

## (c) The fees for the following items shall be:

Backflow preventers install and test all sizes – Residential and Commercial	\$80.00
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(d) Discontinuation of fixtures Appliances and piping	\$75.00
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(e) Backflow preventer requiring Inspection every 12 months	\$80.00
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(f) The minimum fee for plumbing subcode permits shall be	\$75.00
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## 3. Electrical subcode fees shall be:

(a) Fixtures and devices: including lighting outlets, wall switches, fluorescent fixtures, convenience receptacles, fire, burglar or combination alarm systems, or similar motor devices up to 1 hp or 1 kilowatt.

1 to 50 receptacles or fixtures	\$75.00
Each additional 25 receptacles or fixtures	\$20.00

(c) For each motor or electrical device greater than 10 hp and less than or equal to 50 hp, and for each service panel, service entrance or panelboards less than or equal up to 200 amperes. All generators greater than 10 kilowatts and less than or equal to 50 kilowatts	\$65.00
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(d) For each motor or electrical device greater than 50 hp and less than or equal to 100 hp, and for each service panel, service entrance or panelboard greater than 200 amperes and less than or equal to 400 amperes, for transformers and generators greater than 50 kilowatts and less than or equal to 100 kw	\$165.00
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(e) For each motor or electrical device greater than 100 hp, transformers and generators greater than 100 kilowatts	\$550.00
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(f) For service panels or service entrance or panel boards 400 to 600 amperes	\$350.00
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(g) For service panels or service entrance or panel boards over 600 amperes	\$700.00
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(i) The minimum permit fee for residential (R-5) aboveground or inground swimming pools hydro-massage tubs, hot tubs and spas, air tubs	\$75.00
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(m) Discontinuation of electrical fixtures, Appliances, circuits and devices	\$75.00
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**MEETING MINUTES****NOVEMBER 21, 2011**

(n) Irrigation rain sensor for R-5	\$50.00
Irrigation rain sensor for all others	\$75.00
(o) Solar power system for Use Group R-5	\$225.00
All others as per fee schedule	
(q) The minimum fee for electrical subcode Permits	\$75.00
4. Fire protection subcode minimum fee\$75.00 and the items below	
(a) Sprinkler heads, detectors, supervisory and Signaling devices:	
1 – 10	\$100.00
11 – 20	\$150.00
21 – 100	\$200.00
101 – 200	\$300.00
(g) Commercial kitchen exhaust hood	\$100.00
(o) Storage tank abandonment – flammable and combustible liquids	
Up to 1,000 gallons	\$100.00
Over 1,000 gallons	\$200.00
(p) Storage tank removal - flammable and combustible liquids	
Up to 1,000 gallons	\$100.00
Over 1,000 gallons	\$200.00
(q) Storage tank installation – flammable and combustible liquids	
Up to 1,000 gallons	\$100.00
Over 1,000 gallons	\$200.00
(r) Gasoline service stations	
Up to 3 gasoline tanks up to 10,000 gallons each and 6 gasoline pumps	\$350.00
Each additional gasoline tank of up to 10,000 gallons	\$250.00
Each additional gasoline pump	\$150.00
7. Certificate of occupancy fees shall be as follows:	
(a) The fee for a certificate of occupancy shall be calculated as 15 percent of the new construction permit fees plus \$10.00	
(b) Minimum certificate of occupancy for Use Group R	\$100.00
(h) Temporary certificate of occupancy renewal fee	\$35.00

## CHAPTER XIV SWIMMING POOLS

## SECTION 14-10 Municipal Swim Pool Complex

## 14-10.3 Membership.

b. Types of membership are as follows:

4. A Mother's Helper membership is associated with an established Family Membership. The intent of the Mother's Helper membership is for the member to accompany a parent/guardian and assist with childcare responsibilities.

d. Other Fees.

1. Daily fees for Township of Ocean residents, guests of members and guests of Township of Ocean resident nonmembers:

(a)	<i>Weekday</i>	<i>Weekend</i>
Children (birth through 23 months)	Free	Free
Children (2 years through 4 years)	\$3.00	\$4.00
Children (2 years through 4 years)	\$5.00	\$7.00
Age 12–61	\$6.00	\$8.00
Senior residents (62 years and over and registered into the computerized identification system)	\$4.00	\$5.00
I.D. Badge replacement fee	\$5.00	\$5.00

f. Pre-season (April 15 to Saturday of Memorial Day weekend) and post-season (day after Labor Day to October 15) use of lighting for tennis courts is available for residents upon scheduling with the department of human services and paying the established daily rate. Post season use of lights may be extended at the discretion of the Department of Human Services.

g. Refund Policy.

3. No refunds of membership fees will be granted as of the start of season (Saturday of Memorial Day weekend) regardless of membership purchase date. However, refunds may be issued if justifiable reason is submitted in writing. Justifiable reasons include:

- (a) Economic hardship resulting from an unforeseen condition.
- (b) Moving out of the area to a location greater than 20 miles from the Township of Ocean.
- (c) Serious illness or death. Documentation of any such condition may be required prior to consideration of a refund.

4. Refunds granted after opening of the pool season will be according to the following schedule, less the nonrefundable deposit of fifty (\$50.00) dollars for two person or family memberships or twenty-five (\$25.00) dollars for individual or senior memberships, whichever is applicable.

(a) During the first week (first week begins the Saturday of Memorial Day weekend) of the pool season or the first week of membership, whichever is later 75 percent refund

#### 14-10.4 Identification.

a. All members and resident nonmembers shall be entered into the computerized identification system and shall be issued an identification badge. The badge must be presented for admission to the pool area.

#### 14-10.6 Swimming Regulations.

e. No inflatable water paraphernalia or toys shall be allowed in the pools, except by permit by the pool manager. Masks or other swimming aids shall be permitted only by special permit of the pool manager.

### CHAPTER XVI PARKS AND PLAYGROUNDS

#### SECTION 16-5 Fees

##### 16-5.3 Other Fees

##### a. Field Reservation Fees

d. Vendor Permit Fee: \$150.00/season (Seasons: January through June and/or July through December). The Township reserves the right to limit the number of permits issued for like items (ie. Vending carts or ice cream trucks). Vendor Permit does not allow access to park locations during Township sponsored special events (ie. July 4<sup>th</sup> Celebration) or events sponsored by outside organizations which have received authorization for park use (ie. Soccer Club Tournament, Ocean Township Festival, etc.).

##### 16-5.4 Exception to Fees

b. The recreation office may waive or reduce fees in an effort to increase utilization and associated revenue.

