



Agenda
Meeting of the Municipal Council
Wednesday, September 26, 2018
WORK SESSION 6:00 PM

Clerk to Call Meeting to Order

Silent Prayer/Moment of Reflection.

Salute to the Flag

Announcement by the City Clerk

As to comply with the “Open Public Meetings Act,” Chapter 231, P.L. 1975, adequate Notice of this meeting has been provided in the following manner: The Annual Notice was forwarded to the Asbury Park Press, The Coaster and The Star Ledger on January 4, 2018, and posted on the bulletin board the same date. All notices are on file with the City Clerk.

Items for Review:

- A. Proclamation Recognizing the Asbury Park Music Foundation
- B. City Manager's Report on Issues Raised at Prior Council Meeting(s)
- C. Special Event Applications
- D. Review of Agenda Items for September 26, 2018 Regular Meeting
- E. Matters from City Council
- F. Matters from City Manager
- G. Matters from City Attorney
- H. Regular Meeting begins at 7 p.m.



Agenda
Meeting of the Municipal Council
Wednesday, September 26, 2018
REGULAR MEETING 7:00 PM

I. Executive Session - 4:00 p.m.

2018-342 Resolution Authorizing a meeting which excludes the public

A. Contract Negotiations

1. Amendments to the Waterfront Redevelopment Plan
2. Asbury Partners/iStar - Parking Agreements
3. Springwood Avenue Redevelopment Plan
4. Union Contract Negotiations

B. Attorney-Client Privilege

II. Workshop Session - 6:00 p.m.

III. Regular Meeting - 7:00 p.m.

B. Silent Prayer/Moment of Reflection

C. Salute to the Flag

D. Announcement - Open Public Meetings Act

As to comply with the "Open Public Meetings Act," Chapter 231, P.L. 1975, adequate Notice of this meeting has been provided in the following manner: The Annual Notice was forwarded to the Asbury Park Press, The Coaster and The Star Ledger on January 4, 2018, and posted on the bulletin board the same date. All notices are on file with the City Clerk.

E. Public Participation

F. Minutes

- Executive Minutes of Sep 12, 2018 4:00 PM
- Municipal Council - Work Session - Sep 12, 2018 6:00 PM
- Municipal Council - Regular Meeting - Sep 12, 2018 7:00 PM

G. Consent Agenda Resolutions

All matters listed on the Consent Agenda are presented collectively to the City Council, and will be considered for approval with one vote. These matters are considered to be routine in nature, and there will be no individual discussion of these items. If discussion is desired by one or more Council member(s) as to any particular item(s), then said item(s) shall be removed from the Consent Agenda and considered separately.

2018-343 Resolution Approving Special Event Applications

2018-344 Resolution to Credit Sewer Account 806-16 4 Avenue A

2018-349 Resolution Authorizing Installation of Rainbow Crosswalk

H. Individual Resolutions

2018-345 Resolution Approving Payment of Bills

2018-346 Authorizing the Execution of “Addendum B to Use and License Agreement” with SHN Festivals, LLC, Concerning a Live Cultural Music and Art Festival to be Held in a Designated Portion of the Asbury Park Waterfront Area from September 28, 2018 through September 30, 2018

2018-347 Resolution Amending the Metered Parking Requirements for the Waterfront Area of the City, Effective During the Sea.Hear.Now Festival

2018-348 Resolution Awarding a Contract for Installation of Playground Equipment

I. Ordinances

1. Introduction

2018-37 An Ordinance Amending Section 3-35, Entitled “Sleeping In Public Places,” of Chapter III, “Police Regulations,” of the “Revised General Ordinances of the City Of Asbury Park, New Jersey”

2018-45 An Ordinance Amending and Supplementing Chapter III “Drug-Free Zones Surrounding Public Housing Facilities, Parks and Public Buildings.” of the “Code of the City of Asbury Park, New Jersey.”

2. Second Reading/Public Hearing

2018-21 An Ordinance of the City of Asbury Park, County of Monmouth and State of New Jersey Adding Chapter Two Section Eighty-Eight "Development Fees" to the Code of the City of Asbury Park

2018-34 An Ordinance Amending and Supplementing Chapter XXVIII "Health Regulations by Adding Section 28-5 “Intentional Release of Balloons” of the “Code of the City of Asbury Park, New Jersey.”

2018-35 An Ordinance Amending and Supplementing Section 26-4 “Retirement Benefits” of Chapter XXVI, “Personnel Policies,” of the “Code of the City of Asbury Park, New Jersey.”

- 2018-36 An Ordinance Amending and Supplementing Chapter III, Entitled “Police Regulations,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey,” in Order to Establish a New Section Thereof to be Known as Section 3-10, Entitled “Begging And Panhandling.”
- 2018-38 Ordinance of the City of Asbury Park Amending and Supplementing Chapter VII of the Code of the City of Asbury Park Regarding Traffic and Parking Regulations
- 2018-39 An Ordinance Amending and Supplementing Various Articles and Sections of Code of The City of Asbury Park
- 2018-40 An Ordinance Amending the Property Maintenance Code of the City of Asbury Park
- 2018-41 Bond Ordinance Providing for the Acquisition and Installation of License Plate Readers and Associated Software, by and in the City of Asbury Park, in the County of Monmouth, State of New Jersey; Appropriating \$175,000 Therefor and Authorizing the Issuance of \$175,000 in Bonds or Notes to Finance the Cost Thereof
- 2018-42 An Ordinance Amending and Supplementing Chapter XX “Environmental Regulations” Adding Section 20-3 Plastic Bags of the “Code Of The City Of Asbury Park, New Jersey.”

J. Adjournment

**RESOLUTION NO. 2018-342****RESOLUTION AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC**

BE IT RESOLVED by the Mayor and Council of the City of Asbury Park that this body will hold a meeting on September 26, 2018 at 7:00 PM in the Council Chambers located at 1 Municipal Plaza, Asbury Park, New Jersey, that will be limited only to consideration of an items or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

The general nature of the subject or subjects to be discussed are as follows:

A. Contract Negotiations:

1. Amendments to the Waterfront Redevelopment Plan
2. Asbury Partners/iStar – Parking Agreements
3. Springwood Avenue Redevelopment Plan
4. Union Contract Negotiations

B. Attorney-Client Privilege

The public is excluded from said meeting, and further notice is dispensed with, all in accordance with section 8 and 4a of the Open Public Meetings Act.

CINDY A. DYE
CITY CLERK



Minutes
Meeting of the Municipal Council
Wednesday, September 12, 2018
WORK SESSION

Announcement by the City Clerk

Attendee Name	Title	Status	Arrived
Eileen Chapman	Councilmember	Present	
Yvonne Clayton	Councilmember	Present	
Jesse Kendle	Councilmember	Present	
Amy Quinn	Deputy Mayor	Present	
John Moor	Mayor	Present	
Cindy Dye	City Clerk	Present	
Michael Capabianco	City Manager	Present	
Frederick Raffetto	City Attorney	Present	

City Clerk Cindy Dye called the meeting to order at 6:00 PM.

City Manager's Report on Issues Raised at Prior Council Meeting(s)

City Manager Capabianco had no prior issues.

Special Event Applications

Leesha Floyd reviewed the special event applications with the City Council.

Proclamation Recognizing the Asbury Park Music Foundation

Rescheduled to the next meeting.

Items to be presented by Bob Duerr of MBRC:

1. "Leave ONLY Your Footprints" Program

Bob Duerr of MBRC explained the "Leave ONLY Your Footprints" program with the City Council.

Items to be presented by Michael Manzella, City of Asbury Park Transportation Planner

1. Asbury Park ALIVE!

Transportation Planner Michael Manzella and Nina Sutherland discussed Asbury Park ALIVE! with the City Council.

Review of Agenda Items for September 12, 2018 Regular Meeting

City Manager Capabianco reviewed the agenda for this evening's meeting with the Council.

Matters from City Council

Minutes Acceptance: Minutes of Sep 12, 2018 6:00 PM (Minutes)

Council Member Chapman stated that on September 22 Porch Fest will occur. There will be 18 porches, 70 bands and they are raising money for Interfaith and a mural across from train station. JCP&L will have holding an energy assistant program on September 18 at the Salvation Army. Affordable Housing applications are available at City Hall.

Council Member Kendle asked if the City is prepared for any storms this season. He also stated a concern regarding the local mail delivery. He also distributed information regarding the Recreation programs.

Mayor Moor stated that on September 26 from 11 a.m. to 2 p.m. at the Senior Center the Mayor's Wellness Committee will be holding Harvest Health Fest.

Matters from City Manager

City Manager Capabianco had no matters.

Matters from City Attorney

City Attorney Raffetto had no matters.

Regular Meeting begins at 7 p.m.

Respectfully submitted by:

Cindy A. Dye, RMC, City Clerk



Minutes
Meeting of the Municipal Council
Wednesday, September 12, 2018
REGULAR MEETING

Executive Session - 4:00 p.m.

2018-316 Resolution Authorizing a meeting which excludes the public

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Jesse Kendle, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

Attendee Name	Title	Status	Arrived
Eileen Chapman	Councilmember	Present	
Yvonne Clayton	Councilmember	Present	
Jesse Kendle	Councilmember	Present	
Amy Quinn	Deputy Mayor	Present	
John Moor	Mayor	Present	
Cindy Dye	City Clerk	Present	
Michael Capabianco	City Manager	Present	
Frederick Raffetto	City Attorney	Present	

City Clerk Cindy Dye called the meeting to order at 7:00 PM.

PUBLIC PARTICIPATION

Motion made by Council Member Kendle and seconded by Council Member Chapman to open the meeting to the public.

The following members of the public spoke: Carrie Butch, Rita Marano, Louise Murray, Linda Leighee, Jan Sparrow, Sylvia Sylvia, Jordan Modell.

Motion made by Deputy Mayor Quinn and seconded by Council Member Kendle to close the meeting to the public.

MINUTES

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Yvonne Clayton, Councilmember
SECONDER:	Jesse Kendle, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

1. Executive Session Minutes of Aug 22, 2018 4:00 PM
2. Municipal Council - Work Session - Aug 22, 2018 6:00 PM **Accepted**
3. Municipal Council - Regular Meeting - Aug 22, 2018 7:00 PM **Accepted**

CONSENT AGENDA RESOLUTIONS

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jesse Kendle, Councilmember
SECONDER:	Amy Quinn, Deputy Mayor
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

- 2018-317 Resolution Approving Special Event Applications
- 2018-318 Resolution to Refund Overpaid Taxes 3705-10.13 1706 Park Ave, Unit 4B
- 2018-319 Resolution to Credit Sewer Account 1305-8 1302 Summerfield Avenue
- 2018-320 Resolution Authorizing Opening and Adjusting Interest of Tax Sale Certificate
Erroneously Partially Redeemed 1001-4 FKA 93-7 TSC#A8-00267
- 2018-321 Resolution Accepting Receipt of Secure the Shore Grant
- 2018-322 Resolution of Receipt of a Monmouth County Grant from the Division on Aging,
Disabilities and Veterans Services
- 2018-323 Resolution of the City of Asbury Park, County of Monmouth, State of New Jersey
Providing for the Insertion of Special Items of Revenue in the 2018 Budget of the City of
Asbury Park Pursuant to N.J.S.A. 40A:4-87 (Chapter 159) - Urban Areas Security
Initiative Grant
- 2018-324 A Resolution of the City of Asbury Park Releasing the Performance Bond for Block 167,
Lot 1.02 - 1003 Bond Street and Accepting Maintenance Guarantee

INDIVIDUAL RESOLUTIONS

- 2018-325 Resolution Approving Payment of Bills
Council Member Chapman abstains from PO 18-00373.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Amy Quinn, Deputy Mayor
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, Amy Quinn
NAYS:	John Moor

2018-326 Resolution Authorizing a Transfer of Interest Pursuant to a Redevelopment Agreement Between the City and Michaels Development Company I, L.P., as Redeveloper of Certain Parcels Located within the City's Springwood Avenue Redevelopment Area

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amy Quinn, Deputy Mayor
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2018-327 Authorizing Appointments to the "Environmental/Shade Tree Commission"

The Mayor and Council will not be making appointments to Boards and Committees until January.

RESULT:	WITHDRAWN
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2018-328 Resolution Authorizing In Rem Foreclosure Proceedings Relating To A Certain Real Property Located Within The City Of Asbury Park, New Jersey

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Yvonne Clayton, Councilmember
SECONDER:	Eileen Chapman, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2018-329 Resolution Authorizing Execution of a Commodity Resale Agreement with The County of Monmouth

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jesse Kendle, Councilmember
SECONDER:	Eileen Chapman, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2018-330 Resolution Authorizing Execution of a Shared Services Agreement with The County of Monmouth

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2018-331 Resolution Authorizing the Purchase of an Oxygen and SCBA Fill Station for the Fire Department

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amy Quinn, Deputy Mayor
SECONDER:	Eileen Chapman, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2018-332 Resolution Authorizing the Purchase of an Ambulance Radio

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Yvonne Clayton, Councilmember
SECONDER:	Jesse Kendle, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2018-333 Resolution Authorizing the Purchase of a Mini-Split Air Conditioner

Minutes Acceptance: Minutes of Sep 12, 2018 7:00 PM (Minutes)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2018-334 Resolution Authorizing the Purchase of Firstnet Ready Routers and Accessories for Police Vehicles

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jesse Kendle, Councilmember
SECONDER:	Eileen Chapman, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2018-335 Resolution Authorizing the Purchase of Panasonic Tablets and Accessories for Police Vehicles

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Yvonne Clayton, Councilmember
SECONDER:	Eileen Chapman, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2018-336 Resolution Authorizing the Purchase of a Shredder for the Finance Office

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jesse Kendle, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2018-337 Resolution Authorizing the Purchase of a Shredder for the Police Department

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Amy Quinn, Deputy Mayor
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2018-338 Resolution Authorizing the Purchase of a Diesel Brush Chipper for the Department of Public Works

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2018-339 Resolution of The Mayor And City Council of The City of Asbury Park Determining that The Development of Affordable Housing At 1274 Washington Block 1403, Lot 11 and 1276 Washington Block 1403, Lot 10 Will Address An Existing Housing Need In The City Of Asbury Park for Home Financing

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jesse Kendle, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2018-340 Resolution of The Mayor and City Council of The City of Asbury Park Determining that the Development of Affordable Housing for the Project Known as Parkview AP will

Address an Existing Housing Need in the City of Asbury Park for HOME Financing
(Block 803, Lots 1-14)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Yvonne Clayton, Councilmember
SECONDER:	Eileen Chapman, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2018-341 Resolution Providing for Verification of Ownership of the Fire House Property

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

ORDINANCES

Introduction

2018-37 An Ordinance Amending Section 3-35, Entitled “Sleeping In Public Places,” of Chapter III, “Police Regulations,” of the “Revised General Ordinances of the City Of Asbury Park, New Jersey”

RESULT:	TABLED [UNANIMOUS]
	Next: 9/26/2018 7:00 PM
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Amy Quinn, Deputy Mayor
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2018-41 Bond Ordinance Providing for the Acquisition and Installation of License Plate Readers and Associated Software, by and in the City of Asbury Park, in the County of Monmouth, State of New Jersey; Appropriating \$175,000 Therefor and Authorizing the Issuance of \$175,000 in Bonds or Notes to Finance the Cost Thereof

Public hearing is scheduled for September 26, 2018.

RESULT:	INTRODUCED [UNANIMOUS]
	Next: 9/26/2018 7:00 PM
MOVER:	Yvonne Clayton, Councilmember
SECONDER:	Amy Quinn, Deputy Mayor
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2018-42 An Ordinance Amending and Supplementing Chapter XX “Environmental Regulations” Adding Section 20-3 Plastic Bags of the “Code Of The City Of Asbury Park, New Jersey.”

Public hearing is scheduled for September 26, 2018.

RESULT:	INTRODUCED [UNANIMOUS]
	Next: 9/26/2018 7:00 PM
MOVER:	Amy Quinn, Deputy Mayor
SECONDER:	Jesse Kendle, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2018-43 An Ordinance Amending and Supplementing Chapter XX "Environmental Regulations" by Adding Section 20.6 "Invasive Plants" of the "Code of the City of Asbury Park, New Jersey."

Public hearing is scheduled for October 10, 2018.

RESULT:	INTRODUCED [UNANIMOUS]
	Next: 10/10/2018 7:00 PM
MOVER:	Jesse Kendle, Councilmember
SECONDER:	Eileen Chapman, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2018-44 An Ordinance Amending and Supplementing Chapter XVIII "Sewers" of the "Code of the City of Asbury Park, New Jersey"

Public hearing is scheduled for October 10, 2018.

RESULT:	INTRODUCED [UNANIMOUS]
	Next: 10/10/2018 7:00 PM
MOVER:	Amy Quinn, Deputy Mayor
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

Second Reading/Public Hearing

2018-21 An Ordinance of the City of Asbury Park, County of Monmouth and State of New Jersey Adding Chapter Two Section Eighty-Eight "Development Fees" to the Code of the City of Asbury Park

RESULT:	TABLED [4 TO 1]
	Next: 9/26/2018 7:00 PM
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Amy Quinn, Deputy Mayor
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, Amy Quinn
NAYS:	John Moor

ADJOURNMENT

The meeting was adjourned at 7:45 PM

Respectfully submitted by:

Cindy A. Dye, RMC, City Clerk

Minutes Acceptance: Minutes of Sep 12, 2018 7:00 PM (Minutes)



RESOLUTION NO. 2018-343

**City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION APPROVING SPECIAL EVENT APPLICATIONS

WHEREAS, at work session meeting of the Mayor and Council held on September 26, 2018 the following Special Events Applications were presented for approval by the Director of Recreation:

1. Illumination Gathering
2. AP Volleyball Tournament
3. Fall Harvest Festival
4. Hall-o-weiner Walk 2018
5. Trunk or Treat
6. Allen Chapel Baptism
7. Columbus Day Reenactment
8. Asbury Park High School Homecoming Parade

WHEREAS, the Mayor and Council have determined to approve said applications, so long as all requirements of the City's "Special Events" Ordinance (Section 4-10 of the City Code) have been satisfied by the respective applicants, as well as any other requirements imposed by the City's Police Department and/or Special events Committee.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park, in the County of Monmouth, State of New Jersey, that all the above referenced Special Events Applications are hereby approved, so long as all requirements of the City's "Special Events" Ordinance (Section 4-10 of the City Code) have been satisfied by the respective applicants, as well as any other requirements imposed by the City's Police Department and/or Special events Committee.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2018-343 which was finally adopted by the City Council at a meeting held on the 26th day of September, 2018

CERTIFIED BY ME THIS 27th DAY OF September, 2018.

CINDY A. DYE
CITY CLERK



RESOLUTION NO. 2018-344

**City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION TO CREDIT SEWER ACCOUNT 806-16 4 AVENUE A

WHEREAS: The Tax Collector was notified by Mr. Peter Daniele, owner of the property located at 4 Avenue A, Block 806 Lot 16 that a discrepancy exists between the billing from New Jersey American Water Company and the City of Asbury Park for water and sewer consumption, account# 10507002-0; and

WHEREAS, it was made certain that New Jersey American Water Company billed for 813,000 gallons. By the way of evidence supplied by Freddy's Plumbing & Heating, LLC there was a leak, that occurred outside of the home. The City of Asbury Park uploaded and billed for 813,000 gallons for January and February 2018 at a rate of \$3,453.95 (including \$80.00 quarterly demand charge); and

WHEREAS, it has been determined by the City of Asbury Park Tax & Sewer Department that the reading of zero (0) should be used for billing due to the aforementioned facts; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council for the City of Asbury Park authorize the Tax Collector to credit the sewer account # 10507002-0 for the 2018 2nd quarter sewer billing in the amount of \$3,373.95 (for 813,000 gallons) and adjust said account to reflect the new amount of \$80.00 to reflect the quarterly demand charge with zero usage.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2018-344 which was finally adopted by the City Council at a meeting held on the 26th day of September, 2018

CERTIFIED BY ME THIS 26th DAY OF September, 2018.

CINDY A. DYE
CITY CLERK



RESOLUTION NO. 2018-349

**City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION AUTHORIZING INSTALLATION OF RAINBOW CROSSWALK

WHEREAS, the City of Asbury Park proudly celebrates its openness and inclusiveness for all people; and

WHEREAS, October is LBGT History Month; and

WHEREAS, to celebrate LBGT History Month the City wishes to paint a temporary crosswalk at the Ocean Avenue and Asbury Avenue intersection in a rainbow striped pattern to signify the City's inclusiveness; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Asbury Park, Monmouth County, New Jersey that the crosswalk at the intersection of Ocean Avenue and Asbury Avenue be painted in a rainbow striped pattern.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2018-349 which was finally adopted by the City Council at a meeting held on the 26th day of September, 2018

CERTIFIED BY ME THIS 27th DAY OF September, 2018.

CINDY A. DYE
CITY CLERK

**RESOLUTION NO. 2018-345**

**City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION APPROVING PAYMENT OF BILLS

WHEREAS, the following listed vouchers payable have been approved by the Chief Financial Officer and have subsequently been audited and found correct:

BE IT RESOLVED, that these vouchers payable totaling \$417,873.65

BE IT FURTHER RESOLVED, that proper officers are hereby authorized to execute and issue warrants for payment of said vouchers, but only if and when the conditions of the City Treasury shall permit.

CURRENT VOUCHERS	\$ <u>417,873.65</u>
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TOTAL VOUCHERS	\$ <u>417,873.65</u>
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I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2018-345 which was finally adopted by the City Council at a meeting held on the 26th day of September, 2018

CERTIFIED BY ME THIS 27th DAY OF September, 2018.

CINDY A. DYE
CITY CLERK

September 19, 2018
02:31 PM

CITY OF ASBURY PARK
Bill List By Budget Account

3.H.1.a
Page No. 1

P.O. Type: Contract Print Alpha, Revenue, & G/L Accounts: Y Open: N Void: N Paid: N
Format: Condensed Held: Y Aprv: N Rcvd: Y
Range: 7-First to 8-Last Bid: Y State: Y Other: Y Exempt: Y
Rcvd Batch Id Range: First to Last Include Non-Budgeted: Y
Department Page Break: No Subtotal CAFR: Yes Subtotal Department: Yes Subtotal Extd: Yes

Budget Account	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
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Fund: CURRENT
Department: ADMINISTRATION
Extd: ADMINISTRATION

8-01-20-100-000-201	ADMINISTRATION General Plant					
THEHON2	THE HON COMPANY LLC	18-01532	Conference room desk & chairs	10,491.72	0.00	
GEECHA	GEESSE CHASERS, LLC	18-02448	JULY 30 TO SEPTEMBER 30, 2018	996.00	0.00	B
STAPLE	STAPLES BUSINESS ADVANTAGE	18-02709	school supplies	229.38	0.00	
MAKME	JAY YUCHT	18-02786	Attractions for Back to School	1,248.00	0.00	
NJLEAMUN	NJ LEAGUE OF MUNICIPALITIES MA	18-02896	Registration for conference	385.00	0.00	
VERIZON	VERIZON WIRELESS	18-02979	#485430396-00001 7/26-8/25/18	124.62	0.00	
				13,474.72		

8-01-20-100-000-209	ADMINISTRATION Fees					
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03067	#16024:PMT. 35 OF 60	415.22	0.00	
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03068	#16024:PMT. 36 OF 60	415.22	0.00	
				830.44		

8-01-20-100-000-217	ADMINISTRATION Ads&Promotion					
ASBPAK	ASBURY PARK PRESS	18-02961	2018-34,35,36,38,39,40	322.40	0.00	
	Extd Total: ADMINISTRATION			14,627.56		
	Department Total: ADMINISTRATION			14,627.56		

Department: MUNICIPAL CLERK
Extd: MUNICIPAL CLERK

8-01-20-120-000-202	MUNICIPAL CLERK Office Supplies					
CINDYE	CINDY A. DYE	18-03027	Notary-Payment Cindy A. Dye	15.00	0.00	
8-01-20-120-000-212	MUNICIPAL CLERK Dues,Subscript.					
CINDYE	CINDY A. DYE	18-03065	Reimbursement City Clerk Renew	50.00	0.00	
8-01-20-120-000-217	MUNICIPAL CLERK Ads&Promotion					
ASBPAK	ASBURY PARK PRESS	18-02961	2018-34,35,36,38,39,40	63.60	0.00	
8-01-20-120-000-222	MUNICIPAL CLERK Training					
NJLEAMUN	NJ LEAGUE OF MUNICIPALITIES MA	18-02634	2018 CONFERENCE REGISTRATION	110.00	0.00	
REGASO	REGISTRARS ASSOC. OF NJ	18-02890	2018 FALL CONFERENCE#3234/3250	150.00	0.00	
				260.00		
	Extd Total: MUNICIPAL CLERK			388.60		
	Department Total: MUNICIPAL CLERK			388.60		

Attachment: Bill List 9-26-18 (2018-345 : Payment of Bills)

Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
Department: FINANCIAL ADMINISTRATION						
Extd: FINANCIAL ADMINISTRATION						
8-01-20-130-000-201	FINANCE General Plant					
JERMAIL	JERSEY MAIL SYSTEMS, LLC	18-02275	INK FOR TAX POSTAGE MACHINE	198.95	0.00	
SHIINT	SHI INTERNATIONAL CORP	18-02787	QUOTE #15820593 FINANCE	18.77	0.00	
WATSPR	WATCHUNG SPRING WATER CO.,INC.	18-02929	ACCOUNT #014764 AUGUST 2018	68.73	0.00	
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03067	#16024:PMT. 35 OF 60	389.62	0.00	
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03068	#16024:PMT. 36 OF 60	389.62	0.00	
MARBUS	MARLIN BUSINESS BANK	18-03076	CONTRACT#401-1474010-002 10/15	339.50	0.00	
				1,405.19		
8-01-20-130-000-202	FINANCE Office Supplies					
WBMASON	W.B.MASON CO., INC.	18-02842	FINANCE OFFICE SUPPLIES	594.37	0.00	
WBMASON	W.B.MASON CO., INC.	18-02986	FINANCE OFFICE SUPPLY ORDER	635.25	0.00	
				1,229.62		
8-01-20-130-000-222	FINANCE Training					
MONTAX01	MONMOUTH/OCEAN TCTA	18-02975	MOTCTA SEMINAR 9/14/18	26.00	0.00	
	Extd Total: FINANCIAL ADMINISTRATION			2,660.81		
	Department Total: FINANCIAL ADMINISTRATION			2,660.81		
Department: COMPUTERIZED DATA PROCESSING						
Extd: COMPUTERIZED DATA PROCESSING						
8-01-20-140-000-218	COMPUTERIZED DATA PROC. Contract Service					
JOYSYS	JOY SYSTEMS INC.	18-02569	QUOTE # 2018Q034 LAPTOPS	480.00	0.00	
NJLEAMUN	NJ LEAGUE OF MUNICIPALITIES MA	18-02722	2018 NJLOM Registration	55.00	0.00	
SHIINT	SHI INTERNATIONAL CORP	18-02790	Q#15796113 Temp Sensors	184.48	0.00	
				719.48		
	Extd Total: COMPUTERIZED DATA PROCESSING			719.48		
	Department Total: COMPUTERIZED DATA PROCESSING			719.48		
Department: TAX REVENUE ADMINISTRATION						
Extd: TAX REVENUE ADMINISTRATION						
8-01-20-145-000-202	TAX REV ADMIN Office Supplies					
WBMASON	W.B.MASON CO., INC.	18-02441	Office supplies toner etc 7.18	235.91	0.00	
CRAPRI	CRAFTMASTER PRINTING, INC.	18-02828	Envelopes #10 Window, Blk Ink	378.25	0.00	
				614.16		
8-01-20-145-000-209	TAX REV ADMIN Fees					
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03067	#16024:PMT. 35 OF 60	236.52	0.00	
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03068	#16024:PMT. 36 OF 60	236.52	0.00	
				473.04		
8-01-20-145-000-238	TAX REV ADMIN Conventions					
NJLEAMUN	NJ LEAGUE OF MUNICIPALITIES MA	18-02868	103rd Annual League Conf. T.Y.	55.00	0.00	
	Extd Total: TAX REVENUE ADMINISTRATION			1,142.20		
	Department Total: TAX REVENUE ADMINISTRATION			1,142.20		

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Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
Department: TAX ASSESSOR						
Extd: TAX ASSESSOR						
8-01-20-150-000-209 TAX ASSESSOR Fees						
BRBVAL	BRB VALUATION & CONSULTING SVC	18-02815	527 Lake Appraisal	6,750.00	0.00	
HARHAU	HARRY HAUSHALTER	18-02879	Haushalter July 2018	4,494.00	0.00	
				11,244.00		
Extd Total: TAX ASSESSOR				11,244.00		
Department Total: TAX ASSESSOR				11,244.00		
Department: DIRECTOR OF COMMUNICATIONS						
Extd: DIRECTOR OF COMMUNICATIONS						
8-01-20-151-000-299 DIRECTOR OF COMMUNICATIONS - Misc Exp						
STAPLE	STAPLES BUSINESS ADVANTAGE	18-02768	Brochure Holders	36.68	0.00	
VERIZON	VERIZON WIRELESS	18-02979	#485430396-00001 7/26-8/25/18	33.86	0.00	
				70.54		
Extd Total: DIRECTOR OF COMMUNICATIONS				70.54		
Department Total: DIRECTOR OF COMMUNICATIONS				70.54		
Department: LEGAL SERVICES						
Extd: LEGAL SERVICES						
8-01-20-155-000-209 LEGAL SERVICES Fees						
MCMSCO	MCMANIMON, SCOTLAND&BAUMANN, LLC	18-02968	SERVICE RENDERED THRU 07/31/18	3,472.26	0.00	
Extd Total: LEGAL SERVICES				3,472.26		
Department Total: LEGAL SERVICES				3,472.26		
CAFR Total:				34,325.45		
Department: Planning Department						
Extd: Planning Department						
8-01-21-179-000-201 Planning Dept. General Plant						
WATSPR	WATCHUNG SPRING WATER CO.,INC.	18-02939	water bill 2nd floor August	38.95	0.00	
VERIZON	VERIZON WIRELESS	18-02979	#485430396-00001 7/26-8/25/18	125.78	0.00	
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03067	#16024:PMT. 35 OF 60	200.97	0.00	
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03068	#16024:PMT. 36 OF 60	200.97	0.00	
NJLEAMUN	NJ LEAGUE OF MUNICIPALITIES MA	18-03083	NJLM Registration online-Irina	55.00	0.00	
				621.67		
Extd Total: Planning Department				621.67		
Department Total: Planning Department				621.67		

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Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
Department: PLANNING BOARD						
Extd: PLANNING BOARD						
8-01-21-180-000-201	PLANNING BOARD General Plant					
JACSER JACK A. SERPICO		18-02917	Serpico PB Invoices 06-07.18	550.00	0.00	
	Extd Total: PLANNING BOARD			550.00		
	Department Total: PLANNING BOARD			550.00		
Department: ZONING BOARD OF ADJUSTMENT						
Extd: ZONING BOARD OF ADJUSTMENT						
8-01-21-185-000-209	ZONING BOARD Fees					
JACSER JACK A. SERPICO		18-02918	Serpico ZB Invoices 07/2018	650.00	0.00	
	Extd Total: ZONING BOARD OF ADJUSTMENT			650.00		
	Department Total: ZONING BOARD OF ADJUSTMENT			650.00		
	CAFR Total:			1,821.67		
Department: CODE ENFORCEMENT AND ADMIN.						
Extd: CODE ENFORCEMENT AND ADMIN.						
8-01-22-195-000-299	CODE ENFORCE Misc.					
STAPLE STAPLES BUSINESS ADVANTAGE		18-02707	Office Supplies	62.47	0.00	
WBMASON W.B.MASON CO., INC.		18-02866	Filing supplies	362.85	0.00	
VERIZON VERIZON WIRELESS		18-02979	#485430396-00001 7/26-8/25/18	391.75	0.00	
				817.07		
	Extd Total: CODE ENFORCEMENT AND ADMIN.			817.07		
	Department Total: CODE ENFORCEMENT AND ADMIN.			817.07		
Department: CONSTRUCTION CODE OFFICIAL						
Extd: CONSTRUCTION CODE OFFICIAL						
8-01-22-200-000-299	CONSTRUCTION CODE Misc. (In Cap)					
JOYSYS JOY SYSTEMS INC.		18-02569	QUOTE # 2018Q034 LAPTOPS	260.00	0.00	
WBMASON W.B.MASON CO., INC.		18-02640	OFFICE SUPPLIES	429.95	0.00	
NATPAR NATIONAL PARTS SUPPLY, INC.		18-02898	Floor Mats	171.72	0.00	
WBMASON W.B.MASON CO., INC.		18-02899	Banker Boxes	189.82	0.00	
VERIZON VERIZON WIRELESS		18-02979	#485430396-00001 7/26-8/25/18	404.52	0.00	
MUNCAP MUNICIPAL CAPITAL CORPORATION		18-03067	#16024:PMT. 35 OF 60	582.97	0.00	
MUNCAP MUNICIPAL CAPITAL CORPORATION		18-03068	#16024:PMT. 36 OF 60	582.97	0.00	
				2,621.95		
	Extd Total: CONSTRUCTION CODE OFFICIAL			2,621.95		
	Department Total: CONSTRUCTION CODE OFFICIAL			2,621.95		
	CAFR Total:			3,439.02		

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Department: POLICE DEPARTMENT						
Extd: POLICE DEPARTMENT						
8-01-25-240-000-201	POLICE General Plant					
SHIINT	SHI INTERNATIONAL CORP	18-02790	Q#15796113 Temp Sensors	184.48	0.00	
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03067	#16024:PMT. 35 OF 60	202.52	0.00	
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03068	#16024:PMT. 36 OF 60	202.52	0.00	
				<u>589.52</u>		
8-01-25-240-000-202	POLICE Office Supplies					
WBMASON	W.B.MASON CO., INC.	18-02484	#S080532438 Chair Det Bureau	189.99	0.00	
ATECSEC	A+ TECHNOLOGY & SECURITY	18-02766	QUOTE #E517500 ADDITIONAL FOBS	952.50	0.00	
TRIFOR	TRI-TECH FORENSICS, INC.	18-02839	#27183 Gun Boxes, Knife Boxes,	386.00	0.00	
				<u>1,528.49</u>		
8-01-25-240-000-203	POLICE Motor Vehicle					
EDWTIR	EDWARDS TIRE CO., INC.	18-00198	Blanket Tire Repair	266.04	0.00	B
NATPAR	NATIONAL PARTS SUPPLY, INC.	18-02466	Blanket Auto Repairs	411.73	0.00	B
ASBCIR	ASBURY CIRCLE CAR WASH	18-02750	Blanket Cars washed August	207.00	0.00	B
RICAUT	RICH'S AUTO BODY	18-02885	#10963 Changed Flat Car 61	20.00	0.00	
EDWTIR	EDWARDS TIRE CO., INC.	18-02891	Blanket Car Repairs	114.70	0.00	B
				<u>1,019.47</u>		
8-01-25-240-000-216	POLICE Supplies-Compu.					
TOSSOL	TOSHIBA BUSINESS SOLUTION	18-02539	Supplies for ABC Machine	1,654.00	0.00	
8-01-25-240-000-218	POLICE Contract.Serv.					
WIRCOM	WIRELESS COMMUNICATIONS &	18-02940	M58245 Mobile Data Contract	1,220.00	0.00	
VERIZON	VERIZON WIRELESS	18-02979	#485430396-00001 7/26-8/25/18	992.27	0.00	
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03011	#3466040918 Contract #18726	515.72	0.00	
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03014	#3466060918 Contract #18726	515.72	0.00	
OPTIMUM	OPTIMUM	18-03022	#07866-182313-01-5 Current	171.38	0.00	
				<u>3,415.09</u>		
Extd Total: POLICE DEPARTMENT				8,206.57		
Department Total: POLICE DEPARTMENT				8,206.57		
Department: FIRE DEPARTMENT						
Extd: FIRE DEPARTMENT						
8-01-25-265-000-201	FIRE DEPT. General Plant					
COUCLE	COUNTRY CLEAN	18-00745	Blanket PO not to exceed	627.01	0.00	B
COUCLE	COUNTRY CLEAN	18-02389	Blanket PO Not to exceed	432.99	0.00	B
MERHEA	MERIDIAN HEALTH SYSTEM	18-02830	New hire phys for MC 7/31/18	669.00	0.00	
INSPSY	INSTITUTE FOR FORENSIC	18-02874	Psych Eval for new hire KM	450.00	0.00	
INSPSY	INSTITUTE FOR FORENSIC	18-02895	New Hire Exam for MC	450.00	0.00	
PENCOM	PENGUIN MANAGEMENT, INC.	18-02941	EDispatch System	2,220.00	0.00	
VERIZON	VERIZON WIRELESS	18-02979	#485430396-00001 7/26-8/25/18	23.96	0.00	
JOSDEL	Joseph Dellaragione	18-03016	REFUND OF IPAD STRAP FOR FIRE	45.98	0.00	
				<u>4,918.94</u>		
8-01-25-265-000-203	FIRE DEPT. Motor Vehicle					
JOHGUI	JOHN GUIRE CO.	18-02945	Carb for pump repair by DPW	169.19	0.00	

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8-01-25-265-000-206	FIRE DEPT. Purchase of Equipment					
FIRONE	FIREFIGHTER ONE LIMITED	18-02863	Quote SQ-00216008	261.00	0.00	
8-01-25-265-000-207	FIRE DEPT. Clothing Allowance					
ALLHAN	ALL HANDS FIRE EQUIPMENT, LLC	18-01803	2018 Clothing Allowance	3,682.00	0.00	B
8-01-25-265-000-218	FIRE DEPT. Contract Serv.					
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03067	#16024:PMT. 35 OF 60	75.44	0.00	
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03068	#16024:PMT. 36 OF 60	75.44	0.00	
				<u>150.88</u>		
	Extd Total: FIRE DEPARTMENT			9,182.01		
Extd:	FIRE HYDRANT					
8-01-25-265-266-299	FIRE HYDRANT Misc.					
NJAMER	N.J. AMERICAN WATER CO.	18-03031	#1018-210026567043 7/25 - 8/22	17,117.12	0.00	
	Extd Total: FIRE HYDRANT			17,117.12		
	Department Total: FIRE DEPARTMENT			26,299.13		
	CAFR Total:			34,505.70		
Department:	STREETS & ROADS MAINTENANCE					
Extd:	STREETS & ROADS MAINTENANCE					
8-01-26-290-000-201	STREETS & ROAD General Plant					
THEHAR	THE HARDWARE STORE	18-00139	Various Tools, Material, etc	18.28	0.00	B
JAEUM	JAEGER LUMBER & SUPPLY CO. INC	18-00375	Various Material, Tools, etc	410.16	0.00	B
GRAING	GRAINGER, INC.	18-00377	Various Supplies, Tools, etc	125.72	0.00	B
SUNFAR	SUNSET FARM MARKET GARDEN	18-01448	Various Landscaping Supplies	41.99	0.00	B
GRAING	GRAINGER, INC.	18-02800	Q#2037820152 Trash Grabber	196.32	0.00	
NJLEAMUN	NJ LEAGUE OF MUNICIPALITIES MA	18-02971	Pre-Registration Fee	275.00	0.00	
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03067	#16024:PMT. 35 OF 60	211.19	0.00	
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03068	#16024:PMT. 36 OF 60	211.19	0.00	
				<u>1,489.85</u>		
8-01-26-290-000-203	STREETS & ROAD Motor Vehicle					
CHEVAL	CHERRY VALLEY TRACTOR SALES	18-00149	Service, Material, Tools, etc	70.14	0.00	B
JACDOH	JACK DOHENY COMPANIES, INC.	18-00150	Service, Material, Parts, etc	652.14	0.00	B
THEHOS	THE HOSE SHOP, INC.	18-02278	Various Supplies, Tools, etc	373.85	0.00	B
EDWTIR	EDWARDS TIRE CO., INC.	18-02681	Services, Material, Tools, etc	667.44	0.00	B
NATPAR	NATIONAL PARTS SUPPLY, INC.	18-02798	Automotive Parts, Tools, etc	634.74	0.00	B
NATPAR	NATIONAL PARTS SUPPLY, INC.	18-02847	Quote for HYD Oil AW32, 55gal	325.00	0.00	
				<u>2,723.31</u>		
8-01-26-290-000-210	STREETS & ROAD Network Fleet					
NETWORK	NETWORKFLEET, INC.	18-03008	#MINS0036746 I-Transer-Unit	65.00	0.00	
NETWORK	NETWORKFLEET, INC.	18-03087	#1554591 Monthly Bundled	2,842.00	0.00	
				<u>2,907.00</u>		
8-01-26-290-000-211	STREETS & ROAD Traffic					
THEHAR	THE HARDWARE STORE	18-01108	Supplies for Parking Utility	62.54	0.00	B

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8-01-26-290-000-218	STREETS & ROAD Contract.Serv.					
TERPES THE TERMINIX INTERNATIONAL CO	18-02685 Removal of Hornet's Nests			500.00	0.00	B
TERPES THE TERMINIX INTERNATIONAL CO	18-02686 Removal of Hornet's Nest			600.00	0.00	
ARMTRE ARMSTRONG TREE SERVICE LLC	18-02767 Q#18512L Tree & Stump Removal			500.00	0.00	
VERIZON VERIZON WIRELESS	18-02979 #485430396-00001 7/26-8/25/18			1,005.13	0.00	
OPTIMUM OPTIMUM	18-03024 Account No. 07866-183188-01-1			28.12	0.00	
				<u>2,633.25</u>		
8-01-26-290-000-235	STREETS & ROAD Shade Tree Commission					
GASFAM GASKOS FAMILY FARM	18-02900 landscaping for City Hall			6,633.60	0.00	
	Extd Total: STREETS & ROADS MAINTENANCE			16,449.55		
	Department Total: STREETS & ROADS MAINTENANCE			16,449.55		
Department: SOLID WASTE COLLECTION						
Extd: SOLID WASTE COLLECTION						
8-01-26-305-000-209	SOLID WASTE Fees					
DELDEM DELISA DEMOLITION, INC.	18-02504 Construction Debris/Bulk			4,378.24	0.00	B
ATLCOAS ATLANTIC COAST FIBERS, LLC	18-02909 #106292 Inbound Material Chrg			7,674.65	0.00	
DELDEM DELISA DEMOLITION, INC.	18-02969 #142883 Tipping Fees 8/16-31			36,984.72	0.00	
				<u>49,037.61</u>		
	Extd Total: SOLID WASTE COLLECTION			49,037.61		
	Department Total: SOLID WASTE COLLECTION			49,037.61		
Department: BUILDINGS & GROUNDS						
Extd: BUILDINGS & GROUNDS						
8-01-26-310-000-201	BUILDING & GND General Plant					
TERPES THE TERMINIX INTERNATIONAL CO	18-02239 Monthly General Pest Control			335.00	0.00	B
CROCON CROSSLIN CONTRACTOR SUPPLY CRP	18-02836 Quote for Ceiling Tiles, 2x2			250.00	0.00	
				<u>585.00</u>		
8-01-26-310-000-218	BUILDING & GND Contract.Serv.					
TERPES THE TERMINIX INTERNATIONAL CO	18-02992 #378476949 Hornet's Nest			300.00	0.00	
	Extd Total: BUILDINGS & GROUNDS			885.00		
	Department Total: BUILDINGS & GROUNDS			885.00		
	CAFR Total:			66,372.16		
Department: SOCIAL SERVICES:						
Extd: SOCIAL SERVICES:						
8-01-27-345-000-201	SOCIAL SERVICES General Plant					
STAPLE STAPLES BUSINESS ADVANTAGE	18-02791 Event Supply Storage Bins			55.96	0.00	
VERIZON VERIZON WIRELESS	18-02979 #485430396-00001 7/26-8/25/18			109.68	0.00	
				<u>165.64</u>		
	Extd Total: SOCIAL SERVICES:			165.64		
	Department Total: SOCIAL SERVICES:			165.64		