##### 16-5.5 Fees associated with the Colonial Terrace Municipal Golf Course

Greens fee schedule noted includes reduced rates for evening hours and participation in league play and special events and promotions.

##### a. Greens Fees (17-64 years)

Residents	\$12.00 - \$40.00
Nonresidents	\$12.00 - \$50.00

##### b. Greens Fees (65 years +)

Residents	\$12.00 - \$40.00
Nonresidents	\$12.00 - \$50.00

c. Greens Fees (10-16 years)

Residents	\$10.00 - \$40.00
Nonresidents	\$10.00 - \$50.00

**CHAPTER XIV TAXICABS**

SECTION 24-3 Licensing of Taxicab Owners

24-3.7 License Term: Fees.

A taxicab owner's license shall expire on December 31 of the year in which it was issued. The license fee shall be two hundred (\$200.00) dollars per vehicle per year payable upon the filing of the initial application for the issuance of the license.

24-3.8 Renewals: Fees.

A taxicab owner's license may be renewed by the Township Council without a hearing upon the licensee's filing with the Township Clerk a sworn statement that there have been no changes in the information contained in the initial application. The license fee for renewal of a taxicab owner's license shall be one hundred fifty (\$150.00) dollars per existing vehicle and/or two hundred (\$200.00) dollars per vehicle for new or substituted vehicles.

SECTION 24-4 Taxicab Driver's License

24-4.4 Term of License: Fees. An initial license to drive a taxicab shall expire on December 31 of the year in which it was issued. The initial fee shall be two hundred (\$200.00) dollars per driver.

24-4.5 Renewals: Fees. A taxicab driver's license may be renewed annually, unless it has been revoked or suspended, upon the payment of a fee of one hundred fifty (\$150.00) dollars.

**BE IT FURTHER ORDAINED**, that all other ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistencies; and

**BE IT FURTHER ORDAINED**, if any section, paragraph, subparagraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph, subparagraph, clause or provision or adjusted and the remainder of the ordinance shall be deemed valid and effective; and

**BE IT FURTHER ORDAINED**, This ordinance shall take effect after publication and passage as provided by law.

Record of Vote	Deputy Mayor Siciliano	Councilman Evans	Councilman Garofalo	Councilwoman Schepiga	Mayor Larkin
Motion To Approve			X		
Motion to Second	X				
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

Ordinance #2177b – An ordinance amending and supplementing Chapter 21 of the Comprehensive Land Development Ordinance of the Township of Ocean amending the fees associated with said operations  
(P.H. 12/5/11 Coaster)

**ORDINANCE #2177b**

ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 21 – THE COMPREHENSIVE LAND  
DEVELOPMENT ORDINANCE OF THE  
TOWNSHIP OF OCEAN

**BE IT ORDAINED** by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey as follows:

Section 21-9 shall be amended to read:

21-9 Fees.

The Municipal Agency shall charge fees as set forth hereinafter which shall be non-refundable and which shall be for the purpose of offsetting in-house administrative, clerical, and technical costs, exclusive of expenses for professional consultants, such as legal, planning, engineering, and other professional fees, costs, and expenses. Such professional fees shall be designated as escrow fees and as referred to hereinafter.

The Township shall furnish a copy of the fee schedule upon request.

a. Site plans.

	<u>Preliminary</u>	
<u>Acres</u>		<u>Per Acre</u>
0-2	\$ 1,000.00	
2-10	\$1,800 plus	\$500.00
10-25	5,000 plus	300.00
25-100	8,000 plus	200.00
100 & up	\$15,500 plus	100.00

	<u>Final</u>	
<u>Acres</u>		<u>Per Acre</u>
0-2	\$ 500.00	
2-10	\$ 700 plus	\$200.00
10-25	1,700 plus	100.00
25-100	2,800 plus	75.00
100 & up	\$6,600 plus	50.00

Amended Site Plan	\$850.00
Minor Site Plan	\$1,000.00
Minor Site Plan Subcommittee Review If required by the Planning Administrator: (Amended Nov. 20, 1995 – Ordinance 1716)	\$500.00

MEETING MINUTES

		\$500.00
	Extension of Site Plan Approval Pursuant to N.J.S. 40:55D-52	
	Trash and Recyclables Materials Storage Area (Amended March 19, 1997 – Ordinance 1770)	\$150.00
	Flag Pole Plan (Amended October 24, 2001 – Ordinance 1901)	\$150.00
	Administrative Approvals for façade changes (Section 21-6, Site Plan Minor) and roof structures (Section 21-20.18)	\$150.00
	WAIVER:	
	The site plan fee may be waived by the Township Council by resolution upon application by non-profit corporations devoted to recreational purposes under Title 15 of the Revised General Statutes of New Jersey and applications by the Fire Districts and Sewerage Authority within the Township of Ocean.	
b.	Subdivisions	
	Classification (Required on all Subdivisions)	\$100.00
	Amended Subdivision	\$850.00
	Minor(2 to 4 lots) \$500 plus	\$100 per lot
	Major Preliminary \$350 plus	\$100 per lot
	Final \$150 plus	\$50.00 per lot
c.	Variances (Amended June 2, 1999 – Ordinance 1831)	
	40:55D-68 (Certification of Use)	\$500.00
	40:55D-70a (Appeals)	500.00
	40:55D-70b (Interpretations)	500.00
	40:55D-20c (Hardship)	
	Single Family Residential	200.00
	All others	500.00
	40:55D-70d (Use)	
	Single family residential, per unit	275.00
	Multi-family residential / Townhouse, per unit	200.00
	Commercial and Industrial	1,500.00
d.	Conditional Uses	500.00
e.	Official Map Appeals	300.00
f.	Appeals to Governing Body	300.00
g.	Certified List of Property Owners	\$10.00
h.	Whenever an application for development shall include more than one request or action, the total accumulated fees of each separate action shall be charged.	