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Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
Department: SENIOR CENTER						
Extd: SENIOR CENTER						
8-01-27-350-000-201	SENIOR CENTER General Plant					
STAPLE	STAPLES BUSINESS ADVANTAGE	18-02812	Staples Maintenance Supplies	166.06	0.00	
VERIZON	VERIZON WIRELESS	18-02979	#485430396-00001 7/26-8/25/18	83.92	0.00	
OPTIMUM	OPTIMUM	18-03086	Cable service Sept	7.29	0.00	
				<u>257.27</u>		
8-01-27-350-000-299	SENIOR CENTER Misc.					
FRASCA	FRANCIS H. SCALESSA	18-01997	Quote Yoga Classes 3rd Qtr	175.00	0.00	B
SHORIT	SAKER SHOPRITE, INC.	18-02487	Condiments, Mayo, Relish, Butter	46.50	0.00	B
				<u>221.50</u>		
Extd Total: SENIOR CENTER				478.77		
Department Total: SENIOR CENTER				478.77		
CAFR Total:				644.41		
Department: RECREATION SERVICES & PROGRAM						
Extd: RECREATION SERVICES & PROGRAM						
8-01-28-370-000-299	RECREATION Misc.					
SHOLAN	SHORE LANES	18-02046	PAL summer camp activity	645.00	0.00	
SANDS	S AND S	18-02171	summer camp supplies	3,719.17	0.00	
SKYZON	SKY ZONE OCEAN	18-02189	PAL SUMMER CAMP ACTIVITY	864.00	0.00	B
SAHSAM	SAHARA SAMS OASIS & OUTDOOR	18-02190	PAL SUMMER CAMP ACTIVITY	527.85	0.00	B
SKYZON	SKY ZONE OCEAN	18-02665	PAL summer camp activity	432.00	0.00	B
MAKME	JAY YUCHT	18-02784	fun day rides	2,027.00	0.00	
VERIZON	VERIZON WIRELESS	18-02979	#485430396-00001 7/26-8/25/18	38.01	0.00	
				<u>8,253.03</u>		
Extd Total: RECREATION SERVICES & PROGRAM				8,253.03		
Department Total: RECREATION SERVICES & PROGRAM				8,253.03		
CAFR Total:				8,253.03		
Department: LIGHTING						
Extd: LIGHT, HEAT & POWER						
8-01-31-435-435-299	LIGHT, HEAT & POWER Misc.					
NJAMER	N.J. AMERICAN WATER CO.	18-02976	#1018-210025994611 8/2-8/28	43.14	0.00	
NJAMER	N.J. AMERICAN WATER CO.	18-03012	#1018-220024273714 8/3 - 9/5	18,361.75	0.00	
NJAMER	N.J. AMERICAN WATER CO.	18-03066	1018-210024807240 8/3 - 5/5	6,631.81	0.00	
				<u>25,036.70</u>		
Extd Total: LIGHT, HEAT & POWER				25,036.70		
Department Total: LIGHTING				25,036.70		

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Department: TELEPHONE						
Extd: TELEPHONE						
8-01-31-440-000-299	TELEPHONE Misc.					
MONINT	MONMOUTH INTERNET CORPORATION	18-02977	INVOICE #284660-M SEPT 2018	4,245.51	0.00	
	Extd Total: TELEPHONE			4,245.51		
	Department Total: TELEPHONE			4,245.51		
Department: GASOLINE						
Extd: GASOLINE						
8-01-31-460-000-299	GASOLINE Misc.					
GRIALLI	GRIFFITH-ALLIED TRUCKING, LLC	18-02658	Diesel Fuel, Delivered	2,758.16	0.00	B
GRIALLI	GRIFFITH-ALLIED TRUCKING, LLC	18-02949	#1125370 Unleaded Fuel 8/29	<u>12,116.16</u>	0.00	
				14,874.32		
	Extd Total: GASOLINE			14,874.32		
	Department Total: GASOLINE			14,874.32		
	CAFR Total:			44,156.53		
Department: MUNICIPAL COURT						
Extd: MUNICIPAL COURT						
8-01-43-490-000-201	MUNIC COURT General Plant					
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03067	#16024:PMT. 35 OF 60	83.31	0.00	
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03068	#16024:PMT. 36 OF 60	<u>83.31</u>	0.00	
				166.62		
8-01-43-490-000-202	MUNIC COURT Office Supplies					
JERMAIL	JERSEY MAIL SYSTEMS, LLC	18-02297	mail ink cartridges	386.95	0.00	
FAXEXP	FAX EXPRESS, INC.	18-02914	fax drum okidata 5650	230.92	0.00	
KEPSPR	KEPWELL SPRING WATER	18-02995	ACCT #107589 WATER	<u>48.80</u>	0.00	
				666.67		
8-01-43-490-000-219	MUNIC COURT Judges Fees					
SCOBAS	SCOTT J. BASEN	18-02758	alternate judge 8/10/18	750.00	0.00	
8-01-43-490-000-245	MUNIC COURT Interpreter					
BEACRA	BEATRIZ C. CRANEY	18-02915	interpreter 8/24/18	120.00	0.00	
	Extd Total: MUNICIPAL COURT			1,703.29		
	Department Total: MUNICIPAL COURT			1,703.29		

Attachment: Bill List 9-26-18 (2018-345 : Payment of Bills)

Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
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Department: PUBLIC DEFENDER
Extd: PUBLIC DEFENDER

8-01-43-495-000-021	Fees					
RONTRO RONALD TROPOLI		18-02925	AUGUST 2018 SERVICES	3,000.00	0.00	
	Extd Total: PUBLIC DEFENDER			3,000.00		
	Department Total: PUBLIC DEFENDER			3,000.00		
	CAFR Total:			4,703.29		
	Fund Total: CURRENT			198,221.26		

Fund: BEACH
Department: BEACH UTILITY O/E: OTHER EXPENSES:
Extd: BEACH UTILITY O/E: OTHER EXPENSES:

8-05-55-502-000-201	BEACH UTILITY O/E: General Plant					
UPTFAS UP-TITE FASTNERS INC.	18-00339 Various Supplies, Tools, etc	9.00	0.00	B		
THEHAR THE HARDWARE STORE	18-00370 Various Supplies, Tools, etc	164.32	0.00	B		
SHEWIL SHERWIN WILLIAMS	18-00876 Paint, Supplies, Tools, etc	78.84	0.00	B		
VERITIV VERITIV OPERATING COMPANY	18-02420 Various Custodial Supplies	233.33	0.00	B		
DELDEM DELISA DEMOLITION, INC.	18-02435 MCRC TRASH - Fisherman's Lot	1,338.80	0.00	B		
VERIZON VERIZON WIRELESS	18-02979 #485430396-00001 7/26-8/25/18	125.88	0.00			
VERITIV VERITIV OPERATING COMPANY	18-02991 #5002538073 Toilet Tissue, etc	839.78	0.00			
OPTIMUM OPTIMUM	18-03084 Account No. 07866-197754-01-4	157.40	0.00			
		2,947.35				
	Extd Total: BEACH UTILITY O/E: OTHER EXPENSES:	2,947.35				
	Department Total: BEACH UTILITY O/E: OTHER EXPENSES:	2,947.35				
	CAFR Total:	2,947.35				
	Fund Total: BEACH	2,947.35				

Fund: PARKING UTILITY: BUDGET:
Department: PARKING UTILITY O/E: OTHER EXPENSES:
Extd: PARKING UTILITY O/E: OTHER EXPENSES:

8-06-55-502-000-201	PARKING UTILITY O/E: General Plant					
GLESUP GLENCO SUPPLY INC.	18-02860 Sign Posts, Signs and Brackets	6,220.00	0.00			
NJLEAMUN NJ LEAGUE OF MUNICIPALITIES MA	18-02877 League Conference M. Manzella	55.00	0.00			
MUNCAP MUNICIPAL CAPITAL CORPORATION	18-03067 #16024:PMT. 35 OF 60	135.31	0.00			
MUNCAP MUNICIPAL CAPITAL CORPORATION	18-03068 #16024:PMT. 36 OF 60	135.31	0.00			
		6,545.62				
	Extd Total: PARKING UTILITY O/E: OTHER EXPENSES:	6,545.62				
	Department Total: PARKING UTILITY O/E: OTHER EXPENSES:	6,545.62				
	CAFR Total:	6,545.62				
	Fund Total: PARKING UTILITY: BUDGET:	6,545.62				

Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
Fund: SEWER UTILITY: BUDGET:						
Department: SEWER UTILITY O/E: OTHER EXPENSES:						
Extd: SEWER UTILITY O/E: OTHER EXPENSES:						
8-07-55-502-000-201	SEWER UTILITY O/E: General Plant					
HACCEM HACH COMPANY	18-00164 Various Material, Parts, etc			254.88	0.00	B
TREDEP TREASURER-STATE NJ - NJDEP	18-02936 #181510760 License Renewal Fee			50.00	0.00	
TREDEP TREASURER-STATE NJ - NJDEP	18-02937 #181510770 License Renewal Fee			50.00	0.00	
VERIZON VERIZON WIRELESS	18-02979 #485430396-00001 7/26-8/25/18			169.02	0.00	
RUDCOR RUDY CORONA	18-03090 REIMBURSEMENT OF LICENSE			103.90	0.00	
				<u>627.80</u>		
8-07-55-502-000-211	SEWER UTILITY O/E: Light & Power					
NJAMER N.J. AMERICAN WATER CO.	18-03012 #1018-220024273714 8/3 - 9/5			6,493.29	0.00	
8-07-55-502-000-218	SEWER UTILITY O/E: Contract Services					
WATSPR WATCHUNG SPRING WATER CO., INC.	18-00365 Deer Park Spring Water, etc			53.11	0.00	B
RAPPUM RAPID PUMP & METER SERVICE	18-02862 #RSR156809 Service Call 8/09			1,418.43	0.00	
ANSWER ANSERCOMM COMMUNICATIONS	18-02897 #M4541-082018 Answering Svcs			161.63	0.00	
SECWOR SECURITY WORLD INC.	18-02960 #54794 Service Call & Labor			305.00	0.00	
MUNCAP MUNICIPAL CAPITAL CORPORATION	18-03067 #16024:PMT. 35 OF 60			75.00	0.00	
MUNCAP MUNICIPAL CAPITAL CORPORATION	18-03068 #16024:PMT. 36 OF 60			75.00	0.00	
OPTIMUM OPTIMUM	18-03088 Account No. 07866-152521-04-4			100.55	0.00	
				<u>2,188.72</u>		
8-07-55-502-000-220	SEWER UTILITY O/E: Accounting					
AMEWAT AMERICAN WATER	18-03085 Usage data 4000153118 09/18/18			391.04	0.00	
8-07-55-502-000-224	SEWER UTILITY O/E: Sludge Removal					
PASVAL PASSAIC VALLEY SEWERAGE COM.	18-02861 #515391 Disposal of Sludge			15,491.25	0.00	
8-07-55-502-000-230	SEWER UTILITY O/E: Hypochlorite					
MIRCHE MIRACLE CHEMICAL COMPANY	18-02993 #31472 Sodium Hypochlorite			3,114.00	0.00	
Extd Total: SEWER UTILITY O/E: OTHER EXPENSES:				28,306.10		
Department Total: SEWER UTILITY O/E: OTHER EXPENSES:				28,306.10		
CAFR Total:				28,306.10		
Fund Total: SEWER UTILITY: BUDGET:				28,306.10		
Year Total:				236,020.33		
Fund: GRANT FUND BUDGET:						
G-02-43-871-016-200	2016 NJDHMS Mental Health Grant					
HOMDRU HOME DRUG	16-03749 Medication Assitance Blanket			80.00	0.00	B
Extd Total:				80.00		
G-02-43-871-017-200	2017 Mental Health Grant					
HOMDRU HOME DRUG	17-04094 Medication Assitance Blanket			10.00	0.00	B
Extd Total:				10.00		
Department Total:				90.00		

Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
G-02-43-886-018-200	2018 Mental Health Grant					
DOUSCH DOUGLAS SCHULTZ		18-03013	County Conference Freehold	70.00	0.00	
	Extd Total:			70.00		
	Department Total:			70.00		
	CAFR Total:			160.00		
	Fund Total: GRANT FUND BUDGET:			160.00		
	Year Total:			160.00		
Fund:	ANIMAL CONTROL FUND BUDGET:					
T-12-56-850-000-801	Reserve for Animal Control					
MGLFOR MGL FORMS-SYSTEMS, LLC		18-02515	2019 Dog tags	240.00	0.00	
NJDEPH NJ DEPT.HEALTH/SNR.SERV.		18-02947	August Dog Report 2018	46.20	0.00	
				<u>286.20</u>		
	Extd Total:			286.20		
	Department Total:			286.20		
	CAFR Total:			286.20		
	Fund Total: ANIMAL CONTROL FUND BUDGET:			286.20		
Fund:	TRUST OTHER					
T-20-56-850-868-801	Reserve for P.O.A.A.					
OFFBUS OFFICE BUSINESS SYSTEMS, INC.		18-02680	digital recorder	6,218.00	0.00	
	Extd Total:			6,218.00		
T-20-56-850-878-801	Reserve for Recreation					
SAHSAM SAHARA SAMS OASIS & OUTDOOR		18-02012	summer camp activity	3,327.75	0.00	B
	Extd Total:			3,327.75		
T-20-56-850-909-801	Reserve for Tax Sale Premiums					
FNADZL FNA DZ LLC DBA/FNA DZ LLC		18-02876	PREMIUM TSC-16-00036	3,100.00	0.00	
FNANJ FNA NJ, LLC		18-02910	Premium 1301/6 16.00098	1,800.00	0.00	
FNADZ FNA DZ, LLC FBO WSFS		18-02920	Premium 1706/21 17-00191	7,200.00	0.00	
CITASP CITY OF ASBURY PARK		18-03001	Excess premium account	<u>136,312.43</u>	0.00	
				148,412.43		
	Extd Total:			148,412.43		
T-20-56-850-933-301	Reserve for National Night Out					
CRAPRI CRAFTMASTER PRINTING, INC.		18-02132	print project for NNO	504.80	0.00	
VIPPAR VIP PARTY RENTALS LLC		18-03089	INV #334 SERVICES RENDERED ON	<u>275.00</u>	0.00	
				779.80		
	Extd Total:			779.80		
	Department Total:			158,737.98		
	CAFR Total:			158,737.98		
	Fund Total: TRUST OTHER			158,737.98		

Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
Fund:	PLANNING & ZONING ESCROW FUND BUDGET:					
CAFR:	PLANNING & ZONING ESCROW FUND BUDGET:					
T-21-00-037-000-299	633 COOKMAN AVE-REI GROUP III					
PATFAS PAT FASANO	18-02875 Return of Escrow Balance			120.58	0.00	
	Extd Total:			120.58		
	Department Total:			120.58		
T-21-00-401-000-299	1201 JEFFREY STREET(GARY LUNGAR)					
CLACAN CLARKE CATON HINTZ PC	18-02916 CCH PB-ZB Invoices			1,261.60	0.00	
	Extd Total:			1,261.60		
	Department Total:			1,261.60		
T-21-00-423-000-299	1607 ASBURY AVE(MT.ZION ASSEMBLY OF GOD)					
CLACAN CLARKE CATON HINTZ PC	18-02916 CCH PB-ZB Invoices			1,050.61	0.00	
	Extd Total:			1,050.61		
	Department Total:			1,050.61		
T-21-00-424-000-299	506 7TH AVENUE(MARK MASSARO)					
JACSER JACK A. SERPICO	18-02918 Serpico ZB Invoices 07/2018			300.00	0.00	
	Extd Total:			300.00		
	Department Total:			300.00		
T-21-00-427-000-299	1107 5TH AVENUE(M.LOPER & M.RODRIGUEZ)					
JACSER JACK A. SERPICO	18-02918 Serpico ZB Invoices 07/2018			225.00	0.00	
	Extd Total:			225.00		
	Department Total:			225.00		
T-21-00-429-000-299	208 THIRD AVENUE(209-213 FOURTH AVENUE)					
JACSER JACK A. SERPICO	18-02918 Serpico ZB Invoices 07/2018			75.00	0.00	
	Extd Total:			75.00		
	Department Total:			75.00		
T-21-00-431-000-299	1206 COMSTOCK STREET (SARA NORDSTROM)					
STSHOR ST SHORTHAND REPORTING SERVICE	18-02919 STATE SHORTHAND INVOICES 08/18			250.00	0.00	
	Extd Total:			250.00		
	Department Total:			250.00		
T-21-00-434-000-299	HECK ST. & 3RD AVE.(MDB PROPERTIES, LLC)					
CLACAN CLARKE CATON HINTZ PC	18-02916 CCH PB-ZB Invoices			925.00	0.00	
	Extd Total:			925.00		
	Department Total:			925.00		

Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
Department: LIGHTING						
T-21-00-435-000-299 JACSER JACK A. SERPICO	701 6TH AVENUE(STEVEN M.& WENDY GRONICH)	18-02918	Serpico ZB Invoices 07/2018	150.00	0.00	
	Extd Total:			150.00		
	Department Total: LIGHTING			150.00		
T-21-00-437-000-299 CLACAN CLARKE CATON HINTZ PC	703 7TH AVENUE(DON FARINEAU)	18-02916	CCH PB-ZB Invoices	943.85	0.00	
	Extd Total:			943.85		
	Department Total:			943.85		
T-21-00-438-000-299 JACSER JACK A. SERPICO	534 PROSPECT AVENUE(JONATHAN BLATT)	18-02918	Serpico ZB Invoices 07/2018	75.00	0.00	
	Extd Total:			75.00		
	Department Total:			75.00		
T-21-00-441-000-299 JACSER JACK A. SERPICO	1201 MONROE/1500 SEWALL(BOYS&GIRLS CLUB)	18-02918	Serpico ZB Invoices 07/2018	150.00	0.00	
	Extd Total:			150.00		
	Department Total:			150.00		
T-21-00-443-000-299 JACSER JACK A. SERPICO	1519 3RD AVENUE(3 SUNSET DRIVE,LLC)	18-02917	Serpico PB Invoices 06-07.18	225.00	0.00	
	Extd Total:			225.00		
	Department Total:			225.00		
T-21-00-446-000-299 JACSER JACK A. SERPICO	1219 1ST AVENUE(KAREN PROPP)	18-02918	Serpico ZB Invoices 07/2018	112.50	0.00	
	Extd Total:			112.50		
	Department Total:			112.50		
T-21-00-456-000-299 JACSER JACK A. SERPICO	PARKVIEW AP(INTERFAITH NEIGHBORS)	18-02917	Serpico PB Invoices 06-07.18	225.00	0.00	
	Extd Total:			225.00		
	Department Total:			225.00		
	CAFR Total: PLANNING & ZONING ESCROW FUND BUDGET:			6,089.14		
	Fund Total: PLANNING & ZONING ESCROW FUND BUDGET:			6,089.14		
Fund:	HOWELL/ASBURY PARK RCA BUDGET:					
T-38-56-850-850-802 CHTROT Charles Trott & M&J Renovation	HOWELL/ASBURY PARK RCA - Miscellaneous	18-00442	RCA Rehab Not To Exceed	16,500.00	0.00	B

Attachment: Bill List 9-26-18 (2018-345 : Payment of Bills)

Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
T-38-56-850-850-802	HOWELL/ASBURY PARK RCA - Miscellaneous		Continued			
MONCLE MONMOUTH COUNTY CLERK		18-02912	Invoice 2249156	80.00	0.00	
				16,580.00		
	Extd Total:			16,580.00		
	Department Total:			16,580.00		
	CAFR Total:			16,580.00		
	Fund Total: HOWELL/ASBURY PARK RCA BUDGET:			16,580.00		
	Year Total:			181,693.32		
Total Charged Lines:	335	Total List Amount:	417,873.65	Total Void Amount:	0.00	

Totals by Year-Fund							
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
CURRENT	8-01	198,221.26	0.00	198,221.26	0.00	0.00	198,221.26
BEACH	8-05	2,947.35	0.00	2,947.35	0.00	0.00	2,947.35
PARKING UTILITY:	8-06	6,545.62	0.00	6,545.62	0.00	0.00	6,545.62
SEWER UTILITY: BU	8-07	28,306.10	0.00	28,306.10	0.00	0.00	28,306.10
Year Total:		236,020.33	0.00	236,020.33	0.00	0.00	236,020.33
GRANT FUND BUDGET	G-02	160.00	0.00	160.00	0.00	0.00	160.00
ANIMAL CONTROL FU	T-12	286.20	0.00	286.20	0.00	0.00	286.20
TRUST OTHER	T-20	158,737.98	0.00	158,737.98	0.00	0.00	158,737.98
PLANNING & ZONING	T-21	6,089.14	0.00	6,089.14	0.00	0.00	6,089.14
HOWELL/ASBURY PAR	T-38	16,580.00	0.00	16,580.00	0.00	0.00	16,580.00
Year Total:		181,693.32	0.00	181,693.32	0.00	0.00	181,693.32
Total Of All Funds:		417,873.65	0.00	417,873.65	0.00	0.00	417,873.65



RESOLUTION NO. 2018-346

**City of Asbury Park
County of Monmouth
State of New Jersey**

AUTHORIZING THE EXECUTION OF “ADDENDUM B TO USE AND LICENSE AGREEMENT” WITH SHN FESTIVALS, LLC, CONCERNING A LIVE CULTURAL MUSIC AND ART FESTIVAL TO BE HELD IN A DESIGNATED PORTION OF THE ASBURY PARK WATERFRONT AREA FROM SEPTEMBER 28, 2018 THROUGH SEPTEMBER 30, 2018

WHEREAS, by Resolution No. 2018-303, which was adopted on August 22, 2018, the Mayor and Council of the City of Asbury Park (the “City”) authorized the execution of a Use and License Agreement (the Agreement”) and Addendum A thereto, between the City and SHN Festivals, LLC (“SHN”), relating to a proposed live cultural music and art festival and related activities (collectively referenced as the “event”) to be held in a designated portion of the Asbury Park waterfront area from Friday, September 28, 2018 through Sunday, September 30, 2018; and

WHEREAS, the parties have determined to revise certain language as set forth in the Agreement; and

WHEREAS, the proposed revisions are set forth in the attached “Addendum B to Use and License Agreement” (hereinafter “Addendum B”); and

WHEREAS, the City Council wishes to approve the attached Addendum B, and to authorize the Mayor to execute and the Municipal Clerk to attest the same.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the City Council of the City of Asbury Park, as follows:

1. That the attached “Addendum B to Use and License Agreement” (“Addendum B”) between the City and SHN Festivals, LLC is hereby approved by the City of Asbury Park.
2. That the Mayor is hereby authorized to execute and the Municipal Clerk to attest said Addendum B, on behalf of the City.
3. That a certified copy of this Resolution shall be provided to each of the following:
 - a. SHN Festivals, LLC
c/o Tim Sweetwood

C3 Presents
634 N. Highland Ave., NE
Atlanta, GA 30306

- b. Michael Capabianco, City Manager
- c. Kevin Keddy, Deputy City Manager/Fire Chief
- d. David Kelso, Deputy Police Chief
- e. Frederick C. Raffetto, Esquire, City Attorney

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2018-346 which was finally adopted by the City Council at a meeting held on the 26th day of September, 2018

CERTIFIED BY ME THIS 27th DAY OF September, 2018.

CINDY A. DYE
CITY CLERK

ADDENDUM B TO USE AND LICENSE AGREEMENT

This Addendum B to that certain Use and License Agreement (the “Agreement”) by and between the City of Asbury Park (the “City”) and SHN Festivals, LLC (“SHN”) dated August 22, 2018, of which this Addendum B is made a part, hereby supplements and amends the Agreement as follows:

1. The due date for payment of all fees and costs due to the City by SHN, as set forth in Section 2 of the Agreement, is hereby extended through the close of business on Friday, September 21, 2018.
2. Exhibit B to the Agreement, captioned “Permits/Fees,” is hereby amended in order to delete item #'s 1, 2 and 3, which previously required payment of a separate fee by SHN for each of the following:
 - (1) Special Event Permit (\$5,000.00);
 - (2) Beach Rental Fee (\$7,500.00); and
 - (3) Park Rental Fee (\$7,500.00).

The above fees are to be considered included as part and parcel of the \$75,000.00 fee for the Festival, as per Section 2(a) of the Agreement.

3. All other terms and conditions set forth in the Agreement, as well as Addendum A thereto, as executed on August 22, 2018, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals or caused these presents to be signed by their proper corporate officers and their proper corporate seal affixed hereto, the day, and year above stated.

WITNESS:

The City of Asbury Park

Cindy A. Dye, City Clerk

By: _____
John Moor, Mayor

SHN Festivals, LLC

By: _____
Tim Sweetwood, C3 Presents
President

Attachment: Addendum B to Use and License Agreement (2018-346 : Addendum B - Sea Hear Now)



RESOLUTION NO. 2018-347

**City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION AMENDING THE METERED PARKING REQUIREMENTS FOR THE WATERFRONT AREA OF THE CITY, EFFECTIVE DURING THE SEA.HEAR.NOW FESTIVAL

WHEREAS, the requirements concerning metered parking in the downtown and waterfront areas of the City of Asbury Park (“the City”) were established per Ordinance No. 2982 (the “Ordinance”), which was adopted by the Mayor and City Council on May 19, 2011, and which has subsequently been amended; and

WHEREAS, the Mayor and Council have previously taken action by Resolution to modify the metered parking requirements as set forth in the Ordinance for certain temporary periods of time for various reasons; and

WHEREAS, as an incentive to encourage alternative modes of transportation to the Sea.Hear.Now Festival on September 29th - 30th, the Mayor and Council wish to temporarily adjust the metered parking rates in the waterfront zone so as to continue the peak (summer) season rates of \$2.00/hour for the two weekend days; and

WHEREAS, the purpose of this Resolution is to memorialize this temporary adjustment of the metered parking rates.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Mayor and City Council of the City of Asbury Park that the metered parking rates in the waterfront zone, as established per Ordinance No. 2982, as amended, are hereby adjusted so as to continue the peak (summer) season rates of \$2.00/hour on Saturday, September 29th and Sunday, September 30th.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2018-347 which was finally adopted by the City Council at a meeting held on the 26th day of September, 2018

CERTIFIED BY ME THIS 27th DAY OF September, 2018.

CINDY A. DYE
CITY CLERK



RESOLUTION NO. 2018-348

**City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION AWARDING A CONTRACT FOR INSTALLATION OF PLAYGROUND EQUIPMENT

WHEREAS, the City received a Quote dated July 2, 2018, from MRC for Playground Equipment for Atkins Avenue Park more specifically described in Quote #142307 attached hereto and incorporated herein by reference; and

WHEREAS, the City is desirous of purchasing the Playground Equipment set forth in Quote #142307 and pursuant to the Local Public Contract Law a Resolution is required to be passed stating the City's intention to utilize State or Cooperative Contract to obtain the said playground equipment; and

WHEREAS, the City is utilizing Community Block Grant Funds (CDBG) to pay for these improvements; and

WHEREAS, the costs are as follows:

- Playground equipment; ESCNJ Contract #17/18-20 in the amount of \$67,512.74
- Safety surfacing; ESCNJ Contract #17/18-20 in the amount of \$31,024.10

WHEREAS, the total cost is \$98,536.84; and

WHEREAS, the City Manager is hereby authorized to sign paperwork for acquisition of the playground equipment off of the ESCNJ Contract as set forth in the Quote dated July 2, 2018, attached hereto and incorporated herein by reference; and

WHEREAS, The Chief Financial Officer has certified that funds are available in the following accounts T-17-74-850-850-806 and T-17-75-850-850-002. The maximum dollar value of the pending contract is as set forth in the resolution.

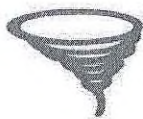
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Asbury Park, County of Monmouth and State of New Jersey that the City of Asbury Park authorizes the acquisition of the playground equipment more specifically described in Quote #142307 dated July 2, 2018, attached hereto and incorporated herein by at a total cost of \$98,536.84; and

BE IT FURTHER RESOLVED the City Manager shall be authorized to sign paperwork regarding the said purchase; and

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2018-348 which was finally adopted by the City Council at a meeting held on the 26th day of September, 2018

CERTIFIED BY ME THIS 26th DAY OF September, 2018.

CINDY A. DYE
CITY CLERK



Whirl Construction, Inc.

ESTABLISHED 1982

187 Main Street, P.O. Box 110, Port Monmouth, NJ 07758
Phone (732) 495-3715 • Fax (732) 495-6133
Email: info@whirlconstruction.net
www.whirlconstruction.net

PROPOSAL / AGREEMENT

Page 1 of 2

City of Asbury Park Ph: 732-502-5755 06-26-18
Cassandra.dickerson@cityofasburypark.com
Michael.capabianco@cityofasburypark.com

PROPOSAL SUBMITTED TO	PHONE	DATE
One Municipal Plaza	Asbury Park, New Jersey 07712	071817B
STREET	CITY STATE ZIP	QUOTE#
Cassandra Dickerson	Atkins Park – Polygon Shelter	Asbury Park
Michael Capabianco		
ATTN	JOB NAME	LOCATION

We hereby submit specifications and estimates for:

*Supply only: One (1) Polygon HXE-32MR.....\$20,760.00

*(Please Note: Supply is based on A.F. Ramondo & Son, Co.,
New Jersey State Contract – 16-FLEET-00123.)

Install only: One (1) Polygon HXE-32MR.....\$24,620.00

(Please Note: Installation is not covered under state contract.)

THIS FORM MUST BE SIGNED AND RETURNED TO SCHEDULE INSTALLATION

Notes: Unless otherwise stated, Whirl is not responsible for accepting delivery or storage of equipment, or site preparation. Permit(s) and permit fees, if required, are the responsibility of the customer. Site security for rubber safety surface installation by others. Sharp objects (i.e., sports spikes, heeled shoes, etc.) will damage rubber surface and void surface warranties. Unforeseen subsurface obstructions may incur additional charges. The owner or general contractor shall hold Whirl harmless in the event of injury due to lack of, or insufficient, resilient surface. Customer is responsible for disposal of packing material. All excavated material is to remain on site. Unless otherwise stated, it is assumed that we are working on a flat, dirt surface. Owner is responsible for direct access to site for large trucks. All work is to be done in one move. Customer is responsible for locating any privately owned utilities. Any unmarked utilities damaged during contracted work will be the responsibility of the owner or his representative. ALL Equipment Installed Per Manufacturers' Specifications. Finance charge of 1.5% will be added where applicable on payments rec'd after net 30 days. Add tax where applicable.

We propose: hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:

Please select and initial above option(s) DOLLAR

Payment to be made as follows:

Purchase order due with signed proposal.

All material is guaranteed specified. All work is to be completed in a workmanlike manner according to standard practice. Any alteration or division from above specifications involving extra costs will be executed upon written orders, and will become an extra charge over and above the estimate. All agreements are contingent upon strikes, accidents or delays beyond our control. Owner is to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized Signature: Jim Davis

Jim Davis

Note: This proposal maybe withdrawn by
us if not accepted within 30 days.

Acceptance of proposal: The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

VISIT US AT WWW.WHIRLCONSTRUCTION.NET

WHIRL CONSTRUCTION - Proposal/Contract continued

Page 2 of 2

WARRANTY OF AUTHORITY- Each person who executes this contract on behalf of any entity represents and warrants that he or she has the authority of the shareholders, and/or members, and/ or officers, to execute on behalf of said entity, and agrees to indemnify and hold harmless each other party from any claim that such authority did not exist.

APPLICABLE LAW- All parties to this contract hereby agree that this contract is to be deemed accepted, executed and delivered in the Township of Middletown, County of Monmouth, State of New Jersey and that this contract shall be governed by, construed, and enforced in accordance with the laws of the State of New Jersey, without giving effect to the principles of conflicts of law.

AMENDMENTS- Any amendments to this contract shall be in writing and signed by both parties.

CAPTIONS- The captions, headings, and arrangements used in this contract are for the convenience only and do not in any way effect, limit, amplify, or modify the terms and provisions hereof.

NOTICES- Any notice required or desired to be given pursuant to this contract shall be in writing and mailed certified mail to the respective parties.

BINDING EFFECT- This contract shall be in binding on all parties hereto, and shall insure to the benefit of the successors and assigns of the parties hereto.

CONSTRUCTION- Each party to this contract has reviewed this contract prior to execution. Accordingly, the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party and shall not be employed in the interpretation of this contract.

EFFECT OF BREACH OF CONTRACT- In the event either party breaches this contract, either party may avail itself of all remedies provided by law or equity.

ATTORNEY'S FEES- In the event of a breach of this contract, the prevailing party shall be entitled to reasonable attorney's fees in connection with the enforcement, and/or defense of this contract.

ENTIRE CONTRACT- This contract constitutes the parties complete and exclusive statement of their contract on the subject matter covered by this contract, and it supersedes all previous contracts, promises, and/or representations regarding the subject matter.

Date of acceptance: _____

Signature: _____

Title: _____

Print name: _____



MRC

MRC
PO Box 106
Spring Lake, NJ 07762
Ph: 732-458-1111
Fx: 732-974-0226
Email: MRC@GAMETIME.COM
Web: www.mrcrec.com

Cost Colers

new 9/15/18
as of

QUOTE
#142307

07/02/2018

NJ Asbury Park City of Atkins Park Playground Equipment 7.2.18

Asbury Park City of
Attn: Purchasing
1 Municipal Plaza
Asbury Park, NJ 07712

Project #: P85496
Ship To Zip: 07758

\$67,512.74

Quantity	Part #	Description	Unit Price	Amount
1	13575	Game Time - Joint Use Chin-Up Bar Station	\$1,074.00	\$1,074.00
1	13565	Game Time - Fitness Sign Post For Sticker	\$190.00	\$190.00
1	13556I	Game Time - Lat Pull Down (Single)- InGround Mount	\$3,817.00	\$3,817.00
1	13563I	Game Time - Leg Extension (In Ground)	\$2,614.00	\$2,614.00
1	13569	Game Time - Step-Up Fitness Station	\$1,289.00	\$1,289.00
1	13565	Game Time - Fitness Sign Post For Sticker	\$190.00	\$190.00
1	13570	Game Time - Sit-Up Station	\$1,182.00	\$1,182.00
1	13565	Game Time - Fitness Sign Post For Sticker	\$190.00	\$190.00
1	13587I	Game Time - Push Up Hi In ground	\$966.00	\$966.00
1	RDU	Game Time - GameTime Custom PrimeTime 2-5/5-12 Unit	\$29,079.00	\$29,079.00
3	28017	Game Time - 46" Food Court Table	\$1,645.00	\$4,935.00
1	28009	Game Time - 6' P/S Bench W/Back Inground	\$639.00	\$639.00
1	13577	Game Time - Assisted Horizontal Chin Up Station	\$1,676.00	\$1,676.00
1	13565	Game Time - Fitness Sign Post For Sticker	\$190.00	\$190.00
1	13573	Game Time - Log Hop Station	\$1,182.00	\$1,182.00
1	13565	Game Time - Fitness Sign Post For Sticker	\$190.00	\$190.00
1	INSTALL	Game Time - Installation by Whirl Construction, a Certified GameTime Installer	\$19,000.00	\$19,000.00

*8189.55
more For Playground*





Whirl Construction, Inc.

ESTABLISHED 1982

194 Main Street, P.O. Box 110, Port Monmouth, NJ 07758

Phone (732) 495-3715 • Fax (732) 495-6133

Email: info@whirlconstruction.net

www.whirlconstruction.net

July 2, 2018

City of Asbury Park
Att: Ms. Cassandra Dickerson
One Municipal Plaza
Asbury Park, NJ 07712

RE: Atkins Park – Playground and Fitness Equipment

Dear Ms. Dickerson:

Attached herein is the updated pricing you requested for Atkins Park. This quote includes the price of the GameTime 2-12 Custom PrimeTime modular unit, along with the fitness equipment and site amenities. Also included is our installation pricing for all equipment.

If you have any questions, please email or call me.

Thank you.

Sincerely,

Jim Davis, President
Whirl Construction, Inc.
Attach. 4 pgs.
JD/lis

VISIT US AT WWW.WHIRLCONSTRUCTION.NET



SPORTS & RECREATION

MRC
PO Box 106
Spring Lake, NJ 07762
Ph: 732-458-1111
Fx: 732-974-0226
Email: MRC@GAMETIME.COM
Web: www.mrcrec.com

QUOTE
#142307

07/02/2018

NJ Asbury Park City of Atkins Park Playground Equipment 7.2.18

ESCNJ Contract - #ESCNJ 17/18-20

Shipping to Whirl Construction's yard in Port Monmouth, NJ.

Installation by Whirl Construction, a Certified GameTime Installer, is included in the above price.

No safety surfacing is included in the above price.

Sales tax is not include. Please supply a copy of your tax exempt certificate when placing your order.

KD/jm

Contract: ESC New Jersey

CHOOSE YOUR COLOR SCHEME: IT IS VERY IMPORTANT THAT YOU CHOOSE A COLOR SCHEME FOR YOUR MODULAR PLAYGROUND UNIT AT TIME OF ORDER. PLEASE SELECT FROM ONE OF THE MANY "PLAY PALETTES" LISTED IN THE BACK OF THE GAMETIME CATALOG OR ON OUR WEBSITE: www.gametime.com. INDICATE YOUR SELECTION BELOW.

GAMETIME PLAY PALETTE: NOTE: COLOR SELECTION FOR ALL OTHER EQUIPMENT SHOULD BE ENTERED IN THE SPACE PROVIDED UNDER THAT SPECIFIC ITEM.

SubTotal:	\$68,403.00
Discount:	(\$4,259.33)
Freight:	\$3,369.07
Total Amount:	\$67,512.74

Attachment: Atkins Park price quote (2018-348 : Awarding a contract for installation of playground equipment)





sport, site, play.

MRC
PO Box 106
Spring Lake, NJ 07762
Ph: 732-458-1111
Fx: 732-974-0226
Email: MRC@GAMETIME.COM
Web: www.mrcrec.com

QUOTE
#142307

07/02/2018

NJ Asbury Park City of Atkins Park Playground Equipment 7.2.18

This quotation is subject to policies in the current MANUFACTURER'S CATALOG and the following terms and conditions.

Our quotation is based on shipment of all items at one time to a single destination, unless noted, and changes are subject to price adjustment. Purchases in excess of \$1,000.00 to be supported by your written purchase order made out to **MRC Inc.** Kindly issue one order for the equipment and a separate order for surfacing and/or equipment installation services. Customer is responsible for any required permits and fees pertaining to such permits.

PRICING / PAYMENT: Pricing f.o.b. factory, firm for 30 days from date of quotation unless otherwise stated above. Payment terms: Purchase order made payable to **MRC, Inc.** Net 30 days for tax supported governmental agencies. A 1.5% per month finance charge will be imposed on all past due accounts. Equipment shall be invoiced separately from other services and shall be payable in advance of those services and project completion. Retainage not accepted.

TAXES: State and local taxes, if applicable, will be added at time of invoicing unless a tax exempt certificate is provided at the time of order entry.

FREIGHT/SHIPMENT: Freight charges: Prepaid and added at time of invoicing. Shipment: order shall ship within 30-45 days after **MRC's** receipt and acceptance of your **PURCHASE ORDER**, signed quotation and color selections.

RECEIPT OF GOODS: Customer is responsible for unloading and uncrating equipment from truck. Customer shall receive, unload and inspect goods upon arrival, noting any discrepancies on the Delivery Receipt prior to written acceptance of the shipment.

INSTALLATION: *Installation by a Gametime Certified Installer.*

- Installation assumes a flat, dirt surface with no grading preparation required.
- Gametime's installer is not responsible for any site preparation, and/or grading.
- Customer is responsible for calling **888-DIG-SAFE** a minimum of 72 hours before installation is to begin.
- Direct access is required for large construction vehicles.
- All work is to be done in one move.
- All excavated material is to remain on site.
- Customer is responsible for accepting delivery, storage of equipment and transporting equipment from storage to the site, if storage is other than installation site.
- Customer will be responsible for unloading the truck and disposal of packaging.
- The installation of the safety surfacing and/or border timbers is not included in the above price.
- Unforeseen subsurface obstructions may incur additional charges.

EXCLUSIONS: Unless specifically included, this quotation excludes all site work and landscaping; removal of existing equipment; acceptance of equipment and off-loading; storage of goods prior to installation; installation; installation tools/equipment; safety surfacing; borders and drainage provisions.

TO ORDER: Please complete the acceptance portion of this quotation and provide color selections, **PURCHASE ORDER** and other key information requested. Acceptance of this proposal indicates your agreement to the terms and conditions stated herein.





space, site, play

MRC
PO Box 106
Spring Lake, NJ 07762
Ph: 732-458-1111
Fx: 732-974-0226
Email: MRC@GAMETIME.COM
Web: www.mrcrec.com

QUOTE
#142307

07/02/2018

NJ Asbury Park City of Atkins Park Playground Equipment 7.2.18

Acceptance of quotation:

Accepted By (printed): _____

P.O. No: _____

Signature: _____

Date: _____

Title: _____

Phone: _____

Email: _____

Facsimile: _____

Purchase Amount: **\$67,512.74**

Order Information:

Bill To: _____

Ship To: _____

Contact: _____

Contact: _____

Address: _____

Tel: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

SALES TAX EXEMPTION CERTIFICATE #:
 (PLEASE PROVIDE A COPY OF CERTIFICATE)

Attachment: Atkins Park price quote (2018-348 : Awarding a contract for installation of playground equipment)



07/03/2018

07/03/2018

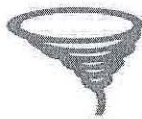
MR. [Name]
 PO Box 100
 Spring Lake, MI 49782
 Tel: 269-428-1111
 Fax: 269-428-1111
 Email: [Email]
 Website: [Website]



Atkins Park Price Quote for Playground Equipment - 2.11

Item	Description	Quantity	Unit Price	Total Price
1	Playground Equipment - 2.11	1	2.11	2.11
2	Playground Equipment - 2.11	1	2.11	2.11
3	Playground Equipment - 2.11	1	2.11	2.11
4	Playground Equipment - 2.11	1	2.11	2.11
5	Playground Equipment - 2.11	1	2.11	2.11
6	Playground Equipment - 2.11	1	2.11	2.11
7	Playground Equipment - 2.11	1	2.11	2.11
8	Playground Equipment - 2.11	1	2.11	2.11
9	Playground Equipment - 2.11	1	2.11	2.11
10	Playground Equipment - 2.11	1	2.11	2.11
11	Playground Equipment - 2.11	1	2.11	2.11
12	Playground Equipment - 2.11	1	2.11	2.11
13	Playground Equipment - 2.11	1	2.11	2.11
14	Playground Equipment - 2.11	1	2.11	2.11
15	Playground Equipment - 2.11	1	2.11	2.11
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20	Playground Equipment - 2.11	1	2.11	2.11
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29	Playground Equipment - 2.11	1	2.11	2.11
30	Playground Equipment - 2.11	1	2.11	2.11
31	Playground Equipment - 2.11	1	2.11	2.11
32	Playground Equipment - 2.11	1	2.11	2.11
33	Playground Equipment - 2.11	1	2.11	2.11
34	Playground Equipment - 2.11	1	2.11	2.11
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37	Playground Equipment - 2.11	1	2.11	2.11
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39	Playground Equipment - 2.11	1	2.11	2.11
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64	Playground Equipment - 2.11	1	2.11	2.11
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66	Playground Equipment - 2.11	1	2.11	2.11
67	Playground Equipment - 2.11	1	2.11	2.11
68	Playground Equipment - 2.11	1	2.11	2.11
69	Playground Equipment - 2.11	1	2.11	2.11
70	Playground Equipment - 2.11	1	2.11	2.11
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76	Playground Equipment - 2.11	1	2.11	2.11
77	Playground Equipment - 2.11	1	2.11	2.11
78	Playground Equipment - 2.11	1	2.11	2.11
79	Playground Equipment - 2.11	1	2.11	2.11
80	Playground Equipment - 2.11	1	2.11	2.11
81	Playground Equipment - 2.11	1	2.11	2.11
82	Playground Equipment - 2.11	1	2.11	2.11
83	Playground Equipment - 2.11	1	2.11	2.11
84	Playground Equipment - 2.11	1	2.11	2.11
85	Playground Equipment - 2.11	1	2.11	2.11
86	Playground Equipment - 2.11	1	2.11	2.11
87	Playground Equipment - 2.11	1	2.11	2.11
88	Playground Equipment - 2.11	1	2.11	2.11
89	Playground Equipment - 2.11	1	2.11	2.11
90	Playground Equipment - 2.11	1	2.11	2.11
91	Playground Equipment - 2.11	1	2.11	2.11
92	Playground Equipment - 2.11	1	2.11	2.11
93	Playground Equipment - 2.11	1	2.11	2.11
94	Playground Equipment - 2.11	1	2.11	2.11
95	Playground Equipment - 2.11	1	2.11	2.11
96	Playground Equipment - 2.11	1	2.11	2.11
97	Playground Equipment - 2.11	1	2.11	2.11
98	Playground Equipment - 2.11	1	2.11	2.11
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100	Playground Equipment - 2.11	1	2.11	2.11





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ESTABLISHED 1982

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PROPOSAL / AGREEMENT

Page 1 of 2

City of Asbury Park Ph: 732-502-5755 06-26-18

Cassandra.dickerson@cityofasburypark.com
Michael.capabianco@cityofasburypark.com

PROPOSAL SUBMITTED TO	PHONE	DATE
One Municipal Plaza	Asbury Park, New Jersey 07712	071617B
STREET	CITY STATE ZIP	QUOTE#
Cassandra Dickerson	Atkins Park – Playground &	Asbury Park
Michael Capabianco	Fitness Area – Safety Surfacing	
ATTN	JOB NAME	LOCATION

We hereby submit specifications and estimates for:

Playground Area -

*Supply and Install:

1,134 sq. ft. of stone base for Play area and curbs.....\$ 1,530.00
 138 linear feet of concrete curbs\$ 2,622.00

*Supply and Install: 1,134 sq. ft. of Poured-in-Place –
 50/50- black/ standard color @ 2.5" depth.....\$13,075.02

Fitness Area –

*Supply and Install:

1,008 sq. ft. of Stone Base.....\$ 1,275.00
 128 linear feet of concrete curbs.....\$ 2,432.00

*Supply and Install: 1,008 sq. ft. of Poured-in-Place –
 50/50 – black/standard color @ 1.5" depth.....\$10,090.08

*(Please Note: The above pricing is based on ESCNJ 17/18-18.)

THIS FORM MUST BE SIGNED AND RETURNED TO SCHEDULE INSTALLATION

Notes: Unless otherwise stated, Whirl is not responsible for accepting delivery or storage of equipment, or site preparation. Permit(s) and permit fees, if required, are the responsibility of the customer. Site security for rubber safety surface installation by others. Sharp objects (i.e., sports spikes, heeled shoes, etc.) will damage rubber surface and void surface warranties. Unforeseen subsurface obstructions may incur additional charges. The owner or general contractor shall hold Whirl harmless in the event of injury due to lack of, or insufficient, resilient surface. Customer is responsible for disposal of packing material. All excavated material is to remain on site. Unless otherwise stated, it is assumed that we are working on a flat, dirt surface. Owner is responsible for direct access to site for large trucks. All work is to be done in one move. Customer is responsible for locating any privately owned utilities. Any unmarked utilities damaged during contracted work will be the responsibility of the owner or his representative. ALL Equipment Installed Per Manufacturers' Specifications. Finance charge of 1.5% will be added where applicable on payments rec'd after net 30 days. Add tax where applicable.

VISIT US AT WWW.WHIRLCONSTRUCTION.NET

We propose: hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:

Please select and initial above option(s)

DOLLAR

Payment to be made as follows:

Purchase order due with signed proposal.

All material is guaranteed specified. All work is to be completed in a workmanlike manner according to standard practice. Any alteration or division from above specifications involving extra costs will be executed upon written orders, and will become an extra charge over and above the estimate. All agreements are contingent upon strikes, accidents or delays beyond our control. Owner is to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized Signature: Jim Davis

Note: This proposal maybe withdrawn by

Jim Davis

us if not accepted within 30 days.

Acceptance of proposal: The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

WARRANTY OF AUTHORITY- Each person who executes this contract on behalf of any entity represents and warrants that he or she has the authority of the shareholders, and/or members, and/ or officers, to execute on behalf of said entity, and agrees to indemnify and hold harmless each other party from any claim that such authority did not exist.

APPLICABLE LAW- All parties to this contract hereby agree that this contract is to be deemed accepted, executed and delivered in the Township of Middletown, County of Monmouth, State of New Jersey and that this contract shall be governed by, construed, and enforced in accordance with the laws of the State of New Jersey, without giving effect to the principles of conflicts of law.

AMENDMENTS- Any amendments to this contract shall be in writing and signed by both parties.

CAPTIONS- The captions, headings, and arrangements used in this contract are for the convenience only and do not in any way effect, limit, amplify, or modify the terms and provisions hereof.

NOTICES- Any notice required or desired to be given pursuant to this contract shall be in writing and mailed certified mail to the respective parties.

BINDING EFFECT- This contract shall be in binding on all parties hereto, and shall insure to the benefit of the successors and assigns of the parties hereto.

CONSTRUCTION- Each party to this contract has reviewed this contract prior to execution. Accordingly, the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party and shall not be employed in the interpretation of this contract.

EFFECT OF BREACH OF CONTRACT- In the event either party breaches this contract, either party may avail itself of all remedies provided by law or equity.

ATTORNEY'S FEES- In the event of a breach of this contract, the prevailing party shall be entitled to reasonable attorney's fees in connection with the enforcement, and/or defense of this contract.

ENTIRE CONTRACT- This contract constitutes the parties complete and exclusive statement of their contract on the subject matter covered by this contract, and it supersedes all previous contracts, promises, and/or representations regarding the subject matter.

Date of acceptance: _____

Signature: _____

Title: _____

Print name: _____

Cedar Forest Products Co.

SUMMERHAVEN GAZEBO

Savor every season with CFP's
Summerhaven Gazebo

Strike up the band and enjoy the shade. Families and music lovers adore the Summerhaven Gazebo. With its decorative columns and cupola, the octagon Summerhaven is the focal point for any park, public square or meeting place. Designed for public use, the Summerhaven is both durable and attractive.

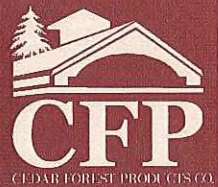


- Architectural grade, Port Orford Cedar
- Pressure-treated, glue-laminated Southern Yellow Pine hip rafters, perimeter beams and purlins
- #1 kiln-dried Southern Yellow Pine tongue and groove roof decking
- 35-year, class "A" laminate architectural shingles
- Pre-built cupola
- Roof Pitch 8/12
- Decorative top railings standard

Summerhaven	Roof Size
SH 12	12' diam.
SH 16	16' diam.
SH 20	20' diam.
SH 26	26' diam.
SH 28	28' diam.
SH 36	36' diam.

OPTIONS: Steel columns • Cedar tongue and groove roof deck • Cedar shingles • Cedar shakes • Railing • Pre-cut metal roofing • Floor system with steps • Lightning protection system • Two-tier roof system

www.cedarforestproducts.com 800-552-9495



Cedar Forest Products Co.



SUMMERHAVEN GAZEBO

Model: SF-1000
Price: \$1,200.00

Summer Haven Gazebo is a large, square gazebo with a peaked roof. It is made of aluminum and has a dark finish. The gazebo is 10 feet wide and 10 feet deep. It has a sturdy frame and is easy to assemble. It is perfect for outdoor events, parties, and picnics.



Model	Price
SF-1000	\$1,200.00
SF-1200	\$1,500.00
SF-1400	\$1,800.00
SF-1600	\$2,100.00
SF-1800	\$2,400.00
SF-2000	\$2,700.00

Summer Haven Gazebo is a large, square gazebo with a peaked roof. It is made of aluminum and has a dark finish. The gazebo is 10 feet wide and 10 feet deep. It has a sturdy frame and is easy to assemble. It is perfect for outdoor events, parties, and picnics.

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SUMMERHAVEN LAMINATED COLUMN

BUILDING STRUCTURE(S) SHALL BE SUMMERHAVEN LAMINATED COLUMN, AS FURNISHED BY CEDAR FOREST PRODUCTS COMPANY, P.O. BOX 98, POLO, ILLINOIS, 61064, USA, 815-946-3994 OR 800-552-9495.

SPECIFICATIONS

Building material package shall be as designed and manufactured by Cedar Forest Products and specified herein. Any changes or departures from design shall be explained and documented by complete engineered drawings by a registered structural engineer at least seven days prior to bid date.

LAMINATED SUPPORT COLUMNS

Structural glue laminated timber shall be in conformance with ANSI/AITC A.190.1 (latest edition) American National Standard for structural glue laminated timber. Species: laminated lumber shall be kiln-dried Port Orford Cedar, architectural appearance grade, sealed and wrapped. Laminated columns shall be sized to suit loads. Manufacturers shall furnish connection steel and hardware for joining structural glue laminated timber members to their supports, exclusive of anchorage and embedment in masonry or concrete (anchor bolts are not furnished).

ROOF SYSTEM

Roof system is designed to withstand 30 PSF live load and 20 PSF wind load on the vertical projected area. Hip rafters, perimeter beams and purlins laminated Southern Yellow Pine, precut and sized according to shelter size.

PEAK CONNECTOR

Pre-built hot rolled steel. Wood to Wood steel connections shall be designed in accordance with the requirements of American Institute of Steel Construction. Surface preparation in accordance with SSPC-SP10. Finish: prime painted. Finish Coat: DuPont Latex enamel.

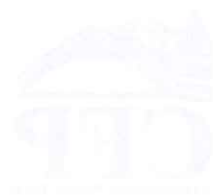
ROOF DECKING

Machine stress-rated lumber, 2700 Fb-2.2 E (nominal) 2" x 6" #1 grade, single tongue and groove with V-joint on bottom face, kiln-dried Southern Yellow Pine, maximum moisture content shall be 19% or less selected for decking. Roof decking shall be field cut, specified lengths with all joints over supports. Western Wood Products Association Grading Rules, Southern Pine Inspection Bureau (latest edition).

CUPOLA

Pre-built with cedar and pine lumber, shipped, assembled and ready to lift into place.

FASCIA



City of Peoria, Illinois

Peoria, Illinois 61601

Peoria, Illinois, is a city in Peoria County, Illinois, United States. It is the largest city in the state of Illinois and is the second largest city in the United States. The city is located on the banks of the Mississippi River, which is the largest river in the world. The city is known for its beautiful scenery and its rich history. It is a major center for commerce and industry in the region.

The city is home to many famous people, including Abraham Lincoln, who was born in Peoria. It is also home to many famous landmarks, including the Peoria Riverfront and the Peoria Zoo. The city is a major center for commerce and industry in the region.

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Peoria, Illinois

(Nominal) 2" x 8" Western Red Cedar, "D"/ Better Grade, kiln-dried, Surfaced on Four Sides, Western Wood Products Association Grading Rules-(latest edition).

SHINGLES

Class "A" fire rated, architectural grade, laminated fiberglass shingle with a 35 year limited warranty, ASTM D 3018 type 1. To be installed, over 30 lb. felt and style "D" roof edge. Roof application as per manufacturer's specifications. Color to be approved by owner/design professional. The roof slope shall be 8/12.

DECORATIVE BRACES AND OVERHEAD RAILINGS

Railings are Architectural knotty grade cedar. Plant-ons shall be D or Better inland red-cedar; precut plant-ons shall be field applied. Hardware: All bolts and lags zinc-plated galvanized nails. Coated deck screws.

STRUCTURE ERECTION

The fabricator shall furnish complete shop drawings showing necessary details. Installation of the structure shall be done with a competent supervisor in the construction trades according to Cedar Forest Products installation instructions providing proficient construction practices and procedures. The general contractor is responsible for the security of materials after its arrival at the destination. The contractor will be required to shim, cut, and make adjustments for proper building erection. Cedar Forest Products has a policy of continuous improvement and reserves the right to discontinue or change specifications without notice.

ENGINEERING

Building material packages that are designed and manufactured by Cedar Forest Products are reviewed by a registered structural engineer. Stamped structural drawings by a registered engineer licensed in the state of the project are available upon request. Structural calculations are available for an additional fee. Not included in our package is the site specific design of the foundation. No foundation stamped engineer drawings or calculations are provided by Cedar Forest Products. The purchaser must consult with a local registered structural engineer if the soil bearing conditions are different than those indicated in our drawings. The design, excavation, and construction of the structure(s) foundation must be verified by a local registered structural engineer.

Tables in gazebo 4 bar swing & situp bench



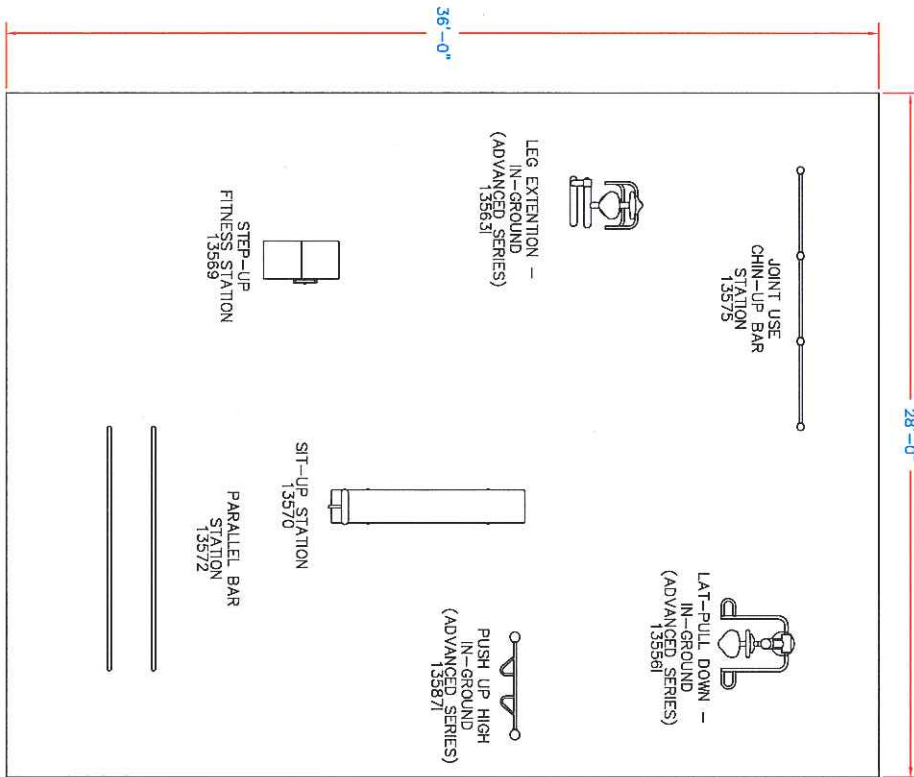
play.sites.park
800.922.0070 / www.mrcinc.com



Atkins Park - Asbury Park, NJ
Fitness Area - View B







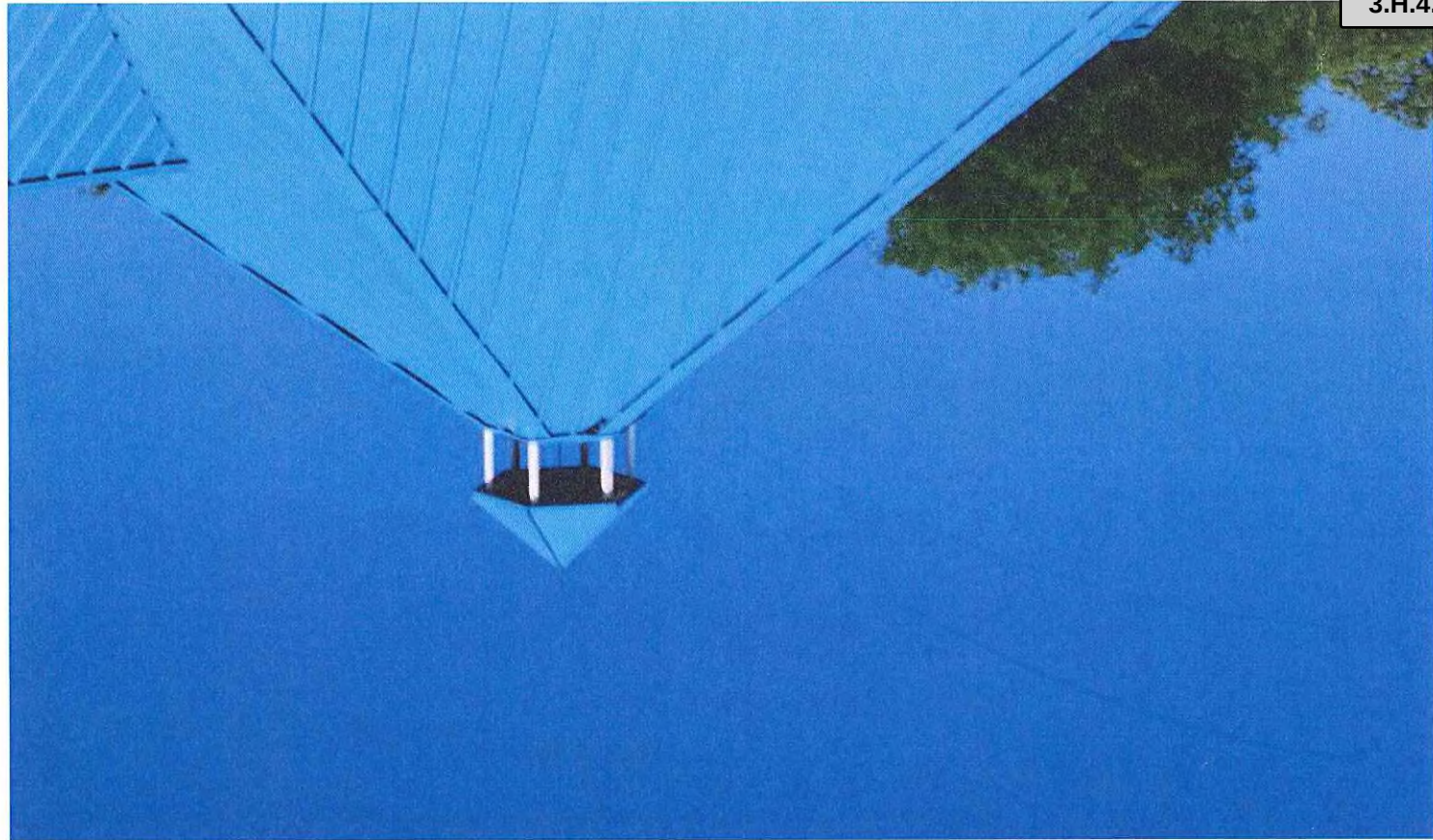
ATKINS PARK
FITNESS EQUIPMENT
ASBURY PARK, NJ
Representative
MRC

This play
equipment is
recommended
for children ages
13+

Minimum Area Required:
Scale: 1" = 5'-0"
This drawing can be
scaled only when in
an 11" x 17" format

IMPORTANT: Soft resilient surfacing
should be placed in the use zones of all
equipment, as specified for each type of
equipment, and at depths to meet the
critical fall heights as specified by the U.S.
consumer Product Safety Commission,
ASTM standard F 1487 and Canadian
Standard CANCOSA-2514

Drawn By:
KD
Date:
6.27.17
Drawing Name:
ATKINS FITNESS





playlife sport
800.922.0070 / www.mrcdec.com



Atkins Park - Asbury Park, NJ
Playground Area - View A



GameTime's Food Court Table can be designed to match your recreation space or playground. A variety of color options for seats and frames allow you to create a table that blends seamlessly into your recreation area, and the plastisol-coated seat and top provides a comfortable surface for adults or children to take a break from their activities or enjoy a picnic in the park. The heavy duty steel frame creates a durable amenity for any recreation environment. Tables are available for portable mounting. Also available in accessible ADA version.

Model Number: 28017

\$1,645

[Add to Quote Cart](#)



ColorTime's Pro-Cat can be designed to match your recreation space or environment. A variety of color options for back and trim allow you to create a look that blends seamlessly into your recreation area. The vinyl-coated steel and top provides a comfortable surface for kids to play. Take a break from their activities or enjoy a picnic in the park. The heavy-duty steel frame creates a durable structure for any recreation environment. Tables are available for additional seating and are available in accessible ADA version.

Model Number: 38017

\$1,545

Add to Quote Cart



FEATURES

- 1-5/8" galvanized pipe frame
- 1-1/16" center brace tubing
- Plastisol coated punched steel seat and top
- Powder coat frame and center base finish
- High quality, durable hardware
- Available for portable mounting

DOWNLOADS

[Product Flyer](#) [/pdf/Tuffclad-Food-Court-Table-28017]

SHARE



SPECIFICATIONS

Model: 28017

Age:

ADA ACCESSIBILITY

Accessible

Elevated

Ground Level



**Asbury Park, New Jersey
ORDINANCE NO. 2018-37**

AN ORDINANCE AMENDING SECTION 3-35, ENTITLED "SLEEPING IN PUBLIC PLACES," OF CHAPTER III, "POLICE REGULATIONS," OF THE "REVISED GENERAL ORDINANCES OF THE CITY OF ASBURY PARK, NEW JERSEY"

WHEREAS, the Mayor and Council of the City of Asbury Park (the "City") wish to make certain revisions to the City Code.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and Council of the City of Asbury Park (the "City"), in the County of Monmouth and State of New Jersey, that Section 3-35, entitled "Sleeping in Public Places," of Chapter III, "Police Regulations," of the "Revised General Ordinances of the City of Asbury Park, New Jersey," is hereby amended in the following respects (deletions are shown with ~~strikeout~~):

CHAPTER III

POLICE REGULATIONS

3-35 SLEEPING IN PUBLIC PLACES.

~~3-35.1 Definitions.~~

~~As used in this section:~~

~~Loiter shall encompass, but shall not necessarily be limited to, one or more of the following acts:~~

- ~~a. Obstruction of the free unhampered passage of pedestrians or vehicles.~~
- ~~b. Obstructing, molesting or interfering with any person lawfully upon any street, park, beach, boardwalk or other public place.~~
- ~~c. Remain idle in essentially one location without being able to establish having a legitimate business or purpose in so remaining idle or, by conduct, exhibiting the absence of a lawful purpose in so remaining idle.~~
- ~~d. Conduct involving the concept of standing idly by, loafing, walking about aimlessly without purpose and including the colloquial expression of "hanging around."~~
- ~~e. Refusing to move on when so requested by a peace officer, provided that the peace officer has exercised his/her discretion reasonably under the circumstances in order to preserve or promote public peace and order.~~

~~Open public place shall be deemed to include the quasi-public area in front of or adjacent to any store, shop, restaurant, luncheonette or other place of business and shall also include any parking lots or other vacant buildings or properties.~~

~~3-35.2~~ 3-35.1 Sleeping in Public Places Prohibited.

~~a. No person shall loiter, lounge or sleep in or upon any public street, highway, park, boardwalk, beach, pavilion or other public place, or in any public building, or obstruct access to any public building or any part thereof or obstruct passage through or upon any public street, park, beach, boardwalk or public place.~~

~~b. a.~~ It shall be unlawful for any person to sleep upon any beach, in any public park or other public place between the hours of 12:00 midnight and 8:00 a.m., local time prevailing, unless appropriate approval has been obtained from the City in advance.

~~c. b.~~ No person shall at any time use any automobile, truck or other motor vehicle, or any vehicle of any description, while the same is parked on any of the public streets, ways, or alleys, or in any public or quasi-public place, ~~driveway~~, or in any public or quasi-public lot or premises, for sleeping or living purposes.

~~d. c.~~ Unless appropriate approval has been obtained from the City in advance, ~~it~~ shall be unlawful for any person to set up tents, shacks, or any other temporary shelter for the purpose of overnight camping, ~~nor shall any person leave in any park or in~~ or on any public beach; public street, way, alley; or in any other public or quasi-public place, ~~driveway~~, lot or premises, ~~any moveable structure or special vehicle to be used or that could be used for such purpose, such as house trailer, camp trailer, camp wagon, or the like except in those areas designated for those purposes.~~

~~3-35.3~~ 3-35.2 Violations and Penalties.

Any person who is convicted of a violation of this section shall, upon conviction, be liable to the penalties set forth in Chapter I, Section 1-5.

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED, that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final passage and publication in accordance with the law, following the required twenty (20) day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2018-37 which was finally adopted by the City Council at a meeting held on the 10th day of October, 2018

CINDY A. DYE
CITY CLERK



**Asbury Park, New Jersey
ORDINANCE NO. 2018-45**

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER III “DRUG-FREE ZONES SURROUNDING PUBLIC HOUSING FACILITIES, PARKS AND PUBLIC BUILDINGS.” OF THE “CODE OF THE CITY OF ASBURY PARK, NEW JERSEY.”

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park (the “City”), in the County of Monmouth and State of New Jersey, that Chapter III “Police Regulations, Section 3” of the “Code of the City of Asbury Park, New Jersey is hereby amended and supplemented in order to amend the following:

**CHAPTER III
POLICE REGULATIONS**

3-6 DRUG-FREE ZONES SURROUNDING PUBLIC HOUSING FACILITIES, PARKS AND PUBLIC BUILDINGS.

3-6.1 Official Record of Location and Boundaries.

The map entitled, "Drug Free Zone Map," produced by the City Engineer, Brian Grant, P.E., dated February 1, 2007, and last revised April 14, 2009, and now revised by the City Engineer Christine Ballard with a map date of September 19, 2018 and certified as accurate according to the certification which may be found on file in the office of the City Clerk as annexed to Ordinance No. 2901, is hereby approved and adopted by the Mayor and City Council of the City of Asbury Park as the official finding and record of the location and boundaries of the area or areas on or within five hundred (500) feet of all real property within the City of Asbury Park that comprise a public housing facility, a public park or a public building.

3-7 DRUG-FREE SCHOOL ZONES.

3-7.1 Adoption of Drug-Free School Zone Map.

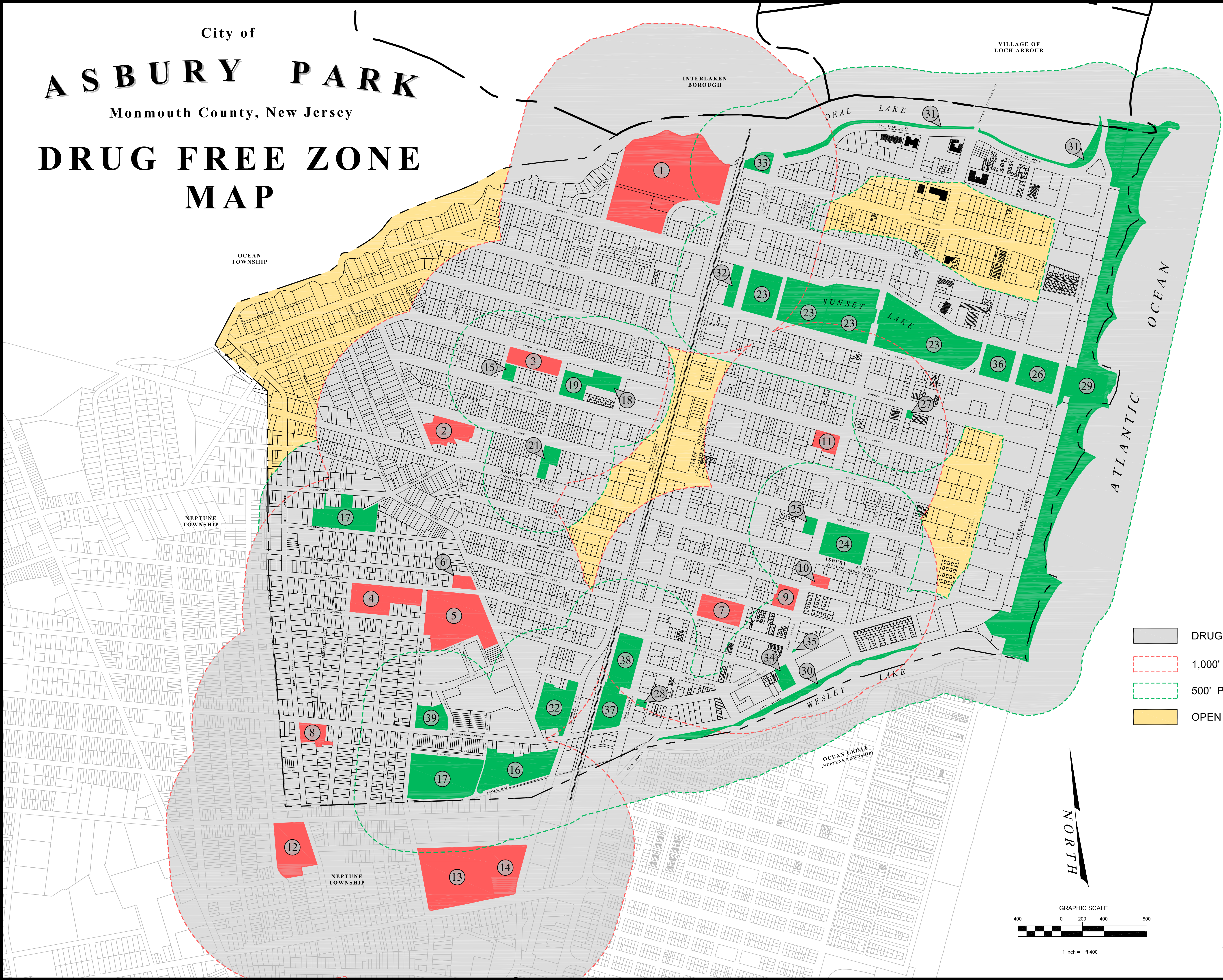
The map entitled, "Drug Free Zone Map," produced by the City Engineer, Brian Grant, P.E., dated February 1, 2007, and revised April 14, 2009, and now revised by the City Engineer Christine Ballard with a map date of September 19, 2018 and certified as accurate according to the certification which may be found on file in the office of the City Clerk as annexed to Ordinance No. 2901, is hereby approved and adopted by the Mayor and City Council of the City of Asbury Park as the official finding and record of the location and boundaries of the area or areas on or within one thousand (1,000) feet of all property within the City that is used for school purposes, or which is owned by or leased to any elementary or secondary school or school board.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO.

2018-45 which was finally adopted by the City Council at a meeting held on the 24th day of October, 2018

CINDY A. DYE
CITY CLERK

City of
ASBURY PARK
Monmouth County, New Jersey
**DRUG FREE ZONE
MAP**



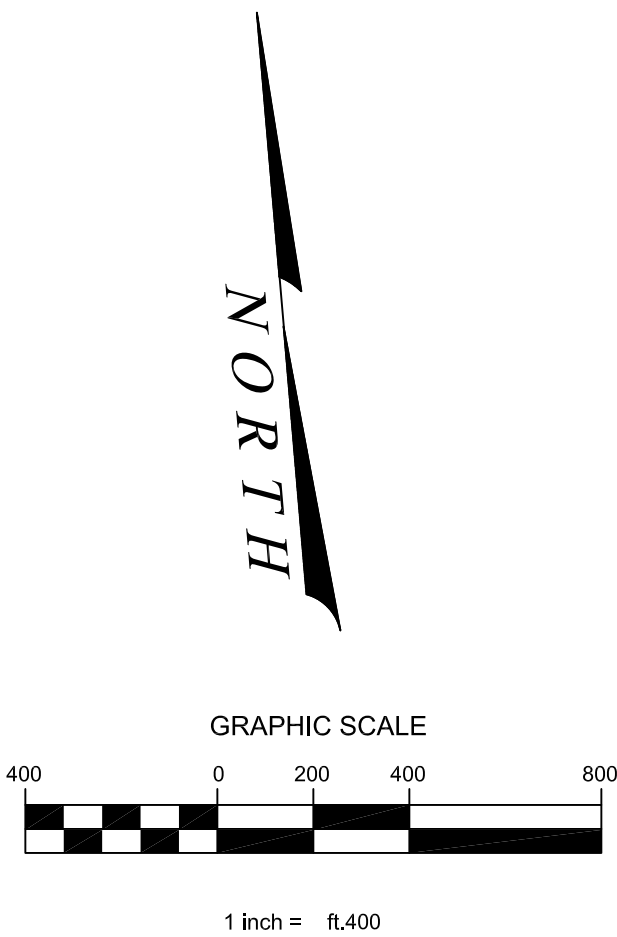
SCHOOL PROPERTY LOCATIONS

NO.	NAME OF SCHOOL	BLOCK	LOT
1	ASBURY PARK HIGH SCHOOL	101&102	1
2	OUR LADY OF MOUNT CARMEL SCHOOL	1601	3
3	BRADLEY ELEMENTARY SCHOOL	1702	1
4	BARACK OBAMA ELEMENTARY SCHOOL	1102	1
5	DR. MARTIN LUTHER KING, JR. MIDDLE SCHOOL	1203	2
6	WEST SIDE CHRISTIAN ACADEMY	1306	6
7	THURGOOD MARSHALL ELEMENTARY SCHOOL	2204	1
8	SISTERS ACADEMY	902	1
9	HOPE ACADEMY CHARTER SCHOOL	3204	6
10	COLLEGE ACHIEVE GREATER A.P. CHARTER SCHOOL (700 Grand Ave. Location)	3202	11
11	COLLEGE ACHIEVE GREATER A.P. CHARTER SCHOOL (506 Tine Ave. Elementary School)	3404	4
12	RIDGE AVENUE SCHOOL	NEPTUNE	
13	MIDTOWN COMMUNITY ELEMENTARY SCHOOL	NEPTUNE	
14	NEPTUNE EARLY CHILDHOOD CENTER	NEPTUNE	

PUBLIC PARKS, PUBLIC BUILDINGS, PUBLIC HOUSING

NO.	FACILITY NAME	BLOCK	LOT
15	BRADLEY SCHOOL ATHLETIC FIELD	1703	1
16	BOSTON WAY VILLAGE	702	1-9
17	ASBURY PARK VILLAGE	805	1
18	WASHINGTON VILLAGE	1402	14
19	ROBINSON TOWERS	304	2
20	LUMLEY BUILDINGS	304	4
21	COMSTOCK COURTS	404	1
22	LINCOLN VILLAGE	704	1
23	SUNSET LAKE PARK	2905,2908, 3901,3902	1
24	LIBRARY SQUARE PARK	3305	1
25	LIBRARY	3304	4
26	BRADLEY PARK	4103	1
27	FOURTH AVENUE, & HECK ST. TOT LOT	3403	1
28	MERCHANT'S SQUARE PARK	2407	1
29	WATERFRONT AREA, BUILDINGS BEACH AND BOARDWALK	4501, 4502	1,01, 1,01+28
30	WESLEY LAKE PARK	2411	1
31	DEAL LAKE PARK	3001,3702	1
32	FIREMAN'S MEMORIAL PARK	2904	2
33	DEAL LAKE BOAT LAUNCH AND PARK	3001	1
34	KENNEDY PARK	3105	1
35	SOLDIERS PARK	3102	1
36	ATLANTIC SQUARE	4102	1
37	TRANSPORTATION CENTER	2408	1
38	ASBURY PARK CITY HALL	2401	1
39	SPRINGWOOD AVENUE PARK	1201	1,01

- DRUG FREE ZONE
- 1,000' SCHOOL OFFSET (Grade K-12)
- 500' PARK / PUBLIC FACILITY OFFSET
- OPEN / CLEAR AREA



CHRISTINE A. BALLARD
ASBURY PARK CITY ENGINEER

LICENSED PROFESSIONAL ENGINEER
STATE OF NEW JERSEY LICENSE NO. 24GE04726700

09/19/2018
DATE



**Asbury Park, New Jersey
ORDINANCE NO. 2018-21**

**AN ORDINANCE OF THE CITY OF ASBURY PARK, COUNTY OF MONMOUTH
AND STATE OF NEW JERSEY ADDING CHAPTER TWO SECTION EIGHTY-EIGHT
"DEVELOPMENT FEES" TO THE CODE OF THE CITY OF ASBURY PARK**

Section I. Chapter Two Section Eighty-Eight, entitled "Development Fees,"
Created. That Chapter Two Section Eighty-Eight, "Development Fees" is hereby added to the Code and shall read as follows:

§ 88-1. Purpose.

- A. In *Holmdel Builder's Association v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- B. COAH was authorized by P.L. 2008, c. 46, Section 8 (N.J.S.A. 52:27D-329.2), and the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7) to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of COAH or a court of competent jurisdiction and have a COAH- or court-approved spending plan may retain fees collected from nonresidential development.
- C. In *Re: Adoption of N.J.A.C. 5:96 and 5:97* by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), also known as the Mount Laurel IV decision, the Supreme Court remanded COAH's duties to the Superior Court. As a result, affordable housing development fee collections and expenditures from the municipal affordable housing trust funds to implement municipal Third Round Fair Share Plans through July 1, 2025 are under the Court's jurisdiction and are subject to approval by the Court.
- D. This chapter establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance with P.L. 2008, c. 46, Sections 8 and 32 through 38 (N.J.S.A. 52:27D-329.2 and N.J.S.A. 40:55D-8.1 through 40:55D-8.7, respectively). Fees collected pursuant to this chapter shall be used for the sole purpose of providing low- and moderate-income housing. This chapter shall be interpreted within the framework of COAH's rules on development

fees, codified at N.J.A.C. 5:93-8.

§ 88-2. Basic requirements.

- A. This ordinance shall not be effective until approved by the Superior Court pursuant to N.J.A.C. 5:93.8.
- B. The City of Asbury Park shall not spend development fees until the Court has approved a plan for spending such fees in conformance with N.J.A.C. 5:93-8.

§ 88-3. Definitions.

The following terms, as used in this chapter, shall have the following meanings:

AFFORDABLE HOUSING DEVELOPMENT - A development that is inclusionary development, a municipal construction project containing affordable units or a one-hundred-percent affordable development. This shall include any project that contains restricted very-low, low-, moderate-, or middle-income units on or off-site. This shall also include any project that utilizes funds from the City's Regional Contribution Agreements (RCA).

COAH or THE COUNCIL - The New Jersey Council on Affordable Housing established under the Fair Housing Act

DEVELOPER - The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT FEE - Money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:93-8.

EQUALIZED ASSESSED VALUE - The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5, and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through 54:1-35c).

GREEN BUILDING STRATEGIES - Those strategies that minimize the impact of development on the environment and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

§ 88-4. Residential development fees.

- A. Imposed fees.
 - 1. Within all Zoning Districts and Redevelopment Areas, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted.

2. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application. Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5% of the equalized assessed value on the first two units; and the specified higher percentage up to six percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

B. Eligible exactions, ineligible exactions and exemptions for residential development.

1. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
2. Developments that have received preliminary or final site plan approval or are subject to an executed redevelopment or development agreement (including master redeveloper agreement) prior to the adoption of a municipal development fee ordinance shall be exempt from development fees unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
3. Renovations or additions to any single-family or two-family residence shall be exempt from paying a development fee except if the assessed value of the renovated/expanded structure is greater than or equal to 151% of the previously assessed value of the structure. Example: If the post-renovation/addition assessed value of a house originally assessed at \$100,000 structure is increased to \$151,000, the developer must pay a development fee on the increase in assessed value).
4. Buildings that are elevated or buildings that are replaced in an elevated position shall be exempt from paying a development fee provided the buildings are located in a Special Flood Hazard Area and meet the following. Notwithstanding, the exemption shall not apply if the number of residential units in the existing or demolished building is increased.
 - (i) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated to or above base flood elevation; and

- (ii) Within any AO Zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two (2) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
- 5. Buildings demolished and replaced due to being “destroyed” as a result of a fire or natural disaster (excluding flood damaged buildings that are located in the Special Flood Hazard Area) shall be exempt from paying a development fee, except:
 - (i) If the assessed value of the reconstructed structure is greater than or equal to 151% of the assessed value of the original structure (Example: If a house assessed at \$100,000 is replaced with a house assessed at \$151,000, the developer must pay a development fee on the increase in assessed value); or
 - (ii) If the number of residential units in the replacement building is greater than the number of units in the original building being demolished (Example: A single-family house is replaced with a house having three residential units).

§ 88-5. Nonresidential development fees.

A. Imposed fees.

1. Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements for all new nonresidential construction on an unimproved lot or lots.
2. Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
3. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

B. Eligible exactions, ineligible exactions and exemptions for nonresidential development.

1. The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the two-and-one-half-percent development fee, unless otherwise

exempted below.

2. The two-and-one-half-percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
3. Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as specified in the Form N-RDF, "State of New Jersey Nonresidential Development Certification/Exemption" form. Any exemption claimed by a developer shall be substantiated by that developer.
4. A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2008, c. 46, shall be subject to it at such time the basis for the exemption no longer applies and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.
5. If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by Asbury Park as a lien against the real property of the owner.

§ 88-6. Collection procedures.

- A. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the Construction Official responsible for the issuance of a building permit.
- B. For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Nonresidential Development Certification/Exemption," to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- C. The Construction Official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
- D. Within 90 days of receipt of that notice, the Municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the

development.

- E. The Construction Official responsible for the issuance of a final certificate of occupancy notifies the local Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- F. Within 10 business days of a request for the scheduling of a final inspection, the Municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- G. Should Asbury Park fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b of Section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).
- H. Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- I. Appeal of development fees.
 - 1. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by Asbury Park. Appeals from a determination of the Board may be made to the Tax Court in accordance with the provisions of the State Uniform Tax Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 - 2. A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by Asbury Park. Appeals from a determination of the Director may be made to the Tax Court in accordance with the provisions of the State Uniform Tax Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

§ 88-7. Affordable housing trust fund.

- A. There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.

- B. The following additional funds shall be deposited in the affordable housing trust fund and shall at all times be identifiable by source and amount:
1. Payments in lieu of on-site construction of affordable units;
 2. Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;
 3. Rental income from municipally operated units;
 4. Repayments from affordable housing program loans;
 5. Recapture funds;
 6. Proceeds from the sale of affordable units; and
 7. Any other funds collected in connection with Asbury Park's affordable housing program.

§ 88-8. Use of funds.

- A. The expenditure of all funds shall conform to a spending plan approved by the Court. Funds deposited in the housing trust fund may be used for any activity approved by the Court to address the City's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to, preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing nonresidential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:93-8 and specified in the approved spending plan.
- B. Funds shall not be expended to reimburse Asbury Park for past housing activities.
- C. At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.
1. Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and

assistance with emergency repairs.

2. Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
 3. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- D. Asbury Park may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:93-8.16.
- E. No more than 20% of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with annual monitoring requirements.
- F. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

§ 88-9. Monitoring.

- A. On or about June 30 of each year through 2025, Asbury Park shall provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs (“DCA”), COAH, or Local Government Services (“LGS”), or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the DCA, COAH, or LGS. This reporting shall include an accounting of all housing trust fund activity, including the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with Asbury Park' housing program, as well as to the expenditure of revenues and implementation of the plan approved by the Court.

§ 88-10. Ongoing collection of fees.

- A. The ability for Asbury Park to impose, collect and expend development fees shall expire with its Court-issued Judgement of Compliance unless Asbury Park has filed an adopted Housing Element and Fair Share Plan with the Court, has filed a

Declaratory Judgement Action, and has received the Court's approval of its development fee ordinance. If Asbury Park fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance and Repose, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to Section 20 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-320). Asbury Park shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its Judgment of Compliance and Repose, nor shall Asbury Park retroactively impose a development fee on such a development. Asbury Park shall not expend development fees after the expiration of its substantive certification or Judgment of Compliance and Repose.

Section II. Repealer. All ordinances or Code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section III. Severability. If any section, subsection, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

Section IV. Effective Date. This ordinance shall take effect upon its passage and publication, as required by law.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2018-21 which was finally adopted by the City Council at a meeting held on the 10th day of October, 2018

CINDY A. DYE
CITY CLERK



**Asbury Park, New Jersey
ORDINANCE NO. 2018-34**

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXVIII "HEALTH REGULATIONS BY ADDING SECTION 28-5 "INTENTIONAL RELEASE OF BALLOONS" OF THE "CODE OF THE CITY OF ASBURY PARK, NEW JERSEY."

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park (the "City"), in the County of Monmouth and State of New Jersey, that Chapter XX "Environmental Regulations" Section 20-4 "Intentional Release of Balloons" of the "Code of the City of Asbury Park, New Jersey is hereby amended and supplemented in order to add the following:

**CHAPTER XX
INTENTIONAL RELEASE OF BALLOONS**

28-4.1 Purpose.

It is hereby found and declared that it will be the public policy of City of Asbury Park to take action when feasible to reduce the effects of certain products utilized, placed, or released with the environment in order to protect the health and safety of the general public.

28-4.2 Release of balloons.

This section is adopted in order to protect the environment, particularly the wildlife, and the health, safety and well-being of persons and property by prohibiting the release of helium balloons into the atmosphere, including latex and mylar, as it has been determined that the release of balloons inflated with lighter-than-air gases pose a danger and nuisance to the environment, particularly to wildlife and marine animals so as to constitute a public nuisance and may pose a threat to the safety of its inhabitants and their property.

28-4.3 Prohibited releases.

It shall be unlawful for any person, firm or corporation to intentionally release, organize the release, or intentionally cause to be released balloons inflated with a gas that is lighter than air within the City of Asbury Park limits, except for:

1. Balloon released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes.
2. Hot air balloons that are recovered after launching.
3. Balloons released indoors.

28-4.4 Violations and penalties.

Any person found in violation is guilty of a non-criminal infraction punishable by a fine not to exceed the sum of \$500.

BE IT FURTHER ORDAINED that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final passage and publication in accordance with the law, following the required twenty (20) day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2018-34 which was finally adopted by the City Council at a meeting held on the 26th day of September, 2018

CINDY A. DYE
CITY CLERK



**Asbury Park, New Jersey
ORDINANCE NO. 2018-35**

**AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 26-4
“RETIREMENT BENEFITS” OF CHAPTER XXVI, “PERSONNEL POLICIES,” OF
THE “CODE OF THE CITY OF ASBURY PARK, NEW JERSEY.”**

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park (the “City”), in the County of Monmouth and State of New Jersey, that Section 26-4, entitled “Retirement Benefits”, of Chapter XXVI, “Personnel Policies,” of the “Code of the City of Asbury Park, New Jersey,” is hereby amended and supplemented in the following specific respects (additions are shown with underline; deletions are shown with ~~strikeout~~):

26-4 RETIREMENT BENEFITS.

~~Any permanent employee of the City who is a beneficiary of the retirement plan presently in effect for employees of the City of Asbury Park and who submits an application for retirement, shall be eligible for a lump sum payment as follows:~~

- ~~a. *Police Department.* Upon retirement, each permanent full-time employee shall receive one-half (1/2) of his accumulated sick time, limited to a maximum of one hundred thirty-five (135) days of full pay at the rate of pay existing on the date of the employee’s retirement.~~
- ~~b. *Fire Department.* Each permanent employee, after retirement, after having served the required number of years which make the employee eligible for retirement pay, shall receive one-half (1/2) of his accumulated sick leave time, subject to and conditioned upon, however, that the employee shall receive not more than one hundred eighty (180) days of full pay at the rate of pay in existence on the day of the employee’s retirement.~~
- ~~c. *All Other Employees.* Upon retirement, each permanent full-time employee shall receive one hundred (100%) percent of his accumulated sick leave time, subject to and conditioned upon, however, that the employee shall not receive more than two hundred twenty-five (225) days full pay at the rate of pay existing on the date of the employee’s retirement.~~

As per State statute, union contract or individual contract, as amended from time to time.