- i. **Professional Review Fees:** The Municipal Agency may require the payment of fees into an escrow account for the purpose of reimbursing the Township for direct fees, costs, charges, and expenses of professional consultants retained by or on behalf of the Township, its Boards, or agencies and employees and staff of the Township, its boards or agencies in reviewing and testifying and/or assisting the Township in the processing of applications pursuant to the ordinances of the Township and/or assisting the Township in the evaluation, planning, and proper design of municipal services and facilities in order to meet the needs of the proposed project. Such escrow account will be based upon the following schedules:

## Site Plans:

Major (Preliminary and/or Final)		Total Initial Escrow Fee
ACRE	0-2	\$ 2,500.00
	2-10	4,000.00
	10-25	6,000.00
	25-100	10,000.00
	100 & up	\$15,000.00
	Minor Site Plan	\$2,000.00
	Minor Site Plan Subcommittee Review if required by the Planning Administrator (Amended Nov 20, 1995 – Ordinance 1716)	500.00
	Amended Site Plan	1,500.00
	Extension of Site Plan Approval (Pursuant to N.J.S. 40:55D-52)	1,000.00

## Subdivision:

	Amended Subdivision	\$1,500.00
	Minor (2 to 4 lots)	\$2,500.00
	Major (5 to 12 lots)	3,000.00
	(13 to 24 lots)	4,000.00
	(25 to 50 lots)	5,000.00
	(51 and up)	10,000.00
40:55D-67	(Conditional Use)	1,000.00
40:55D-68	(Certification of Use)	1,000.00
40:55D-70a	(Appeals):	1,000.00
40:55D-70b	(Interpretations):	1,000.00
40:55d-70c	(Bulk Variance) Non-residential	1,000.00
40:55d-70d	(Use Variance):	2,000.00

No professional reviews will be undertaken until the escrow has been established. If, in the judgment of the Planning Board or Board of Adjustment, additional funds are

required after 75% of the original escrow account has been exhausted, these monies shall be paid to the appropriate account or accounts.

- j. The fee for inspection for improvements for site plans, subdivisions, and single lot residential development shall be calculated at the rate of 5% of the cost of improvements or \$500.00, whichever is greater.

For those developments for which the fees are \$10,000.00 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited by a developer shall be 25% of the fees. When the balance on deposit drops to 10% of the fee because the amount deposited by the developer has been reduced by the amount paid to the municipal engineer for inspection, the developer shall make additional deposits of 25% of the fees. The municipal engineer shall not perform any inspections if sufficient funds to pay for those inspections are not on deposit. (Amended December 4, 1996 – Ordinance 1754)

- k. Special Meetings for the Planning Board or Board of Adjustment

If the Board of Adjustment or Planning Board is requested to, and decided to hear an application at one or more special meetings, the applicant(s) shall pay an additional two thousand five hundred (\$2,500.00) dollars for each special meeting at which the matter is heard. (Amended January 10, 2001 – Ordinance 1873)

- l. Conceptual Review

At the request of a developer, the Planning Board shall grant an informal review of a concept plan for development for which the developer intends to prepare and submit an application for development. The fees for such an informal review are:

Application Fee	- \$150.00
Escrow for Professional Review	- \$250.00

The amount of any fees for such an informal review shall be a credit toward fees for review of the application for development if applied for within 180 days of such an informal review.

- m. Legal Reviews by Township Attorney.

Guarantee Review	(per review)
Review of performance guarantee by Township Attorney	\$150.00
Review of maintenance guarantee by Township Attorney	\$150.00
Guarantee Review:	(per review)
Preparation of developer's agreements by Township Attorney (Amended December 2, 1992 – Ordinance 1610)	\$500.00
Preparation of extension to developer's agreement	\$150.00
Miscellaneous reviews: Master Deed, Certificate of Incorporation, Bylaws, Unit Deeds, etc.	\$150.00

- n. Site Plan Charges Computation

In cases where only a portion of a parcel or site are to be involved in the proposed site plan, the site area charge shall be based upon an area extending 20 feet outside the limits of all construction, including grading and landscaping as well as all other

areas of the site the Township Engineer believes are reasonably affected by the development application. The 20 feet around the disturbed area shall not extend beyond the property lines. The Township may still require reasonable improvements and upgrading to the portions of the site not within the disturbed or affected areas.

o. Reviews and Inspections by the Township Engineer

1. Grading Plans

Pools/Tennis	\$250.00	for the original submittal and site visit.
Courts	\$ 75.00	for each re-submittal or re-inspection.
	\$250.00	for the final as-built submittal and site visit.
	\$ 75.00	for each final as-built re-submittal or re-inspection.

Single lot, residential -

	\$300.00	For the original submittal and site visit.
	\$ 75.00	for each re-submittal or re-inspection.
	\$300.00	for the final as-built submittal and site visit.
	\$ 75.00	for each final as-built re-submittal or re-inspection.

2. Miscellaneous Inspections

	\$150.00	Driveways with new curb cuts or aprons
	\$150.00	Curb Installation
	\$150.00	Sidewalk Installation in Right of Way
	\$75.00	for each re-inspection

p. Zoning Permits: Zoning permits shall be required for the following items:

Fences:	\$ 35.00
Sheds under 101 square feet:	\$ 50.00
Driveways, patios & pads:	\$ 35.00

q. Zoning Letters:

Residentially zoned property:	\$ 75.00
All others:	\$125.00

All other ordinances or parts of ordinances inconsistent thereof are hereby repealed to the extent of such inconsistencies.

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

This ordinance shall take effect following the final adoption and publication pursuant to the law subject to the filing of a copy of same with the Monmouth County Planning Board.

Record of Vote	Deputy Mayor Siciliano	Councilman Evans	Councilman Garofalo	Councilwoman Schepiga	Mayor Larkin
Motion To Approve			X		
Motion to Second	X				
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

Ordinance #2178 – An ordinance amending and supplementing Chapter V of the “Revised (P.H. 12/5/11 Coaster) General Ordinances of the Township of Ocean, 1965” entitled: Fire Prevention

**ORDINANCE NO. 2178**

AN ORDINANCE AMENDING CHAPTER VI ENTITLED “BUILDINGS” OF THE “REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF OCEAN, 1965”

**BE IT ORDAINED** by the Mayor and Township Council of the Township of Ocean, County of Monmouth, and State of New Jersey that Chapter VI entitled “Buildings” of the “Revised General Ordinances of the Township of Ocean, 1965” is hereby amended in part as follows:

**SECTION I.**

**Chapter VI, Subsection 6-3 Uniform Fire Code through Subsection 6-4 Rapid Entry Systems are hereby deleted and replaced with the following:**

**6-3 FIRE PREVENTION :Administration and Enforcement**

**6-3.1. Adoption of Code and Amendments and Supplements thereto.**

Pursuant to the State of New Jersey Uniform Fire Safety Act, N.J.S.A. 52:27D-192 et seq., the New Jersey Uniform Fire Code, N.J.A.C. 5:70-1 et seq., shall be enforced locally in the Township of Ocean in accordance with N.J.A.C. 5:70-1 et seq. The Township shall recognize and hereby adopt the standards of the International Fire Code, New Jersey Edition, and the National Fire Protection Association Code, and supplements and amendments thereto, which the Fire Bureaus may refer to in the enforcement of this ordinance.

**6-3.2. Local Enforcement and Duties.**

- a. Pursuant to Section 11 of the State of New Jersey Uniform Fire Safety Act, the New Jersey Uniform Fire Code (hereinafter “NJUFC”) shall be enforced locally within the Township of Ocean.
- b. The Local Enforcing Agencies (hereinafter “LEA”) shall enforce the NJUFC, and the codes and regulations adopted pursuant thereto, in all

buildings, structures and premises within established boundaries of the Township of Ocean, other than owner-occupied one-and two-family dwellings, and shall faithfully comply with the requirements of the NJUFC.

### 6-3.3. Agency Description.

- a. Fire District #1. The local enforcing agency shall be the bureau of fire prevention which shall be operated under the supervision of a fire marshal under the board of fire commissioners, Fire District #1, within the limits established by Ordinance No. 510 of the Township of Ocean.
- b. Fire District #2. The local enforcing agency shall be the bureau of fire prevention which shall be operated under the supervision of a fire marshal under the board of fire commissioners, Fire District #2, within the limits established by Ordinance No. 506 of the Township of Ocean.

### 6-3.4. Duties.

- a. The local enforcement agencies shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the established boundaries of its respective fire district other than owner-occupied one and two family dwellings, and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code.
- b. The boundaries of Fire District #1 as defined in Ordinance No. 510 are set forth as follows:

BEGINNING at the extreme westerly point of Asbury Avenue in the Township of Ocean and; thence running (1) easterly down Asbury Avenue to Bowne Road; thence (2) in a northerly direction to a point nearest Cold Indian Springs; thence (3) running in an easterly direction to the north branch of Deal Lake; thence (4) easterly along the northerly line of Deal Lake to the westerly line of Deal Borough; thence (5) in a general northerly direction along the easterly line of the Township of Ocean to the northerly line of Ocean Township; thence (6) westerly along the northerly line of the Township of Ocean to the westerly line of the Township of Ocean; thence (7) southerly along the westerly line of the Township of Ocean to the point and place of beginning.

BEING all of the Township of Ocean not included in Fire District #2 which is the southerly portion of said township.

The boundaries of Fire District #2 as defined in Ordinance No. 506 are set forth as follows:

BEGINNING at a point formed by the junction of Asbury Avenue and Bowne Road, thence (1) along said road in a northerly direction to a point nearest Cold Indian Springs thence (2) in an easterly direction to Cold Indian Springs thence (3) continuing in an easterly direction through the middle of Cold Indian Springs pond down Cold Indian Springs Brook, down Hog Swamp Brook to the point where the same enters Deal Lake, thence (4) easterly and southerly along the middle of Deal Lake to the line of the Borough of Interlaken thence (5) westerly along the northerly line of the

Borough of Interlaken up a branch of Deal Lake to Corlies Avenue and continuing down the middle of Corlies Avenue to Wickapecko Drive, thence (6) southerly along Wickapecko Drive to a branch of Deal Lake which is the southerly boundary line of the Borough of Interlaken, thence (7) easterly along the southerly boundary line of the Borough of Interlaken down the branch of Deal Lake to the boundary line of the City of Asbury Park at a point east of Wanamassa thence (8) westerly up a branch of Deal Lake and along Asbury Avenue being along the northerly boundary lines of the City of Asbury Park and Township of Neptune to the point and place of BEGINNING.

BEING all of the Township of Ocean not included in Fire District #1 which is the northerly portion of said township.

**6-3.5. Life Hazard Uses.** Each local enforcing agency established by subsection 6-3.2 of this section shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of Community Affairs.

**6-3.6. Organization.** The local enforcing agency established by subsection 6-3.2 of this section shall be part of the fire district and shall be under the direct supervision of the fire marshal of each district. Such funds as may be necessary to support the operations of the agency shall be raised by the district in the manner provided by law.

**6-3.7. Appointments, Term of Office, Removal.**

a. Appointment of Fire Official; Term of Office.

1. Each local enforcing agency shall be under the supervision of the fire official who shall be the fire marshal of that fire district.
2. The fire marshal shall be appointed by the board of fire commissioners of each fire district. The fire marshal appointment shall continue during good behavior and satisfactory service.

A report of the local enforcing agency shall be made monthly and submitted to the board of commissioners; it shall contain all proceedings under this code with such statistics as the fire marshal or the board of fire commissioners may wish to include therein; the fire marshal shall also recommend any amendments to the code which in his judgment shall be desirable.

b. Inspectors and Employees.

1. **Fire District #1.** Such inspectors and other employees as may be necessary in the local enforcing agency may be appointed by the board of fire commissioners of the district upon the recommendation of the fire marshal.
2. **Fire District #2.** Such inspectors and other employees as may be necessary in the local enforcing agency may be appointed by the board of fire commissioners.

- c. Removal from Office. Inspectors and other employees of the enforcing agency shall be subject to removal by the board of fire commissioners of the district for inefficiency, misconduct, or failure to perform duties. Each inspector or employee to be so removed shall be afforded an opportunity to be heard by the board of fire commissioners or a hearing officer designated by the board.

## 6-4 Fire Prevention General Provisions

### 6-4.1. Regulations.

The following fire prevention regulations shall be applicable within the Township of Ocean:

- a. Fire apparatus obstruction. It shall be unlawful to attempt, conspire, hamper, obstruct, restrict, block or fail to yield to, the path of travel of any fire emergency vehicle, in any way, operating during a fire or emergency.
- b. Compliance order. A person shall not willfully fail or refuse to comply with the order or direction of a firefighter, or interfere with the compliance attempts of another individual, during a fire or emergency.
- c. Fire hose. A vehicle shall not be driven or propelled over any unprotected fire hose of a fire company when laid down on any street, or any other vehicular roadway, without the consent of the fire officer in command.
- d. Street closure. A person, or persons, shall not erect, construct, place, or maintain any fences, gates, chains, bars, pipes, wood or metal horses, or any other type of obstruction, on any street without permission from the Fire Official and the Chief of Police. The word "street," as used in this chapter, shall mean any roadway accessible to the public for vehicular traffic, including, but not limited to, private streets or access lanes, as well as all public streets and highways within the boundaries of the Township of Ocean. The Fire Official shall notify the fire department upon approval.
- e. Combustion engine storage. No person shall store or park, or cause to store or park, any internal combustion vehicle, including, but not limited to, those commonly known as "motorcycle," "moped," "go-cart," "dirt bike," "lawn mower," "snow blower," etc., in or on any apartment unit porch, balcony, covered patio area, entrance, exit, or any other private area of an apartment or multi dwelling unit.
- f. Building identification. New and existing commercial and multi-family buildings shall display approved address numbers and building numbers, a minimum of six (6") inches in height. In addition, all commercial buildings which contain multiple exit doors shall label rear exterior exit door with the name of the business and unit number in not less than four (4") inch minimum, stroke of 0.5 inch, reflective letters, as per minimum requirements of the NJUFC.