BE IT FURTHER ORDAINED that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final passage and publication in accordance with the law, following the required twenty (20) day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2018-35 which was finally adopted by the City Council at a meeting held on the 26th day of September, 2018

CINDY A. DYE
CITY CLERK



**Asbury Park, New Jersey
ORDINANCE NO. 2018-36**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER III, ENTITLED
“POLICE REGULATIONS,” OF THE “REVISED GENERAL ORDINANCES OF THE
CITY OF ASBURY PARK, NEW JERSEY,” IN ORDER TO ESTABLISH A NEW
SECTION THEREOF TO BE KNOWN AS SECTION 3-10, ENTITLED “BEGGING
AND PANHANDLING.”**

WHEREAS, the Mayor and Council of the City of Asbury Park (the “City”) recognize a constitutional right to beg or solicit in a peaceful and nonthreatening manner; and

WHEREAS, the Mayor and Council find, however, that an increase in aggressive panhandling throughout the City has become extremely disturbing and disruptive to residents and businesses and has contributed not only to the loss of access to and enjoyment of public places, but also to an enhanced sense of fear, intimidation and disorder; and

WHEREAS, aggressive panhandling usually includes, among other things, approaching or following pedestrians in a menacing manner, requests for money accompanied by intimidation or threats, the use of abusive language, unwanted physical contact, or the intentional blocking of pedestrian and vehicular traffic; and

WHEREAS, the Mayor and Council find that the presence of individuals who solicit money from persons at or near banks or automated teller machines is especially troublesome, as is the act of begging from those who are sitting at a sidewalk café or waiting in line for some purpose; and

WHEREAS, motorists also occasionally find themselves confronted by persons who, without permission, wash their automobile windows at traffic intersections despite explicit indications by drivers not to do so, which activity often carries with it an implicit threat to both persons and property; and

WHEREAS, people driving or parking on City streets occasionally find themselves faced with panhandlers seeking money by offering to perform “services” such as opening car doors or locating parking spaces; and

WHEREAS, the restrictions contained herein are intended to be narrowly tailored to serve a substantial governmental interest, and are intended not to be overbroad or vague; and

WHEREAS, the restrictions set forth herein are not intended to limit any person(s) from exercising his/her/their constitutional right to solicit, picket, protest or engage in other constitutionally protected speech or activity but, rather, to protect residents and others from the

fear and intimidation accompanying certain kinds of solicitation that have become an unwelcome and overwhelming presence within the City; and

WHEREAS, the Mayor and Council now wish to make certain revisions to the City Code with respect to begging and panhandling within the City of Asbury Park, New Jersey.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the City of Asbury Park (the “City”), in the County of Monmouth and State of New Jersey, that Chapter III, entitled “Police Regulations,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey,” is hereby amended and supplemented in order to establish a new Section thereof, to be known as Section 3-10, as follows:

CHAPTER III

POLICE REGULATIONS

3-10 BEGGING AND PANHANDLING.

3-10.1 Definitions.

As used in this section:

Aggressive Manner shall mean:

- a. Approaching or speaking to a person, or following a person before, during or after soliciting, asking or begging, if that conduct is intended or is likely to cause a reasonable person to:
 1. Fear bodily harm to oneself or to another, damage to or loss of property or the commission of an offense under the New Jersey Criminal Code upon oneself or another;
 2. Otherwise be intimidated into giving money or other item of value; or
 3. Suffer unreasonable inconvenience, annoyance or alarm.
 - b. Intentionally touching or causing physical contact with another person or with an occupied vehicle, without that person’s consent, in the course of soliciting, asking or begging.
 - c. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact.
 - d. Using violent or threatening gestures toward a person solicited.
- Ask* - see “Beg.”

Automated Teller Machine (“ATM”) shall mean a device linked to a financial institution’s account records which is able to carry out transactions including, but not limited to, account transfers, deposits, cash withdrawals, balance inquiries and mortgage and loan payments.

Automated Teller Machine Facility shall mean the area comprised of one or more automated teller machines and any adjacent space which is made available to banking customers after regular banking hours.

Bank or Check-Cashing Business shall mean any person or entity licensed by the State of New Jersey Department of Banking to engage in the business of cashing checks, drafts or money orders for consideration pursuant to the provisions of the New Jersey banking laws.

Beg shall mean using the spoken, written or printed word or bodily gestures, signs or other means with the purpose of obtaining an immediate donation of money or other item of value or soliciting the sale of goods or services.

Public Place shall mean a place to which the public or a substantial group of persons has access and includes, but is not limited to, any street, highway, parking lot, plaza, transportation facility, school, place of amusement, park, playground, any hallway, lobby and other portion of an apartment, house or hotel not constituting a room or apartment designed for actual residence. Public places shall also include door-to-door begging in an aggressive manner as defined herein.

Solicit - see “Beg.”

3-10.2 Prohibited Acts.

No person shall:

- a. Solicit, ask or beg in an aggressive manner in any public place.
- b. Solicit, ask or beg within ten (10) feet of any entrance or exit of any bank or check-cashing business during its business hours or within ten (10) feet of any ATM during the time it is available for customers’ use; provided, however, that when an ATM is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility; provided, further, that no person shall solicit, ask or beg within an automated teller machine facility where a reasonable person would or should know that (s)he does not have the permission to do so from the owner or other person lawfully in possession of such facility. Nothing in this subsection shall be construed to prohibit the lawful vending and services within such areas.
- c. Approach an operator or other occupant of a motor vehicle when such vehicle is located on any street, for the purpose of either performing or offering to

perform a service in connection with such vehicle or otherwise soliciting the sale of goods or services, if such approaching, performing, offering or soliciting is done in an aggressive manner as defined in § 3-10.1; provided, however, that this subsection shall not apply to services rendered in connection with the lawful towing of such vehicle or in connection with emergency repairs requested by the operator or other occupant of such vehicle.

- d. Solicit, ask or beg from an individual(s) who is/are sitting at a sidewalk café located on Bangs Avenue, Cookman Avenue, Lake Avenue, Main Street, the Asbury Park boardwalk, or any other location(s) within the City where a sidewalk café permit has been issued.
- e. Solicit, ask or beg from an individual(s) who is/are waiting in line for an entertainment-oriented purpose at one of the commercial venues within the City, or at a restaurant or other type of eating or drinking establishment within the City.

3-10.3 Exemptions.

The provisions of this article shall not apply to any unenclosed ATM located within any building, structure or space whose primary purpose or function is unrelated to banking activities including, but not limited to, supermarkets, airports and school buildings, provided that such ATM shall be available for use only during the regular hours of operation of the buildings, structure or space in which such machine is located.

3-10.4 Violations and Penalties.

Any violation of the provisions of this article shall constitute a violation punishable as provided in Chapter 1, § 1-5, entitled “General Penalty,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey.”

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED, that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final passage and publication in accordance with the law, following the required twenty (20) day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2018-36 which was finally adopted by the City Council at a meeting held on the 26th day of September, 2018

CINDY A. DYE
CITY CLERK



**Asbury Park, New Jersey
ORDINANCE NO. 2018-38**

**ORDINANCE OF THE CITY OF ASBURY PARK AMENDING AND
SUPPLEMENTING CHAPTER VII OF THE CODE OF THE CITY OF ASBURY PARK
REGARDING TRAFFIC AND PARKING REGULATIONS**

WHEREAS, the City of Asbury Park (the “City”) has previously established certain traffic regulations concerning prohibited parking within the City; and

WHEREAS, the previous regulations as referenced above shall be collectively referenced herein as the “prior traffic regulations”; and

WHEREAS, since adoption of the prior regulations, the parking conditions have been evaluated by the City’s Transportation Manager on a continuous basis; and

WHEREAS, the proposed new regulations are set forth in Exhibit A attached; and

WHEREAS, it is the intention of the Mayor and Council that the revisions set forth herein shall amend and supplement the Traffic Control Regulations contained within the Chapter VII, entitled “Traffic,” of the “Code of the City of Asbury Park, New Jersey,” accordingly.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park, in the County of Monmouth and State of New Jersey, that the amended parking regulations are hereby approved and adopted for use within the City of Asbury Park, and that Chapter VII, entitled “Traffic,” of the “Code of the City of Asbury Park, New Jersey,” is hereby amended and supplemented as attached as Exhibit A.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2018-38 which was finally adopted by the City Council at a meeting held on the 26th day of September, 2018

CINDY A. DYE
CITY CLERK

EXHIBIT A

Deletions are denoted as strikethrough and additions are underlined.

7-13 PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS.

No person shall park a vehicle at any time upon any streets or parts thereof described, except where other parking regulations have been provided for. (2000 Code § 7-13; Ord. No. 2121 § 1; Ord. No. 2185 § 1; Ord. No. 2320 § 1; Ord. No. 2368; Ord. No. 2449 § 1; Ord. No. 2460 § 1; Ord. No. 2476 § 1; Ord. No. 2517; Ord. No. 2665; Ord. No. 2015-28)

<i>Name of Street</i>	<i>Sides</i>	<i>Location</i>
Monroe Avenue	<u>f. North</u>	<u>Beginning at the northwestern corner of the intersection of Monroe Avenue and Prospect Avenue, continuing westerly 125 feet along the north (westbound) curbline</u>

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**Asbury Park, New Jersey
ORDINANCE NO. 2018-39**

**AN ORDINANCE AMENDING AND SUPPLEMENTING VARIOUS ARTICLES AND
SECTIONS OF CODE OF THE CITY OF ASBURY PARK**

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park (the “City”), in the County of Monmouth and State of New Jersey, that the following chapter and/or sections “of the “Code of the City of Asbury Park, New Jersey is hereby created or amended:

**CHAPTER II
“DEPARTMENT OF PLANNING AND REDEVELOPMENT”**

Section 2-17.2(a) Appointment

(a) *Appointment.* The Director of Planning and Redevelopment shall be appointed by the City Manager. The Director of Planning and Redevelopment shall also hold the title and/ or duties as found in Chapter III Land Development as: Administrative officer; Development Coordinator.

(d) The Director of Planning and Redevelopment shall also be known as the City Planner

Section 2-17.2(b) Qualifications

(3) The Director shall possess Certification from the American Institute of Certified Planners (AICP).2-17.3 Functions of the Department

(i)_. Such other related responsibilities as may be assigned by the City Manager ~~and/or the Mayor and Council~~, which are necessary for the conduct of City business.

(f) Receipt, completeness review, processing of all development or redevelopment applications and subsequently forwarding the applications to the applicable board secretaries, Federal, State or County or municipal office or other offices as required, for development within the City.

k. In the prolonged absence of the Director of Planning and Redevelopment, the respective Zoning Board and Planning Board Planner shall serve as the Administrative Officer and Development Coordinator or designee of the City Manager. If that individual or firm is not available, then the respective Board Secretary shall serve as the Administrative Officer and Development Coordinator or designee of the City Manager.

**CHAPTER III
“LAND DEVELOPMENT”**

30-7 CERTIFICATE OF RESOLUTION COMPLIANCE

30-7.1 Requirement; Zoning Officer to Issue.

No building or structure may be erected or altered nor may any building or structure or parcel of land become occupied, or the use therein changed until a Zoning Permit or Certificate of Resolution Compliance ~~Certificate of Compliance~~ is obtained from the Zoning Officer. (2000 Code § 30-7.1)

30-7.2 Necessary for Construction Permit.

Application for a Zoning Permit or Certificate of Resolution Compliance ~~Certificate of Compliance~~ must be made at the time of application for a construction permit or a mercantile license. (2000 Code § 30-7.2)

30-7.3 Necessary Prior to New Occupancy or New Use.

Should a construction permit or mercantile license not be required, the ~~Certificate of Compliance~~ Zoning Permit or Certificate of Resolution. Compliance must be obtained prior to the new occupancy or new use of a building or property. (2000 Code § 30-7.3)

30-7.4 Fee for Certificate of Resolution Compliance, Time of Payment; Compliance Required Before Issuance.

A fee of twenty (\$20.00) dollars will be charged for each Certificate of Resolution Compliance ~~Certificate of Compliance~~. Such fee will be payable at the time of application. The Certificate will be issued only after an inspection is made by the Director of Planning and Redevelopment or their designee to confirm compliance with this chapter. (2000 Code § 30-7.4) This Certificate shall not be provided until all known outstanding municipal or Board invoices related to the project are paid.

30-15 Definitions

Administrative Officer shall mean the Director of Planning and Redevelopment as defined in Chapter 2. ~~City Planner/Zoning Inspector for the Planning Board, and the City Planner/Zoning Inspector or Zoning Officer for the Zoning Board of Adjustment.~~

Board Engineer - shall be the engineer duly appointed and of record by the respective Board.

Sexually Oriented Business - As defined by N.J.S. 2C-34-7 et. seq. and the requirements established there within.

30-23 PROVISIONS APPLICABLE TO BOTH THE PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT.

30-23.8 Meeting Attendance of Applicants

If an application is scheduled to be heard, the applicant shall notify the Board Secretary a minimum of two (2) business days before the scheduled hearing date if said applicant desires to postpone the hearing in writing. In addition, the applicant, at the discretion of

the Chair, is required to have a representative appear before the Board to state, for the official record, why the postponement is requested. The Board may, at its discretion, grant the postponement or deny the application without prejudice. The Board may, at its discretion, require re-notification of the application if a postponement is granted.

30-29.2 Notice Requirements for Hearings.

- a. *Public Notice.* Public notice of a hearing shall be given in the following cases:

4. At any other time the Board shall require notice as part of an application, hearing or other act the Board deems fit for the application to re-notice in the interest of the public.

30-39.1 Development Coordinator.

The Development Coordinator shall be the City Planner ~~Planner unless another person is appointed by the Governing Body.~~ The Development Coordinator shall officially receive all Applications for Development, determine if they are complete, and, if not, notify the applicant of deficiencies. The Development Coordinator, in consultation with the Zoning Officer, shall determine which local Board, official or agency has jurisdiction over the application and the Development Coordinator shall forward copies to Federal, State and local agencies required or requested to review the application. (2000 Code § 30-39.1)

30-39.4 ~~City~~ The Planning and Zoning Board Engineer(s) (Board Engineer).

The Board Engineer, as defined in this Chapter, shall be responsible for the following provisions of this chapter:

- a. Review all engineering plans accompanying Applications for Development referred by the Boards, Development Review Committee or Development Coordinator.
- b. Inspection, when requested by either Board, of improvements constructed or installed as part of any Application for Development other than those which are the responsibility of the Construction Official.
- c. Certification, when necessary, before acceptance, that all such improvements meet applicable City Codes and ordinances.

30-45.3 Certificate of ~~Zoning~~ Resolution Compliance.

- a. When application is made for a ~~Zoning Permit~~ Resolution Compliance that requires the issuance of permits under the Uniform Construction Code (N.J.A.C. 5:23 et seq.) for the construction of a new building or an addition to the ground level footprint of an existing building, an application for a ~~Certificate of Zoning Compliance~~ Resolution Compliance shall also be made upon payment of a fee of twenty (\$20.00) dollars, which shall cover the cost of a final inspection by the Zoning Officer. The Zoning Officer shall inspect for the satisfactory completion of landscaping, driveway pavement, sidewalk and curb repair/replacement and street tree plantings, as well as for compliance with the ~~Zoning Permit~~ Resolution of the Planning or Zoning Board. A copy of the approved Compliance ~~Certificate of Zoning Compliance~~ Resolution Compliance shall be transmitted to the Construction Official by the Director of Planning and

Redevelopment or their designee.

b. No land or new construction shall be occupied or used in whole or in part for any purpose whatsoever until a ~~Certificate of Zoning Compliance~~ Resolution Compliance and/or Zoning Permit shall have been issued by the Zoning Enforcement Officer stating that the use of the land or building complies with the provisions of this chapter.

c. No Certificate of Resolution Compliance for any land or structure shall be granted until all required improvements or conditions of approval have been met, installed or completed. A temporary Certificate of Resolution Compliance may be issued but only for a specific period, upon such conditions as the Development Coordinator may impose, such as bonding, to ensure the completion or installation of any such improvements unfinished because of weather or unforeseen delay. The installation of any required public or private improvements may also be delayed if the Board Engineer warrants in writing to the Development Coordinator that the delay is in the best interest of the City.

30-47.1 General.

a. If the Development Coordinator determines that the application requires action by the Board of Adjustment, it shall be forwarded to the Board of Adjustment Secretary and the applicant shall be responsible for providing notice as set forth in subsection 30-29.2. The ~~Board of Adjustment~~ Development Coordinator shall refer the application to those agencies required to review the application and any other agency which ~~it feels~~ may assist them in its deliberations.

30-49 PERFORMANCE AND MAINTENANCE GUARANTEES.

30-49.1 General.

As per P.L. 2017 Chapter 312, Senate, Number 3233 which amends Section 41 of p.L. 1975, c. 291 (C. 40:55D-53) the City hereby adopts the following regulations.

Guarantees required; surety; release. a. Before filing of final subdivision plats or recording of minor subdivision deeds or as a condition of final site plan approval or as a condition to the issuance of a zoning permit pursuant to subsection d. of section 52 of P.L.1975, c.291 (C.40:55D-65), the municipality may require and shall accept in accordance with the standards adopted by ordinance and regulations adopted pursuant to section 1 of P.L.1999, c.68 (C.40:55D-53a) for the purpose of assuring the installation and maintenance of certain on-tract improvements, the furnishing of a performance guarantee, and provision for a maintenance guarantee in accordance with paragraphs (1) and (2) of this subsection. If a municipality has adopted an ordinance requiring a successor developer to furnish a replacement performance guarantee, as a condition to the approval of a permit update under the State Uniform Construction Code, for the purpose of updating the name and address of the owner of property on a construction permit, the governing body may require and shall accept in accordance with the standards adopted by ordinance and regulations adopted pursuant to section 1 of P.L.1999, c.68 (C.40:55D-53a) for the purpose of assuring the installation and maintenance of certain on-tract improvements, the furnishing of a performance guarantee, and provision for a maintenance guarantee, in accordance with paragraphs (1) and (2) of this subsection.

(1) (a) As required this Ordinance , the developer shall furnish a performance guarantee in

favor of the municipality in an amount not to exceed 120% of the cost of installation of only those improvements required by an approval or developer's agreement, ordinance, or regulation to be dedicated to a public entity, and that have not yet been installed, which cost shall be determined by the Board Engineer, as defined by this chapter, according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4), for the following improvements as shown on the approved plans or plat: streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyor's monuments, as shown on the final map and required by "the map filing law," P.L.1960, c.141 (C.46:23-9.9 et seq.; repealed by section 2 of P.L.2011, c.217) or N.J.S.46:26B-1 through N.J.S.46:26B-8, water mains, sanitary sewers, community septic systems, drainage structures, public improvements of open space, and any grading necessitated by the preceding improvements.

The Board Engineer, as defined by this chapter, shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor.

(b) A municipality may also require a performance guarantee to include, within an approved phase or section of a development privately-owned perimeter buffer landscaping, as required by local ordinance or imposed as a condition of approval.

At the developer's option, a separate performance guarantee may be posted for the privately-owned perimeter buffer landscaping.

(c) In the event that the developer shall seek a temporary certificate of occupancy for a development, unit, lot, building, or phase of development, as a condition of the issuance thereof, the developer shall, if required by an ordinance adopted by the municipality, furnish a separate guarantee, referred to herein as a "temporary certificate of occupancy guarantee," in favor of the municipality in an amount equal to 120% of the cost of installation of only those improvements or items which remain to be completed or installed under the terms of the temporary certificate of occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent certificate of occupancy for the development, unit, lot, building or phase of development and which are not covered by an existing performance guarantee. Upon posting of a "temporary certificate of occupancy guarantee," all sums remaining under a performance guarantee, required pursuant to subparagraph (a) of this paragraph, which relate to the development, unit, lot, building, or phase of development for which the temporary certificate of occupancy is sought, shall be released. The scope and amount of the "temporary certificate of occupancy guarantee" shall be determined by the zoning officer, city engineer, as defined by this Chapter, or other municipal official designated by ordinance. At no time may a municipality hold more than one guarantee or bond of any type with respect to the same line item. The temporary certificate of occupancy guarantee shall be released by the zoning officer, Board Engineer, as defined by this Chapter, or other municipal official designated by ordinance upon the issuance of a permanent certificate of occupancy with regard to the development, unit, lot, building, or phase as to which the temporary certificate of occupancy relates.

(d) A developer shall, furnish to the municipality a "safety and stabilization guarantee," in favor of the municipality. At the developer's option, a "safety and stabilization guarantee" may be furnished either as a separate guarantee or as a line item of the performance guarantee. A "safety and stabilization guarantee" shall be available to the municipality solely for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition, only

in the circumstance that:

(i) site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure, and

(ii) work has not recommenced within 30 days following the provision of written notice by the municipality to the developer of the municipality's intent to claim payment under the guarantee. A municipality shall not provide notice of its intent to claim payment under a "safety and stabilization guarantee until a period of at least 60 days has elapsed during which all work on the development has ceased for reasons other than force majeure. A municipality shall provide written notice to a developer by certified mail or other form of delivery providing evidence of receipt.

The amount of a "safety and stabilization guarantee for a development with bonded improvements in an amount not exceeding \$100,000 shall be \$5,000.

The amount of a "safety and stabilization guarantee for a development with bonded improvements exceeding \$100,000 shall be calculated as a percentage of the bonded improvement costs of the development or phase of development as follows:

\$5,000 for the first \$100,000 of bonded improvement costs, plus

two and a half percent of bonded improvement costs in excess of \$100,000 up to \$1,000,000, plus

one percent of bonded improvement costs in excess of \$1,000,000.

A municipality shall release a separate "safety and stabilization guarantee" to a developer upon the developer's furnishing of a performance guarantee which includes a line item for safety and stabilization in the amount required under this paragraph.

A municipality shall release a "safety and stabilization guarantee" upon the Board Engineer's, as defined by this chapter, determination that the development of the project site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety.³

(2) (a) As required by this ordinance, the developer shall post with the municipality, prior to the release of a performance guarantee required pursuant to subparagraph (a), subparagraph (b), or both subparagraph (a) and subparagraph (b) of paragraph (1) of this subsection, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the improvements which are being released.

(b) If required, the developer shall post with the municipality, upon the inspection and issuance of final approval of the following private site improvements by the municipal engineer, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the following private site improvements: stormwater management basins, in-flow and water quality structures within the basins, and the out-flow pipes and structures of the stormwater management system, if any, which cost shall be determined according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4).

(c) The term of the maintenance guarantee shall be for a period not to exceed two years and shall automatically expire at the end of the established term.

(3) In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance

guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the municipality for such utilities or improvements.

b. The time allowed for installation of the bonded improvements for which the performance guarantee has been provided may be extended by the governing body by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the municipal engineer according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4) as of the time of the passage of the resolution.

c. If the required bonded improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the municipality for the reasonable cost of the improvements not completed or corrected and the municipality may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

d. (1) Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may request of the governing body in writing, by certified mail addressed in care of the municipal clerk, that the municipal engineer prepare, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section, a list of all uncompleted or unsatisfactory completed bonded improvements. If such a request is made, the obligor shall send a copy of the request to the municipal engineer. The request shall indicate which bonded improvements have been completed and which bonded improvements remain uncompleted in the judgment of the obligor. Thereupon the municipal engineer shall inspect all bonded improvements covered by obligor's request and shall file a detailed list and report, in writing, with the governing body, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.

(2) The list prepared by the municipal engineer shall state, in detail, with respect to each bonded improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed bonded improvement determined to be unsatisfactory. The report prepared by the municipal engineer shall identify each bonded improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory bonded improvement, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section.

e. (1) The governing body, by resolution, shall either approve the bonded improvements determined to be complete and satisfactory by the municipal engineer, or reject any or all of these bonded improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the municipal engineer. Upon adoption of the resolution by the governing

body, the obligor shall be released from all liability pursuant to its performance guarantee with respect to those approved bonded improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of the total performance guarantee and “safety and stabilization guarantee posted may be retained to ensure completion and acceptability of all improvements. The safety and stabilization guarantee shall be reduced by the same percentage as the performance guarantee is being reduced at the time of each performance guarantee reduction.

For the purpose of releasing the obligor from liability pursuant to its performance guarantee the amount of the performance guarantee attributable to each approved bonded improvement shall be reduced by the total amount for each such improvement, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section, including any contingency factor applied to the cost of installation. If the sum of the approved bonded improvements would exceed 70 percent of the total amount of the performance guarantee, then the municipality may retain 30 percent of the amount of the total performance guarantee and “safety and stabilization guarantee to ensure completion and acceptability of bonded improvements, as provided above, except that any amount of the performance guarantee attributable to bonded improvements for which a “temporary certificate of occupancy guarantee has been posted shall be released from the performance guarantee even if such release would reduce the amount held by the municipality below 30 percent.

(2) If the municipal engineer fails to send or provide the list and report as requested by the obligor pursuant to subsection d. of this section within 45 days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the municipal engineer to provide the list and report within a stated time and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

If the governing body fails to approve or reject the bonded improvements determined by the municipal engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the municipal engineer's list and report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section; and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

(3) In the event that the obligor has made a cash deposit with the municipality or approving authority as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee, provided that if the developer has furnished a “safety and stabilization guarantee, the municipality may retain cash equal to the amount of the remaining safety and stabilization guarantee.

f. If any portion of the required bonded improvements is rejected, the approving authority may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this section shall be followed.

g. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the governing body or the municipal engineer.

h. (1) The obligor shall reimburse the municipality for reasonable inspection fees paid to the municipal engineer for the foregoing inspection of improvements; which fees shall not exceed the sum of the amounts set forth in subparagraphs (a) and (b) of this paragraph. The municipality may require the developer to post the inspection fees in escrow in an amount:

(a) not to exceed, except for extraordinary circumstances, the greater of \$500 or 5% of the cost of bonded improvements that are subject to a performance guarantee under subparagraph (a), subparagraph (b), or both subparagraph (a) and subparagraph (b) of paragraph (1) of subsection a. of this section; and

(b) not to exceed 5% of the cost of private site improvements that are not subject to a performance guarantee under subparagraph (a) of paragraph (1) of subsection a. of this section, which cost shall be determined pursuant to section 15 of P.L.1991, c.256 (C.40:55D-53.4).

(2) For those developments for which the inspection fees total less than \$10,000, fees may, at the option of the developer, be paid in two installments. The initial amount deposited in escrow by a developer shall be 50% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the municipal engineer for inspections, the developer shall deposit the remaining 50% of the inspection fees.

(3) For those developments for which the inspection fees total \$10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited in escrow by a developer shall be 25% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees 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 inspection fees.

(4) If the municipality determines that the amount in escrow for the payment of inspection fees, as calculated pursuant to subparagraphs (a) and (b) of paragraph (1) of this subsection, is insufficient to cover the cost of additional required inspections, the municipality may require the developer to deposit additional funds in escrow provided that the municipality delivers to the developer a written inspection escrow deposit request, signed by the municipal engineer, which: informs the developer of the need for additional inspections, details the items or undertakings that require inspection, estimates the time required for those inspections, and estimates the cost of performing those inspections.

i. In the event that final approval is by stages or sections of development pursuant to subsection a. of section 29 of P.L.1975, c.291 (C.40:55D-38), the provisions of this section shall be applied by stage or section.

j. To the extent that any of the improvements have been dedicated to the municipality on the subdivision plat or site plan, the municipal governing body shall be deemed, upon the release of any performance guarantee required pursuant to subsection a. of this section, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivision plats approved by the approving authority, provided that such improvements have been inspected and have received final approval by the municipal engineer.

(cf: P.L.2013, c.123, s.3)

30-50.1 General.**Board Engineer**

As required by this Ordinance amending the City Code, the developer shall post with the municipality, prior to the release of a performance guarantee required pursuant to subparagraph (a), subparagraph (b), or both subparagraph (a) and subparagraph (b) of paragraph (1) of this subsection, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the improvements which are being released.

(b) As required, the developer shall post with the municipality, upon the inspection and issuance of final approval of the following private site improvements by the municipal engineer, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the following private site improvements: stormwater management basins, in-flow and water quality structures within the basins, and the out-flow pipes and structures of the stormwater management system, if any, which cost shall be determined according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4).

(c) The term of the maintenance guarantee shall be for a period not to exceed two years and shall automatically expire at the end of the established term.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2018-39 which was finally adopted by the City Council at a meeting held on the 10th day of October, 2018

CINDY A. DYE
CITY CLERK



**Asbury Park, New Jersey
ORDINANCE NO. 2018-XX**

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Commented [MC2]:

AN ORDINANCE AMENDING AND SUPPLEMENTING VARIOUS ARTICLES AND SECTIONS OF CODE OF THE CITY OF ASBURY PARK

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park (the “City”), in the County of Monmouth and State of New Jersey, that the following chapter and/or sections “of the “Code of the City of Asbury Park, New Jersey is hereby created or amended:

**CHAPTER II
“DEPARTMENT OF PLANNING AND REDEVELOPMENT”**

Section 2-17.2(a) Appointment

(a) *Appointment.* The Director of Planning and Redevelopment shall be appointed by the City Manager. The Director of Planning and Redevelopment shall also hold the title and/ or duties as found in Chapter III Land Development as: Administrative officer; Development Coordinator.

(d) The Director of Planning and Redevelopment shall also be known as the City Planner

Section 2-17.2(b) Qualifications

(3) The Director shall possess Certification from the American Institute of Certified Planners (AICP).~~The Director shall possess AICP~~

2-17.3 Functions of the Department

(i)_. Such other related responsibilities as may be assigned by the City Manager ~~and/or the Mayor and Council~~, which are necessary for the conduct of City business.

(f) Receipt, completeness review, processing of all development or redevelopment applications and subsequently forwarding the applications to the applicable board secretaries, Federal, State ~~of~~ County ~~or municipal~~ office or other offices as required, for development within the City.

k. In the prolonged absence of the Director of Planning and Redevelopment, the respective Zoning Board and Planning Board Planner shall serve as the Administrative Officer and

Development Coordinator or designee of the City Manager. If that individual or firm is not available, then the respective Board Secretary shall serve as the Administrative Officer and Development Coordinator or designee of the City Manager.

CHAPTER III “LAND DEVELOPMENT”

30-7 CERTIFICATE OF RESOLUTION COMPLIANCE

30-7.1 Requirement; Zoning Officer to Issue.

No building or structure may be erected or altered nor may any building or structure or parcel of land become occupied, or the use therein changed until a Zoning Permit or Certificate of Resolution Compliance Certificate of Compliance is obtained from the Zoning Officer. (2000 Code § 30-7.1)

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30-7.2 Necessary for Construction Permit or Mercantile License.

Application for a Zoning Permit or Certificate of Resolution Compliance Certificate of Compliance must be made at the time of application for a construction permit or a mercantile license. (2000 Code § 30-7.2)

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30-7.3 Necessary Prior to New Occupancy or New Use.

Should a construction permit or mercantile license not be required, the Certificate of Compliance Zoning Permit or Certificate of Resolution. Compliance must be obtained prior to the new occupancy or new use of a building or property. (2000 Code § 30-7.3)

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30-7.4 Fee for Certificate of Resolution Compliance, Time of Payment; Compliance Required Before Issuance.

A fee of twenty (\$20.00) dollars will be charged for each Certificate of Resolution Compliance Certificate of Compliance. Such fee will be payable at the time of application. The Certificate will be issued only after an inspection is made by the Zoning Officer Director of Planning and Redevelopment or their designee to confirm compliance with this chapter. (2000 Code § 30-7.4) This Certificate shall not be provided until all known outstanding municipal or Board invoices related to the project are paid.

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30-15 Definitions

Administrative Officer shall mean the Director of Planning and Redevelopment as defined in Chapter 2. ~~City Planner/Zoning Inspector for the Planning Board, and the City Planner/Zoning Inspector or Zoning Officer for the Zoning Board of Adjustment.~~

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Board Engineer – shall be the engineer dually appointed and of record by the respective Board.

Sexually Oriented Business – As defined by N.J.S. 2C-34-7 et. seq. and the requirements established therewithin.

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30-23 PROVISIONS APPLICABLE TO BOTH THE PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT.

30-23.8 Meeting Attendance of Applicants

If an application is scheduled to be heard, the applicant shall notify the Board Secretary a minimum of two (2) business days before the scheduled hearing date if said applicant desires to postpone the hearing in writing. In addition, ~~the applicant, at the discretion of the Chair, is required to have a representative appear before the Board to state, for the official record, why the postponement is requested. The Board may, at its discretion, grant the postponement or deny the application without prejudice. The Board may, at its discretion, require re-notification of the application if a postponement is granted.~~

30-29.2 Notice Requirements for Hearings.

a. Public Notice. Public notice of a hearing shall be given in the following cases:

4. At any other time the Board shall require notice as part of an application, hearing or other act the Board deems fit for the application to re-notice in the interest of the public.

30-39.1 Development Coordinator.

The Development Coordinator shall be the City ~~Planner~~ Planner unless another person is appointed by the Governing Body. The Development Coordinator shall officially receive all Applications for Development, determine if they are complete, and, if not, notify the applicant of deficiencies. The Development Coordinator, in consultation with the Zoning Officer, shall determine which local Board, official or agency has jurisdiction over the application and the Development Coordinator shall forward copies to Federal, State and local agencies required or requested to review the application. (2000 Code § 30-39.1)

30-39.4 ~~City~~ The Planning and Zoning Board Engineer(s) (Board Engineer).

The ~~City Engineer~~Board Engineer, as defined in this Chapter, shall be responsible for the following provisions of this chapter:

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- a. Review all engineering plans accompanying Applications for Development referred by the Boards, Development Review Committee or Development Coordinator.
- b. Inspection, when requested by either Board, of improvements constructed or installed as part of any Application for Development other than those which are the responsibility of the Construction Official.
- c. Certification, when necessary, before acceptance, that all such improvements meet applicable City Codes and ordinances.

30-45.3 Certificate of ~~Zoning~~ Resolution Compliance.

- a. When application is made for a ~~Zoning Permit~~ Resolution Compliance that requires the issuance of permits under the Uniform Construction Code (N.J.A.C. 5:23 et seq.) for the construction of a new building or an addition to the ground level footprint of an existing building, an application for a ~~Certificate of Zoning Compliance~~ Resolution Compliance shall also be made upon payment of a fee of twenty (\$20.00) dollars, which shall cover the cost of a final inspection by the Zoning Officer. The Zoning Officer shall inspect for the satisfactory completion of landscaping, driveway pavement, sidewalk and curb repair/replacement and street tree plantings, as well as for compliance with the ~~Zoning Permit~~ Resolution of the Planning or Zoning Board. A copy of the approved Compliance ~~Certificate of Zoning Compliance~~ Resolution Compliance shall be transmitted to the Construction Official by the Director of Planning and Redevelopment or their designee.
- b. No land or new construction shall be occupied or used in whole or in part for any purpose whatsoever until a ~~Certificate of Zoning Compliance~~ Resolution Compliance and/or Zoning Permit shall have been issued by the Zoning Enforcement Officer stating that the use of the land or building complies with the provisions of this chapter.
- c. No Certificate of Resolution Compliance for any land or structure shall be granted until all required improvements or conditions of approval have been met, installed or completed. A temporary Certificate of Resolution Compliance may be issued but only for a specific period, upon such conditions as the Development Coordinator may impose, such as bonding, to ensure the completion or installation of any such improvements unfinished because of weather or unforeseen delay. The installation of any required public or private improvements may also be delayed if the ~~City Engineer~~Board Engineer warrants in writing to the Development Coordinator that the delay is in the best interest of the City.

30-47.1 General.

a. If the Development Coordinator determines that the application requires action by the Board of Adjustment, it shall be forwarded to the Board of Adjustment Secretary and the applicant shall be responsible for providing notice as set forth in subsection 30-29.2. The ~~Board of Adjustment~~ Development Coordinator shall refer the application to those agencies required to review the application and any other agency which ~~it feels~~ may assist them in its deliberations. ~~If the application entails site plan approval, the Board of Adjustment may refer the site plan to the Planning Board for its review and nonbinding recommendation which shall be returned to the Board of Adjustment within thirty (30) days of referral.~~

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30-49 PERFORMANCE AND MAINTENANCE GUARANTEES.

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30-49.1 General.

As per P.L. 2017 Chapter 312, Senate, Number 3233 which amends Section 41 of p.L. 1975, c. 291 (C. 40:55D-53) the City hereby adopts the following regulations.

Guarantees required; surety; release. a. Before filing of final subdivision plats or recording of minor subdivision deeds or as a condition of final site plan approval or as a condition to the issuance of a zoning permit pursuant to subsection d. of section 52 of P.L.1975, c.291 (C.40:55D-65), the municipality may require and shall accept in accordance with the standards adopted by ordinance and regulations adopted pursuant to section 1 of P.L.1999, c.68 (C.40:55D-53a) for the purpose of assuring the installation and maintenance of certain on-tract improvements, the furnishing of a performance guarantee, and provision for a maintenance guarantee in accordance with paragraphs (1) and (2) of this subsection. If a municipality has adopted an ordinance requiring a successor developer to furnish a replacement performance guarantee, as a condition to the approval of a permit update under the State Uniform Construction Code, for the purpose of updating the name and address of the owner of property on a construction permit, the governing body may require and shall accept in accordance with the standards adopted by ordinance and regulations adopted pursuant to section 1 of P.L.1999, c.68 (C.40:55D-53a) for the purpose of assuring the installation and maintenance of certain on-tract improvements, the furnishing of a performance guarantee, and provision for a maintenance guarantee, in accordance with paragraphs (1) and (2) of this subsection.

(1) (a) As required this Ordinance , the developer shall furnish a performance guarantee in favor of the municipality in an amount not to exceed 120% of the cost of installation of only those improvements required by an approval or developer's agreement, ordinance, or regulation to be dedicated to a public entity, and that have not yet been installed, which cost shall be determined by the ~~municipality~~ Board Engineer, as defined by this chapter, according to the

method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4), for the following improvements as shown on the approved plans or plat: streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyor's monuments, as shown on the final map and required by "the map filing law," P.L.1960, c.141 (C.46:23-9.9 et seq.; repealed by section 2 of P.L.2011, c.217) or N.J.S.46:26B-1 through N.J.S.46:26B-8, water mains, sanitary sewers, community septic systems, drainage structures, public improvements of open space, and any grading necessitated by the preceding improvements.

The ~~municipality~~Board Engineer, as defined by this chapter, shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor.

(b) A municipality may also require a performance guarantee to include, within an approved phase or section of a development privately-owned perimeter buffer landscaping, as required by local ordinance or imposed as a condition of approval.

At the developer's option, a separate performance guarantee may be posted for the privately-owned perimeter buffer landscaping.

(c) In the event that the developer shall seek a temporary certificate of occupancy for a development, unit, lot, building, or phase of development, as a condition of the issuance thereof, the developer shall, if required by an ordinance adopted by the municipality, furnish a separate guarantee, referred to herein as a "temporary certificate of occupancy guarantee," in favor of the municipality in an amount equal to 120% of the cost of installation of only those improvements or items which remain to be completed or installed under the terms of the temporary certificate of occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent certificate of occupancy for the development, unit, lot, building or phase of development and which are not covered by an existing performance guarantee. Upon posting of a "temporary certificate of occupancy guarantee," all sums remaining under a performance guarantee, required pursuant to subparagraph (a) of this paragraph, which relate to the development, unit, lot, building, or phase of development for which the temporary certificate of occupancy is sought, shall be released. The scope and amount of the "temporary certificate of occupancy guarantee" shall be determined by the zoning officer, ~~city~~municipal engineer, as defined by this Chapter, or other municipal official designated by ordinance. At no time may a municipality hold more than one guarantee or bond of any type with respect to the same line item. The temporary certificate of occupancy guarantee shall be released by the zoning officer, ~~municipal city~~Board Engineer, as defined by this Chapter, or other municipal official designated by ordinance upon the issuance of a permanent certificate of occupancy with regard to the development, unit, lot, building, or phase as to which the temporary certificate of occupancy relates.

(d) A developer shall, furnish to the municipality a "safety and stabilization guarantee," in favor of the municipality. At the developer's option, a "safety and stabilization guarantee" may be furnished either as a separate guarantee or as a line item of the performance guarantee. A "safety and stabilization guarantee" shall be available to the municipality solely for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise

implementing measures to protect the public from access to an unsafe or unstable condition, only in the circumstance that:

(i) site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure, and

(ii) work has not recommenced within 30 days following the provision of written notice by the municipality to the developer of the municipality's intent to claim payment under the guarantee. A municipality shall not provide notice of its intent to claim payment under a "safety and stabilization guarantee until a period of at least 60 days has elapsed during which all work on the development has ceased for reasons other than force majeure. A municipality shall provide written notice to a developer by certified mail or other form of delivery providing evidence of receipt.

The amount of a "safety and stabilization guarantee for a development with bonded improvements in an amount not exceeding \$100,000 shall be \$5,000.

The amount of a "safety and stabilization guarantee for a development with bonded improvements exceeding \$100,000 shall be calculated as a percentage of the bonded improvement costs of the development or phase of development as follows:

\$5,000 for the first \$100,000 of bonded improvement costs, plus

two and a half percent of bonded improvement costs in excess of \$100,000 up to \$1,000,000, plus

one percent of bonded improvement costs in excess of \$1,000,000.

A municipality shall release a separate "safety and stabilization guarantee" to a developer upon the developer's furnishing of a performance guarantee which includes a line item for safety and stabilization in the amount required under this paragraph.

A municipality shall release a "safety and stabilization guarantee" upon the ~~municipal city~~ Board Engineer's, as defined by this chapter, determination that the development of the project site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety.³

(2) (a) As required by this ordinance, the developer shall post with the municipality, prior to the release of a performance guarantee required pursuant to subparagraph (a), subparagraph (b), or both subparagraph (a) and subparagraph (b) of paragraph (1) of this subsection, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the improvements which are being released.

(b) If required, the developer shall post with the municipality, upon the inspection and issuance of final approval of the following private site improvements by the municipal engineer,

a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the following private site improvements: stormwater management basins, in-flow and water quality structures within the basins, and the out-flow pipes and structures of the stormwater management system, if any, which cost shall be determined according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4).

(c) The term of the maintenance guarantee shall be for a period not to exceed two years and shall automatically expire at the end of the established term.

(3) In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the municipality for such utilities or improvements.

b. The time allowed for installation of the bonded improvements for which the performance guarantee has been provided may be extended by the governing body by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the municipal engineer according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4) as of the time of the passage of the resolution.

c. If the required bonded improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the municipality for the reasonable cost of the improvements not completed or corrected and the municipality may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

d. (1) Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may request of the governing body in writing, by certified mail addressed in care of the municipal clerk, that the municipal engineer prepare, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section, a list of all uncompleted or unsatisfactory completed bonded improvements. If such a request is made, the obligor shall send a copy of the request to the municipal engineer. The request shall indicate which bonded improvements have been completed and which bonded improvements remain uncompleted in the judgment of the obligor. Thereupon the municipal engineer shall inspect all bonded improvements covered by obligor's request and shall file a detailed list and report, in writing, with the governing body, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.

(2) The list prepared by the municipal engineer shall state, in detail, with respect to each bonded improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the

unsatisfactory state of each completed bonded improvement determined to be unsatisfactory. The report prepared by the municipal engineer shall identify each bonded improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory bonded improvement, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section.

e. (1) The governing body, by resolution, shall either approve the bonded improvements determined to be complete and satisfactory by the municipal engineer, or reject any or all of these bonded improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the municipal engineer. Upon adoption of the resolution by the governing body, the obligor shall be released from all liability pursuant to its performance guarantee with respect to those approved bonded improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of the total performance guarantee and "safety and stabilization guarantee posted may be retained to ensure completion and acceptability of all improvements. The safety and stabilization guarantee shall be reduced by the same percentage as the performance guarantee is being reduced at the time of each performance guarantee reduction.

For the purpose of releasing the obligor from liability pursuant to its performance guarantee the amount of the performance guarantee attributable to each approved bonded improvement shall be reduced by the total amount for each such improvement, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section, including any contingency factor applied to the cost of installation. If the sum of the approved bonded improvements would exceed 70 percent of the total amount of the performance guarantee, then the municipality may retain 30 percent of the amount of the total performance guarantee and "safety and stabilization guarantee to ensure completion and acceptability of bonded improvements, as provided above, except that any amount of the performance guarantee attributable to bonded improvements for which a "temporary certificate of occupancy guarantee has been posted shall be released from the performance guarantee even if such release would reduce the amount held by the municipality below 30 percent.

(2) If the municipal engineer fails to send or provide the list and report as requested by the obligor pursuant to subsection d. of this section within 45 days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the municipal engineer to provide the list and report within a stated time and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

If the governing body fails to approve or reject the bonded improvements determined by the municipal engineer to be complete and satisfactory or reduce the performance guarantee for the

complete and satisfactory improvements within 45 days from the receipt of the municipal engineer's list and report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section; and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

(3) In the event that the obligor has made a cash deposit with the municipality or approving authority as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee, provided that if the developer has furnished a "safety and stabilization guarantee, the municipality may retain cash equal to the amount of the remaining safety and stabilization guarantee.

f. If any portion of the required bonded improvements is rejected, the approving authority may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this section shall be followed.

g. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the governing body or the municipal engineer.

h. (1) The obligor shall reimburse the municipality for reasonable inspection fees paid to the municipal engineer for the foregoing inspection of improvements; which fees shall not exceed the sum of the amounts set forth in subparagraphs (a) and (b) of this paragraph. The municipality may require the developer to post the inspection fees in escrow in an amount:

(a) not to exceed, except for extraordinary circumstances, the greater of \$500 or 5% of the cost of bonded improvements that are subject to a performance guarantee under subparagraph (a), subparagraph (b), or both subparagraph (a) and subparagraph (b) of paragraph (1) of subsection a. of this section; and

(b) not to exceed 5% of the cost of private site improvements that are not subject to a performance guarantee under subparagraph (a) of paragraph (1) of subsection a. of this section, which cost shall be determined pursuant to section 15 of P.L.1991, c.256 (C.40:55D-53.4).