- g. Rapid Entry Systems.
1. Definition. The words "building" and/or "structure" as used in this section means any building and/or structure which has an automatic fire suppression system or fire alarm system, except one family residential dwellings are not included.
  2. Required. The owner, tenant, and/or occupant of said buildings and/or structures are required to have installed on the same a rapid entry box and key system to allow access to the same and access to boiler rooms, sprinkler control valves, electrical rooms, elevators and elevator control rooms, and other locked areas of the premises as may be required by the bureau of fire prevention of the fire district in which the building or structure is located, the said bureau to make said determination on the basis of immediate need for access in the event of a fire alarm or what appears to be a possible fire emergency.
  3. Specifications. The said bureau of fire prevention shall prescribe specifications as to the required rapid entry box and key system and location.
  4. Effective Date; Compliance Required. This section shall take effect upon its final passage and publication as required by law. All owners, tenants, and/or occupants subject to this section shall have one year from the effective date to comply with the provisions of this section.
  5. Penalty. Any person, firm or corporation found guilty in the Municipal Court of the Township of Ocean of a violation of the terms of this section shall be subject to a fine of not more than one thousand (\$1,000.00) dollars or imprisonment for a period not exceeding ninety (90) days, or both, in the discretion of the municipal court judge. Any fines collected shall be forwarded to the respective fire district.
- h. Building evacuation. It shall be a violation of this article for any person, manager, firm, corporation, owner, tenant, or person responsible for a given structure or premises, to fail to immediately notify the fire department and immediately evacuate the entire structure when, and if, the following conditions are present: fire alarm is activated, smoke in the structure, an explosion has occurred, there is a fire in the structure, any fire protection system is activated, any hazardous or flammable material is spilled or leaked, or upon the order of the Chief, Fire Official or Incident Commander.
- i. Building evacuation action plan. Fire safety evacuation and emergency action plans shall be prepared, as set forth in the NJUFC, Chapter 4, Emergency Planning and Preparedness. The fire safety evacuation and emergency action plans shall be approved by the Fire Official, and shall be distributed by the owner to all tenants and employees. The evacuation plan shall be conspicuously posted on every floor and in each tenant space, for the occupant's use. The fire safety evacuation and emergency action plans shall be

maintained to reflect changes in the use and physical arrangement of the building. If an emergency action plan assigns employees with specific responsibilities in areas such as evacuation coordination, fire fighting, or material leak and spill handling, the employer shall provide a minimum of annual training sessions to prepare the employee for such activities.

- j. Open burning. A person shall not kindle, maintain, or authorize to be kindled or maintained, any open burning, unless in accordance with the NJUFC, Chapter 3, Section 307, Open Burning and Recreational Fires. Recreation fire burning contains material other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbeque grill or pit having a total fuel area of three (3') feet or less in diameter and two (2') feet or less in height, for pleasure, ceremonial, cooking, warmth, or similar purpose. Additionally, a person shall not conduct agricultural burnings unless they are conducted in compliance with a valid permit issued by the New Jersey State Forest Fire Service Department of Environmental Protection.
- k. False fire alarm. Any property containing a fire protection alarm system shall not have activated more than three (3) false fire alarms within a thirty (30) day period. Violation is subject to the fines and penalties outlined in § 6-18(B) below.

A "false fire alarm" shall be defined as either a signal, message or warning transmitted to the Township's fire communications central dispatch indicating a fire condition, or the emission of an audible, visual or electronic transmission of any signal, message or warning intended to summon the services of Township fire fighting personnel or apparatus, which signal, message, or warning is activated by a cause other than one for which the transmitting system is specifically designed to respond, at a time when no fire exists. The alarm shall not be considered false if caused by a power or telephone line interruption.

- l. Fire protection system maintenance. Every commercial building or occupancy having fire protection equipment shall have an annual certification performed on its fire protection system and fire extinguishers by a licensed agency registered with the State of New Jersey Department of Community Affairs (hereinafter "DCA"). Every commercial building or occupancy having a kitchen suppression system shall have a six (6) month certification performed by a licensed agency registered with the DCA. Said certification shall be posted, and a copy shall be made available to the LEA at time of fire inspection.
- m. Fire protection system impaired. When a fire protection system is out of service, the fire department and the fire code official shall be immediately notified and, if the fire code official determines that an imminent hazard exists pursuant to N.J.A.C. 5:70-2.16, the building shall either be evacuated in accordance with N.J.A.C. 5:70-2.17, or an approved fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has

been returned to service. Fire watch shall be provided with at least one (1) approved means of notification of the fire department, and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires.

- n. Fire watch conditions and standby personnel.
  - 1. A fire watch is initiated by the fire department as a temporary measure to ensure continuous and systematic surveillance of a building, or portion thereof, by one (1) or more qualified individuals for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire, and notifying the fire department. Where conditions exist that are deemed an imminent hazard, or hazardous to life and property by the Fire Official, fire department standby crews shall be deemed as necessary by the Fire Official for the following, but not limited to, conditions:
    - (a) Any building occupied with impaired fire protection systems.
    - (b) Buildings, rooms, or public venues exceeding the occupant load.
    - (c) Situations where fire load is greater than normal day-to-day operations.
    - (d) As deemed by the Fire Official.
  - 2. A Firefighter Standby Fee shall be paid by the owner of the building or company hosting a public venue. Fire Department Standby Fees shall be as follows:
    - (a) Fire pumper: \$135.00 per hour
    - (b) Firefighter: \$35.00 each per hour
    - (c) Fire Official or Fire officer: \$50.00 per hour
- o. Construction. All construction requiring a Uniform Construction Code (hereinafter "UCC") permit, shall comply with the requirements of N.J.A.C. 5:70-3.2(a), Section 1401, Fire Safety during Construction and Demolition of the NJUFC.
- p. Place of assembly fire exit announcement. In places of assembly with occupant loads of fifty (50) and over, such as theaters, auditoriums, multi-purpose rooms, or similar occupancies used for non-continuance programs, an audible announcement by the venue host, or by recorded announcement, shall be made not more than ten (10) minutes prior to the start of each program, to notify the occupants of the location of the exits to be used in the event of a fire or emergency.
- q. Strobe light display over FDC connections. A strobe light shall be installed over any fire department connections in buildings with fire alarm systems. This requirement shall take effect two (2) years from enactment of this ordinance.

**§ 6-4.2. Fire hydrants, appliances and drafting location.**

- a. Minimum Standards.
  1. Fire hydrants shall be spaced so that there are a sufficient number of hydrants within a reasonable distance to obtain the quantities of water needed to handle the required fire demand.
  2. Fire hydrant size, type and installation shall conform to the AWWA standard for Dry-Barrel Fire Hydrants. ANSI/AWWA C502.
  3. All fire hydrants shall conform to NFPA.
  4. Fire Hydrants shall have at least three outlets; one outlet shall be a pumper outlet size for the appropriate fire district, and the other outlets shall be at least two and one-half (2 1/2) inch nominal size.
- b. Review of Plans. The appropriate fire marshal's office for Fire District 1 or Fire District 2 shall be responsible for review of plans.
- c. Placement on Cul-de-Sac. No fire hydrant shall be placed at the closed end of a turnaround of a cul-de-sac unless the distance between the open end and the closed end is greater than 500 feet, in which event fire hydrants shall be placed at both the open end and closed ends of the turnaround. Whenever a fire hydrant is located in the closed end of a turnaround of a cul-de-sac, the water lines connected to the same shall be looped, and the plans for the same shall be approved by the appropriate fire district. Exceptions can be made at the desecration of the appropriate fire marshal.
- d. Inspection and Testing. The water purveyor or privately operated "yard hydrant" owners shall be responsible for all annual inspections. All fire hydrants shall be flowed, flushed and lubricated at least once a year, and records shall be maintained on said maintenance, showing date, time, flushing time, maintenance performed and comments, problems, corrections, repairs and the like. Copies of said maintenance records shall be forwarded to appropriate fire districts annually.
- e. Pipe Size. Pipe size shall comply with the following requirements.
  1. Water mains shall be a minimum diameter of eight inches except at the end of a permanent cul-de-sac, a fire flow will determine the size. A six inch main may be used when it serves not more than 20 dwelling units and only one fire hydrant.
  2. Design capacity of water mains shall be such as to maintain a pressure of 20 pounds per square inch (psi) at street level under all flow conditions.
- f. Out-of-Service or Private Use. The appropriate Fire District shall be notified when any fire hydrant is taken out-of-service, placed back in-service or used for private use.

- g. No person shall, at any time, park a motor vehicle or obstruction within a ten (10') foot perimeter of a fire hydrant, or obstruct a fire drafting site, or fire department connection/appliance. The LEA and/or its designated agents are authorized to tow motor vehicles and remove obstructions at their discretion.
- h. No person shall conceal, cover, paint, or disguise any fire hydrant. Commercial property owners shall keep clear, at all times, a ten (10') foot perimeter around fire hydrants, and shall not allow snow, brush, bushes, grass, flowers or trees to encroach or conceal a fire hydrant, or hamper the ability of the fire department to access a fire hydrant.
- i. Penalty. Any person, firm or corporation found guilty in the municipal court of the Township of Ocean of a violation of the terms of this section shall be subject to a fine of not more than one thousand two hundred fifty (\$1,250.00) dollars or imprisonment for a period not exceeding ninety (90) days, or both, in the discretion of the municipal court judge. Any fines collected shall be forwarded to the respective fire district.

#### **6-4.3. Fire lane/zones, loading zones, gates and driveways.**

- a. Upon the finding that such action is necessary for the public safety, the Board of Fire Commissioners of each Fire District of the Township of Ocean within each respective district may require the owner or owners of any shopping center, commercial structure, place of public assembly, multiple dwelling groups, industrial park office building, hotel or motel or school to designate "Fire Zone" in the driveways of the premises leading to and from the parking areas, public streets or rights of way leading to the above type buildings or structures. Such Fire Zones, also to be known as Fire Lanes, shall be no less than 10 feet nor more than 50 feet in width and shall be lettered in yellow on a paved surface, such lettering to remain legible at all times. Metal "NO PARKING Fire Zone" signs, the lettering of same to be legible at all times, shall be provided, erected and maintained by said owner or owners and placed at the discretion of the Board of Fire Commissioners, and their designated Fire Marshal. Said signs are to be of a design and quality and lettered in accordance with applicable State Law and approved by the Board of Fire Commissioners.
- b. No person shall, at any time, park a motor vehicle or obstruct a fire lane/zone, loading zones, or driveway, affecting the ability to fight or control fires. If, at any time, due to weather conditions, vandalism or any extenuating circumstances, fire lane/zone or loading zone signs or surface markings are not visible, the remaining markings or signs visible shall be deemed sufficient to provide notice of the existence of such fire lane/zone or loading zone. All signs and ground marking shall be legible at all times and shall be provided, erected and maintained by the owner or operator of the property, in conformance with the provisions of this chapter.
- c. Gates, chains, or other methods utilized to prevent unauthorized access to fire lanes shall be approved by the Fire Official prior to installation.
- d. The Township Police shall have the right to enforce the provisions of this section.

**ARTICLE III****6-5 Fire Prevention Administration and Enforcement of State Standards****6-5.1. Registration.**

- a. Registration form. Every owner or tenant/occupant subject to this chapter shall file for a certification of registration with the LEA, using forms provided by the LEA. The application shall include, but not be limited to, the name, address and telephone number of the applicant; name, address and telephone number of the business; owners of the business; description of the business; and the name, address and telephone number of the person responsible for the business.
- b. All nonprofit organizations, municipal government and religious organizations shall be exempt from registration fees.
- c. Registration fee. Every owner or tenant/occupant subject to this chapter shall pay to the LEA an annual registration fee in the amount specified in this chapter. Said annual registration fee shall be paid by the date specified on the invoice, within thirty (30) days of mailing.
- d. Penalty. Failure to file or pay life hazard or non-life hazard registration applications after being ordered to do so are subject to the penalty in accordance with the NJUFC, N.J.A.C. 5:70-3, 2-12.8.

**6-5. 2. Life hazard uses inspections and fees.** The LEAs, as established in this chapter, shall carry out the periodic inspections of life hazard uses required by the NJUFC on behalf of the Commissioner of the New Jersey Department of Community Affairs.