(2) For those developments for which the inspection fees total less than \$10,000, fees may, at the option of the developer, be paid in two installments. The initial amount deposited in escrow by a developer shall be 50% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the municipal engineer for inspections, the developer shall deposit the remaining 50% of the inspection fees.

(3) For those developments for which the inspection fees total \$10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited in escrow by a developer shall be 25% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees 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 inspection fees.

(4) If the municipality determines that the amount in escrow for the payment of inspection fees, as calculated pursuant to subparagraphs (a) and (b) of paragraph (1) of this subsection, is insufficient to cover the cost of additional required inspections, the municipality may require the developer to deposit additional funds in escrow provided that the municipality delivers to the developer a written inspection escrow deposit request, signed by the municipal engineer, which: informs the developer of the need for additional inspections, details the items or undertakings that require inspection, estimates the time required for those inspections, and estimates the cost of performing those inspections.

i. In the event that final approval is by stages or sections of development pursuant to subsection a. of section 29 of P.L.1975, c.291 (C.40:55D-38), the provisions of this section shall be applied by stage or section.

j. To the extent that any of the improvements have been dedicated to the municipality on the subdivision plat or site plan, the municipal governing body shall be deemed, upon the release of any performance guarantee required pursuant to subsection a. of this section, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivision plats approved by the approving authority, provided that such improvements have been inspected and have received final approval by the municipal engineer.

(cf: P.L.2013, c.123, s.3)

30-50.1 General.

All improvements required by the Planning Board shall, before being accepted by the City Council, be covered by a maintenance bond running in favor of the City of Asbury Park in

~~the amount of fifteen (15%) percent of the estimated cost of the improvements as estimated by the City EngineerBoard Engineer. The maintenance bond shall run for a period of two (2) years and shall provide for the proper repair and/or replacement of any such improvements during the period. The two (2) year period shall be from the date of the acceptance of the improvements by the City, and no performance guarantee shall be released by the City until such time as the maintenance bond herein required has been posted with the City. (2000 Code § 30-50.1)~~

As required by this Ordinance amending the City Code, the developer shall post with the municipality, prior to the release of a performance guarantee required pursuant to subparagraph (a), subparagraph (b), or both subparagraph (a) and subparagraph (b) of paragraph (1) of this subsection, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the improvements which are being released.

(b) As required, the developer shall post with the municipality, upon the inspection and issuance of final approval of the following private site improvements by the municipal engineer, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the following private site improvements: stormwater management basins, in-flow and water quality structures within the basins, and the out-flow pipes and structures of the stormwater management system, if any, which cost shall be determined according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4).

(c) The term of the maintenance guarantee shall be for a period not to exceed two years and shall automatically expire at the end of the established term.



**Asbury Park, New Jersey
ORDINANCE NO. 2018-40**

**AN ORDINANCE AMENDING THE PROPERTY MAINTENANCE CODE OF THE
CITY OF ASBURY PARK**

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park (the "City"), in the County of Monmouth and State of New Jersey, that Chapter XIII "PROPERTY IMPROVEMENT AND NEIGHBORHOOD PRESERVATION" is hereby amended within the "Code of the City of Asbury Park, New Jersey" in order to revise Chapter XIII in its entirety, as follows:

13-100 PROPERTY MAINTENANCE CODE

SECTION 101 - SCOPE AND INTENT

101.1 Title and General.

These regulations shall be known as the 2015 International Property Maintenance Code (as amended herein) of the City of Asbury Park (the City), hereinafter referred to as "this Code."

This Chapter shall be read and documented as: Chapter - Section. For example, this section shall be documented as follows: 13-101.1.

101.2 Scope.

The provisions of this Code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 Intent.

This Code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.4 Severability.

If a section, subsection, sentence, clause or phrase of this Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.

SECTION 102 - APPLICABILITY

102.1 General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this Code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this Code specify different requirements, the most restrictive shall govern.

102.2 Maintenance.

Equipment, systems, devices and safeguards required by this code or a previous regulation or Code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, owner's authorized agent, operator or occupant shall cause any service, facility, equipment or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this Code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's authorized agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 Application of other codes.

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code and NFPA 70 or adopted State and local codes. Nothing in this code shall be construed to cancel, modify or set aside any provision of the International Zoning Code.

102.4 Existing remedies.

The provisions in this Code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure that is dangerous, unsafe and unsanitary.

102.5 Workmanship.

Repairs, maintenance work, alterations or installations that are caused directly or indirectly by

the enforcement of this Code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's instructions.

102.6 Historic buildings.

The provisions of this Code shall not be mandatory for existing buildings or structures designated as historic buildings, where such buildings or structures are judged by the Code Official to be safe and in the public interest of health, safety and welfare.

102.7 Referenced codes and standards.

The codes and standards referenced in this Code shall be those that are listed in Section 9 and considered part of the requirements of this Code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

102.7.1 Conflicts.

Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.7.2 Provisions in referenced codes and standards.

Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

102.8 Requirements not covered by code.

Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

102.9 Application of references.

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.10 Severability clause

If any provision of this Code, or any application of any provision, is held invalid, the invalidity shall not affect other applications of the provision, or other provisions of this Code, which reasonably can be given effect despite the invalidity.

102.11 Other laws.

The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

SECTION 103 -- ADMINISTRATION AND ENFORCEMENT**103.1 General.**

The Department of Property Improvement and Neighborhood Preservation and Code Enforcement is hereby created and the executive official in charge thereof shall be known as the code official.

103.2 Appointment.

The code official shall be appointed by the chief appointing authority of the jurisdiction.

103.3 Deputies.

May be appointed in accordance with the prescribed procedures of this jurisdiction.

103.4 Liability.

The code official, member of the board of appeals or employee charged with the enforcement of this Code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this Code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

103.4.1 Legal defense.

Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

103.5 Fees.

The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as authorized as per City Ordinance.

103.6 Inspections.

A. Property Maintenance Code. The City of Asbury Park shall have the right to conduct inspections on all structures that come within this article. All inspections conducted pursuant to this article shall be performed in accordance with the procedures set forth in the 2015 International Property Maintenance Code of the City of Asbury Park, with the exception that any inspections conducted pursuant to the Uniform Fire Code shall be performed in accordance with the provisions set forth in the Uniform Fire Code and any inspection under the Hotel and Multiple Dwelling Law shall be performed in accordance with the N.J. Hotel and Multiple Dwelling Law.

B. Certificate of Rental Compliance. No person, agency, corporation, partnership, firm, company, owner, real estate agent, broker or any other individual shall hereafter rent, lease or sublet to another or allow any person or persons to live in or occupy as a tenant or otherwise or suffer or permit any change in occupancy or use of any building, dwelling or dwelling unit or part thereof, as the owner of said premises or on behalf of the owner of said premises, without first obtaining from the Department of Neighborhood Preservation and Code Enforcement, a Certificate of Rental Compliance stating that at the time of the proposed rental lease or subletting, the premises complied with all applicable ordinances of the City of Asbury Park. The specific requirements for inspections for Rental Compliance are set forth in detail in Section 104 et seq. of this Code.

C. Certificate of Resale Compliance for all Real Property at Time of Sale and Transfer of Title. No person, agency, corporation, partnership, firm, company, owner, real estate agent, broker or any other individual shall hereafter sell or transfer title to real property to another, or otherwise permit any change in occupancy or use of any building, dwelling or dwelling unit or part thereof in conjunction with the transfer of title to said premises, as the owner of said premises or on behalf of the owner of said premises, without first obtaining from the Department of Neighborhood Preservation and Code Enforcement, a Certificate of Resale Compliance stating that at the time of the proposed sale or transfer of title, the premises complied with all applicable ordinances of the City of Asbury Park. The buyer and seller of the property are equally responsible for the Certificate of Resale Compliance process.

D. In the event the owner or lessor of a premises fails to correct a nuisance, defect or other violation, following proper notice of same, the City of Asbury Park may take all necessary and appropriate actions to abate said nuisance, correct said defect or violation or put said premises in proper condition in accordance with state laws and local ordinances at the cost of the owner or lessor. Pursuant to N.J.S.A. 40:48-2.12(f), the cost expended by the municipality for such purpose shall be charged to the owner or lessor and shall become a lien against said premises as provided by law. The City does not have the ability to enforce terms and conditions of lease agreements; all violations and summons shall be written to the owner or owner's property manager.

103.7 Procedures.

A. Property Maintenance Code. All inspections conducted pursuant to this article shall be performed in accordance with the procedures set forth in the 2015 International Property Maintenance Code of the City of Asbury Park, with the exception that any inspections conducted

pursuant to the Uniform Fire Safety Act shall be performed in accordance to said Act and any inspections pursuant to the N.J. Hotel and Multiple Dwelling Law shall be conducted in accordance and procedures set forth therein.

B. Certificate of Rental Compliance. The Department of Neighborhood Preservation and Code Enforcement shall make available appropriate application forms for Certificate of Rental Compliance in its' office, and/or by any other means available. These forms shall be obtained and completed by the owner, agent, or broker of each such rental property and individual rental unit therein. All required inspections shall be completed as evidenced by the issuance of a Certificate of Rental Compliance before the continued occupancy of the rental property or individual unit in a rental property occurs, and in accordance with the requirements of Section 104 of this Code, below. The landlord shall make application for an inspection under this section at least ten (10) business days prior to the intended new tenancy/occupancy, or the expiration of the current Certificate of Rental Compliance, whichever is sooner, and the certificate of rental compliance shall be issued before a new tenancy or change in occupancy is permitted. The Department of Neighborhood Preservation and Code Enforcement shall make an inspection and issue a certificate of compliance, if the dwelling unit complies with the 2015 International Property Maintenance Code of the City of Asbury Park.

C. Certificate of Resale Compliance for all Real Property at Time of Sale and Transfer of Title. The Department of Neighborhood Preservation and Code Enforcement shall make available appropriate application forms for a Certificate of Resale Compliance in its' office, and/or by any other means available. It is the responsibility of the seller, the seller's real estate agent or broker, to apply to the Department of Neighborhood Preservation and Code Enforcement, not more than thirty (30) days, nor less than (10) days prior to the expected date of sale, for inspection by the Code Official or housing inspector. If such inspection indicates that the building is in compliance with the provisions of the 2015 International Property Maintenance Code of the City of Asbury Park, a Certificate of Resale Compliance is issued to the applicant. If the building is not in compliance, a list of existing deficiencies and violations is provided to the seller who shall correct them prior to closing of title in the sale.

- 1) The buyer of a property for which a Certificate of Resale Compliance is required may elect to make the corrections necessary to obtain the Certificate of Resale Compliance required hereunder. In that event, upon delivery to the code official of a written Letter of Intent, signed by the buyer(s), with their signatures being notarized, indicating their agreement for making all such necessary repairs to bring the property into compliance within a time acceptable to the city, then a Conditional Certificate of Resale Compliance may be issued. In no event is the time period permitted for the buyer(s) to make repairs after sale to be greater than six months.

D. The Certificate of Resale Compliance, as set forth above, shall be valid for a period of thirty (30) days from the date of issue. At the end of the thirty (30) days, the Certificate of Resale Compliance shall expire, and a new application and inspection must be submitted and obtained prior to closing of title on the sale of the property may occur.

E. Violations of any requirement of this chapter must be corrected by the owner of the unit/property before the issuance of a Certificate of Rental or Resale Compliance. The responsibility for correction of a violation, except in the case of a rental, may be assumed by the buyer, with the written notification and approval of the seller, buyer and Department of Neighborhood Preservation and Code Enforcement.

F. Failure by seller to apply for and/or obtain a Certificate of Resale Compliance prior to transfer of title, or failure of a buyer to complete agreed-upon repairs within the time deemed acceptable by the City, constitutes a violation of this chapter. Both the seller and buyer shall be in violation of this Code, in the event a closing of title on the sale of property occurs without first obtaining a Certificate of Resale Compliance, in accordance with the procedures in this Code.

G. In no event shall the issuance of a Certificate of Rental or Resale Compliance pursuant to this Code be considered the same as, or a substitute for, a Certificate of Occupancy under the New Jersey Uniform Construction Code, N.J.A.C. 52:27D-119 et seq., as required in Chapter XII of this Code.

SECTION 104 -- RENTAL REGULATIONS AND REGISTRATION OF RENTAL PROPERTIES AND LANDLORDS. RESERVED

SECTION 105 - DUTIES AND POWERS OF THE CODE OFFICIAL

105.1 General.

The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

105.2 Inspections.

The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

105.3 Right of entry.

In accordance with State and case law, where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official, or a code officer in this Department, is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or

premises is occupied the code official or officer shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, owner's authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

105.4 Identification.

The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

105.5 Notices and orders.

The code official shall issue all necessary notices or orders to ensure compliance with this code.

105.6 Department records.

The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 106 - APPROVAL

106.1 Modifications.

Existing State of New Jersey law, code, regulations and rules shall govern required repairs. In most circumstances, the repairs will be completed under the auspices of the applicable Construction or subcode official (for example: Fire or electrical subcode official and the regulations that govern them). The Construction or subcode official will have jurisdiction over the permitting and repair process. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner's authorized agent, provided the code official shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

106.2 Alternative materials, methods and equipment.

Existing State of New Jersey law, code, regulations and rules shall govern required repairs. In most circumstances, the repairs will be completed under the auspices of the applicable Construction or subcode official (for example: Fire or electrical subcode official and the regulations that govern them). The Construction or subcode official will have jurisdiction over the permitting and repair process. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the Construction official finds that the proposed

design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons the alternative was not approved.

106.3 Required testing.

Whenever there is insufficient evidence of compliance with the provisions of this code or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the Construction official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

106.3.1 Test methods.

Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the Construction official shall be permitted to approve appropriate testing procedures performed by an approved agency.

106.3.2 Test reports.

Reports of tests shall be retained by the code official for the period required for retention of public records.

106.4 Used material and equipment.

The use of used materials that meet the requirements of this Code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested where necessary, placed in good and proper working condition and approved by the Construction official.

106.5 Approved materials and equipment.

Materials, equipment and devices approved by the Construction official shall be constructed and installed in accordance with such approval.

106.6 Research reports.

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

SECTION 107 -- VIOLATIONS

107.1 Unlawful acts.

It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Code.

107.2 Notice of violation.

The code official shall serve a notice of violation or order in accordance with Section 108.

107.3 Prosecution of violation.

Any person failing to comply with a notice of violation or order served in accordance with Section 108 of this Code shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

107.4 Violation penalties.

Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a new and separate offense.

107.5 Abatement of violation.

The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

SECTION 108 -- NOTICES AND ORDERS

108.1 Notice to person responsible.

Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 108.2 and 108.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

108.2 Form.

Such notice prescribed in Section 108.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.
5. Inform the property owner or owner's authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 107.3.

108.3 Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified and first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

108.4 Unauthorized tampering.

Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.

108.5 Penalties.

Penalties for noncompliance with Orders and Notices shall be as set forth in Section 107.3

108.6 Transfer of ownership.

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. The Department of Neighborhood Preservation and

Code Enforcement shall create, maintain and update forms to comply with this section from time-to-time.

108. 7 Notice Requirements.

a. *Five Day Notice Period.* A minimum five (5) day notice period prior to the issuance of the Summons for the following violation:

1. Transfer of Title Without Disclosure to purchaser of existing Violations.

b. *Forty-Eight Hour Notice Period.* A minimum forty-eight (48) hour notice period prior to the issuance of a Summons for the following violations:

1. Failure to remove weeds or plant growth deemed as a nuisance, in the discretion of the Code Official or officer

2. Any other items or violations in the discretion of the Code official or officer, deemed compliant with this section.

c. *No Notice Required.* No notices of violation shall be required prior to the issuance of a Summons for the following violations:

1. failure to provide Required Utilities (Water)
2. failure to provide Required Utilities (Electric and Heat)
3. failure to obtain a Certificate of Occupancy before Occupancy or Transfer of Title prior to closing of title
4. Trash at curb on days when pickup is not scheduled and not in compliance with the Solid Waste chapter of the City Code
5. Failure to provide proper snow removal.
6. Prohibited occupancy of a placarded structure;
7. Sanitation (exterior property and premises to be maintained clean and sanitary);
8. Grass, Weeds and plant growth in excess of 10 inches unless previous direction or communication has been provided;
9. accumulations of garbage or rubbish;
10. failure to provide clean, sanitary disposal of rubbish in a container;
11. failure to provide clean, sanitary disposal of garbage in a container;
12. overcrowding;
13. occupying non-habitable spaces for sleeping purposes;
14. failure to maintain a safe, unobstructed means of egress;
15. accumulations of trash, rubbish or other materials blocking egress;
16. tampering with a smoke or carbon monoxide detector;
17. failure to provide operable smoke and carbon monoxide systems at all times;
18. Any other items or violations deemed compliant with this section, which, in the discretion of the Code official or officer, affect the health or safety concerns of the citizens.

SECTION 109 -- UNSAFE STRUCTURES AND EQUIPMENT

109.1 General.

When a structure or equipment is found by the Code Official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this Code.

109.1.1 Unsafe structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

109.1.2 Unsafe equipment.

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

109.1.3 Structure unfit for human occupancy.

A structure is unfit for human occupancy whenever the Code Official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, roach, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

109.1.4 Unlawful structure.

An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this Code, or was erected, altered or occupied contrary to law.

109.1.5 Dangerous structure or premises.

For the purpose of this Code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.

2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

109.2 Closing of vacant structures.

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner or owner's authorized agent to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

109.2.1 Authority to disconnect service utilities.

The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner or owner's authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner, owner's authorized agent or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

109.3 Notice.

Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, owner's authorized agent or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

109.4 Placarding.

Upon failure of the owner, owner's authorized agent or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

109.4.1 Placard removal.

The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

109.5 Prohibited occupancy.

Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any or person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

109.6 Abatement methods.

The owner, owner's authorized agent, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

109.7 Record.

The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

SECTION 110 -- EMERGENCY MEASURES**110.1 Imminent danger.**

When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

110.2 Temporary safeguards.

Notwithstanding other provisions of this Code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

110.3 Closing streets.

When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places

adjacent to unsafe structures, and prohibit the same from being utilized. The Code Official shall immediately contact the Chief of Police (or highest ranking officer), Fire Chief and the City Manager.

110.4 Emergency repairs.

For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible. This work shall be then liened against the property as to ensure complete reimbursement.

110.5 Costs of emergency repairs.

Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises or owner's authorized agent where the unsafe structure is or was located for the recovery of such costs.

110.6 Hearing.

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 111 - DEMOLITION

111.1 General.

The code official shall order the owner or owner's authorized agent of any premises upon which is located any structure, which in the code official's or owner's authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond six months, unless approved by the Construction official.

111.2 Notices and orders.

Notices and orders shall comply with Section 108.

111.3 Failure to comply.

If the owner of a premises or owner's authorized agent fails to comply with a demolition order

within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

111.4 Salvage materials.

When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state. All sales of materials shall be in accordance with the Local Public Contracts Law or Court Order.

SECTION 112 -- MEANS OF APPEAL

112.1 Application for appeal.

Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the court of competent jurisdiction.

SECTION 113 -- STOP WORK ORDER

113.1 Authority.

Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.

113.2 Issuance.

A stop work order shall be in writing and shall be given to the owner of the property, to the owner's authorized agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

113.3 Emergencies.

Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

113.4 Failure to comply.

Any person who shall continue any work after having been served with a stop work order, except

such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less or more than established by Ordinance.

SECTION 200 - DEFINITIONS

SECTION 201 - GENERAL

201.1 Scope.

Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability.

Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes.

Where terms are not defined in this code and are defined in the code of the State of New Jersey, the New Jersey Uniform Construction Code, the International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Residential Code, International Zoning Code, NFPA 70, or local definition, such terms shall have the meanings ascribed to them as stated in those codes.

201.4 Terms not defined.

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts.

Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

SECTION 202 - GENERAL DEFINITIONS

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. Acceptable to the code official.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a

dwelling or sleeping unit.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative; such as inspectors. Commonly referred to as:

Director of the Department of Neighborhood Preservation

CONDEMN. To adjudge unfit for occupancy.

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS. The costs shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a code official, the governing body or board of appeals.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HISTORIC BUILDING

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register or state or locally designated historic district.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or

death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY or LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

MANUFACTURER RECOMMENDATION. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying how they are to be properly installed, maintained, etc.

NEGLECT. The lack of proper maintenance for a building or structure.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

REPAIRS; EMERGENT - COMPLETING OF. Any repairs authorized by a third party and in accordance with the Local Public Contracts Law, by the code official or other authorized City representative who shall have the power to lien a property;

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

CHAPTER 13 - SECTION 300

GENERAL REQUIREMENTS

CHAPTER 13 - SECTION 301-- GENERAL

301.1 Scope.

The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility.

The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter.

Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

301.3 Vacant structures and land.

Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

301.4 Manufacturer Recommendation

All equipment, materials or products to which have been affixed a label, seal, symbol or other identifying how they are to be properly installed, maintained, etc.

301.5 More Stringent Regulation(s) to Apply - Code Enforcement

All other ordinances or parts of ordinances, or rules, regulations, etc., in conflict herewith with regards to Code Enforcement activities are hereby repealed to the extent of such consistency, except where such other ordinances or parts of ordinances provide for a higher or more stringent standard, in which event, that higher or more stringent standard shall apply.

301.5 More Stringent Regulation(s) to Apply - Other Code

All other ordinances or parts of ordinances, or rules, regulations, etc., in conflict herewith with regards to other Federal, State, County or local are hereby repealed to the extent of such consistency, except where such other ordinances or parts of ordinances provide for a higher or more stringent standard, in which event, that higher or more stringent standard shall apply. Nothing shall permit the code official to write a corrective action notice or citation based upon these codes

301.5 Willful Damage

Willful Damage. Every occupant shall be liable for willfully or maliciously causing damage to any part of the premises that results in a violation of this code. Any adult occupant shall be responsible and liable for any violation of this code caused by minors under their care or custody occupying the same unit of dwelling space, if the violations were permitted to continue with the knowledge or acquiescence or consent of the adult member.

SECTION 302 -- EXTERIOR PROPERTY AREAS

As used in this section:

Trash or debris shall mean and include the following:

Automobile left standing in an unlicensed and unusable state or condition, or parts thereof left outside of an enclosed garage, scraps of metal, wood, pieces of stone, cement, cans, bottles, scrap paper, or a combination thereof, left in such a condition as to create an unsightly, unhealthful, unsafe, or unsanitary condition, or in such manner as would constitute a fire or health hazard.

302.1 Sanitation.

Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition, free of trash or debris.

302.2 Duties of Owners and Tenants.

It shall be the duty of any owner or tenant or person in possession of any lands in the City:

- a. To keep such lands free of brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris, where the same are inimical to the preservation of public health, safety or general welfare of the City, or which may constitute a fire hazard;
- b. Where the lands abut or border upon any public street or alley in the City, to remove all grass, weeds, brush and other debris from that part of the street or alley bordering on their respective lands.

302.3 Grading and drainage.

Premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

302.3 (a) Filling of Land to Grade.

It is hereby declared to be the duty of the owner or owners of any and all lots in this City to fill and cause each and every lot to be maintained properly filled to grade at all times. This requirement shall apply to vacant lands, areas of lands not plotted into lots and lots upon which improvements are erected.

302.4 Sidewalks and driveways.

Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous.

302.5 Weeds.

Premises and exterior property shall be maintained free from weeds, moss, algae or plant growth in excess of six inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the

jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. A bill may be sent or a lien placed upon said property.

Upon mailing date of the notice of violation, owner or agent having charge of a property to cut and destroy weeds after service, the owner shall have one calendar week to abate the issue and then the City shall be authorized to enter the property. A bill may be sent or a lien placed upon said property.

302.6 Rodent harborage.

Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health.

302.6(1) Rodent harborage - continuous maintenance

After pest elimination as per Section 302.5, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

302.7 Exhaust vents.

Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

302.8 Accessory structures.

Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.9 Motor vehicles.

Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

a. Automobile(s) left standing in an unlicensed and unusable state or condition, or parts thereof left outside of an enclosed garage, so as to be accessible to children, rodents, vermin, or insect pests, or in such condition or location as to create an unsightly appearance to neighboring property owners or the general public are prohibited.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

b. No trailer of any size for vehicle repair which provides enclosed storage shall be parked, kept or stored on any premises. This prohibition shall not apply to trash, refuse or recycling containers or to any trailer owned by the municipality or being used in connection with any temporary function, including a circus or carnival, which is approved by the municipality.

302.10 Defacement of property.

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

302.10.1 GRAFFITI ABATEMENT.

302.10.2 Purpose and Intent.

The City Council of the City of Asbury Park finds graffiti on public or private property a blighting element, which leads to depreciation of the value of property that has been targeted by such vandalism and depreciates the value of the adjacent and surrounding properties to the extent that graffiti creates a negative impact upon the entire City.

The City Council finds and determines that graffiti is obnoxious and a public nuisance, and must be eliminated by means of prevention, education and abatement to avoid the detrimental impact of such graffiti on the City and its residents, and to prevent the further spread of graffiti.

The purpose and intent of the City Council, through the adoption of this section, is to provide additional enforcement tools to protect public and private property from acts of vandalism and defacement. It is the further intent of the City Council, through the adoption of this section, to provide notice to all of those who disregard the property rights of others, that the law enforcement agencies of the City, the Departments of Code Enforcement and Neighborhood Preservation and the City Attorney, will strictly enforce the law and vigorously prosecute those persons engaging in violations of this section.

302.10.3 Definitions.

Aerosol paint container shall mean any aerosol container, which is adapted or made for the purpose of spraying paint or other substance capable of defacing property.

Felt-tip marker shall mean any tipped style marker or similar implement with a tip which, at its broadest width, is one-eighth (1/8) inch, or greater.

Graffiti shall mean any unauthorized inscribing, word, figure, or design which is marked, etched, scratched, drawn, painted, pasted or otherwise affixed to or on any surface, regardless of the nature of the material of that structural component, to the extent the same was not authorized in advance by the owner thereof, or despite advance authorization, is otherwise deemed by the City Council to be a public nuisance.

Graffiti implement shall mean an aerosol paint container, a felt tip marker, or any other device

containing any solution or substance capable of being used to leave a visible mark at least one-eighth (1/8) of an inch in width upon any surface.

302.10.4 Declaration of Nuisance.

- a. The City Council hereby declares and finds graffiti to be a nuisance subject to abatement according to the provisions and procedures herein contained and as authorized by New Jersey Statutes N.J.S.A. 40:48-1 et seq.
- b. The existence of any surface of a structure on any privately owned parcel of land which has been defaced with graffiti after removal more than five (5) times in twelve (12) months is hereby deemed to be a nuisance, and may be abated by the City by order of the City Council requiring modifications thereto, or to the immediate area surrounding same. Such modifications may include, but are not limited to retrofitting of such surfaces at the expense of the property owner(s) of said lot, with such features or qualities as may be established by the City as necessary to reduce the attractiveness of the surface for graffiti, or as necessary to permit more convenient, expedient or efficient removal of graffiti therefrom.

302.10.5 Graffiti Prohibited.

- a. No person shall place graffiti or other writing upon any public or privately owned tree or structures including, but not limited to, buildings, walls, fences, poles, sidewalks and signs, ("structures" hereinafter in this section) located within the City. It shall also be unlawful for any person to apply or affix any adhesive backed label, sticker, "bumper sticker" or similar item, to any tree or structure not owned or lawfully possessed by such person.
- b. No person owning or otherwise in control of any real property within the City shall permit or allow any graffiti to be placed upon or remain on any structure located on such property.

302.10.6 Possession of Graffiti Implements by Minors Prohibited.

Possession of any graffiti implement by any person under the age of eighteen (18) years with the intent to deface property while upon public or private property shall be unlawful unless that minor has received the consent of the owner of such private property whose consent to such possession and presence is given in writing in advance or unless that minor is accompanied by and under the supervision of a parent or legal guardian. This provision shall not apply to the possession of felt tip markers by minors attending, or traveling to or from a school at which the minor is enrolled, if the minor is participating in a class at said school, which formally requires possession of such felt tip markers. The burden of proof in any prosecution for violation of this subsection shall be upon the minor student to establish the need to possess a felt tip marker.

302.10.7 Possession of Graffiti Implements Prohibited in Designated Public Places.

Possession of any graffiti implement by any person under the age of eighteen (18) years with the intent to deface property while in any public park, playground, swimming pool, recreational facility, or while in or within ten (10) feet of an underpass, bridge abutment, storm drain, or other

similar type of infrastructure not normally used by the public shall be unlawful except as may be authorized by the City or unless that minor is accompanied by and under the supervision and control of a parent or legal guardian.

302.10.8 Accessibility to Graffiti Implements Prohibited.

Furnishing of Graffiti Implements to Minors Prohibited. It shall be unlawful for any person, other than a parent or legal guardian, to sell, exchange, give, loan, or otherwise furnish, or cause or permit to be exchanged, given, loaned, or otherwise furnished, any graffiti implement to any minor without the consent of the parent or lawful guardian which consent shall be given in advance in writing.

302.10.9 Right of City to Require Removal.

a. In the event graffiti is found, the City shall provide the owner of record written notice of an order to remove said graffiti be certified mail and regular mail, which order shall afford the owner the opportunity to remove the graffiti within sixty (60) days of the date that the notice is sent, however, any government agency or department shall be afforded one hundred twenty (120) days from the date that the notice is sent to remove graffiti from property owned by the agency or department.

b. The City's order to remove shall contain a form to be utilized by a property owner to inform the City that the graffiti has been removed and shall contain a certification stating that by affixing a signature to the form indicating that the graffiti has been removed, the owner is certifying that the facts set forth therein are true and that the certification shall be considered as if made under oath and subject to the same penalties as provided by law for perjury.

302.10.10 Response to Order to Remove Graffiti from Property Owner.

A property owner who has been ordered to remove graffiti shall respond to the City by personal delivery or certified mail:

- a. Any objection to the order, within thirty (30) days of the date of the order;
- b. Notice that the graffiti has been removed, within thirty (30) days of the date of the order, or in the case of the State Department of Transportation, within one hundred twenty (120) days of the date of the order.

302.10.11 Objection to Order to Remove Graffiti.

A property owner who objects to an order to remove graffiti may institute an action challenging the order before a court of competent jurisdiction within forty five (45) days of the date of the order.

302.10.12 Failure to Comply with Order to Remove Graffiti.

a. If a property owner does not undertake the removal of graffiti within sixty (60) days of the date of the order, or in the case of the Department of Transportation, within one hundred twenty (120) days of the date of the order, unless an action challenging the order to remove graffiti is still pending, the City may remove the graffiti from that property and present the property owner with a detailed itemization of the costs incurred by the City, by certified mail and regular mail, for reimbursement from the property owner.

b. Whenever the City undertakes the removal of graffiti from any building, structure or other exposed surface, the City Council, in addition to assessing the cost of removal as municipal lien against the premises, may enforce the payment of such assessment, together with interest, as a debt of the owner of the property and may authorize the institution of an action at law for the collection thereof. The Superior Court shall have jurisdiction of any such action.

302.10.13 Right of City to Remove.

a. Whenever the City becomes aware, or is notified and determines that graffiti is so located on public or privately owned property viewable from a public or quasi-public place within the City, the City shall be authorized to use public funds for the removal of same, or for the painting or repairing of same, but shall not authorize or undertake to provide for the painting or repair of any more extensive area than that where the graffiti is located, unless the City Manager, or designee, determines in writing that a more extensive area is required to be repainted or repaired in order to avoid aesthetic disfigurement to the neighborhood or community, or unless the responsible party agrees to pay for the costs of repainting or repairing the more extensive area. Refer to 302.10.10.

b. *Right of Entry on Private Property.*

1. **Securing Owner Consent.** Prior to entering upon private property or property owned by a public entity other than the City, for the purposes of removal of graffiti, the City shall attempt to secure the consent of the responsible party, and a release of the City from liability for private or public property damage.

2. **Failure to Obtain Owner Consent.** If a responsible party fails to remove the offending graffiti within the time herein specified, or if the City shall have requested consent to remove or paint over the offending graffiti and the responsible party shall have refused consent for entry on terms acceptable to the City consistent with the terms of this subsection, the City may commence abatement and cost recovery proceedings for the removal of the graffiti pursuant to the nuisance abatement authority granted by the State of New Jersey, which authority includes the recovery of all costs incurred by the City in abating graffiti and recordation of lien as to affected property.

302.11 Snow Removal.

All snow shall be removed within 24 hours from the termination of the snow event and within 48 hours if a State of Emergency has been declared. No snow shall be deposited within the Right-of-Way or within a City owner roadway or alley.

302.12 Placement of dumpsters.

All dumpsters shall be set upon plywood to protect the surface against ruts. This applies to dumpsters on private property, a roadway, alley, or within the right-of-way. A property owner's use of a dumpster is subject to the requirements of Ordinance 3-15.1 et seq.

302.12A Use of Dumpsters

All dumpsters shall be property specific and not to be shared unless by adjacent properties.

302.13 Trees and root systems

Trees shall be maintained to a good visual standard or in accordance with ANSI standards. All tree roots shall not impede or damage existing infrastructure such as sidewalks or fences.

302.14 Order to Remove.

Whenever any Code Official or Inspector, Police Officer or Special Police Officer deems it necessary and expedient for the preservation of the public health, safety, general welfare, or the elimination of a fire hazard, or upon investigation of a complaint of any resident, officer or employee of the City, he may order the owner, tenant or person in possession of any lands on which any brush, grass, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash or other debris are found to exist, to remove same within three (3) days or to cause the removal thereof if the order is not complied with.

302.15 Service of Notice.

After an investigation of a complaint of any resident, officer or employee of the City, or upon his own motion, any City Code Official or Inspector, Police Officer or Special Police Officer or other City Official appointed or directed by the City Manager (or designee) shall proceed with regard to the manner of service of notice to remove the contents thereof as provided in Section 107 et seq. herein.

302.16 Removal by City; Costs Established as a Lien.

In the event the owner, tenant or person in possession of the lands in question refuses or neglects to abate or remedy the condition complained of within three (3) days after receipt of notice, any City Code Official or Inspector, Police Officer or Special Police Officer may cause the condition complained of to be abated and remedied by referral to the City Department of Public Works, which Department shall then certify the cost thereof to the City Tax Collector, who shall cause the cost as shown thereon to be charged against the lands. The amount so charged shall forthwith become a lien upon such lands and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, which shall be collected and enforced by the Tax Collector in the same manner as taxes. Costs shall be in addition to any penalties imposed for a violation of this section. In the event that the order for removal of trash or debris is as a result of the trash or debris being located on the City right-of-way and the owner, tenant or person in possession of the lands in question refuses or neglects to abate or remedy the condition complained of within forty-eight

(48) hours after receipt of notice, any City Code Official or Inspector, Police Officer or Special Police Officer may cause the condition complained of to be abated and remedied by referral to the City Department of Public Works, which Department shall then certify the cost thereof to the City Tax Collector, who shall cause the cost as shown thereon to be charged against the lands. The amount so charged shall forthwith become a lien upon such lands and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, which shall be collected and enforced by the Tax Collector in the same manner as taxes. Costs shall be in addition to any penalties imposed for a violation of this section.

a. *Violations and Penalties.* All violators of this section shall be subject to a penalty of no less than two hundred fifty (\$250.00) dollars for each violation or thirty (30) days community service or both.

Each and every day in which a violation of this section exists shall constitute a separate violation subject to a penalty.

302.17 Exceptions.

The provisions of this section shall not apply to a regular established and licensed business known as a towing operator's storage yard, which business is subject to the special regulations provided in the City Code.

302.18 CLEAR VIEW AT INTERSECTIONS.

302.18.1 Height Restricted.

It shall be the responsibility of any owner, tenant or occupant of any parcel of land within the City to cut all brush, hedges and other plant life growing within ten (10) feet of any roadway and within twenty-five (25) feet of any intersection of two (2) roadways, to a height of not more than two and one-half (2 1/2) feet provided such shall be necessary and expedient for the preservation of the public safety. The owner, tenant or occupant shall have ten (10) days after notice to cut the same.

302.18.2 Inspection and Determination by City.

At least once in each calendar year the Department of Neighborhood Preservation may examine all roadways in the City and make a determination of each parcel of land where it is necessary and expedient for the preservation of the public safety to have any brush, hedges or other plant life cut in accordance with this section of the provisions of N.J.S.A. 40:48-2.26 and 40:48-2.27.

302.18.3 Notice to Remove.

When the Department of Neighborhood Preservation ascertains that there is a parcel of land on which exist the conditions described in this section, it shall cause notice to be given to the owner, tenant or occupant of the land to cut the brush, hedges or other plant life within ten (10) days

after the notice is given. The notice shall be given in writing, either personally or by the United States certified mail. If neither method of giving notice is possible or practical, notice may be given by posting it in a prominent place on the parcel of land.

302.18.4 Removal by City; Cost Established as Lien.

If the owner, tenant or occupant fails to cut the brush within ten (10) days, the Public Works Director shall direct a City employee or arrange for an independent contractor, to cut the brush, hedges or other plant life. Where such cutting is done by the Public Works Director, or any other person, or under his direction, he shall certify the cost thereof to the City Tax Collector who shall cause the cost as shown thereon to be charged against the land. The amount so charged shall forthwith become a lien upon the lands and shall be added to and become and form part of the taxes next to be assessed and levied upon the lands, the same to bear interest at the same rate as other taxes and shall be collected and enforced by the same officers and in the same manner as taxes.

SECTION 303

SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools.

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair. All pools shall comply with existing zoning code and other State and local statutes; the stricture regulation shall apply.

303.2 Enclosures.

Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is not less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304

EXTERIOR STRUCTURE

304.1 General.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions.

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the New Jersey Uniform Construction Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or

that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or

13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

14. Other items deemed in accordance with this section:

Exceptions:

1. Where substantiated otherwise by an approved method.

2. Demolition of unsafe conditions shall be permitted where approved by the Construction official.

304.2 Protective treatment.

Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. Any repairs and/or replacement must match, or be similar to, the style and color of the existing.

304.3 Premises identification.

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 3 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm). Additional or more stringent State regulations may apply; the more stringent regulations shall be the governing regulations.

304.4 Structural members.

Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads. Any repairs and/or replacement must match, or be similar to, the style and color of the existing.

304.5 Foundation walls.

Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls.

Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.7 Roofs and drainage.

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. Any repairs and/or replacement must match, or be similar to, the style and color of the existing.

304.8 Decorative features.

Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions.

Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies.

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers.

Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained

structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames.

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing.

Glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows.

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens.

Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

304.15 Doors (exterior).

Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways.

Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water. Handles shall be in good working order.

304.17 Guards for basement windows.

Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents or the elements.

304.18 Building security.

Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

304.18.1 Doors (interior).

Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock. Bedrooms shall not have exterior keys or locks.

304.18.2 Windows.

Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways.

Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

304.19 Gates.

Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 305**INTERIOR STRUCTURE****305.1 General.**

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure that they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming

house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

305.1.1 Unsafe conditions.

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

- Where substantiated otherwise by an approved method.
- Demolition of unsafe conditions shall be permitted when approved by the code official.

305.2 Structural members.

Structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces.

Interior surfaces, including but not limited to, windows, walls, and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces.

Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.5 Handrails and guards.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors.

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

305.7 Cabinets and/or shelves

Cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils and of food that, under ordinary summer conditions, does not require refrigeration for safe keeping; and a counter or table for food preparation are required. All cabinets and/or shelves and counter or table shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or harmful effect on food.

SECTION 306**COMPONENT SERVICEABILITY****306.1 General.**

The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Unsafe conditions.

Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the, existing State or local laws or regulations, International Building Code or the International Existing Building Code as required for existing buildings:

1. Soils that have been subjected to any, but not limited to, the following conditions:

- 1.1. Collapse of footing or foundation system;
- 1.2. Damage to footing, foundation, concrete or other structural element due to soil

expansion;

- 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
- 1.4. Inadequate soil as determined by a geotechnical investigation;
- 1.5. Where the allowable bearing capacity of the soil is in doubt; or
- 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.

2. Concrete that has been subjected to any, but not limited to the following conditions:

- 2.1. Deterioration;
- 2.2. Ultimate deformation;
- 2.3. Fractures;
- 2.4. Fissures;
- 2.5. Spalling;
- 2.6. Exposed reinforcement; or
- 2.7. Detached, dislodged or failing connections.
- 2.8. Cracking

3. Aluminum that has been subjected to any, but not limited to the following conditions:

- 3.1. Deterioration;
- 3.2. Corrosion;
- 3.3. Elastic deformation;
- 3.4. Ultimate deformation;
- 3.5. Stress or strain cracks;
- 3.6. Joint fatigue; or
- 3.7. Detached, dislodged or failing connections; or
- 3.8. Cracking

4. Masonry that has been subjected to any, but not limited to the following conditions:

- 4.1. Deterioration;
- 4.2. Ultimate deformation;
- 4.3. Fractures in masonry or mortar joints;
- 4.4. Fissures in masonry or mortar joints;
- 4.5. Spalling;
- 4.6. Exposed reinforcement; or
- 4.7. Detached, dislodged or failing connections; or
- 4.8. Cracking

5. Steel that has been subjected to any, but not limited to the following conditions:

- 5.1. Deterioration;
- 5.2. Elastic deformation;
- 5.3. Ultimate deformation;

- 5.4. Metal fatigue; or
- 5.5. Detached, dislodged or failing connections; or
- 5.6. Cracking

6. Wood that has been subjected to any of, but not limited to, following conditions:

- 6.1. Ultimate deformation;
- 6.2. Deterioration;
- 6.3. Damage from insects, rodents and other vermin;
- 6.4. Fire damage beyond charring;
- 6.5. Significant splits and checks;
- 6.6. Horizontal shear cracks;
- 6.7. Vertical shear cracks;
- 6.8. Inadequate support;
- 6.9. Detached, dislodged or failing connections; or
- 6.10. Excessive cutting and notching.

Exceptions:

Where substantiated otherwise by an approved method.

Demolition of unsafe conditions shall be permitted where approved by the code official.

SECTION 307

HANDRAILS AND GUARDRAILS

307.1 General.

Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

SECTION 308

RUBBISH AND GARBAGE

308.1 Accumulation of rubbish or garbage.

Exterior property and premises, and the interior of every structure, shall be free from any

accumulation of rubbish or garbage.

308.2 Disposal of rubbish.

Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

308.2.1 Rubbish storage facilities.

The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

308.2.2 Refrigerators.

Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

308.3 Disposal of garbage.

Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

308.3.1 Garbage facilities.

The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leak proof, covered, outside garbage container.

308.3.2 Containers.

The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

308.3.3 Containers - Standards.

All items to be collected from curbside will be placed at curbside in upright container, plastic bags, tied in bundles, or otherwise contained so as to not be loose - in no case shall any container, bag or bundle exceed 60lbs in weight or 55 gallons. Items secured in bundles (i.e. branches, wood, hedge clippings, carpeting) shall not exceed 4ft in length. Household furniture placed at curb shall not exceed 120lbs. Household odds and ends (i.e. a door, shutter, and window) shall not exceed 120lbs.

Quantity to be collected from residential and non-residential premises per pickup day shall conform to the following:

1. Type 10 Household Trash - Not more than five containers and/or bags per dwelling unit and non-residential establishment, per pickup day - Total aggregate

per dwelling unit or non-residential establishment not to exceed 300 lbs.

2. Type 13 Bulk Waste - No more than three large items - total aggregate of items, bags, bundles or containers not to exceed 360 lbs per dwelling unit or non-residential establishment, per pickup day. For premises having more than one dwelling unit or more than one non-residential establishment, no more than six large bulk items or an aggregate of 720lbs are to be collected per pickup per building.

3. Type 23 Yard Waste - No more than three bundles, bags or containers per residential or non-residential unit or in the aggregate more than 180lbs, per pickup day. For Premises having more than one dwelling or non-residential establishment no more than six bundles, bags or containers (aggregate) weight not to exceed 360lbs) are to be collected per pickup day.

SECTION 309

PEST ELIMINATION

309.1 Infestation.

Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation.

309.2 Owner.

The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

309.3 Single occupant.

The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.

309.4 Multiple occupancy.

The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.

309.5 Occupant.

The occupant of any structure shall be responsible for the continued rodent and pest-free

condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination.

CHAPTER 13 - SECTION 400 -- LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401

GENERAL

401.1 Scope.

The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

401.2 Responsibility.

The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

401.3 Alternative devices.

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the International Building Code shall be permitted.

SECTION 402

LIGHT

402.1 Habitable spaces.

Every habitable space shall have not less than one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, but a minimum of 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways.

Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with not less than a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with not less than 1 footcandle (11 lux) at floors, landings and treads.

402.3 Other spaces.

All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

SECTION 403**VENTILATION****403.1 Habitable spaces.**

Every habitable space shall have not less than one openable window. The total openable area of the window in every room shall be equal to not less than 45 percent of the minimum glazed area required in Section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and toilet rooms.

Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

403.3 Cooking facilities.

Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

Exceptions:

1. Where specifically approved in writing by the code official.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 Process ventilation.

Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 Clothes dryer exhaust.

Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

Exception: Listed and labeled condensing (ductless) clothes dryers.

SECTION 404**OCCUPANCY LIMITATIONS****404.1 Privacy.**

Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths.

A habitable room, other than a kitchen, shall be not less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passageway of 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights.

Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting a maximum of 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped

ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.

4. Confliction with other State codes

404.4 Bedroom and living room requirements.

Every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room area.

Every living room shall contain not less than 120 square feet (11.2 m²) and every bedroom shall contain not less than 70 square feet (6.5 m²) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m²) of floor area for each occupant thereof. Continuation of an existing nonconformance shall be permitted pending compliance with all other applicable State and City laws, codes and regulations.

404.4.2 Access from bedrooms.

Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

404.4.3 Water closet accessibility.

Every bedroom shall have access to not less than one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.

404.4.4 Prohibited occupancy.

Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements.

Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding.

Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

TABLE 404.5

MINIMUM AREA REQUIREMENTS

Space	1- 2 Occupants	3 - 5 Occupants	6 or more
Living Room a,b	No requirement	120	150
Dining Room a,b	No requirement	80	100
Bedrooms	Shall comply with Section 404.4		
For SI: 1 square foot = 0.093 m2			

404.5.1 Sleeping area.

The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. Sleeping areas shall comply with Section 404.4.

404.5.2 Combined spaces.

Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

404.6 Efficiency unit.

Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 m²). A unit occupied by not more than two occupants shall have a minimum clear floor area of 220 square feet (20.4 m²). A unit occupied by three occupants shall have a minimum clear floor area of 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

404.7 Food preparation.

All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

CHAPTER 13 - SECTION 500-

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501 GENERAL

501.1 Scope.

The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility.

The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises that does not comply with the requirements of this chapter.

SECTION 502

REQUIRED FACILITIES

502.1 Dwelling units.

Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink, refrigerator, and stove that shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

The stove, for cooking food, and a refrigerator or refrigerator-freezer shall be required. Said refrigerator shall be capable of maintaining safe storage of food at temperatures less than 45 degrees Fahrenheit but more than 32 degrees Fahrenheit. Said stove and refrigerator, and/or refrigerator-freezer shall be properly installed with all necessary connections for safe, sanitary, and efficient operation and shall be maintained in good working condition. Said equipment need not be installed while a dwelling unit is not occupied.

Cabinets and/or shelves: Cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils and of food that, under ordinary summer conditions, does not require refrigeration for safe keeping; and a counter or table for food preparation are required. All cabinets and/or shelves and counter or table shall be of sound construction furnished with

surfaces that are easily cleanable, reachable, and that will not impart any toxic or harmful effect on food.

502.2 Rooming houses.

Not less than one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

502.3 Hotels.

Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each 10 occupants.

502.4 Employees' facilities.

Not less than one water closet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking facilities.

Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

502.5 Public toilet facilities.

Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the International Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

SECTION 503

TOILET ROOMS

503.1 Privacy.

Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

503.2 Location.

Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities.

Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

503.4 Floor surface.

In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 504

PLUMBING SYSTEMS AND FIXTURES

504.1 General.

Plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances.

Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards.

Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 505

WATER SYSTEM

505.1 General.

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.

505.2 Contamination.

The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply.

The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities.

Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a minimum temperature of 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

SECTION 506**SANITARY DRAINAGE SYSTEM****506.1 General.**

Plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

506.2 Maintenance.

Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

506.3 Grease interceptors.

Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of

maintenance, cleaning and repairs shall be available for inspection by the code official.

SECTION 507

STORM DRAINAGE

507.1 General.

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

CHAPTER 13 - SECTION 600-- MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601

GENERAL

601.1 Scope.

The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility.

The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that does not comply with the requirements of this chapter.

SECTION 602

HEATING FACILITIES

602.1 Facilities required.

Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies.

If the lease requires the landlord to provide heat, the landlord must give you the amount of heat required by the state codes and the local town or city ordinance. Under the state housing codes, from October 1 to May 1, the landlord must provide enough heat so that the temperature in the apartment is at least 68 degrees from 6 a.m. to 11 p.m. between the hours of 11 p.m. and 6 a.m., the temperature in the apartment must be at least 65 degrees. **Cite:** N.J.A.C. 5:10-14 et seq. and N.J.A.C. 5:28-1.12(m).

602.3 Heat supply.

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable work spaces.

Indoor occupiable work spaces shall be supplied with heat are to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement.

The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603**MECHANICAL EQUIPMENT****603.1 Mechanical appliances.**

Mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Removal of combustion products.

Fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances that are labeled for unvented operation.

603.3 Clearances.

Required clearances to combustible materials shall be maintained.

603.4 Safety controls.

Safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air.

A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices.

Devices intended to reduce fuel consumption by attachment to a fuel -burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

SECTION 604

ELECTRICAL FACILITIES

604.1 Facilities required.

Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service.

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 60 amperes.

604.3 Electrical system hazards.

Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure.

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment.

Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the International Building Code.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

- Enclosed switches, rated a maximum of 600 volts or less;
- Busway, rated a maximum of 600 volts;
- Panelboards, rated a maximum of 600 volts;
- Switchboards, rated a maximum of 600 volts;
- Fire pump controllers, rated a maximum of 600 volts;
- Manual and magnetic motor controllers;
- Motor control centers;
- Alternating current high-voltage circuit breakers;
- Low-voltage power circuit breakers;
- Protective relays, meters and current transformers;
- Low- and medium-voltage switchgear;
- Liquid-filled transformers;
- Resin transformers;
- Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
- Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
- Luminaires that are listed as submersible;
- Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure.

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment.

Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits that have been exposed to fire, shall be replaced in accordance with the provisions of the International Building Code.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired

where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

SECTION 605

ELECTRICAL EQUIPMENT

605.1 Installation.

Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.2 Receptacles.

Every habitable space in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain not less than one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

605.3 Luminaires.

Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

605.4 Wiring.

Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

SECTION 606

ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General.

Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location approved by the code official. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.2 Elevators.

In buildings equipped with passenger elevators, not less than one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607

DUCT SYSTEMS

607.1 General.

Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. All duct systems shall be installed to manufacturers' specifications.

CHAPTER 13 - SECTION 700-

FIRE SAFETY REQUIREMENTS

SECTION 701

GENERAL

701.1 Scope.

The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

701.2 Responsibility.

The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

SECTION 702

MEANS OF EGRESS

702.1 General.

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code.

702.2 Aisles.

The required width of aisles in accordance with the International Fire Code shall be unobstructed.

702.3 Locked doors.

Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code.

702.4 Emergency escape openings.

Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

SECTION 703

FIRE-RESISTANCE RATINGS

703.1 Fire-resistance-rated assemblies.

The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

703.2 Opening protectives.

Required opening protectives shall be maintained in an operative condition. Fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

SECTION 704

FIRE PROTECTION SYSTEMS

704.1 General.

Systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code.

704.1.1 Automatic sprinkler systems.

Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

704.1.2 Fire department connection.

Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an approved sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire code official.

704.2 Single-and multiple-station smoke alarms.

Single-and multiple-station smoke alarms shall be installed in existing Group I-1 and R occupancies in accordance with Sections 704.2.1 through 704.2.3.

704.2.1 Where required.

Existing Group I-1 and R occupancies shall be provided with single-station smoke alarms in accordance with Sections 704.2.1.1 through 704.2.1.4. Interconnection and power sources shall be in accordance with Sections 704.2.2 and 704.2.3.

Exceptions:

1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.
2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.
3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

704.2.1.1 Group R-1.

Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.
2. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.

3. In each story within the sleeping unit, including basements. For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

704.2.1.2 Groups R-2, R-3, R-4 and I-1.

Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
4. Photoelectric smoke alarms shall not be installed less than 6 feet (1829 mm) horizontally from a permanently installed cooking appliance.

704.2.1.4 Installation near bathrooms.

Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section 704.2.1.1 or 704.2.1.2.

704.2.2 Interconnection.

Where more than one smoke alarm is required to be installed within an individual dwelling or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings that are not undergoing alterations, repairs or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or

repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

704.2.3 Power source.

Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for over-current protection.

Exceptions:

1. Smoke alarms are permitted to be solely battery operated in existing buildings where no construction is taking place.
2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.
3. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for building wiring without the removal of interior finishes.
 1. The fire alarm system shall comply with all applicable requirements in Section 907 of the International Fire Code.
 2. Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the dwelling or sleeping unit in accordance with Section 907.5.2 of the International Fire Code.
 3. Activation of a smoke detector in a dwelling or sleeping unit shall not activate alarm notification appliances outside of the dwelling or sleeping unit, provided that a supervisory signal is generated and monitored in accordance with Section 907.6.5 of the International Fire Code.

SECTION 800-- ABANDONED AND VACANT PROPERTIES

801 IDENTIFICATION OF ABANDONED PROPERTIES.

801-1 City List of Abandoned Properties.

- a. The Director of Property Improvement and Neighborhood Preservation or the City Manager's designee is hereby directed to identify abandoned properties with the City, place said properties on an abandoned property list established as provided in Section 36 of P.L.1996, c.62 (C.55:19-

55), as amended by Section 28 of P.L.2003, c.210, and provide such notices and carry out such other tasks as are required to effectuate an abandoned property list as provided by law.

b. The abandoned property list shall apply to the City of Asbury Park as a whole.

c. The Director of Property Improvement and Neighborhood Preservation or the City Manager's designee is hereby designated as the public officer for the purpose of carrying out the responsibilities established by this section and shall have all the responsibilities and powers provided by law.

d. The Director of Property Improvement and Neighborhood Preservation or the City Manager's designee shall exercise the authority granted the City pursuant to Section 13 of P.L.2003, c.210, to designate qualified rehabilitation entities to act as the designee of the City with respect to the provisions of that section.

e. The Director of Property Improvement and Neighborhood Preservation or the City Manager's designee shall provide a report to the Mayor and City Council every six (6) months, with respect to the number and location of properties on the abandoned property list, the status of those properties, and any actions taken by the City or by any qualified rehabilitation entity designated pursuant to the authority granted to the public officer with respect to any property on the list or any other abandoned property within the City.
(Ord. No. 3031; Ord. No. 3077)

802 REGISTRATION OF VACANT PROPERTY.

802-1.1 Definitions.

As used in this section:

Municipal officer shall mean the Director of Property Improvement and Neighborhood Preservation/Code Enforcement or such official within that department as may be designated by the Director in writing.

Owner shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity that has filed a notice with the Municipal Clerk pursuant to the provisions of C.46:10B-51 (P.L.2008, c.127, Sec.17 as amended by P.L.2009, c.296), or any other entity determined by the public officer of the City of Asbury Park to have authority to act with respect to the property.

Vacant Property shall mean any building or structure which is not at present legally occupied or at which all lawful business or construction operations or residential or other occupancy have substantially ceased, and which is in such condition that it cannot legally be re-occupied without repair or rehabilitation, including but not limited to any property meeting the definition of abandoned property in N.J.S.A. 55:19-80; provided, however, that any habitable property where all building systems are in sound working order, where the building and grounds are maintained in good condition, and which is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property for purposes of this section.
(Ord. No. 2015-10 § 1)

802-1.2 Registration of Vacant Property Required; Term; Fee Waivers.

a. As of the effective date of this section (this section adopted by Ord. No. 2015-10 on 4-22-15), the owner of any vacant property as defined herein shall, within 30 days after the building becomes vacant property or within 30 days after assuming ownership of the vacant property, whichever is later; or within 10 days of receipt of notice from the City, file a registration statement for such vacant property with the municipal officer on forms provided for that purpose by the municipal officer along with any fee required by this section. Failure to receive notice from the municipality shall not constitute grounds for failing to register the property.

b. Each property having a separate tax block and lot number shall be registered separately.

c. The registration shall include the information required under subsection 13-802-1.4, the insurance certificate required under subsection 13-802-1.7, as well as any additional information that the municipal officer may reasonably require.

d. The registration shall remain valid for one year from the date of registration. The owner shall be required to renew the registration annually as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed in subsection 13-802-1.5 for each vacant property registered.

e. The municipal officer may establish for purposes of efficient administration that all registrations shall be renewed by a single date in each year, which date shall be established by the municipal officer in which case the initial registration fee shall be pro-rated for registration statements received less than 10 months prior to that date.

f. 1. Any owner of vacant property who plans to restore the property to productive use and occupancy during the twelve (12) month period following the date of the initial registration of the property shall file a detailed statement of the owner's plans for restoration of the property with the registration statement and shall be exempt from payment of the registration fee, but shall comply with all other provisions of this section. In the event that the property has not been restored to productive use and occupancy at the end of the twelve (12) month period, the owner shall be liable for any fee waived. The municipal officer, after consultation with the City Council and with the approval of a majority thereof, may extend the waiver of the registration fee for not more than one additional year in response to a written request by the property owner where the municipal officer finds that compelling conditions outside the owner's control made it impossible for the owner to restore the property within the initial twelve (12) month period.

2. Where the owner is an entity experienced in rehabilitation or redevelopment of vacant properties, and where the property subject to this section is being held for a project of rehabilitation or redevelopment consistent with municipal plans and ordinances, and where by virtue of financing, market or other conditions that project may require more than one year for realization, the municipal officer, after consultation with the City Council and with the approval of a majority thereof, may extend the waiver of the registration fee on an annual basis without limitation upon written request by the owner as long as the municipal officer finds that the owner is making reasonable progress toward completion of the project. The owner shall provide the municipal officer with such documentation, which may include plans, financing applications,

applications for land use approval or other evidence of progress.

g. The owner shall notify the municipal officer within 30 days of any change in the registration information by filing an amended registration statement on a form provided by the municipal officer for such purpose.

h. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the City against the owner or owners of the building.
(Ord. No. 2015-10 § 2)

802-1.3 City Access for Inspections.

At any time after filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide access to the City to conduct exterior and interior inspections of the building to determine compliance with municipal codes, on reasonable notice to the property owner or the designated agent. (Ord. No. 2015-10 § 3)

802-1.4 Registration Application Content.

a. The registration statement shall include (1) the name, street address, e-mail address and telephone number of a natural person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owner or owners in connection with the enforcement of any applicable code; and (2) the name, street address, e-mail address and telephone number of the firm or individual responsible for maintaining the property. The individual or a representative of the firm responsible for maintaining the property shall be available by telephone or in person on a 24 hour per day, seven (7) day per week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the state of New Jersey or reside within the state of New Jersey.

b. An owner who is a natural person and who maintains offices in the state of New Jersey or resides within the state of New Jersey may designate him or herself as agent or as the individual responsible for maintaining the property.

c. By designating an authorized agent under the provisions of this section the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the municipal officer in writing of a change of authorized agent or until the owner files a new annual registration statement.

d. Any owner who fails to register a vacant property under the provisions of this section shall

further be deemed to consent to receive, by posting at the building, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

(Ord. No. 2015-10 § 4)

802-1.5 Fees.

a. The registration and renewal fee for each building shall be as follows:

Initial registration	\$500.00 or prorated amount
	per subsection 802-1.2
First renewal	\$1,000.00
Second renewal	\$1,750.00
Any subsequent renewal	\$2,500.00

b. One hundred (100%) percent of all fee income resulting from the application of this section shall be used for the sole purpose of carrying out municipal activities with respect to vacant and distressed properties, including but not limited to code enforcement, abatement of nuisance conditions, stabilization, rehabilitation, and other activities designed to minimize blight and further productive reuse of properties.

(Ord. No. 2015-10 § 5)

802-1.6 Maintenance of Vacant Property Required.

The owner of any structure that has become vacant property, and any person responsible for maintaining any such building that has become vacant, shall within 30 days of the structure becoming vacant or 30 days of the owner taking title to the property:

a. Enclose and secure the structure as provided in the applicable codes of the City of Asbury Park or as set forth in rules and regulations adopted by the municipal officer to supplement those codes.

b. Ensure that the grounds of the structure, including yards, fences, sidewalks, walks and driveways, are well-maintained and kept free from trash or debris; and

c. Maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition until the building is again occupied or demolished or until repair or rehabilitation of the building is complete.

(Ord. No. 2015-10 § 6)

802-1.7 Insurance Requirements.

The owner of any vacant property shall acquire or otherwise maintain liability insurance, in an amount of not less than \$300,000.00 for buildings designed primarily for one to four unit residential use and not less than \$1,000,000.00 for any other building, including, but not limited to, buildings designed for multifamily, manufacturing, storage or commercial uses, covering any

damage to any person or any property caused by any physical condition of or in the building. Any insurance policy acquired or renewed after the building has become vacant shall provide for written notice to the municipal officer within 30 days of any lapse, cancellation or change in coverage. The owner shall attach evidence of the insurance to the owner's registration statement. Any registration statement submitted that does not include such evidence shall not be deemed to be a valid registration. (Ord. No. 2015-10 § 7)

802-1.8 Online Registry.

The City of Asbury Park may establish an online registry of all properties registered with the City under this section, which shall include a procedure by which citizens can provide the municipal officer with information on unregistered properties that may be subject to this section through electronic means. (Ord. No. 2015-10 § 8)

802-1.9 Additional Rules and Regulations.

The municipal officer may issue rules and regulations for the administration of the provisions of this section, after consultation with the City Council and with the approval of a majority thereof. (Ord. No. 2015-10 § 9)

802-1.10 Violations and Penalties.

a. Any person who violates any provision of this section or of the rules and regulations issued hereunder shall be fined not less than one thousand (\$1,000.00) dollars and not more than two thousand (\$2,000.00) dollars for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this section shall be recoverable from the owner and shall be a lien on the property.

b. For purposes of this section, failure to file a registration statement within 30 days after a building becomes vacant property or within 30 days after assuming ownership of a vacant property, whichever is later; or within 10 days of receipt of notice by the City, failure to provide correct information on the registration statement, failure to comply with the provisions of subsections 802-1.6 and 802-1.7, or such other matters as may be established by the rules and regulations of the municipal officer shall be deemed to be violations of this section.

(Ord. No. 2015-10 § 10)

803-1.0 UPKEEP OF VACANT AND ABANDONED RESIDENTIAL

PROPERTIES IN FORECLOSURE.

803-1.1 Definitions.

Creditor shall mean, consistent with section 3 of P.L. 2008, c.86, a State chartered bank, savings bank, savings and loan association or any credit union, or any person required to be licensed under the provisions of the "New Jersey Residential Mortgage Lending Act," and any entity acting on behalf of the Creditor named in the debt obligation, including but not limited to,

mortgage loan servicers.

Public officer shall mean the Director of Property Improvement and Neighborhood Preservation/Code Enforcement or such official within that department as may be designated by the Director, in writing.
(Ord. No. 2015-18 § 13-3.1)

803-1.2 Creditor Responsibility for Vacant and Abandoned Properties; In-State Representative Required.

a. Any Creditor filing a summons and complaint in an action to foreclose on any residential property within the City shall be immediately responsible for the care, maintenance, security, and upkeep of the exterior of that property, in the event it is determined to be vacant and abandoned property.

b. Where a Creditor is located out-of-State, the Creditor shall be responsible for appointing an in-State representative or agent to act on the Creditor's behalf for the purpose of satisfying the requirements of paragraph a. above. Notice of said representative or agent shall be provided to the City Clerk and the Public Officer (as defined in this section, in a manner that is consistent with subsection a. of section 17 of P.L. 2008, c.127 (the "Save New Jersey Homes Act of 2008")), and shall further include the full name and contact information of the in-State representative or agent.

c. All foreclosing creditors, and, in the case of an out-of-state foreclosing Creditor, their in-State representatives, shall be responsible to comply with the requirements of all other ordinances adopted by the City of Asbury Park and the Code of the City relating to vacant and/or abandoned property, in the same manner as those ordinances and the Code of the City pertain to the title owners of such vacant and/or abandoned property.
(Ord. No. 2015-18 § 13-3.2)

803-1.3 Notice.

a. The City's public officer shall be authorized to issue a notice to a Creditor that has filed a summons and complaint in an action to foreclose on a residential property within the City, if the public officer determines that the Creditor has violated this section by failing to provide for the care, maintenance, security, and upkeep of the exterior of the property. Where a Creditor is an out-of-State Creditor, the notice shall be issued to the representative or agent that has been identified by the Creditor pursuant to subsection 13-4.2 and the Save New Jersey Homes Act of 2008.

b. The notice referenced in paragraph a. above shall require the Creditor to correct the violation(s) within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety.

c. The issuance of a notice pursuant to paragraph a. above shall constitute proof that a residential property is "Vacant and Abandoned" for the purposes of this section.

(Ord. No. 2015-18 § 13-3.3)

803-1.4 Violations and Penalties.

a. A Creditor subject to this section that is found by the municipal court of the City, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a “care, maintenance, security, or upkeep violation” cited in a notice issued pursuant to this section, shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this subsection shall commence 31 days following the Creditor’s receipt of the notice, except where the violation is deemed to present an imminent risk to the public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

b. An out-of-state Creditor subject to this section that is found by the municipal court of the City, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on an out-of-state Creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in paragraph (1) of subsection a. of section 17 of P.L. 2008, c.127 (C.46:10B-51), for providing notice to the City Clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

c. No less than one hundred percent (100 %) of any money collected pursuant to this section shall be utilized by the City of Asbury Park for purposes relating to its City code enforcement purposes.

(Ord. No. 2015-18 § 13-3.4)

SECTION 900--

REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7. The original list can be found in the IPMC Book in the Code Department.

APPENDIX A BOARDING STANDARD

A101

GENERAL

A101.1 General.

Windows and doors shall be boarded in an approved manner to prevent entry by unauthorized

persons and shall be painted to correspond to the color of the existing structure.

A102

MATERIALS

A102.1 Boarding sheet material.

Boarding sheet material shall be minimum 1/2-inch-thick (12.7 mm) wood structural panels complying with the International Building Code.

A102.2 Boarding framing material.

Boarding framing material shall be minimum nominal 2-inch by 4-inch (51 mm by 102 mm) solid sawn lumber complying with the International Building Code.

A102.3 Boarding fasteners.

Boarding fasteners shall be minimum 3/4-inch-diameter (9.5 mm) carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the International Building Code.

A103

INSTALLATION

A103.1 Boarding installation.

The boarding installation shall be in accordance with Figures A103.1(1) and A103.1(2) and Sections A103.2 through A103.5 of the IPMC which is available for inspection.

A103.2 Boarding sheet material.

The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

A103.3 Windows.

The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch (51 mm by 102 mm) strong back framing material shall be cut minimum 2 inches (51 mm) wider than the window opening and shall be placed on the inside of the window opening 6 inches (152 mm) minimum above the bottom and below the top of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

A103.4 Door walls.

The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at a maximum of 24 inches (610 mm) on center. Blocking shall also be secured at a maximum of 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every 6 inches (152 mm) on center.

A103.5 Doors.

Doors shall be secured by the same method as for windows or door openings. One door to the structure shall be available for authorized entry and shall be secured and locked in an approved 2008, c.127 (C.46:10B-51), for providing notice to the City Clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED, that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2018-40 which was finally adopted by the City Council at a meeting held on the 26th day of September, 2018

CINDY A. DYE
CITY CLERK

Main document changes and comments

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The buyer and seller of the property are equally responsible for the Certificate of Resale Compliance process.

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The City does not have the ability to enforce terms and conditions of lease agreements; all violations and summons shall be written to the owner or owner's property manager.

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unless previous direction or communication has been provided

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, moss, algae

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302.12A Use of Dumpsters

All dumpsters shall be property specific and not to be shared unless by adjacent properties.

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Any repairs and/or replacement must match, or be similar to, the style and color of the existing.

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Any repairs and/or replacement must match, or be similar to, the style and color of the existing.

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Any repairs and/or replacement must match, or be similar to, the style and color of the existing.

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Bedrooms shall not have exterior keys or locks.

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but not limited to,

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Continuation of an existing nonconformance shall be permitted pending compliance with all other applicable State and City laws, codes and regulations.

Header and footer changes

Text Box changes

Header and footer text box changes

Footnote changes

Endnote changes

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park (the “City”), in the County of Monmouth and State of New Jersey, that Chapter XIII “PROPERTY IMPROVEMENT AND NEIGHBORHOOD PRESERVATION” is hereby amended within the “Code of the City of Asbury Park, New Jersey” in order to revise Chapter XIII in its entirety, as follows:

13-100 PROPERTY MAINTENANCE CODE

SECTION 101 - SCOPE AND INTENT

101.1 Title and General.

These regulations shall be known as the 2015 International Property Maintenance Code (as amended herein) of the City of Asbury Park (the City), hereinafter referred to as "this Code."

This Chapter shall be read and documented as: Chapter - Section. For example, this section shall be documented as follows: 13-101.1.

101.2 Scope.

The provisions of this Code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 Intent.

This Code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.4 Severability.

If a section, subsection, sentence, clause or phrase of this Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.

SECTION 102 - APPLICABILITY

102.1 General.

Where there is a conflict between a general requirement and a specific requirement, the specific

requirement shall govern. Where differences occur between provisions of this Code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this Code specify different requirements, the most restrictive shall govern.

102.2 Maintenance.

Equipment, systems, devices and safeguards required by this code or a previous regulation or Code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, owner's authorized agent, operator or occupant shall cause any service, facility, equipment or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this Code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's authorized agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 Application of other codes.

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code and NFPA 70 or adopted State and local codes. Nothing in this code shall be construed to cancel, modify or set aside any provision of the International Zoning Code.

102.4 Existing remedies.

The provisions in this Code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure that is dangerous, unsafe and unsanitary.

102.5 Workmanship.

Repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's instructions.

102.6 Historic buildings.

The provisions of this Code shall not be mandatory for existing buildings or structures designated as historic buildings, where such buildings or structures are judged by the Code Official to be safe and in the public interest of health, safety and welfare.

102.7 Referenced codes and standards.

The codes and standards referenced in this Code shall be those that are listed in Section 9 and considered part of the requirements of this Code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

102.7.1 Conflicts.

Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.7.2 Provisions in referenced codes and standards.

Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

102.8 Requirements not covered by code.

Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

102.9 Application of references.

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.10 Severability clause

If any provision of this Code, or any application of any provision, is held invalid, the invalidity shall not affect other applications of the provision, or other provisions of this Code, which reasonably can be given effect despite the invalidity.

102.11 Other laws.

The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

SECTION 103 -- ADMINISTRATION AND ENFORCEMENT

103.1 General.

The Department of Property Improvement and Neighborhood Preservation and Code

Enforcement is hereby created and the executive official in charge thereof shall be known as the code official.

103.2 Appointment.

The code official shall be appointed by the chief appointing authority of the jurisdiction.

103.3 Deputies.

May be appointed in accordance with the prescribed procedures of this jurisdiction.

103.4 Liability.

The code official, member of the board of appeals or employee charged with the enforcement of this Code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this Code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

103.4.1 Legal defense.

Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

103.5 Fees.

The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as authorized as per City Ordinance.

103.6 Inspections.

A. Property Maintenance Code. The City of Asbury Park shall have the right to conduct inspections on all structures that come within this article. All inspections conducted pursuant to this article shall be performed in accordance with the procedures set forth in the 2015 International Property Maintenance Code of the City of Asbury Park, with the exception that any inspections conducted pursuant to the Uniform Fire Code shall be performed in accordance with the provisions set forth in the Uniform Fire Code and any inspection under the Hotel and Multiple Dwelling Law shall be performed in accordance with the N.J. Hotel and Multiple Dwelling Law.

B. Certificate of Rental Compliance. No person, agency, corporation, partnership, firm,

company, owner, real estate agent, broker or any other individual shall hereafter rent, lease or sublet to another or allow any person or persons to live in or occupy as a tenant or otherwise or suffer or permit any change in occupancy or use of any building, dwelling or dwelling unit or part thereof, as the owner of said premises or on behalf of the owner of said premises, without first obtaining from the Department of Neighborhood Preservation and Code Enforcement, a Certificate of Rental Compliance stating that at the time of the proposed rental lease or subletting, the premises complied with all applicable ordinances of the City of Asbury Park. The specific requirements for inspections for Rental Compliance are set forth in detail in Section 104 et seq. of this Code.

C. Certificate of Resale Compliance for all Real Property at Time of Sale and Transfer of Title. No person, agency, corporation, partnership, firm, company, owner, real estate agent, broker or any other individual shall hereafter sell or transfer title to real property to another, or otherwise permit any change in occupancy or use of any building, dwelling or dwelling unit or part thereof in conjunction with the transfer of title to said premises, as the owner of said premises or on behalf of the owner of said premises, without first obtaining from the Department of Neighborhood Preservation and Code Enforcement, a Certificate of Resale Compliance stating that at the time of the proposed sale or transfer of title, the premises complied with all applicable ordinances of the City of Asbury Park. The buyer and seller of the property are equally responsible for the Certificate of Resale Compliance process.

D. In the event the owner or lessor of a premises fails to correct a nuisance, defect or other violation, following proper notice of same, the City of Asbury Park may take all necessary and appropriate actions to abate said nuisance, correct said defect or violation or put said premises in proper condition in accordance with state laws and local ordinances at the cost of the owner of lessor. Pursuant to N.J.S.A. 40:48-2.12(f), the cost expended by the municipality for such purpose shall be charged to the owner or lessor and shall become a lien against said premises as provided by law. The City does not have the ability to enforce terms and conditions of lease agreements; all violations and summons shall be written to the owner or owner's property manager.

103.7 Procedures.

A. Property Maintenance Code. All inspections conducted pursuant to this article shall be performed in accordance with the procedures set forth in the 2015 International Property Maintenance Code of the City of Asbury Park, with the exception that any inspections conducted pursuant to the Uniform Fire Safety Act shall be performed in accordance to said Act and any inspections pursuant to the N.J. Hotel and Multiple Dwelling Law shall be conducted in accordance and procedures set forth therein.

B. Certificate of Rental Compliance. The Department of Neighborhood Preservation and Code Enforcement shall make available appropriate application forms for Certificate of Rental Compliance in its' office, and/or by any other means available. These forms shall be obtained and completed by the owner, agent, or broker of each such rental property and individual rental unit therein. All required inspections shall be completed as evidenced by the issuance of a Certificate of Rental Compliance before the continued occupancy of the rental property or

individual unit in a rental property occurs, and in accordance with the requirements of Section 104 of this Code, below. The landlord shall make application for an inspection under this section at least ten (10) business days prior to the intended new tenancy/occupancy, or the expiration of the current Certificate of Rental Compliance, whichever is sooner, and the certificate of rental compliance shall be issued before a new tenancy or change in occupancy is permitted. The Department of Neighborhood Preservation and Code Enforcement shall make an inspection and issue a certificate of compliance, if the dwelling unit complies with the 2015 International Property Maintenance Code of the City of Asbury Park.

C. Certificate of Resale Compliance for all Real Property at Time of Sale and Transfer of Title. The Department of Neighborhood Preservation and Code Enforcement shall make available appropriate application forms for a Certificate of Resale Compliance in its' office, and/or by any other means available. It is the responsibility of the seller, the seller's real estate agent or broker, to apply to the Department of Neighborhood Preservation and Code Enforcement, not more than thirty (30) days, nor less than (10) days prior to the expected date of sale, for inspection by the Code Official or housing inspector. If such inspection indicates that the building is in compliance with the provisions of the 2015 International Property Maintenance Code of the City of Asbury Park, a Certificate of Resale Compliance is issued to the applicant. If the building is not in compliance, a list of existing deficiencies and violations is provided to the seller who shall correct them prior to closing of title in the sale.

- 1) The buyer of a property for which a Certificate of Resale Compliance is required may elect to make the corrections necessary to obtain the Certificate of Resale Compliance required hereunder. In that event, upon delivery to the code official of a written Letter of Intent, signed by the buyer(s), with their signatures being notarized, indicating their agreement for making all such necessary repairs to bring the property into compliance within a time acceptable to the city, then a Conditional Certificate of Resale Compliance may be issued. In no event is the time period permitted for the buyer(s) to make repairs after sale to be greater than six months.

D. The Certificate of Resale Compliance, as set forth above, shall be valid for a period of thirty (30) days from the date of issue. At the end of the thirty (30) days, the Certificate of Resale Compliance shall expire, and a new application and inspection must be submitted and obtained prior to closing of title on the sale of the property may occur.

E. Violations of any requirement of this chapter must be corrected by the owner of the unit/property before the issuance of a Certificate of Rental or Resale Compliance. The responsibility for correction of a violation, except in the case of a rental, may be assumed by the buyer, with the written notification and approval of the seller, buyer and Department of Neighborhood Preservation and Code Enforcement.

F. Failure by seller to apply for and/or obtain a Certificate of Resale Compliance prior to transfer of title, or failure of a buyer to complete agreed-upon repairs within the time deemed acceptable by the City, constitutes a violation of this chapter. Both the seller and buyer shall be in violation of this Code, in the event a closing of title on the sale of property occurs without first

obtaining a Certificate of Resale Compliance, in accordance with the procedures in this Code.

G. In no event shall the issuance of a Certificate of Rental or Resale Compliance pursuant to this Code be considered the same as, or a substitute for, a Certificate of Occupancy under the New Jersey Uniform Construction Code, N.J.A.C. 52:27D-119 et seq., as required in Chapter XII of this Code.

SECTION 104 -- RENTAL REGULATIONS AND REGISTRATION OF RENTAL PROPERTIES AND LANDLORDS. RESERVED

SECTION 105 - DUTIES AND POWERS OF THE CODE OFFICIAL

105.1 General.

The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

105.2 Inspections.

The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

105.3 Right of entry.

In accordance with State and case law, where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official, or a code officer in this Department, is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the code official or officer shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, owner's authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

105.4 Identification.

The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

105.5 Notices and orders.

The code official shall issue all necessary notices or orders to ensure compliance with this code.

105.6 Department records.

The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 106 - APPROVAL**106.1 Modifications.**

Existing State of New Jersey law, code, regulations and rules shall govern required repairs. In most circumstances, the repairs will be completed under the auspices of the applicable Construction or subcode official (for example: Fire or electrical subcode official and the regulations that govern them). The Construction or subcode official will have jurisdiction over the permitting and repair process. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner's authorized agent, provided the code official shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

106.2 Alternative materials, methods and equipment.

Existing State of New Jersey law, code, regulations and rules shall govern required repairs. In most circumstances, the repairs will be completed under the auspices of the applicable Construction or subcode official (for example: Fire or electrical subcode official and the regulations that govern them). The Construction or subcode official will have jurisdiction over the permitting and repair process. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the Construction official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons the alternative was not approved.

106.3 Required testing.

Whenever there is insufficient evidence of compliance with the provisions of this code or evidence that a material or method does not conform to the requirements of this code, or in order

to substantiate claims for alternative materials or methods, the Construction official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

106.3.1 Test methods.

Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the Construction official shall be permitted to approve appropriate testing procedures performed by an approved agency.

106.3.2 Test reports.

Reports of tests shall be retained by the code official for the period required for retention of public records.

106.4 Used material and equipment.

The use of used materials that meet the requirements of this Code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested where necessary, placed in good and proper working condition and approved by the Construction official.

106.5 Approved materials and equipment.

Materials, equipment and devices approved by the Construction official shall be constructed and installed in accordance with such approval.

106.6 Research reports.

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

SECTION 107 -- VIOLATIONS

107.1 Unlawful acts.

It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Code.

107.2 Notice of violation.

The code official shall serve a notice of violation or order in accordance with Section 108.

107.3 Prosecution of violation.

Any person failing to comply with a notice of violation or order served in accordance with

Section 108 of this Code shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

107.4 Violation penalties.

Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a new and separate offense.

107.5 Abatement of violation.

The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

SECTION 108 -- NOTICES AND ORDERS

108.1 Notice to person responsible.

Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 108.2 and 108.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

108.2 Form.

Such notice prescribed in Section 108.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.
5. Inform the property owner or owner's authorized agent of the right to appeal.

6. Include a statement of the right to file a lien in accordance with Section 107.3.

108.3 Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified and first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

108.4 Unauthorized tampering.

Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.

108.5 Penalties.

Penalties for noncompliance with Orders and Notices shall be as set forth in Section 107.3

108.6 Transfer of ownership.

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. The Department of Neighborhood Preservation and Code Enforcement shall create, maintain and update forms to comply with this section from time-to-time.

108. 7 Notice Requirements.

a. *Five Day Notice Period.* A minimum five (5) day notice period prior to the issuance of the Summons for the following violation:

1. Transfer of Title Without Disclosure to purchaser of existing Violations.

b. *Forty-Eight Hour Notice Period.* A minimum forty-eight (48) hour notice period prior to the issuance of a Summons for the following violations:

1. Failure to remove weeds or plant growth deemed as a nuisance, in the discretion of the Code Official or officer

2. Any other items or violations in the discretion of the Code official or officer, deemed compliant with this section.

c. *No Notice Required.* No notices of violation shall be required prior to the issuance of a Summons for the following violations:

1. failure to provide Required Utilities (Water)
2. failure to provide Required Utilities (Electric and Heat)
3. failure to obtain a Certificate of Occupancy before Occupancy or Transfer of Title prior to closing of title
4. Trash at curb on days when pickup is not scheduled and not in compliance with the Solid Waste chapter of the City Code
5. Failure to provide proper snow removal.
6. Prohibited occupancy of a placarded structure;
7. Sanitation (exterior property and premises to be maintained clean and sanitary);
8. Grass, Weeds and plant growth in excess of 10 inches unless previous direction or communication has been provided;
9. accumulations of garbage or rubbish;
10. failure to provide clean, sanitary disposal of rubbish in a container;
11. failure to provide clean, sanitary disposal of garbage in a container;
12. overcrowding;
13. occupying non-habitable spaces for sleeping purposes;
14. failure to maintain a safe, unobstructed means of egress;
15. accumulations of trash, rubbish or other materials blocking egress;
16. tampering with a smoke or carbon monoxide detector;
17. failure to provide operable smoke and carbon monoxide systems at all times;
18. Any other items or violations deemed compliant with this section, which, in the discretion of the Code official or officer, affect the health or safety concerns of the citizens.

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SECTION 109 -- UNSAFE STRUCTURES AND EQUIPMENT

109.1 General.

When a structure or equipment is found by the Code Official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this Code.

109.1.1 Unsafe structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

109.1.2 Unsafe equipment.

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

109.1.3 Structure unfit for human occupancy.

A structure is unfit for human occupancy whenever the Code Official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, roach, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

109.1.4 Unlawful structure.

An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this Code, or was erected, altered or occupied contrary to law.

109.1.5 Dangerous structure or premises.

For the purpose of this Code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior

thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.

11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

109.2 Closing of vacant structures.

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner or owner's authorized agent to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

109.2.1 Authority to disconnect service utilities.

The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner or owner's authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner, owner's authorized agent or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

109.3 Notice.

Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, owner's authorized agent or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

109.4 Placarding.

Upon failure of the owner, owner's authorized agent or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

109.4.1 Placard removal.

The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

109.5 Prohibited occupancy.

Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any or person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

109.6 Abatement methods.

The owner, owner's authorized agent, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

109.7 Record.

The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

SECTION 110 -- EMERGENCY MEASURES

110.1 Imminent danger.

When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

110.2 Temporary safeguards.

Notwithstanding other provisions of this Code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

110.3 Closing streets.

When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized. The Code Official shall immediately contact the Chief of Police (or highest ranking officer), Fire Chief and the City Manager.

110.4 Emergency repairs.

For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible. This work shall be then liened against the property as to ensure complete reimbursement.

110.5 Costs of emergency repairs.

Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises or owner's authorized agent where the unsafe structure is or was located for the recovery of such costs.

110.6 Hearing.

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 111 - DEMOLITION**111.1 General.**

The code official shall order the owner or owner's authorized agent of any premises upon which is located any structure, which in the code official's or owner's authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond six months, unless approved by the Construction official.

111.2 Notices and orders.

Notices and orders shall comply with Section 108.

111.3 Failure to comply.

If the owner of a premises or owner's authorized agent fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

111.4 Salvage materials.

When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of

such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state. All sales of materials shall be in accordance with the Local Public Contracts Law or Court Order.

SECTION 112 -- MEANS OF APPEAL

112.1 Application for appeal.

Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the court of competent jurisdiction.

SECTION 113 -- STOP WORK ORDER

113.1 Authority.

Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.

113.2 Issuance.

A stop work order shall be in writing and shall be given to the owner of the property, to the owner's authorized agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

113.3 Emergencies.

Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

113.4 Failure to comply.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less or more than established by Ordinance.

SECTION 200 - DEFINITIONS

SECTION 201 - GENERAL

201.1 Scope.

Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability.

Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes.

Where terms are not defined in this code and are defined in the code of the State of New Jersey, the New Jersey Uniform Construction Code, the International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Residential Code, International Zoning Code, NFPA 70, or local definition, such terms shall have the meanings ascribed to them as stated in those codes.

201.4 Terms not defined.

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts.

Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

SECTION 202 - GENERAL DEFINITIONS

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. Acceptable to the code official.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative; such as inspectors. Commonly referred to as: Director of the Department of Neighborhood Preservation

CONDEMN. To adjudge unfit for occupancy.

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS. The costs shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the

demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a code official, the governing body or board of appeals.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HISTORIC BUILDING

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register or state or locally designated historic district.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment,

material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY or LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

MANUFACTURER RECOMMENDATION. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying how they are to be properly installed, maintained, etc.

NEGLECT. The lack of proper maintenance for a building or structure.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

REPAIRS; EMERGENT - COMPLETING OF. Any repairs authorized by a third party and in accordance with the Local Public Contracts Law, by the code official or other authorized City representative who shall have the power to lien a property;

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is

not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

CHAPTER 13 - SECTION 300

GENERAL REQUIREMENTS

CHAPTER 13 - SECTION 301-- GENERAL

301.1 Scope.

The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility.

The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter.

Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

301.3 Vacant structures and land.

Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

301.4 Manufacturer Recommendation

All equipment, materials or products to which have been affixed a label, seal, symbol or other identifying how they are to be properly installed, maintained, etc.

301.5 More Stringent Regulation(s) to Apply - Code Enforcement

All other ordinances or parts of ordinances, or rules, regulations, etc., in conflict herewith with regards to Code Enforcement activities are hereby repealed to the extent of such consistency, except where such other ordinances or parts of ordinances provide for a higher or more stringent standard, in which event, that higher or more stringent standard shall apply.

301.5 More Stringent Regulation(s) to Apply - Other Code

All other ordinances or parts of ordinances, or rules, regulations, etc., in conflict herewith with regards to other Federal, State, County or local are hereby repealed to the extent of such consistency, except where such other ordinances or parts of ordinances provide for a higher or more stringent standard, in which event, that higher or more stringent standard shall apply. Nothing shall permit the code official to write a corrective action notice or citation based upon these codes

301.5 Willful Damage

Willful Damage. Every occupant shall be liable for willfully or maliciously causing damage to any part of the premises that results in a violation of this code. Any adult occupant shall be responsible and liable for any violation of this code caused by minors under their care or custody occupying the same unit of dwelling space, if the violations were permitted to continue with the knowledge or acquiescence or consent of the adult member.

SECTION 302 -- EXTERIOR PROPERTY AREAS

As used in this section:

Trash or debris shall mean and include the following:

Automobile left standing in an unlicensed and unusable state or condition, or parts thereof left outside of an enclosed garage, scraps of metal, wood, pieces of stone, cement, cans, bottles, scrap paper, or a combination thereof, left in such a condition as to create an unsightly, unhealthful, unsafe, or unsanitary condition, or in such manner as would constitute a fire or health hazard.

302.1 Sanitation.

Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition, free of trash or debris.

302.2 Duties of Owners and Tenants.

It shall be the duty of any owner or tenant or person in possession of any lands in the City:

- a. To keep such lands free of brush, weeds, dead and dying trees, stumps, roots, obnoxious

growths, filth, garbage, trash and debris, where the same are inimical to the preservation of public health, safety or general welfare of the City, or which may constitute a fire hazard;

b. Where the lands abut or border upon any public street or alley in the City, to remove all grass, weeds, brush and other debris from that part of the street or alley bordering on their respective lands.

302.3 Grading and drainage.

Premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

302.3 (a) Filling of Land to Grade.

It is hereby declared to be the duty of the owner or owners of any and all lots in this City to fill and cause each and every lot to be maintained properly filled to grade at all times. This requirement shall apply to vacant lands, areas of lands not plotted into lots and lots upon which improvements are erected.

302.4 Sidewalks and driveways.

Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous.

302.5 Weeds.

Premises and exterior property shall be maintained free from weeds, moss, alge or plant growth in excess of six inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. A bill may be sent or a lien placed upon said property.

Upon mailing date of the notice of violation, owner or agent having charge of a property to cut and destroy weeds after service, the owner shall have one calendar week to abate the issue and then the City shall be authorized to enter the property. A bill may be sent or a lien placed upon said property.

302.6 Rodent harborage.

Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health.

302.6(1) Rodent harborage - continuous maintenance

After pest elimination as per Section 302.5, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

302.7 Exhaust vents.

Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

302.8 Accessory structures.

Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.9 Motor vehicles.

Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

a. Automobile(s) left standing in an unlicensed and unusable state or condition, or parts thereof left outside of an enclosed garage, so as to be accessible to children, rodents, vermin, or insect pests, or in such condition or location as to create an unsightly appearance to neighboring property owners or the general public are prohibited.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

b. No trailer of any size for vehicle repair which provides enclosed storage shall be parked, kept or stored on any premises. This prohibition shall not apply to trash, refuse or recycling containers or to any trailer owned by the municipality or being used in connection with any temporary function, including a circus or carnival, which is approved by the municipality.