**6-5.3. Non-life hazard inspections and fees.**

- a. In addition to the life hazard use inspections and fee required pursuant to the NJUFC and the regulations of the DCA, all business, mercantile, storage, factory, industrial, or other uses defined in accordance with the New Jersey edition of the International Building Code and the NJUFC which are classified as non-life hazard uses, other than those that are incidental or auxiliary to the agricultural use of farm property, shall be registered locally, with fee, and inspected annually as required.
- b. Where more than one (1) additional use exists under one (1) ownership at a given location, the highest use shall be registered at full fee, and the subsequent use at one-half (1/2) of the scheduled fee per building.
- c. Where (2) or more of the same use, or different uses, exist at the same building or premises, each one shall be considered as separate and distinct for the purpose of this article, and shall be registered pursuant thereto.
- d. All multiple-family townhomes and condominiums classified as R-5, as defined by the New Jersey Construction Code, shall be required to register with the Fire Bureau. Each building's common areas, including the grounds

and parking lots, shall be inspected periodically, but not less than once every twelve (12) months. This is in addition to the five (5) year cyclical inspection conducted by the New Jersey Bureau of Housing.

- e. Common area inspections shall include, but not be limited to, fire protection systems, basements, laundry rooms, corridors, vestibules accessible to occupants, exterior property grounds, utilities, building maintenance, fire lanes and zones, and all other requirements set forth within the NJUFC.

#### 6-5.4. Non-life hazard registration fees.

TYPE USE	BUILDINGS	REQUIRED FEE
L	Under 500 square feet	\$60.00
M	501 to 1,499 square feet	\$80.00
N	1,500 to 2,499 square feet	\$85.00
O	2,500 to 3,499 square feet	\$155.00
P	3,500 to 4,999 square feet	\$160.00
Q	5,000 to 6,499 square feet	\$175.00
R	6,500 to 7,499 square feet	\$185.00
S	7,500 to 8,499 square feet	\$210.00
T	8,500 to 9,999 square feet	\$225.00
U	10,000 and above	\$275.00+ \$20.00 per additional 1,000 square feet

#### COMMON AREA MULTI-FAMILY APARTMENTS COMPLEXES (R-2 Use Group)

TYPE USE	BUILDINGS	REQUIRED FEE
MFA-1	1 to 100 apartment units	\$2.45 per unit
MFA-2	101 to 200 apartment units	\$2.55 per unit
MFA-3	201 to 250 apartment units	\$2.75 per unit
MFA-4	250 to 300 apartment units	\$3.00 per unit
MFA-5	301 to 349 apartment units	\$3.25 per unit
MFA-6	350 and above apartment units	\$3.50 per unit

#### COMMON AREA MULTI-FAMILY CONDOMINIUMS AND TOWN HOUSES (R-5 Use Groups)

TYPE USE	BUILDINGS	REQUIRED FEE
MFC-1	1 to 4 building	\$100.00
MFC-2	5 to 9 buildings	\$200.00
MFC-3	10 to 14 buildings	\$300.00
MFC-4	15 to 19 buildings	\$400.00
MFC-5	20 and above buildings	\$500.00 plus \$10 per building over 20

**COMMON AREA COMMERCIAL COMPLEXES**

<b>TYPE USE</b>	<b>BUILDINGS</b>	<b>REQUIRED FEE</b>
CAC-1	1 to 4 rental units	\$75.00
CAC-2	5 to 10 rental units	\$100.00
CAC-3	11 to 15 rental units	\$125.00
CAC-4	16 to 20 rental units	\$150.00
CAC-5	21 to 25 rental units	\$175.00
CAC-6	26 or over rental units	\$200.00

**HOTELS AND MOTELS**

<b>TYPE USE</b>	<b>BUILDINGS</b>	<b>REQUIRED FEE</b>
HM-1	100 rooms or less (Non LHU)	\$225.00 initial \$5.00 per unit (\$200)

**CAMP GROUNDS**

<b>TYPE USE</b>	<b>BUILDINGS</b>	<b>REQUIRED FEE</b>
CG-1	Camp sites 1 to 20 sites	\$75.00
CG-2	Camp sites 21 to 30 sites	\$100.00
CG-3	Camp sites 31 to 40 sites	\$125.00
CG-4	Camp sites 41 and over	\$150.00

**6-5.5. Fire permits required and exemptions.**

- a. Permits shall be obtained from the Fire Official having jurisdiction of the Fire District for any of those activities listed in N.J.A.C. 5:70-2.7 of the NJUFC, and any amendments, supplements, and rules and regulations thereto. Fees for these permits must be collected before a permit can be issued. All nonprofit organizations, municipal government and religious organizations shall be exempt from permit fees.
- b. Permit fees shall be as follows:
  1. Type 1: \$42.00
  2. Type 2: \$166.00
  3. Type 3: \$331.00
  4. Type 4: \$497.00

**6-5.6. Smoke Detectors, Carbon Monoxide Detectors and Fire Extinguishers.** The application fee for a certificate of smoke detector, carbon monoxide and fire extinguisher compliance is as follows:

1. Request received more than 10 business days prior to change of occupant: \$35.00.

2. Request received four to ten business days prior to change of occupant: \$70.00.
3. Request received fewer than four business days prior to change of occupant: \$125.00.
4. Reinspection fee: \$20.00.

#### **6-5.7. Plan Review.**

- a. Plan review and submittal. Submission to the Fire Official having jurisdiction shall include any plans submitted to the Planning Board or Board of Adjustment for site plan or subdivision approval. The Fire Official shall submit requirements to the Planning Board or Zoning Board of Adjustment prior to the applicant's Board hearing. The Township Engineer, in conjunction with the Fire Official plan review requirements, shall conduct a site inspection before a permit is closed for compliance and issued a Certificate of Occupancy by the construction official.
- b. Prior to the issuance of any construction permits after a Board approval, plans shall be submitted to the Fire Official including one (1) set of full construction plans that include building, fire, plumbing, mechanical, and utility drawings, and two (2) sets of and subdivision or site plan. Final site and subdivision plans shall include, but not be limited to, to-scale plans of the property, location and size of fire lanes, zones, water mains, drafting locations, fire hydrants, fire department connections, exterior drives, fire protection equipment, doorways, use of rooms, high hazard materials, and utility controls.
- c. The Township Engineer shall conduct a site inspection including a review for compliance with the requirements of the Fire Official prior to the issuance of any type of Certificate of Occupancy by the Construction Official.
- d. Site or subdivision plan fee. Each applicant shall pay the following fees to the Bureau of Fire Safety for review of any site or subdivision plans:
  1. Review of any site or subdivision plan: \$100.00.

All fees are payable with the submission of plans to the Office of Planning Administration. The fees will be forwarded to the appropriate Fire Official with the plans.