302.10 Defacement of property.

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving

or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

302.10.1 GRAFFITI ABATEMENT.

302.10.2 Purpose and Intent.

The City Council of the City of Asbury Park finds graffiti on public or private property a blighting element, which leads to depreciation of the value of property that has been targeted by such vandalism and depreciates the value of the adjacent and surrounding properties to the extent that graffiti creates a negative impact upon the entire City.

The City Council finds and determines that graffiti is obnoxious and a public nuisance, and must be eliminated by means of prevention, education and abatement to avoid the detrimental impact of such graffiti on the City and its residents, and to prevent the further spread of graffiti.

The purpose and intent of the City Council, through the adoption of this section, is to provide additional enforcement tools to protect public and private property from acts of vandalism and defacement. It is the further intent of the City Council, through the adoption of this section, to provide notice to all of those who disregard the property rights of others, that the law enforcement agencies of the City, the Departments of Code Enforcement and Neighborhood Preservation and the City Attorney, will strictly enforce the law and vigorously prosecute those persons engaging in violations of this section.

302.10.3 Definitions.

Aerosol paint container shall mean any aerosol container, which is adapted or made for the purpose of spraying paint or other substance capable of defacing property.

Felt-tip marker shall mean any tipped style marker or similar implement with a tip which, at its broadest width, is one-eighth (1/8) inch, or greater.

Graffiti shall mean any unauthorized inscribing, word, figure, or design which is marked, etched, scratched, drawn, painted, pasted or otherwise affixed to or on any surface, regardless of the nature of the material of that structural component, to the extent the same was not authorized in advance by the owner thereof, or despite advance authorization, is otherwise deemed by the City Council to be a public nuisance.

Graffiti implement shall mean an aerosol paint container, a felt tip marker, or any other device containing any solution or substance capable of being used to leave a visible mark at least one-eighth (1/8) of an inch in width upon any surface.

302.10.4 Declaration of Nuisance.

a. The City Council hereby declares and finds graffiti to be a nuisance subject to abatement according to the provisions and procedures herein contained and as authorized by New Jersey Statutes N.J.S.A. 40:48-1 et seq.

b. The existence of any surface of a structure on any privately owned parcel of land which has

been defaced with graffiti after removal more than five (5) times in twelve (12) months is hereby deemed to be a nuisance, and may be abated by the City by order of the City Council requiring modifications thereto, or to the immediate area surrounding same. Such modifications may include, but are not limited to retrofitting of such surfaces at the expense of the property owner(s) of said lot, with such features or qualities as may be established by the City as necessary to reduce the attractiveness of the surface for graffiti, or as necessary to permit more convenient, expedient or efficient removal of graffiti therefrom.

302.10.5 Graffiti Prohibited.

- a. No person shall place graffiti or other writing upon any public or privately owned tree or structures including, but not limited to, buildings, walls, fences, poles, sidewalks and signs, ("structures" hereinafter in this section) located within the City. It shall also be unlawful for any person to apply or affix any adhesive backed label, sticker, "bumper sticker" or similar item, to any tree or structure not owned or lawfully possessed by such person.
- b. No person owning or otherwise in control of any real property within the City shall permit or allow any graffiti to be placed upon or remain on any structure located on such property.

302.10.6 Possession of Graffiti Implements by Minors Prohibited.

Possession of any graffiti implement by any person under the age of eighteen (18) years with the intent to deface property while upon public or private property shall be unlawful unless that minor has received the consent of the owner of such private property whose consent to such possession and presence is given in writing in advance or unless that minor is accompanied by and under the supervision of a parent or legal guardian. This provision shall not apply to the possession of felt tip markers by minors attending, or traveling to or from a school at which the minor is enrolled, if the minor is participating in a class at said school, which formally requires possession of such felt tip markers. The burden of proof in any prosecution for violation of this subsection shall be upon the minor student to establish the need to possess a felt tip marker.

302.10.7 Possession of Graffiti Implements Prohibited in Designated Public Places.

Possession of any graffiti implement by any person under the age of eighteen (18) years with the intent to deface property while in any public park, playground, swimming pool, recreational facility, or while in or within ten (10) feet of an underpass, bridge abutment, storm drain, or other similar type of infrastructure not normally used by the public shall be unlawful except as may be authorized by the City or unless that minor is accompanied by and under the supervision and control of a parent or legal guardian.

302.10.8 Accessibility to Graffiti Implements Prohibited.

Furnishing of Graffiti Implements to Minors Prohibited. It shall be unlawful for any person, other than a parent or legal guardian, to sell, exchange, give, loan, or otherwise furnish, or cause or permit to be exchanged, given, loaned, or otherwise furnished, any graffiti implement to any minor without the consent of the parent or lawful guardian which consent shall be given in

advance in writing.

302.10.9 Right of City to Require Removal.

a. In the event graffiti is found, the City shall provide the owner of record written notice of an order to remove said graffiti by certified mail and regular mail, which order shall afford the owner the opportunity to remove the graffiti within sixty (60) days of the date that the notice is sent, however, any government agency or department shall be afforded one hundred twenty (120) days from the date that the notice is sent to remove graffiti from property owned by the agency or department.

b. The City's order to remove shall contain a form to be utilized by a property owner to inform the City that the graffiti has been removed and shall contain a certification stating that by affixing a signature to the form indicating that the graffiti has been removed, the owner is certifying that the facts set forth therein are true and that the certification shall be considered as if made under oath and subject to the same penalties as provided by law for perjury.

302.10.10 Response to Order to Remove Graffiti from Property Owner.

A property owner who has been ordered to remove graffiti shall respond to the City by personal delivery or certified mail:

a. Any objection to the order, within thirty (30) days of the date of the order;

b. Notice that the graffiti has been removed, within sixty (60) days of the date of the order, or in the case of the State Department of Transportation, within one hundred twenty (120) days of the date of the order.

302.10.11 Objection to Order to Remove Graffiti.

A property owner who objects to an order to remove graffiti may institute an action challenging the order before a court of competent jurisdiction within forty five (45) days of the date of the order.

302.10.12 Failure to Comply with Order to Remove Graffiti.

a. If a property owner does not undertake the removal of graffiti within sixty (60) days of the date of the order, or in the case of the Department of Transportation, within one hundred twenty (120) days of the date of the order, unless an action challenging the order to remove graffiti is still pending, the City may remove the graffiti from that property and present the property owner with a detailed itemization of the costs incurred by the City, by certified mail and regular mail, for reimbursement from the property owner.

b. Whenever the City undertakes the removal of graffiti from any building, structure or other exposed surface, the City Council, in addition to assessing the cost of removal as municipal lien against the premises, may enforce the payment of such assessment, together with interest, as a

debt of the owner of the property and may authorize the institution of an action at law for the collection thereof. The Superior Court shall have jurisdiction of any such action.

302.10.13 Right of City to Remove.

a. Whenever the City becomes aware, or is notified and determines that graffiti is so located on public or privately owned property viewable from a public or quasi-public place within the City, the City shall be authorized to use public funds for the removal of same, or for the painting or repairing of same, but shall not authorize or undertake to provide for the painting or repair of any more extensive area than that where the graffiti is located, unless the City Manager, or designee, determines in writing that a more extensive area is required to be repainted or repaired in order to avoid aesthetic disfigurement to the neighborhood or community, or unless the responsible party agrees to pay for the costs of repainting or repairing the more extensive area. Refer to 302.10.10.

b. *Right of Entry on Private Property.*

1. Securing Owner Consent. Prior to entering upon private property or property owned by a public entity other than the City, for the purposes of removal of graffiti, the City shall attempt to secure the consent of the responsible party, and a release of the City from liability for private or public property damage.
2. Failure to Obtain Owner Consent. If a responsible party fails to remove the offending graffiti within the time herein specified, or if the City shall have requested consent to remove or paint over the offending graffiti and the responsible party shall have refused consent for entry on terms acceptable to the City consistent with the terms of this subsection, the City may commence abatement and cost recovery proceedings for the removal of the graffiti pursuant to the nuisance abatement authority granted by the State of New Jersey, which authority includes the recovery of all costs incurred by the City in abating graffiti and recordation of lien as to affected property.

302.11 Snow Removal.

All snow shall be removed within 24 hours from the termination of the snow event and within 48 hours if a State of Emergency has been declared. No snow shall be deposited within the Right-of-Way or within a City owner roadway or alley.

302.12 Placement of dumpsters.

All dumpsters shall be set upon plywood to protect the surface against ruts. This applies to dumpsters on private property, a roadway, alley, or within the right-of-way. A property owner's use of a dumpster is subject to the requirements of Ordinance 3-15.1 et seq.

302.12A Use of Dumpsters

All dumpsters shall be property specific and not to be shared unless by adjacent properties.

302.13 Trees and root systems

Trees shall be maintained to a good visual standard or in accordance with ANSI standards. All tree roots shall not impede or damage existing infrastructure such as sidewalks or fences.

302.14 Order to Remove.

Whenever any Code Official or Inspector, Police Officer or Special Police Officer deems it necessary and expedient for the preservation of the public health, safety, general welfare, or the elimination of a fire hazard, or upon investigation of a complaint of any resident, officer or employee of the City, he may order the owner, tenant or person in possession of any lands on which any brush, grass, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash or other debris are found to exist, to remove same within three (3) days or to cause the removal thereof if the order is not complied with.

302.15 Service of Notice.

After an investigation of a complaint of any resident, officer or employee of the City, or upon his own motion, any City Code Official or Inspector, Police Officer or Special Police Officer or other City Official appointed or directed by the City Manager (or designee) shall proceed with regard to the manner of service of notice to remove the contents thereof as provided in Section 107 et seq. herein.

302.16 Removal by City; Costs Established as a Lien.

In the event the owner, tenant or person in possession of the lands in question refuses or neglects to abate or remedy the condition complained of within three (3) days after receipt of notice, any City Code Official or Inspector, Police Officer or Special Police Officer may cause the condition complained of to be abated and remedied by referral to the City Department of Public Works, which Department shall then certify the cost thereof to the City Tax Collector, who shall cause the cost as shown thereon to be charged against the lands. The amount so charged shall forthwith become a lien upon such lands and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, which shall be collected and enforced by the Tax Collector in the same manner as taxes. Costs shall be in addition to any penalties imposed for a violation of this section.

In the event that the order for removal of trash or debris is as a result of the trash or debris being located on the City right-of-way and the owner, tenant or person in possession of the lands in question refuses or neglects to abate or remedy the condition complained of within forty-eight (48) hours after receipt of notice, any City Code Official or Inspector, Police Officer or Special Police Officer may cause the condition complained of to be abated and remedied by referral to the City Department of Public Works, which Department shall then certify the cost thereof to the City Tax Collector, who shall cause the cost as shown thereon to be charged against the lands. The amount so charged shall forthwith become a lien upon such lands and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, which shall be collected and enforced by the Tax Collector in the same manner as taxes. Costs shall be in addition to any penalties imposed for a violation of this section.

a. *Violations and Penalties.* All violators of this section shall be subject to a penalty of no less than two hundred fifty (\$250.00) dollars for each violation or thirty (30) days community service or both.

Each and every day in which a violation of this section exists shall constitute a separate violation subject to a penalty.

302.17 Exceptions.

The provisions of this section shall not apply to a regular established and licensed business known as a towing operator's storage yard, which business is subject to the special regulations provided in the City Code.

302.18 CLEAR VIEW AT INTERSECTIONS.

302.18.1 Height Restricted.

It shall be the responsibility of any owner, tenant or occupant of any parcel of land within the City to cut all brush, hedges and other plant life growing within ten (10) feet of any roadway and within twenty-five (25) feet of any intersection of two (2) roadways, to a height of not more than two and one-half (2 1/2) feet provided such shall be necessary and expedient for the preservation of the public safety. The owner, tenant or occupant shall have ten (10) days after notice to cut the same.

302.18.2 Inspection and Determination by City.

At least once in each calendar year the Department of Neighborhood Preservation may examine all roadways in the City and make a determination of each parcel of land where it is necessary and expedient for the preservation of the public safety to have any brush, hedges or other plant life cut in accordance with this section of the provisions of N.J.S.A. 40:48-2.26 and 40:48-2.27.

302.18.3 Notice to Remove.

When the Department of Neighborhood Preservation ascertains that there is a parcel of land on which exist the conditions described in this section, it shall cause notice to be given to the owner, tenant or occupant of the land to cut the brush, hedges or other plant life within ten (10) days after the notice is given. The notice shall be given in writing, either personally or by the United States certified mail. If neither method of giving notice is possible or practical, notice may be given by posting it in a prominent place on the parcel of land.

302.18.4 Removal by City; Cost Established as Lien.

If the owner, tenant or occupant fails to cut the brush within ten (10) days, the Public Works Director shall direct a City employee or arrange for an independent contractor, to cut the brush, hedges or other plant life. Where such cutting is done by the Public Works Director, or any other person, or under his direction, he shall certify the cost thereof to the City Tax Collector who shall

cause the cost as shown thereon to be charged against the land. The amount so charged shall forthwith become a lien upon the lands and shall be added to and become and form part of the taxes next to be assessed and levied upon the lands, the same to bear interest at the same rate as other taxes and shall be collected and enforced by the same officers and in the same manner as taxes.

SECTION 303

SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools.

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair. All pools shall comply with existing zoning code and other State and local statutes; the stricture regulation shall apply.

303.2 Enclosures.

Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is not less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304

EXTERIOR STRUCTURE

304.1 General.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions.

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the New Jersey Uniform Construction Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects

or the required strength;

2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all

nominal loads and resisting all load effects.

14. Other items deemed in accordance with this section:

Exceptions:

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted where approved by the Construction official.

304.2 Protective treatment.

Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. Any repairs and/or replacement must match, or be similar to, the style and color of the existing.

304.3 Premises identification.

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 3 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm). Additional or more stringent State regulations may apply; the more stringent regulations shall be the governing regulations.

304.4 Structural members.

Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads. Any repairs and/or replacement must match, or be similar to, the style and color of the existing.

304.5 Foundation walls.

Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls.

Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.7 Roofs and drainage.

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. Any repairs and/or replacement must match, or be similar to, the style and color of the existing.

304.8 Decorative features.

Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions.

Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies.

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers.

Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames.

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing.

Glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows.

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens.

Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

304.15 Doors (exterior).

Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways.

Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water. Handles shall be in good working order.

304.17 Guards for basement windows.

Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents or the elements.

304.18 Building security.

Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

304.18.1 Doors (interior).

Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock. Bedrooms shall not have exterior keys or locks.

304.18.2 Windows.

Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways.

Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

304.19 Gates.

Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 305**INTERIOR STRUCTURE****305.1 General.**

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure that they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

305.1.1 Unsafe conditions.

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

- Where substantiated otherwise by an approved method.
- Demolition of unsafe conditions shall be permitted when approved by the code official.

305.2 Structural members.

Structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces.

Interior surfaces, including but not limited to, -windows, walls, and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces.

Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.5 Handrails and guards.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed

loads and shall be maintained in good condition.

305.6 Interior doors.

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

305.7 Cabinets and/or shelves

Cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils and of food that, under ordinary summer conditions, does not require refrigeration for safe keeping; and a counter or table for food preparation are required. All cabinets and/or shelves and counter or table shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or harmful effect on food.

SECTION 306

COMPONENT SERVICEABILITY

306.1 General.

The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Unsafe conditions.

Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the, existing State or local laws or regulations, International Building Code or the International Existing Building Code as required for existing buildings:

1. Soils that have been subjected to any, but not limited to, the following conditions:
 - 1.1. Collapse of footing or foundation system;
 - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
 - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
 - 1.4. Inadequate soil as determined by a geotechnical investigation;
 - 1.5. Where the allowable bearing capacity of the soil is in doubt; or
 - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any, but not limited to the following conditions:

- 2.1. Deterioration;
- 2.2. Ultimate deformation;
- 2.3. Fractures;
- 2.4. Fissures;
- 2.5. Spalling;
- 2.6. Exposed reinforcement; or
- 2.7. Detached, dislodged or failing connections.
- 2.8. Cracking

3. Aluminum that has been subjected to any, but not limited to the following conditions:

- 3.1. Deterioration;
- 3.2. Corrosion;
- 3.3. Elastic deformation;
- 3.4. Ultimate deformation;
- 3.5. Stress or strain cracks;
- 3.6. Joint fatigue; or
- 3.7. Detached, dislodged or failing connections; or
- 3.8. Cracking

4. Masonry that has been subjected to any, but not limited to the following conditions:

- 4.1. Deterioration;
- 4.2. Ultimate deformation;
- 4.3. Fractures in masonry or mortar joints;
- 4.4. Fissures in masonry or mortar joints;
- 4.5. Spalling;
- 4.6. Exposed reinforcement; or
- 4.7. Detached, dislodged or failing connections; or
- 4.8. Cracking

5. Steel that has been subjected to any, but not limited to the following conditions:

- 5.1. Deterioration;
- 5.2. Elastic deformation;
- 5.3. Ultimate deformation;
- 5.4. Metal fatigue; or
- 5.5. Detached, dislodged or failing connections; or
- 5.6. Cracking

6. Wood that has been subjected to any of, but not limited to, following conditions:

- 6.1. Ultimate deformation;
- 6.2. Deterioration;
- 6.3. Damage from insects, rodents and other vermin;
- 6.4. Fire damage beyond charring;

- 6.5. Significant splits and checks;
- 6.6. Horizontal shear cracks;
- 6.7. Vertical shear cracks;
- 6.8. Inadequate support;
- 6.9. Detached, dislodged or failing connections; or
- 6.10. Excessive cutting and notching.

Exceptions:

Where substantiated otherwise by an approved method.
Demolition of unsafe conditions shall be permitted where approved by the code official.

SECTION 307

HANDRAILS AND GUARDRAILS

307.1 General.

Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

SECTION 308

RUBBISH AND GARBAGE

308.1 Accumulation of rubbish or garbage.

Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

308.2 Disposal of rubbish.

Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

308.2.1 Rubbish storage facilities.

The owner of every occupied premises shall supply approved covered containers for rubbish, and

the owner of the premises shall be responsible for the removal of rubbish.

308.2.2 Refrigerators.

Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

308.3 Disposal of garbage.

Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

308.3.1 Garbage facilities.

The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leak proof, covered, outside garbage container.

308.3.2 Containers.

The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

308.3.3 Containers - Standards.

All items to be collected from curbside will be placed at curbside in upright container, plastic bags, tied in bundles, or otherwise contained so as to not be loose - in no case shall any container, bag or bundle exceed 60lbs in weight or 55 gallons. Items secured in bundles (i.e. branches, wood, hedge clippings, carpeting) shall not exceed 4ft in length. Household furniture placed at curb shall not exceed 120lbs. Household odds

and ends (i.e. a door, shutter, and window) shall not exceed 120lbs.

Quantity to be collected from residential and non-residential premises per pickup day shall conform to the following:

1. Type 10 Household Trash - Not more than five containers and/or bags per dwelling unit and non-residential establishment, per pickup day - Total aggregate per dwelling unit or non-residential establishment not to exceed 300 lbs.
2. Type 13 Bulk Waste - No more than three large items - total aggregate of items, bags, bundles or containers not to exceed 360 lbs per dwelling unit or non-residential establishment, per pickup day. For premises having more than one dwelling unit or more than one non-residential establishment, no more than six large bulk items or an aggregate of 720lbs are to be collected per pickup per building.
3. Type 23 Yard Waste - No more than three bundles, bags or containers per residential or non-residential unit or in the aggregate more than 180lbs, per pickup day. For Premises having more than one dwelling or non-residential establishment no more than six bundles, bags or containers (aggregate) weight not to exceed

360lbs) are to be collected per pickup day.

SECTION 309

PEST ELIMINATION

309.1 Infestation.

Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation.

309.2 Owner.

The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

309.3 Single occupant.

The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.

309.4 Multiple occupancy.

The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.

309.5 Occupant.

The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination.

CHAPTER 13 - SECTION 400 -- LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401

GENERAL

401.1 Scope.

The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

401.2 Responsibility.

The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

401.3 Alternative devices.

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the International Building Code shall be permitted.

SECTION 402**LIGHT****402.1 Habitable spaces.**

Every habitable space shall have not less than one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, but a minimum of 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways.

Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with not less than a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with not less than 1 footcandle (11 lux) at floors, landings and treads.

402.3 Other spaces.

All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

SECTION 403

VENTILATION

403.1 Habitable spaces.

Every habitable space shall have not less than one openable window. The total openable area of the window in every room shall be equal to not less than 45 percent of the minimum glazed area required in Section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and toilet rooms.

Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

403.3 Cooking facilities.

Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

Exceptions:

1. Where specifically approved in writing by the code official.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 Process ventilation.

Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 Clothes dryer exhaust.

Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

Exception: Listed and labeled condensing (ductless) clothes dryers.

SECTION 404

OCCUPANCY LIMITATIONS

404.1 Privacy.

Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths.

A habitable room, other than a kitchen, shall be not less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passageway of 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights.

Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting a maximum of 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.
4. Confliction with other State codes

404.4 Bedroom and living room requirements.

Every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room area.

Every living room shall contain not less than 120 square feet (11.2 m²) and every bedroom shall contain not less than 70 square feet (6.5 m²) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m²) of floor area for each occupant thereof. Continuation of an existing nonconformance shall be permitted pending compliance with all other applicable State and City laws, codes and regulations.

404.4.2 Access from bedrooms.

Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

404.4.3 Water closet accessibility.

Every bedroom shall have access to not less than one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.

404.4.4 Prohibited occupancy.

Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements.

Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding.

Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

TABLE 404.5

MINIMUM AREA REQUIREMENTS

Space	1- 2 Occupants	3 - 5 Occupants	6 or more
Living Room a,b	No requirement	120	150
Dining Room a,b	No requirement	80	100
Bedrooms	Shall comply with Section 404.4		
For SI: 1 square foot = 0.093 m2			

404.5.1 Sleeping area.

The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. Sleeping areas shall comply with Section 404.4.

404.5.2 Combined spaces.

Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

404.6 Efficiency unit.

Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 m²). A unit occupied by not more than two occupants shall have a minimum clear floor area of 220 square feet (20.4 m²). A unit occupied by three occupants shall have a minimum clear floor area of 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

404.7 Food preparation.

All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

CHAPTER 13 - SECTION 500-

**PLUMBING FACILITIES AND FIXTURE
REQUIREMENTS**

**SECTION 501
GENERAL**

501.1 Scope.

The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility.

The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises that does not comply with the requirements of this chapter.

SECTION 502**REQUIRED FACILITIES****502.1 Dwelling units.**

Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink, refrigerator, and stove that shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

The stove, for cooking food, and a refrigerator or refrigerator-freezer shall be required. Said refrigerator shall be capable of maintaining safe storage of food at temperatures less than 45 degrees Fahrenheit but more than 32 degrees Fahrenheit. Said stove and refrigerator, and/or refrigerator-freezer shall be properly installed with all necessary connections for safe, sanitary, and efficient operation and shall be maintained in good working condition. Said equipment need not be installed while a dwelling unit is not occupied.

Cabinets and/or shelves: Cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils and of food that, under ordinary summer conditions, does not require refrigeration for safe keeping; and a counter or table for food preparation are required. All cabinets and/or shelves and counter or table shall be of sound construction furnished with surfaces that are easily cleanable, reachable, and that will not impart any toxic or harmful effect on food.

502.2 Rooming houses.

Not less than one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

502.3 Hotels.

Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each

10 occupants.

502.4 Employees' facilities.

Not less than one water closet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking facilities.

Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

502.5 Public toilet facilities.

Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the International Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

SECTION 503

TOILET ROOMS

503.1 Privacy.

Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

503.2 Location.

Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities.

Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

503.4 Floor surface.

In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard,

nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 504

PLUMBING SYSTEMS AND FIXTURES

504.1 General.

Plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances.

Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards.

Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 505

WATER SYSTEM

505.1 General.

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.

505.2 Contamination.

The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply.

The water supply system shall be installed and maintained to provide a supply of water to

plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities.

Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a minimum temperature of 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

SECTION 506

SANITARY DRAINAGE SYSTEM

506.1 General.

Plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

506.2 Maintenance.

Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

506.3 Grease interceptors.

Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the code official.

SECTION 507

STORM DRAINAGE

507.1 General.

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

CHAPTER 13 - SECTION 600--

MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601

GENERAL

601.1 Scope.

The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility.

The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that does not comply with the requirements of this chapter.

SECTION 602

HEATING FACILITIES

602.1 Facilities required.

Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies.

If the lease requires the landlord to provide heat, the landlord must give you the amount of heat required by the state codes and the local town or city ordinance. Under the state housing codes, from October 1 to May 1, the landlord must provide enough heat so that the temperature in the apartment is at least 68 degrees from 6 a.m. to 11 p.m. between the hours of 11 p.m. and 6 a.m., the temperature in the apartment must be at least 65 degrees. **Cite:** N.J.A.C. 5:10-14 et seq. and N.J.A.C. 5:28-1.12(m).

602.3 Heat supply.

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating

system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable work spaces.

Indoor occupiable work spaces shall be supplied with heat are to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement.

The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603

MECHANICAL EQUIPMENT

603.1 Mechanical appliances.

Mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Removal of combustion products.

Fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances that are labeled for unvented operation.

603.3 Clearances.

Required clearances to combustible materials shall be maintained.

603.4 Safety controls.

Safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air.

A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices.

Devices intended to reduce fuel consumption by attachment to a fuel -burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

SECTION 604**ELECTRICAL FACILITIES****604.1 Facilities required.**

Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service.

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 60 amperes.

604.3 Electrical system hazards.

Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure.

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment.

Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the International Building Code.

Exception: The following equipment shall be allowed to be repaired where an inspection report

from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

Enclosed switches, rated a maximum of 600 volts or less;
 Busway, rated a maximum of 600 volts;
 Panelboards, rated a maximum of 600 volts;
 Switchboards, rated a maximum of 600 volts;
 Fire pump controllers, rated a maximum of 600 volts;
 Manual and magnetic motor controllers;
 Motor control centers;
 Alternating current high-voltage circuit breakers;
 Low-voltage power circuit breakers;
 Protective relays, meters and current transformers;
 Low- and medium-voltage switchgear;
 Liquid-filled transformers;
 Resin transformers;
 Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
 Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
 Luminaires that are listed as submersible;
 Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure.

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment.

Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits that have been exposed to fire, shall be replaced in accordance with the provisions of the International Building Code.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

SECTION 605

ELECTRICAL EQUIPMENT

605.1 Installation.

Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.2 Receptacles.

Every habitable space in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain not less than one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

605.3 Luminaires.

Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

605.4 Wiring.

Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

SECTION 606**ELEVATORS, ESCALATORS AND DUMBWAITERS****606.1 General.**

Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location approved by the code official. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.2 Elevators.

In buildings equipped with passenger elevators, not less than one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607**DUCT SYSTEMS****607.1 General.**

Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. All duct systems shall be installed to manufacturers' specifications.

CHAPTER 13 - SECTION 700-

FIRE SAFETY REQUIREMENTS

SECTION 701

GENERAL

701.1 Scope.

The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

701.2 Responsibility.

The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

SECTION 702

MEANS OF EGRESS

702.1 General.

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code.

702.2 Aisles.

The required width of aisles in accordance with the International Fire Code shall be unobstructed.

702.3 Locked doors.

Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code.

702.4 Emergency escape openings.

Required emergency escape openings shall be maintained in accordance with the code in effect

at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

SECTION 703

FIRE-RESISTANCE RATINGS

703.1 Fire-resistance-rated assemblies.

The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

703.2 Opening protectives.

Required opening protectives shall be maintained in an operative condition. Fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

SECTION 704

FIRE PROTECTION SYSTEMS

704.1 General.

Systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code.

704.1.1 Automatic sprinkler systems.

Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

704.1.2 Fire department connection.

Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an approved sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire code official.

704.2 Single-and multiple-station smoke alarms.

Single-and multiple-station smoke alarms shall be installed in existing Group I-1 and R occupancies in accordance with Sections 704.2.1 through 704.2.3.

704.2.1 Where required.

Existing Group I-1 and R occupancies shall be provided with single-station smoke alarms in accordance with Sections 704.2.1.1 through 704.2.1.4. Interconnection and power sources shall be in accordance with Sections 704.2.2 and 704.2.3.

Exceptions:

1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.
2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.
3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

704.2.1.1 Group R-1.

Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.
2. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.
3. In each story within the sleeping unit, including basements. For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

704.2.1.2 Groups R-2, R-3, R-4 and I-1.

Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of

bedrooms.

2. In each room used for sleeping purposes.

3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

4. Photoelectric smoke alarms shall not be installed less than 6 feet (1829 mm) horizontally from a permanently installed cooking appliance.

704.2.1.4 Installation near bathrooms.

Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section 704.2.1.1 or 704.2.1.2.

704.2.2 Interconnection.

Where more than one smoke alarm is required to be installed within an individual dwelling or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings that are not undergoing alterations, repairs or construction of any kind.

2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

704.2.3 Power source.

Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for over-current protection.

Exceptions:

1. Smoke alarms are permitted to be solely battery operated in existing buildings where no construction is taking place.
2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.
3. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for building wiring without the removal of interior finishes.
 1. The fire alarm system shall comply with all applicable requirements in Section 907 of the International Fire Code.
 2. Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the dwelling or sleeping unit in accordance with Section 907.5.2 of the International Fire Code.
 3. Activation of a smoke detector in a dwelling or sleeping unit shall not activate alarm notification appliances outside of the dwelling or sleeping unit, provided that a supervisory signal is generated and monitored in accordance with Section 907.6.5 of the International Fire Code.

SECTION 800-- ABANDONED AND VACANT PROPERTIES**801 IDENTIFICATION OF ABANDONED PROPERTIES.****801-1 City List of Abandoned Properties.**

- a. The Director of Property Improvement and Neighborhood Preservation or the City Manager's designee is hereby directed to identify abandoned properties with the City, place said properties on an abandoned property list established as provided in Section 36 of P.L.1996, c.62 (C.55:19-55), as amended by Section 28 of P.L.2003, c.210, and provide such notices and carry out such other tasks as are required to effectuate an abandoned property list as provided by law.
- b. The abandoned property list shall apply to the City of Asbury Park as a whole.
- c. The Director of Property Improvement and Neighborhood Preservation or the City Manager's designee is hereby designated as the public officer for the purpose of carrying out the responsibilities established by this section and shall have all the responsibilities and powers provided by law.
- d. The Director of Property Improvement and Neighborhood Preservation or the City Manager's designee shall exercise the authority granted the City pursuant to Section 13 of P.L.2003, c.210,

to designate qualified rehabilitation entities to act as the designee of the City with respect to the provisions of that section.

e. The Director of Property Improvement and Neighborhood Preservation or the City Manager's designee shall provide a report to the Mayor and City Council every six (6) months, with respect to the number and location of properties on the abandoned property list, the status of those properties, and any actions taken by the City or by any qualified rehabilitation entity designated pursuant to the authority granted to the public officer with respect to any property on the list or any other abandoned property within the City.
(Ord. No. 3031; Ord. No. 3077)

802 REGISTRATION OF VACANT PROPERTY.

802-1.1 Definitions.

As used in this section:

Municipal officer shall mean the Director of Property Improvement and Neighborhood Preservation/Code Enforcement or such official within that department as may be designated by the Director in writing.

Owner shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity that has filed a notice with the Municipal Clerk pursuant to the provisions of C.46:10B-51 (P.L.2008, c.127, Sec.17 as amended by P.L.2009, c.296), or any other entity determined by the public officer of the City of Asbury Park to have authority to act with respect to the property.

Vacant Property shall mean any building or structure which is not at present legally occupied or at which all lawful business or construction operations or residential or other occupancy have substantially ceased, and which is in such condition that it cannot legally be re-occupied without repair or rehabilitation, including but not limited to any property meeting the definition of abandoned property in N.J.S.A. 55:19-80; provided, however, that any habitable property where all building systems are in sound working order, where the building and grounds are maintained in good condition, and which is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property for purposes of this section.
(Ord. No. 2015-10 § 1)

802-1.2 Registration of Vacant Property Required; Term; Fee Waivers.

a. As of the effective date of this section (this section adopted by Ord. No. 2015-10 on 4-22-15), the owner of any vacant property as defined herein shall, within 30 days after the building becomes vacant property or within 30 days after assuming ownership of the vacant property, whichever is later; or within 10 days of receipt of notice from the City, file a registration statement for such vacant property with the municipal officer on forms provided for that purpose by the municipal officer along with any fee required by this section. Failure to receive notice from the municipality shall not constitute grounds for failing to register the property.

b. Each property having a separate tax block and lot number shall be registered separately.

c. The registration shall include the information required under subsection 13-802-1.4, the insurance certificate required under subsection 13-802-1.7, as well as any additional information that the municipal officer may reasonably require.

d. The registration shall remain valid for one year from the date of registration. The owner shall be required to renew the registration annually as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed in subsection 13-802-1.5 for each vacant property registered.

e. The municipal officer may establish for purposes of efficient administration that all registrations shall be renewed by a single date in each year, which date shall be established by the municipal officer in which case the initial registration fee shall be pro-rated for registration statements received less than 10 months prior to that date.

f. 1. Any owner of vacant property who plans to restore the property to productive use and occupancy during the twelve (12) month period following the date of the initial registration of the property shall file a detailed statement of the owner's plans for restoration of the property with the registration statement and shall be exempt from payment of the registration fee, but shall comply with all other provisions of this section. In the event that the property has not been restored to productive use and occupancy at the end of the twelve (12) month period, the owner shall be liable for any fee waived. The municipal officer, after consultation with the City Council and with the approval of a majority thereof, may extend the waiver of the registration fee for not more than one additional year in response to a written request by the property owner where the municipal officer finds that compelling conditions outside the owner's control made it impossible for the owner to restore the property within the initial twelve (12) month period.

2. Where the owner is an entity experienced in rehabilitation or redevelopment of vacant properties, and where the property subject to this section is being held for a project of rehabilitation or redevelopment consistent with municipal plans and ordinances, and where by virtue of financing, market or other conditions that project may require more than one year for realization, the municipal officer, after consultation with the City Council and with the approval of a majority thereof, may extend the waiver of the registration fee on an annual basis without limitation upon written request by the owner as long as the municipal officer finds that the owner is making reasonable progress toward completion of the project. The owner shall provide the municipal officer with such documentation, which may include plans, financing applications, applications for land use approval or other evidence of progress.

g. The owner shall notify the municipal officer within 30 days of any change in the registration information by filing an amended registration statement on a form provided by the municipal officer for such purpose.

h. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the City against the owner or owners of the building.
(Ord. No. 2015-10 § 2)

802-1.3 City Access for Inspections.

At any time after filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide access to the City to conduct exterior and interior inspections of the building to determine compliance with municipal codes, on reasonable notice to the property owner or the designated agent. (Ord. No. 2015-10 § 3)

802-1.4 Registration Application Content.

a. The registration statement shall include (1) the name, street address, e-mail address and telephone number of a natural person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owner or owners in connection with the enforcement of any applicable code; and (2) the name, street address, e-mail address and telephone number of the firm or individual responsible for maintaining the property. The individual or a representative of the firm responsible for maintaining the property shall be available by telephone or in person on a 24 hour per day, seven (7) day per week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the state of New Jersey or reside within the state of New Jersey.

b. An owner who is a natural person and who maintains offices in the state of New Jersey or resides within the state of New Jersey may designate him or herself as agent or as the individual responsible for maintaining the property.

c. By designating an authorized agent under the provisions of this section the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the municipal officer in writing of a change of authorized agent or until the owner files a new annual registration statement.

d. Any owner who fails to register a vacant property under the provisions of this section shall further be deemed to consent to receive, by posting at the building, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.
(Ord. No. 2015-10 § 4)

802-1.5 Fees.

a. The registration and renewal fee for each building shall be as follows:

Initial registration	\$500.00 or prorated amount per subsection 802-1.2
First renewal	\$1,000.00

Second renewal	\$1,750.00
Any subsequent renewal	\$2,500.00

b. One hundred (100%) percent of all fee income resulting from the application of this section shall be used for the sole purpose of carrying out municipal activities with respect to vacant and distressed properties, including but not limited to code enforcement, abatement of nuisance conditions, stabilization, rehabilitation, and other activities designed to minimize blight and further productive reuse of properties.
(Ord. No. 2015-10 § 5)

802-1.6 Maintenance of Vacant Property Required.

The owner of any structure that has become vacant property, and any person responsible for maintaining any such building that has become vacant, shall within 30 days of the structure becoming vacant or 30 days of the owner taking title to the property:

- a. Enclose and secure the structure as provided in the applicable codes of the City of Asbury Park or as set forth in rules and regulations adopted by the municipal officer to supplement those codes.
- b. Ensure that the grounds of the structure, including yards, fences, sidewalks, walks and driveways, are well-maintained and kept free from trash or debris; and
- c. Maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition until the building is again occupied or demolished or until repair or rehabilitation of the building is complete.
(Ord. No. 2015-10 § 6)

802-1.7 Insurance Requirements.

The owner of any vacant property shall acquire or otherwise maintain liability insurance, in an amount of not less than \$300,000.00 for buildings designed primarily for one to four unit residential use and not less than \$1,000,000.00 for any other building, including, but not limited to, buildings designed for multifamily, manufacturing, storage or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building. Any insurance policy acquired or renewed after the building has become vacant shall provide for written notice to the municipal officer within 30 days of any lapse, cancellation or change in coverage. The owner shall attach evidence of the insurance to the owner's registration statement. Any registration statement submitted that does not include such evidence shall not be deemed to be a valid registration. (Ord. No. 2015-10 § 7)

802-1.8 Online Registry.

The City of Asbury Park may establish an online registry of all properties registered with the City under this section, which shall include a procedure by which citizens can provide the municipal officer with information on unregistered properties that may be subject to this section

through electronic means. (Ord. No. 2015-10 § 8)

802-1.9 Additional Rules and Regulations.

The municipal officer may issue rules and regulations for the administration of the provisions of this section, after consultation with the City Council and with the approval of a majority thereof. (Ord. No. 2015-10 § 9)

802-1.10 Violations and Penalties.

a. Any person who violates any provision of this section or of the rules and regulations issued hereunder shall be fined not less than one thousand (\$1,000.00) dollars and not more than two thousand (\$2,000.00) dollars for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this section shall be recoverable from the owner and shall be a lien on the property.

b. For purposes of this section, failure to file a registration statement within 30 days after a building becomes vacant property or within 30 days after assuming ownership of a vacant property, whichever is later; or within 10 days of receipt of notice by the City, failure to provide correct information on the registration statement, failure to comply with the provisions of subsections 802-1.6 and 802-1.7, or such other matters as may be established by the rules and regulations of the municipal officer shall be deemed to be violations of this section. (Ord. No. 2015-10 § 10)

803-1.0 UPKEEP OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES IN FORECLOSURE.

803-1.1 Definitions.

Creditor shall mean, consistent with section 3 of P.L. 2008, c.86, a State chartered bank, savings bank, savings and loan association or any credit union, or any person required to be licensed under the provisions of the “New Jersey Residential Mortgage Lending Act,” and any entity acting on behalf of the Creditor named in the debt obligation, including but not limited to, mortgage loan servicers.

Public officer shall mean the Director of Property Improvement and Neighborhood Preservation/Code Enforcement or such official within that department as may be designated by the Director, in writing. (Ord. No. 2015-18 § 13-3.1)

803-1.2 Creditor Responsibility for Vacant and Abandoned Properties; In-State Representative Required.

a. Any Creditor filing a summons and complaint in an action to foreclose on any residential property within the City shall be immediately responsible for the care, maintenance, security, and

upkeep of the exterior of that property, in the event it is determined to be vacant and abandoned property.

b. Where a Creditor is located out-of-State, the Creditor shall be responsible for appointing an in-State representative or agent to act on the Creditor's behalf for the purpose of satisfying the requirements of paragraph a. above. Notice of said representative or agent shall be provided to the City Clerk and the Public Officer (as defined in this section, in a manner that is consistent with subsection a. of section 17 of P.L. 2008, c.127 (the "Save New Jersey Homes Act of 2008")), and shall further include the full name and contact information of the in-State representative or agent.

c. All foreclosing creditors, and, in the case of an out-of-state foreclosing Creditor, their in-State representatives, shall be responsible to comply with the requirements of all other ordinances adopted by the City of Asbury Park and the Code of the City relating to vacant and/or abandoned property, in the same manner as those ordinances and the Code of the City pertain to the title owners of such vacant and/or abandoned property.
(Ord. No. 2015-18 § 13-3.2)

803-1.3 Notice.

a. The City's public officer shall be authorized to issue a notice to a Creditor that has filed a summons and complaint in an action to foreclose on a residential property within the City, if the public officer determines that the Creditor has violated this section by failing to provide for the care, maintenance, security, and upkeep of the exterior of the property. Where a Creditor is an out-of-State Creditor, the notice shall be issued to the representative or agent that has been identified by the Creditor pursuant to subsection 13-4.2 and the Save New Jersey Homes Act of 2008.

b. The notice referenced in paragraph a. above shall require the Creditor to correct the violation(s) within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety.

c. The issuance of a notice pursuant to paragraph a. above shall constitute proof that a residential property is "Vacant and Abandoned" for the purposes of this section.
(Ord. No. 2015-18 § 13-3.3)

803-1.4 Violations and Penalties.

a. A Creditor subject to this section that is found by the municipal court of the City, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a "care, maintenance, security, or upkeep violation" cited in a notice issued pursuant to this section, shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this subsection shall commence 31 days following the Creditor's receipt of the notice, except where the violation is deemed to present an imminent risk to the public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

b. An out-of-state Creditor subject to this section that is found by the municipal court of the City, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on an out-of-state Creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in paragraph (1) of subsection a. of section 17 of P.L. 2008, c.127 (C.46:10B-51), for providing notice to the City Clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

c. No less than one hundred percent (100 %) of any money collected pursuant to this section shall be utilized by the City of Asbury Park for purposes relating to its City code enforcement purposes.

(Ord. No. 2015-18 § 13-3.4)

SECTION 900--

REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7. The original list can be found in the IPMC Book in the Code Department.

APPENDIX A BOARDING STANDARD

A101

GENERAL

A101.1 General.

Windows and doors shall be boarded in an approved manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure.

A102

MATERIALS

A102.1 Boarding sheet material.

Boarding sheet material shall be minimum 1/2-inch-thick (12.7 mm) wood structural panels complying with the International Building Code.

A102.2 Boarding framing material.

Boarding framing material shall be minimum nominal 2-inch by 4-inch (51 mm by 102 mm) solid sawn lumber complying with the International Building Code.

A102.3 Boarding fasteners.

Boarding fasteners shall be minimum 3/4-inch-diameter (9.5 mm) carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the International Building Code.

A103

INSTALLATION

A103.1 Boarding installation.

The boarding installation shall be in accordance with Figures A103.1(1) and A103.1(2) and Sections A103.2 through A103.5 of the IPMC which is available for inspection.

A103.2 Boarding sheet material.

The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

A103.3 Windows.

The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch (51 mm by 102 mm) strong back framing material shall be cut minimum 2 inches (51 mm) wider than the window opening and shall be placed on the inside of the window opening 6 inches (152 mm) minimum above the bottom and below the top of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

A103.4 Door walls.

The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at a maximum of 24 inches (610 mm) on center. Blocking shall also be secured at a maximum of 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every 6 inches (152 mm) on center.

A103.5 Doors.

Doors shall be secured by the same method as for windows or door openings. One door to the structure shall be available for authorized entry and shall be secured and locked in an approved 2008, c.127 (C.46:10B-51), for providing notice to the City Clerk that a summons and complaint

in an action to foreclose on a mortgage has been served.

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED, that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

**CITY OF ASBURY PARK
BOND ORDINANCE NUMBER 2018-41**

BOND ORDINANCE PROVIDING FOR THE ACQUISITION AND INSTALLATION OF LICENSE PLATE READERS AND ASSOCIATED SOFTWARE, BY AND IN THE CITY OF ASBURY PARK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$175,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$175,000 IN BONDS OR NOTES TO FINANCE THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF ASBURY PARK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

SECTION 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a Parking Utility improvement or purpose to be undertaken by the City of Asbury Park, in the County of Monmouth, State of New Jersey (the “City”). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$175,000 from the Parking Utility of the City, said sum being inclusive of all appropriations heretofore made therefor. Pursuant to the provisions of N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the “Local Bond Law”), no down payment is required as the Parking Utility of the City is self-liquidating.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof, negotiable bonds of the Parking Utility of the City are hereby authorized to be issued in the principal amount of \$175,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the City in a principal amount not exceeding \$175,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued are various Parking Utility Improvements including, but not limited to, the acquisition and installation, as applicable, of License Plate Readers and associated software; and acquisition and installation, as applicable of various software required for operations; and also including all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$175,000.

(c) The estimated cost of said improvement or purpose is \$175,000.