#### **6-5.8. Violations and penalties.**

- a. All penalties under the NJUFC shall be adopted for the purpose of enforcing this chapter, except those penalties imposed hereinafter for violations of this chapter which are not included within the NJUFC.
- b. False fire alarm. The Fire Official may assess penalties for violations of § 6-8(K) herein as follows:
  1. Three false fire alarms within a thirty (30) day period: \$100.00.

- 2. Fourth and subsequent false fire alarms within one (1) calendar year \$200.00 per occurrence, in addition to remedies available within the NJUFC and the UCC.
- c. Obstruction penalty. Any person who shall violate § 6-10(B) as listed herein, shall be punished by a fine of not less than seventy-five (\$75.00) or more than two hundred fifty (\$250.00) dollars and may, at the discretion of the code official charged with enforcement of this regulation, tow a vehicle, or otherwise remove the obstruction or property. The cost of removal, towing and storage shall be charged to the owner of the vehicle or property, and shall be paid prior to the release of said vehicle or property.
- d. Any person or corporation who shall violate any other provision of the NJUFC, or fails to comply therewith, or shall violate or fail to comply with an order made hereunder, shall be punished by a fine of not more than two thousand (\$2,000.00) dollars, or by imprisonment of not more than ninety (90) days, or both, at the discretion of the court before which such conviction is held by civil action summary proceeding under the Penalty Enforcement Law in Municipal Court.

**6-5.9. Board of Appeals.** Pursuant to the New Jersey Uniform Fire Safety Act, any person aggrieved by an order of the LEA shall have the right to appeal to the Monmouth County Construction Board of Appeals, in accordance with N.J.A.C. 5:70-2.19, entitled Appeals.

**SECTION II.** All ordinances or parts of ordinances thereof enacted prior to the adoption of this ordinance are hereby repealed to the extent of such inconsistencies.

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

**SECTION IV.** This ordinance shall take effect upon its final passage and publication as required by law.

Record of Vote	Deputy Mayor Siciliano	Councilman Evans	Councilman Garofalo	Councilwoman Schepiga	Mayor Larkin
Motion To Approve			X		
Motion to Second	X				
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

Ordinance #2179 – Amend Bond amending in part Bond Ordinance #2156 adopted on October 4, 2010 providing for various improvements in order to change the scope of the improvements authorized thereby and increase the allocation of the appropriation to costs permitted under N.J.S.A. 40A:2-20 authorized in and by the Township of Ocean for the Township of Ocean  
(P.H. 12/5/11 Coaster)

**ORDINANCE #2179**

**BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2156 ADOPTED ON OCTOBER 4, 2010, PROVIDING FOR VARIOUS IMPROVEMENTS IN ORDER TO CHANGE THE SCOPE OF THE IMPROVEMENTS AUTHORIZED THEREBY AND INCREASE THE ALLOCATION OF THE APPROPRIATION TO COSTS PERMITTED UNDER N.J.S.A. 40A:2-20, AUTHORIZED IN AND BY THE TOWNSHIP OF OCEAN, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

**WHEREAS**, the Township of Ocean, in the County of Monmouth, New Jersey (the "Township") adopted Bond Ordinance No. 2156 on October 4, 2010 (the "Bond Ordinance") authorizing various improvements, including Public Works building and grounds improvements and Police Department improvements; and

**WHEREAS**, the Township has determined that the scope of the improvements authorized by the Bond Ordinance should be changed to include additional Public Works improvements and equipment; Police Department improvements; and golf course improvements, without changing the aggregate appropriation or debt authorization for said purposes, by amendment of the Bond Ordinance; and

**WHEREAS**, the Township has determined that the \$20,000 allocation of the \$410,000 appropriation authorized by the Bond Ordinance for purpose permitted under N.J.S.A. 40A:2-20 is insufficient and desires to increase such allocation by \$30,000, to an aggregate amount of \$50,000 without increasing the aggregate appropriation or debt authorization for said purposes.

**NOW, THEREFORE, BE IT ORDAINED** by the TOWNSHIP COUNCIL of the TOWNSHIP OF OCEAN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section One. Section 3 (a) of Bond Ordinance No. 2156 is hereby amended to read as follows:

- i) Public Works improvements and equipment, including improvements to the 1313 Roller Road property; an irrigation well in Saul Rubin fields; the acquisition of a Scarab cover; and the replacement of chillers and boilers, with a total appropriation and estimated cost of \$305,000, estimated maximum amount of bonds and notes therefor of \$289,750, and an average period of usefulness of 15 years.

- ii) Police Department improvements including an upgrade of the Communications desk, with a total appropriation and estimated cost of \$50,000, estimated maximum amount of bonds and notes therefor of \$47,500, and an average period of usefulness of 15 years.
- iii) Golf course improvements with a total appropriation and estimated cost of \$55,000, estimated maximum amount of bonds and notes therefor of \$52,250, and an average period of usefulness of 15 years.

Section Two. Section 5(b) of Bond Ordinance No. 2156 is hereby amended to read as follows:

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

Section Three. Section 5(d) of Bond Ordinance No. 2156 is hereby amended to read as follows:

(d) An aggregate amount not exceeding \$50,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other terms of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

Section Four. The appropriation (\$410,000), debt authorization (\$389,500) and other authorizations of the Bond Ordinance remain unchanged.

Section Five. All ordinances or parts of ordinances in conflict or inconsistent with any of the terms of this ordinance are hereby repealed to the extent that they are in such conflict or are inconsistent. In the event that any section, part or provision of this ordinance shall be held to be unconstitutional or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part hereof other than the part so held unconstitutional or invalid.

Section Six. This amendatory bond ordinance shall take effect twenty days after the first publication thereof after final passage, as provided in the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.*

Record of Vote	Deputy Mayor Siciliano	Councilman Evans	Councilman Garofalo	Councilwoman Schepiga	Mayor Larkin
Motion To Approve			X		
Motion to Second	X				
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

**Council Reports:**

Councilmember Evans wished everyone a Happy Thanksgiving.

The following offered no report:  
 Deputy Mayor Sicilaino  
 Councilmember(s) Garofalo, Schepiga  
 Martin Arbus, Esq., Township Attorney  
 Andrew Brannen, Township Manager

**PUBLIC COMMENTS:**

There were no public comments at this time.

Seeing that there were no other questions, the meeting was adjourned.

Record of Vote	Deputy Mayor Siciliano	Councilman Evans	Councilman Garofalo	Councilwoman Schepiga	Mayor Larkin
Motion To Approve			X		
Motion to Second				X	
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

Respectfully submitted,

William F. Larkin  
 Mayor

Vincent Buttiglieri, RMC/CMC/MMC  
 Municipal Clerk