SECTION 4. In the event the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity make a contribution or grant in aid to the City, for the improvement and purpose authorized hereby and the same shall be received by the City prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity, shall be received by the City after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the City as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the City, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the City shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Parking Utility of the City is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs of the Parking Utility as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, will be on file in the Office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement or purpose which the City may lawfully undertake as a Parking Utility improvement or purpose, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvement or purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is seven (7) years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the City and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$175,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$35,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

SECTION 8. The full faith and credit of the City is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The City hereby declares the intent of the City to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The City Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The City Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The City covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

DATED: September 26, 2018

CINDY A. DYE,
Clerk of the City of Asbury Park

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____, 2018

JOHN MOOR,
Mayor of the City of Asbury Park



**Asbury Park, New Jersey
ORDINANCE NO. 2018-42**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XX
“ENVIRONMENTAL REGULATIONS” ADDING SECTION 20-3 PLASTIC BAGS OF
THE “CODE OF THE CITY OF ASBURY PARK, NEW JERSEY.”**

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park (the “City”), in the County of Monmouth and State of New Jersey, that Chapter XX, entitled “Environmental Regulations,” of the “Code of the City of Asbury Park, New Jersey” is hereby amended and supplemented in order to add a new Section 20-3 thereof, to be known as “Plastic Bags,” as follows:

CHAPTER XX

ENVIRONMENTAL REGULATIONS

20-3 PLASTIC BAGS.

20-3.1 Purpose.

The purpose of these provisions is to promote and operationalize:

- a. The protection of unique coastal resources found in the City of Asbury Park and identified for protection in policies of the NJDEP - Coastal Management Program; 42 U.S.C. 6901, *et seq.* Solid Waste Disposal Act.
- b. Compliance with federal and state mandates for Clean Water (including National Pollutant Discharge Elimination System Permit Program) 33 U.S.C. 1251, *et seq.* - Clean Water Act; N.J.S.A. 58:10A-1, *et seq.* - New Jersey Water Pollution Control Act.
- c. A reduction in the amount of plastic material that is manufactured, transported, handled/processed, and discarded, and the impacts associated with such activities.
- d. A reduction in the amount of waste/debris throughout the City of Asbury Park and bordering waterways, and the amount of material going to landfills.

20-3.2 Definitions.

“Carryout bag” means a single-use or reusable bag that is: (1) provided by a covered store to a customer at the point of sale and is used to carry goods from such store; or (2) provided by a street vendor. Such term shall not include reusable carryout bags or exempt bags.

“City” shall mean the City of Asbury Park.

“City Manager” shall mean the City Manager of the City of Asbury Park or his/her designee(s) authorized to carry out the provisions of this Section.

“Covered store” means (i) a food service establishment and (ii) a retail or wholesale establishment engaged in the sale of personal, consumer or household items including but not limited to drug stores, pharmacies, grocery stores, supermarkets, convenience food stores, food marts, or other retail establishments of any kind, that provide carryout bags to consumers in which to place items purchased or obtained at such establishment.

“Exempt bag” means any of the following: (i) a bag without handles to carry produce, meats, dry goods, dry cleaning, or other non-prepackaged food items to the point of sale within a store or market to prevent such food items from coming into direct contact, and/or intended to stop cross-contamination with other purchased items; (ii) a bag provided by a pharmacy to carry prescription drugs; or (iii) a bag associated with any purchase related to an individual(s) receiving public assistance, such as the New Jersey State Supplemental Nutritional Assistance Program, EBT Program, or New Jersey State Special Supplemental Nutrition Program for women, infants and children as full or partial payment, fixed income or disability; or (iv) any other bag to be exempted from the provisions of this Section as determined by the City Manager or his/her designee.

“Food service establishment” shall mean any establishment located in the City which serves made to order food for dine in, take out or delivery.

“Reusable carryout bag” means a bag with handles that is specifically designed and manufactured for multiple reuse and is either:

- (i) made of cloth or other machine washable fabric;
- (ii) made of durable plastic that is at least 2.25 mils thick; or
- (iii) defined as a reusable bag by the City Manager or his/her designee.

“Street vendor” means any person or business peddling, vending, selling, or displaying for sale on a seasonal or one-time basis any merchandise or food that is presented from a mobile setting including a vehicle, cart, tent, table, or stand. This includes all businesses at farmers markets, street festivals, and other events requiring group or special event permits.

20-3.3 Use of Single-Use Plastic Carryout Bags Prohibited.

Effective February 1, 2019, no operator of any covered store or street vendor within the City shall provide any single-use plastic carryout bag to any customer for the purpose of enabling a customer to transport products or goods out of the covered store or from the point of purchase, except in accordance with the provisions of this Section. Nothing in this Section shall be read to preclude operators of covered stores or street vendors from providing single-use paper bags to customers for a fee in accordance with Subsection 20-3.4 of this Chapter or from making reusable carryout bags available for sale to customers. No operator or street vendor shall

preclude customers from using their own reusable carryout bags.

20-3.4 Carryout Bag Fee.

a. Effective February 1, 2019, an operator of a covered store or a street vendor may provide a customer with a single-use plastic carryout bag, provided that the operator or street vendor shall impose and collect a fee of \$0.05 for each single-use plastic carryout bag provided to the customer. No covered store or street vendor shall be required to charge such fee for an exempt bag. All monies collected under this Section shall be retained by the covered store or street vendor.

b. No covered store or street vendor shall charge a carryout bag fee for bags of any kind provided by the customer in lieu of a carryout bag provided by any such covered store or street vendor.

c. No covered store or street vendor shall charge or prevent a person from using a bag of any kind that they have brought to any such covered store or street vendor for purposes of carrying goods from such store or street vendor.

20-3.5 Outreach and Education.

a. The City Manager or his/her designee shall establish an outreach and education program aimed at educating residents and covered stores on reducing the use of single-use carryout bags and increasing the use of reusable carryout bags.

b. To the extent practicable, the City Manager or his/her designee shall seek the assistance of private entities and local not-for-profit organizations to provide and distribute reusable carryout bags to residents and to covered stores.

20-3.6 Enforcement.

a. Any notice of violation issued pursuant to this Section shall be returnable in the City's municipal court, which shall have the power to impose penalties as provided herein.

b. The City Manager shall designate appropriate staff to enforce this Section, including but not limited to representatives of the Code Enforcement Department, Public Works Department, Building Department and the Recycling Coordinator.

20-3.7 Penalty.

Any person who is convicted of a violation of this Section shall, upon conviction, be liable to the penalties set forth in Chapter I, Section 1-5, of the City Code.

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED, that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final passage and publication in accordance with the law, following the required twenty (20) day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2018-42 which was finally adopted by the City Council at a meeting held on the 10th day of October, 2018

CINDY A. DYE
CITY CLERK



Minutes
Meeting of the Municipal Council
Wednesday, September 26, 2018
WORK SESSION

Announcement by the City Clerk

Attendee Name	Title	Status	Arrived
Eileen Chapman	Councilmember	Present	
Yvonne Clayton	Councilmember	Present	
Jesse Kendle	Councilmember	Present	
Amy Quinn	Deputy Mayor	Absent	
John Moor	Mayor	Present	
Cindy Dye	City Clerk	Present	
Michael Capabianco	City Manager	Present	
Frederick Raffetto	City Attorney	Present	

City Clerk Cindy Dye called the meeting to order at 6:00 PM.

Proclamation Recognizing the Asbury Park Music Foundation

Mayor Moor and the City Council presented a proclamation recognizing the Asbury Park Music Foundation.

City Manager's Report on Issues Raised at Prior Council Meeting(s)

City Manager Capabianco stated that there was no sign permit across the street. A summons was issued; however, it was dismissed by the court. This is being looked into.

Special Event Applications

Leesha Floyd reviewed the special event applications with Mayor and Council.

Review of Agenda Items for September 26, 2018 Regular Meeting

City Manager Capabianco reviewed the Council meeting agenda with the Mayor and Council.

Matters from City Council

Council Member Clayton stated that there will be a 2nd public meeting regarding the City's Affordable Housing Plan on October 11 at the Asbury Park Senior Center. She also announced the new CDBG home repair program, which allows homeowners who qualify to obtain up to \$5,000 for repairs for in or around your home. Please contact Carrie Jeanot or Cassandra Dickerson for more information.

Council Member Kendle stated that the Asbury Park Homecoming Parade will be held on October 6. He also announced the Trunk or Treat will be held on Halloween. Anyone who wishes to donate, please see Leesha.

Mayor Moor reiterated Council Member Clayton's comments on the new CDBG program. He recognized the event held at the Senior Center sponsored by the Mayor's Wellness Committee supporting senior health.

Matters from City Manager

City Manager Capabianco had no matters.

Matters from City Attorney

City Attorney Raffetto stated that if any members of the public have questions regarding the Sea Hear Now concert, please speak to the City Manager or refer to the City website.

Regular Meeting begins at 7 p.m.

Respectfully submitted by:

Cindy A. Dye, RMC, City Clerk



Minutes
Meeting of the Municipal Council
Wednesday, September 26, 2018
REGULAR MEETING

Executive Session - 4:00 p.m.

2018-342 Resolution Authorizing a meeting which excludes the public

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jesse Kendle, Councilmember
SECONDER:	Eileen Chapman, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

Attendee Name	Title	Status	Arrived
Eileen Chapman	Councilmember	Present	
Yvonne Clayton	Councilmember	Present	
Jesse Kendle	Councilmember	Present	
Amy Quinn	Deputy Mayor	Absent	
John Moor	Mayor	Present	
Cindy Dye	City Clerk	Present	
Michael Capabianco	City Manager	Present	
Frederick Raffetto	City Attorney	Present	

City Clerk Cindy Dye called the meeting to order at 7:00 PM.

PUBLIC PARTICIPATION

Motion made by Council Member Kendle and seconded by Council Member Clayton to open the meeting to the public.

The following members of the public spoke: Rev. Gilbert Caldwell, Milia Estes, Christian Hubert, Pam Lamberton, John Webber.

Motion made by Council Member Council Member Clayton and seconded by Council Member Council Member Kendle to open the meeting to the public.

MINUTES

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

1. Executive Minutes of Sep 12, 2018 4:00 PM
2. Municipal Council - Work Session - Sep 12, 2018 6:00 PM
3. Municipal Council - Regular Meeting - Sep 12, 2018 7:00 PM

CONSENT AGENDA RESOLUTIONS

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jesse Kendle, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

2018-343 Resolution Approving Special Event Applications

2018-344 Resolution to Credit Sewer Account 806-16 4 Avenue A

2018-349 Resolution Authorizing Installation of Rainbow Crosswalk

INDIVIDUAL RESOLUTIONS

2018-345 Resolution Approving Payment of Bills

RESULT:	ADOPTED [3 TO 1]
MOVER:	Yvonne Clayton, Councilmember
SECONDER:	Eileen Chapman, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle
NAYS:	John Moor
ABSENT:	Amy Quinn

2018-346 Authorizing the Execution of “Addendum B to Use and License Agreement” with SHN Festivals, LLC, Concerning a Live Cultural Music and Art Festival to be Held in a Designated Portion of the Asbury Park Waterfront Area from September 28, 2018 through September 30, 2018

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jesse Kendle, Councilmember
SECONDER:	Eileen Chapman, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

2018-347 Resolution Amending the Metered Parking Requirements for the Waterfront Area of the City, Effective During the Sea.Hear.Now Festival

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Jesse Kendle, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

2018-348 Resolution Awarding a Contract for Installation of Playground Equipment

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

ORDINANCES

Introduction

2018-37 An Ordinance Amending Section 3-35, Entitled “Sleeping In Public Places,” of Chapter III, “Police Regulations,” of the “Revised General Ordinances of the City Of Asbury Park, New Jersey”

RESULT:	TABLED [UNANIMOUS]
	Next: 10/10/2018 7:00 PM
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Jesse Kendle, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

2018-45 An Ordinance Amending and Supplementing Chapter III “Drug-Free Zones Surrounding Public Housing Facilities, Parks and Public Buildings.” of the “Code of the City of Asbury Park, New Jersey.”

Public hearing is scheduled for October 24, 2018.

RESULT:	INTRODUCED [UNANIMOUS]
	Next: 10/24/2018 7:00 PM
MOVER:	Jesse Kendle, Councilmember
SECONDER:	Eileen Chapman, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

Second Reading/Public Hearing

2018-21 An Ordinance of the City of Asbury Park, County of Monmouth and State of New Jersey Adding Chapter Two Section Eighty-Eight "Development Fees" to the Code of the City of Asbury Park

RESULT:	TABLED [UNANIMOUS]
	Next: 10/10/2018 7:00 PM
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

2018-34 An Ordinance Amending and Supplementing Chapter XXVIII "Health Regulations by Adding Section 28-5 "Intentional Release of Balloons" of the "Code of the City of Asbury Park, New Jersey."

Motion made by Council Member Kendle and seconded by Council Member Clayton to open the ordinance to the public.

The following members of the public spoke: Helen Henderson, John Webber.

Motion made by Council Member Chapman and seconded by Council Member Clayton to close the ordinance to the public.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Yvonne Clayton, Councilmember
SECONDER:	Eileen Chapman, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

2018-35 An Ordinance Amending and Supplementing Section 26-4 "Retirement Benefits" of Chapter XXVI, "Personnel Policies," of the "Code of the City of Asbury Park, New Jersey."

Motion made by Council Member Kendle and seconded by Council Member Chapman to open the ordinance to the public.

No one from the public spoke.

Motion made by Council Member Kendle and seconded by Council Member Clayton to close the ordinance to the public.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Jesse Kendle, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

2018-36 An Ordinance Amending and Supplementing Chapter III, Entitled "Police Regulations," of the "Revised General Ordinances of the City of Asbury Park, New Jersey," in Order to Establish a New Section Thereof to be Known as Section 3-10, Entitled "Begging And Panhandling."

Motion made by Council Member Kendle and seconded by Council Member Chapman to open the ordinance to the public.

The following members of the public spoke: Christian Hubert.

Motion made by Council Member Clayton and seconded by Council Member Kendle to close the ordinance to the public.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

2018-38 Ordinance of the City of Asbury Park Amending and Supplementing Chapter VII of the Code of the City of Asbury Park Regarding Traffic and Parking Regulations

Motion made by Council Member Kendle and seconded by Council Member Chapman to open the ordinance to the public.

No one from the public spoke.

Motion made by Council Member Kendle and seconded by Council Member Chapman to close the ordinance to the public.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

2018-39 An Ordinance Amending and Supplementing Various Articles and Sections of Code of The City of Asbury Park

RESULT:	TABLED [UNANIMOUS]
	Next: 10/10/2018 7:00 PM
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Jesse Kendle, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

2018-40 An Ordinance Amending the Property Maintenance Code of the City of Asbury Park

Motion made by Council Member Kendle and seconded by Council Member Chapman to open the ordinance to the public.

No one from the public spoke.

Motion made by Council Member Kendle and seconded by Council Member Chapman to close the ordinance to the public.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

2018-41 Bond Ordinance Providing for the Acquisition and Installation of License Plate Readers and Associated Software, by and in the City of Asbury Park, in the County of Monmouth, State of New Jersey; Appropriating \$175,000 Therefor and Authorizing the Issuance of \$175,000 in Bonds or Notes to Finance the Cost Thereof

Motion made by Council Member Clayton and seconded by Council Member Chapman to open the ordinance to the public.

No one from the public spoke.

Motion made by Council Member Kendle and seconded by Council Member Clayton to close the ordinance to the public.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

2018-42 An Ordinance Amending and Supplementing Chapter XX “Environmental Regulations”
Adding Section 20-3 Plastic Bags of the “Code Of The City Of Asbury Park, New
Jersey.”

RESULT:	TABLED [UNANIMOUS]
	Next: 10/10/2018 7:00 PM
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Jesse Kendle, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

ADJOURNMENT

The meeting was adjourned at 7:30 PM

Respectfully submitted by:

Cindy A. Dye, RMC, City Clerk



Agenda
Meeting of the Municipal Council
Wednesday, September 26, 2018
WORK SESSION 6:00 PM

Clerk to Call Meeting to Order

Silent Prayer/Moment of Reflection.

Salute to the Flag

Announcement by the City Clerk

As to comply with the “Open Public Meetings Act,” Chapter 231, P.L. 1975, adequate Notice of this meeting has been provided in the following manner: The Annual Notice was forwarded to the Asbury Park Press, The Coaster and The Star Ledger on January 4, 2018, and posted on the bulletin board the same date. All notices are on file with the City Clerk.

Items for Review:

- A. Proclamation Recognizing the Asbury Park Music Foundation
- B. City Manager's Report on Issues Raised at Prior Council Meeting(s)
- C. Special Event Applications
- D. Review of Agenda Items for September 26, 2018 Regular Meeting
- E. Matters from City Council
- F. Matters from City Manager
- G. Matters from City Attorney
- H. Regular Meeting begins at 7 p.m.



Agenda
Meeting of the Municipal Council
Wednesday, September 26, 2018
REGULAR MEETING 7:00 PM

I. Executive Session - 4:00 p.m.

2018-342 Resolution Authorizing a meeting which excludes the public

A. Contract Negotiations

1. Amendments to the Waterfront Redevelopment Plan
2. Asbury Partners/iStar - Parking Agreements
3. Springwood Avenue Redevelopment Plan
4. Union Contract Negotiations

B. Attorney-Client Privilege

II. Workshop Session - 6:00 p.m.

III. Regular Meeting - 7:00 p.m.

B. Silent Prayer/Moment of Reflection

C. Salute to the Flag

D. Announcement - Open Public Meetings Act

As to comply with the "Open Public Meetings Act," Chapter 231, P.L. 1975, adequate Notice of this meeting has been provided in the following manner: The Annual Notice was forwarded to the Asbury Park Press, The Coaster and The Star Ledger on January 4, 2018, and posted on the bulletin board the same date. All notices are on file with the City Clerk.

E. Public Participation

F. Minutes

- Executive Minutes of Sep 12, 2018 4:00 PM
- Municipal Council - Work Session - Sep 12, 2018 6:00 PM
- Municipal Council - Regular Meeting - Sep 12, 2018 7:00 PM

G. Consent Agenda Resolutions

All matters listed on the Consent Agenda are presented collectively to the City Council, and will be considered for approval with one vote. These matters are considered to be routine in nature, and there will be no individual discussion of these items. If discussion is desired by one or more Council member(s) as to any particular item(s), then said item(s) shall be removed from the Consent Agenda and considered separately.

2018-343 Resolution Approving Special Event Applications

2018-344 Resolution to Credit Sewer Account 806-16 4 Avenue A

2018-349 Resolution Authorizing Installation of Rainbow Crosswalk

H. Individual Resolutions

2018-345 Resolution Approving Payment of Bills

2018-346 Authorizing the Execution of “Addendum B to Use and License Agreement” with SHN Festivals, LLC, Concerning a Live Cultural Music and Art Festival to be Held in a Designated Portion of the Asbury Park Waterfront Area from September 28, 2018 through September 30, 2018

2018-347 Resolution Amending the Metered Parking Requirements for the Waterfront Area of the City, Effective During the Sea.Hear.Now Festival

2018-348 Resolution Awarding a Contract for Installation of Playground Equipment

I. Ordinances

1. Introduction

2018-37 An Ordinance Amending Section 3-35, Entitled “Sleeping In Public Places,” of Chapter III, “Police Regulations,” of the “Revised General Ordinances of the City Of Asbury Park, New Jersey”

2018-45 An Ordinance Amending and Supplementing Chapter III “Drug-Free Zones Surrounding Public Housing Facilities, Parks and Public Buildings.” of the “Code of the City of Asbury Park, New Jersey.”

2. Second Reading/Public Hearing

2018-21 An Ordinance of the City of Asbury Park, County of Monmouth and State of New Jersey Adding Chapter Two Section Eighty-Eight "Development Fees" to the Code of the City of Asbury Park

2018-34 An Ordinance Amending and Supplementing Chapter XXVIII "Health Regulations by Adding Section 28-5 “Intentional Release of Balloons” of the “Code of the City of Asbury Park, New Jersey.”

2018-35 An Ordinance Amending and Supplementing Section 26-4 “Retirement Benefits” of Chapter XXVI, “Personnel Policies,” of the “Code of the City of Asbury Park, New Jersey.”

- 2018-36 An Ordinance Amending and Supplementing Chapter III, Entitled “Police Regulations,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey,” in Order to Establish a New Section Thereof to be Known as Section 3-10, Entitled “Begging And Panhandling.”
- 2018-38 Ordinance of the City of Asbury Park Amending and Supplementing Chapter VII of the Code of the City of Asbury Park Regarding Traffic and Parking Regulations
- 2018-39 An Ordinance Amending and Supplementing Various Articles and Sections of Code of The City of Asbury Park
- 2018-40 An Ordinance Amending the Property Maintenance Code of the City of Asbury Park
- 2018-41 Bond Ordinance Providing for the Acquisition and Installation of License Plate Readers and Associated Software, by and in the City of Asbury Park, in the County of Monmouth, State of New Jersey; Appropriating \$175,000 Therefor and Authorizing the Issuance of \$175,000 in Bonds or Notes to Finance the Cost Thereof
- 2018-42 An Ordinance Amending and Supplementing Chapter XX “Environmental Regulations” Adding Section 20-3 Plastic Bags of the “Code Of The City Of Asbury Park, New Jersey.”

J. Adjournment

**RESOLUTION NO. 2018-342****RESOLUTION AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC**

BE IT RESOLVED by the Mayor and Council of the City of Asbury Park that this body will hold a meeting on September 26, 2018 at 7:00 PM in the Council Chambers located at 1 Municipal Plaza, Asbury Park, New Jersey, that will be limited only to consideration of an items or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

The general nature of the subject or subjects to be discussed are as follows:

A. Contract Negotiations:

1. Amendments to the Waterfront Redevelopment Plan
2. Asbury Partners/iStar – Parking Agreements
3. Springwood Avenue Redevelopment Plan
4. Union Contract Negotiations

B. Attorney-Client Privilege

The public is excluded from said meeting, and further notice is dispensed with, all in accordance with section 8 and 4a of the Open Public Meetings Act.

CINDY A. DYE
CITY CLERK



Minutes
Meeting of the Municipal Council
Wednesday, September 12, 2018
WORK SESSION

Announcement by the City Clerk

Attendee Name	Title	Status	Arrived
Eileen Chapman	Councilmember	Present	
Yvonne Clayton	Councilmember	Present	
Jesse Kendle	Councilmember	Present	
Amy Quinn	Deputy Mayor	Present	
John Moor	Mayor	Present	
Cindy Dye	City Clerk	Present	
Michael Capabianco	City Manager	Present	
Frederick Raffetto	City Attorney	Present	

City Clerk Cindy Dye called the meeting to order at 6:00 PM.

City Manager's Report on Issues Raised at Prior Council Meeting(s)

City Manager Capabianco had no prior issues.

Special Event Applications

Leesha Floyd reviewed the special event applications with the City Council.

Proclamation Recognizing the Asbury Park Music Foundation

Rescheduled to the next meeting.

Items to be presented by Bob Duerr of MBRC:

1. "Leave ONLY Your Footprints" Program

Bob Duerr of MBRC explained the "Leave ONLY Your Footprints" program with the City Council.

Items to be presented by Michael Manzella, City of Asbury Park Transportation Planner

1. Asbury Park ALIVE!

Transportation Planner Michael Manzella and Nina Sutherland discussed Asbury Park ALIVE! with the City Council.

Review of Agenda Items for September 12, 2018 Regular Meeting

City Manager Capabianco reviewed the agenda for this evening's meeting with the Council.

Matters from City Council

Council Member Chapman stated that on September 22 Porch Fest will occur. There will be 18 porches, 70 bands and they are raising money for Interfaith and a mural across from train station. JCP&L will have holding an energy assistant program on September 18 at the Salvation Army. Affordable Housing applications are available at City Hall.

Council Member Kendle asked if the City is prepared for any storms this season. He also stated a concern regarding the local mail delivery. He also distributed information regarding the Recreation programs.

Mayor Moor stated that on September 26 from 11 a.m. to 2 p.m. at the Senior Center the Mayor's Wellness Committee will be holding Harvest Health Fest.

Matters from City Manager

City Manager Capabianco had no matters.

Matters from City Attorney

City Attorney Raffetto had no matters.

Regular Meeting begins at 7 p.m.

Respectfully submitted by:

Cindy A. Dye, RMC, City Clerk



Minutes
Meeting of the Municipal Council
Wednesday, September 12, 2018
REGULAR MEETING

Executive Session - 4:00 p.m.

2018-316 Resolution Authorizing a meeting which excludes the public

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Jesse Kendle, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

Attendee Name	Title	Status	Arrived
Eileen Chapman	Councilmember	Present	
Yvonne Clayton	Councilmember	Present	
Jesse Kendle	Councilmember	Present	
Amy Quinn	Deputy Mayor	Present	
John Moor	Mayor	Present	
Cindy Dye	City Clerk	Present	
Michael Capabianco	City Manager	Present	
Frederick Raffetto	City Attorney	Present	

City Clerk Cindy Dye called the meeting to order at 7:00 PM.

PUBLIC PARTICIPATION

Motion made by Council Member Kendle and seconded by Council Member Chapman to open the meeting to the public.

The following members of the public spoke: Carrie Butch, Rita Marano, Louise Murray, Linda Leighee, Jan Sparrow, Sylvia Sylvia, Jordan Modell.

Motion made by Deputy Mayor Quinn and seconded by Council Member Kendle to close the meeting to the public.

MINUTES

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Yvonne Clayton, Councilmember
SECONDER:	Jesse Kendle, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

1. Executive Session Minutes of Aug 22, 2018 4:00 PM
2. Municipal Council - Work Session - Aug 22, 2018 6:00 PM **Accepted**
3. Municipal Council - Regular Meeting - Aug 22, 2018 7:00 PM **Accepted**

CONSENT AGENDA RESOLUTIONS

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jesse Kendle, Councilmember
SECONDER:	Amy Quinn, Deputy Mayor
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

- 2018-317 Resolution Approving Special Event Applications
- 2018-318 Resolution to Refund Overpaid Taxes 3705-10.13 1706 Park Ave, Unit 4B
- 2018-319 Resolution to Credit Sewer Account 1305-8 1302 Summerfield Avenue
- 2018-320 Resolution Authorizing Opening and Adjusting Interest of Tax Sale Certificate
Erroneously Partially Redeemed 1001-4 FKA 93-7 TSC#A8-00267
- 2018-321 Resolution Accepting Receipt of Secure the Shore Grant
- 2018-322 Resolution of Receipt of a Monmouth County Grant from the Division on Aging,
Disabilities and Veterans Services
- 2018-323 Resolution of the City of Asbury Park, County of Monmouth, State of New Jersey
Providing for the Insertion of Special Items of Revenue in the 2018 Budget of the City of
Asbury Park Pursuant to N.J.S.A. 40A:4-87 (Chapter 159) - Urban Areas Security
Initiative Grant
- 2018-324 A Resolution of the City of Asbury Park Releasing the Performance Bond for Block 167,
Lot 1.02 - 1003 Bond Street and Accepting Maintenance Guarantee

INDIVIDUAL RESOLUTIONS

- 2018-325 Resolution Approving Payment of Bills
Council Member Chapman abstains from PO 18-00373.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Amy Quinn, Deputy Mayor
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, Amy Quinn
NAYS:	John Moor

2018-326 Resolution Authorizing a Transfer of Interest Pursuant to a Redevelopment Agreement Between the City and Michaels Development Company I, L.P., as Redeveloper of Certain Parcels Located within the City's Springwood Avenue Redevelopment Area

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amy Quinn, Deputy Mayor
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2018-327 Authorizing Appointments to the "Environmental/Shade Tree Commission"

The Mayor and Council will not be making appointments to Boards and Committees until January.

RESULT:	WITHDRAWN
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2018-328 Resolution Authorizing In Rem Foreclosure Proceedings Relating To A Certain Real Property Located Within The City Of Asbury Park, New Jersey

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Yvonne Clayton, Councilmember
SECONDER:	Eileen Chapman, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2018-329 Resolution Authorizing Execution of a Commodity Resale Agreement with The County of Monmouth

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jesse Kendle, Councilmember
SECONDER:	Eileen Chapman, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2018-330 Resolution Authorizing Execution of a Shared Services Agreement with The County of Monmouth

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2018-331 Resolution Authorizing the Purchase of an Oxygen and SCBA Fill Station for the Fire Department

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amy Quinn, Deputy Mayor
SECONDER:	Eileen Chapman, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2018-332 Resolution Authorizing the Purchase of an Ambulance Radio

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Yvonne Clayton, Councilmember
SECONDER:	Jesse Kendle, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2018-333 Resolution Authorizing the Purchase of a Mini-Split Air Conditioner

RESULT: ADOPTED [UNANIMOUS]
MOVER: Eileen Chapman, Councilmember
SECONDER: Yvonne Clayton, Councilmember
AYES: Chapman, Clayton, Kendle, Quinn, Moor

2018-334 Resolution Authorizing the Purchase of Firstnet Ready Routers and Accessories for Police Vehicles

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jesse Kendle, Councilmember
SECONDER: Eileen Chapman, Councilmember
AYES: Chapman, Clayton, Kendle, Quinn, Moor

2018-335 Resolution Authorizing the Purchase of Panasonic Tablets and Accessories for Police Vehicles

RESULT: ADOPTED [UNANIMOUS]
MOVER: Yvonne Clayton, Councilmember
SECONDER: Eileen Chapman, Councilmember
AYES: Chapman, Clayton, Kendle, Quinn, Moor

2018-336 Resolution Authorizing the Purchase of a Shredder for the Finance Office

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jesse Kendle, Councilmember
SECONDER: Yvonne Clayton, Councilmember
AYES: Chapman, Clayton, Kendle, Quinn, Moor

2018-337 Resolution Authorizing the Purchase of a Shredder for the Police Department

RESULT: ADOPTED [UNANIMOUS]
MOVER: Eileen Chapman, Councilmember
SECONDER: Amy Quinn, Deputy Mayor
AYES: Chapman, Clayton, Kendle, Quinn, Moor

2018-338 Resolution Authorizing the Purchase of a Diesel Brush Chipper for the Department of Public Works

RESULT: ADOPTED [UNANIMOUS]
MOVER: Eileen Chapman, Councilmember
SECONDER: Yvonne Clayton, Councilmember
AYES: Chapman, Clayton, Kendle, Quinn, Moor

2018-339 Resolution of The Mayor And City Council of The City of Asbury Park Determining that The Development of Affordable Housing At 1274 Washington Block 1403, Lot 11 and 1276 Washington Block 1403, Lot 10 Will Address An Existing Housing Need In The City Of Asbury Park for Home Financing

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jesse Kendle, Councilmember
SECONDER: Yvonne Clayton, Councilmember
AYES: Chapman, Clayton, Kendle, Quinn, Moor

2018-340 Resolution of The Mayor and City Council of The City of Asbury Park Determining that the Development of Affordable Housing for the Project Known as Parkview AP will

Address an Existing Housing Need in the City of Asbury Park for HOME Financing
(Block 803, Lots 1-14)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Yvonne Clayton, Councilmember
SECONDER:	Eileen Chapman, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2018-341 Resolution Providing for Verification of Ownership of the Fire House Property

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

ORDINANCES

Introduction

2018-37 An Ordinance Amending Section 3-35, Entitled “Sleeping In Public Places,” of Chapter III, “Police Regulations,” of the “Revised General Ordinances of the City Of Asbury Park, New Jersey”

RESULT:	TABLED [UNANIMOUS]
	Next: 9/26/2018 7:00 PM
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Amy Quinn, Deputy Mayor
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2018-41 Bond Ordinance Providing for the Acquisition and Installation of License Plate Readers and Associated Software, by and in the City of Asbury Park, in the County of Monmouth, State of New Jersey; Appropriating \$175,000 Therefor and Authorizing the Issuance of \$175,000 in Bonds or Notes to Finance the Cost Thereof

Public hearing is scheduled for September 26, 2018.

RESULT:	INTRODUCED [UNANIMOUS]
	Next: 9/26/2018 7:00 PM
MOVER:	Yvonne Clayton, Councilmember
SECONDER:	Amy Quinn, Deputy Mayor
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2018-42 An Ordinance Amending and Supplementing Chapter XX “Environmental Regulations” Adding Section 20-3 Plastic Bags of the “Code Of The City Of Asbury Park, New Jersey.”

Public hearing is scheduled for September 26, 2018.

Minutes Acceptance: Minutes of Sep 12, 2018 7:00 PM (Minutes)

RESULT:	INTRODUCED [UNANIMOUS]
	Next: 9/26/2018 7:00 PM
MOVER:	Amy Quinn, Deputy Mayor
SECONDER:	Jesse Kendle, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2018-43 An Ordinance Amending and Supplementing Chapter XX "Environmental Regulations" by Adding Section 20.6 "Invasive Plants" of the "Code of the City of Asbury Park, New Jersey."

Public hearing is scheduled for October 10, 2018.

RESULT:	INTRODUCED [UNANIMOUS]
	Next: 10/10/2018 7:00 PM
MOVER:	Jesse Kendle, Councilmember
SECONDER:	Eileen Chapman, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

2018-44 An Ordinance Amending and Supplementing Chapter XVIII "Sewers" of the "Code of the City of Asbury Park, New Jersey"

Public hearing is scheduled for October 10, 2018.

RESULT:	INTRODUCED [UNANIMOUS]
	Next: 10/10/2018 7:00 PM
MOVER:	Amy Quinn, Deputy Mayor
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Chapman, Clayton, Kendle, Quinn, Moor

Second Reading/Public Hearing

2018-21 An Ordinance of the City of Asbury Park, County of Monmouth and State of New Jersey Adding Chapter Two Section Eighty-Eight "Development Fees" to the Code of the City of Asbury Park

RESULT:	TABLED [4 TO 1]
	Next: 9/26/2018 7:00 PM
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Amy Quinn, Deputy Mayor
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, Amy Quinn
NAYS:	John Moor

ADJOURNMENT

The meeting was adjourned at 7:45 PM

Respectfully submitted by:

Cindy A. Dye, RMC, City Clerk

Minutes Acceptance: Minutes of Sep 12, 2018 7:00 PM (Minutes)



RESOLUTION NO. 2018-343

**City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION APPROVING SPECIAL EVENT APPLICATIONS

WHEREAS, at work session meeting of the Mayor and Council held on September 26, 2018 the following Special Events Applications were presented for approval by the Director of Recreation:

1. Illumination Gathering
2. AP Volleyball Tournament
3. Fall Harvest Festival
4. Hall-o-weiner Walk 2018
5. Trunk or Treat
6. Allen Chapel Baptism
7. Columbus Day Reenactment
8. Asbury Park High School Homecoming Parade

WHEREAS, the Mayor and Council have determined to approve said applications, so long as all requirements of the City's "Special Events" Ordinance (Section 4-10 of the City Code) have been satisfied by the respective applicants, as well as any other requirements imposed by the City's Police Department and/or Special events Committee.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park, in the County of Monmouth, State of New Jersey, that all the above referenced Special Events Applications are hereby approved, so long as all requirements of the City's "Special Events" Ordinance (Section 4-10 of the City Code) have been satisfied by the respective applicants, as well as any other requirements imposed by the City's Police Department and/or Special events Committee.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2018-343 which was finally adopted by the City Council at a meeting held on the 26th day of September, 2018

CERTIFIED BY ME THIS 27th DAY OF September, 2018.

CINDY A. DYE
CITY CLERK



RESOLUTION NO. 2018-344

**City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION TO CREDIT SEWER ACCOUNT 806-16 4 AVENUE A

WHEREAS: The Tax Collector was notified by Mr. Peter Daniele, owner of the property located at 4 Avenue A, Block 806 Lot 16 that a discrepancy exists between the billing from New Jersey American Water Company and the City of Asbury Park for water and sewer consumption, account# 10507002-0; and

WHEREAS, it was made certain that New Jersey American Water Company billed for 813,000 gallons. By the way of evidence supplied by Freddy's Plumbing & Heating, LLC there was a leak, that occurred outside of the home. The City of Asbury Park uploaded and billed for 813,000 gallons for January and February 2018 at a rate of \$3,453.95 (including \$80.00 quarterly demand charge); and

WHEREAS, it has been determined by the City of Asbury Park Tax & Sewer Department that the reading of zero (0) should be used for billing due to the aforementioned facts; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council for the City of Asbury Park authorize the Tax Collector to credit the sewer account # 10507002-0 for the 2018 2nd quarter sewer billing in the amount of \$3,373.95 (for 813,000 gallons) and adjust said account to reflect the new amount of \$80.00 to reflect the quarterly demand charge with zero usage.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2018-344 which was finally adopted by the City Council at a meeting held on the 26th day of September, 2018

CERTIFIED BY ME THIS 26th DAY OF September, 2018.

CINDY A. DYE
CITY CLERK



RESOLUTION NO. 2018-349

**City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION AUTHORIZING INSTALLATION OF RAINBOW CROSSWALK

WHEREAS, the City of Asbury Park proudly celebrates its openness and inclusiveness for all people; and

WHEREAS, October is LBGT History Month; and

WHEREAS, to celebrate LBGT History Month the City wishes to paint a temporary crosswalk at the Ocean Avenue and Asbury Avenue intersection in a rainbow striped pattern to signify the City's inclusiveness; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Asbury Park, Monmouth County, New Jersey that the crosswalk at the intersection of Ocean Avenue and Asbury Avenue be painted in a rainbow striped pattern.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2018-349 which was finally adopted by the City Council at a meeting held on the 26th day of September, 2018

CERTIFIED BY ME THIS 27th DAY OF September, 2018.

CINDY A. DYE
CITY CLERK

**RESOLUTION NO. 2018-345**

**City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION APPROVING PAYMENT OF BILLS

WHEREAS, the following listed vouchers payable have been approved by the Chief Financial Officer and have subsequently been audited and found correct:

BE IT RESOLVED, that these vouchers payable totaling \$417,873.65

BE IT FURTHER RESOLVED, that proper officers are hereby authorized to execute and issue warrants for payment of said vouchers, but only if and when the conditions of the City Treasury shall permit.

CURRENT VOUCHERS	\$ <u>417,873.65</u>
TOTAL VOUCHERS	\$ <u>417,873.65</u>

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2018-345 which was finally adopted by the City Council at a meeting held on the 26th day of September, 2018

CERTIFIED BY ME THIS 27th DAY OF September, 2018.

CINDY A. DYE
CITY CLERK

September 19, 2018
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CITY OF ASBURY PARK
Bill List By Budget Account

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P.O. Type: Contract Print Alpha, Revenue, & G/L Accounts: Y Open: N Void: N Paid: N
Format: Condensed Held: Y Aprv: N Rcvd: Y
Range: 7-First to 8-Last Bid: Y State: Y Other: Y Exempt: Y
Rcvd Batch Id Range: First to Last Include Non-Budgeted: Y
Department Page Break: No Subtotal CAFR: Yes Subtotal Department: Yes Subtotal Extd: Yes

Budget Account	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
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Fund: CURRENT
Department: ADMINISTRATION
Extd: ADMINISTRATION

8-01-20-100-000-201	ADMINISTRATION General Plant					
THEHON2	THE HON COMPANY LLC	18-01532	Conference room desk & chairs	10,491.72	0.00	
GEECHA	GEESSE CHASERS, LLC	18-02448	JULY 30 TO SEPTEMBER 30, 2018	996.00	0.00	B
STAPLE	STAPLES BUSINESS ADVANTAGE	18-02709	school supplies	229.38	0.00	
MAKME	JAY YUCHT	18-02786	Attractions for Back to School	1,248.00	0.00	
NJLEAMUN	NJ LEAGUE OF MUNICIPALITIES MA	18-02896	Registration for conference	385.00	0.00	
VERIZON	VERIZON WIRELESS	18-02979	#485430396-00001 7/26-8/25/18	124.62	0.00	
				13,474.72		

8-01-20-100-000-209	ADMINISTRATION Fees					
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03067	#16024:PMT. 35 OF 60	415.22	0.00	
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03068	#16024:PMT. 36 OF 60	415.22	0.00	
				830.44		

8-01-20-100-000-217	ADMINISTRATION Ads&Promotion					
ASBPAK	ASBURY PARK PRESS	18-02961	2018-34,35,36,38,39,40	322.40	0.00	
	Extd Total: ADMINISTRATION			14,627.56		
	Department Total: ADMINISTRATION			14,627.56		

Department: MUNICIPAL CLERK
Extd: MUNICIPAL CLERK

8-01-20-120-000-202	MUNICIPAL CLERK Office Supplies					
CINDYE	CINDY A. DYE	18-03027	Notary-Payment Cindy A. Dye	15.00	0.00	
8-01-20-120-000-212	MUNICIPAL CLERK Dues,Subscript.					
CINDYE	CINDY A. DYE	18-03065	Reimbursement City Clerk Renew	50.00	0.00	
8-01-20-120-000-217	MUNICIPAL CLERK Ads&Promotion					
ASBPAK	ASBURY PARK PRESS	18-02961	2018-34,35,36,38,39,40	63.60	0.00	
8-01-20-120-000-222	MUNICIPAL CLERK Training					
NJLEAMUN	NJ LEAGUE OF MUNICIPALITIES MA	18-02634	2018 CONFERENCE REGISTRATION	110.00	0.00	
REGASO	REGISTRARS ASSOC. OF NJ	18-02890	2018 FALL CONFERENCE#3234/3250	150.00	0.00	
				260.00		
	Extd Total: MUNICIPAL CLERK			388.60		
	Department Total: MUNICIPAL CLERK			388.60		

Attachment: Bill List 9-26-18 (2018-345 : Payment of Bills)

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CITY OF ASBURY PARK
Bill List By Budget Account

Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
Department: FINANCIAL ADMINISTRATION						
Extd: FINANCIAL ADMINISTRATION						
8-01-20-130-000-201 FINANCE General Plant						
JERMAIL	JERSEY MAIL SYSTEMS, LLC	18-02275	INK FOR TAX POSTAGE MACHINE	198.95	0.00	
SHIINT	SHI INTERNATIONAL CORP	18-02787	QUOTE #15820593 FINANCE	18.77	0.00	
WATSPR	WATCHUNG SPRING WATER CO.,INC.	18-02929	ACCOUNT #014764 AUGUST 2018	68.73	0.00	
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03067	#16024:PMT. 35 OF 60	389.62	0.00	
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03068	#16024:PMT. 36 OF 60	389.62	0.00	
MARBUS	MARLIN BUSINESS BANK	18-03076	CONTRACT#401-1474010-002 10/15	339.50	0.00	
				1,405.19		
8-01-20-130-000-202 FINANCE Office Supplies						
WBMASON	W.B.MASON CO., INC.	18-02842	FINANCE OFFICE SUPPLIES	594.37	0.00	
WBMASON	W.B.MASON CO., INC.	18-02986	FINANCE OFFICE SUPPLY ORDER	635.25	0.00	
				1,229.62		
8-01-20-130-000-222 FINANCE Training						
MONTAX01	MONMOUTH/OCEAN TCTA	18-02975	MOTCTA SEMINAR 9/14/18	26.00	0.00	
	Extd Total: FINANCIAL ADMINISTRATION			2,660.81		
	Department Total: FINANCIAL ADMINISTRATION			2,660.81		
Department: COMPUTERIZED DATA PROCESSING						
Extd: COMPUTERIZED DATA PROCESSING						
8-01-20-140-000-218 COMPUTERIZED DATA PROC. Contract Service						
JOYSYS	JOY SYSTEMS INC.	18-02569	QUOTE # 2018Q034 LAPTOPS	480.00	0.00	
NJLEAMUN	NJ LEAGUE OF MUNICIPALITIES MA	18-02722	2018 NJLOM Registration	55.00	0.00	
SHIINT	SHI INTERNATIONAL CORP	18-02790	Q#15796113 Temp Sensors	184.48	0.00	
				719.48		
	Extd Total: COMPUTERIZED DATA PROCESSING			719.48		
	Department Total: COMPUTERIZED DATA PROCESSING			719.48		
Department: TAX REVENUE ADMINISTRATION						
Extd: TAX REVENUE ADMINISTRATION						
8-01-20-145-000-202 TAX REV ADMIN Office Supplies						
WBMASON	W.B.MASON CO., INC.	18-02441	Office supplies toner etc 7.18	235.91	0.00	
CRAPRI	CRAFTMASTER PRINTING, INC.	18-02828	Envelopes #10 window, Blk Ink	378.25	0.00	
				614.16		
8-01-20-145-000-209 TAX REV ADMIN Fees						
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03067	#16024:PMT. 35 OF 60	236.52	0.00	
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03068	#16024:PMT. 36 OF 60	236.52	0.00	
				473.04		
8-01-20-145-000-238 TAX REV ADMIN Conventions						
NJLEAMUN	NJ LEAGUE OF MUNICIPALITIES MA	18-02868	103rd Annual League Conf. T.Y.	55.00	0.00	
	Extd Total: TAX REVENUE ADMINISTRATION			1,142.20		
	Department Total: TAX REVENUE ADMINISTRATION			1,142.20		

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CITY OF ASBURY PARK
Bill List By Budget Account

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Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
Department: TAX ASSESSOR						
Extd: TAX ASSESSOR						
8-01-20-150-000-209 TAX ASSESSOR Fees						
BRBVAL	BRB VALUATION & CONSULTING SVC	18-02815	527 Lake Appraisal	6,750.00	0.00	
HARHAU	HARRY HAUSHALTER	18-02879	Haushalter July 2018	4,494.00	0.00	
				11,244.00		
Extd Total: TAX ASSESSOR				11,244.00		
Department Total: TAX ASSESSOR				11,244.00		
Department: DIRECTOR OF COMMUNICATIONS						
Extd: DIRECTOR OF COMMUNICATIONS						
8-01-20-151-000-299 DIRECTOR OF COMMUNICATIONS - Misc Exp						
STAPLE	STAPLES BUSINESS ADVANTAGE	18-02768	Brochure Holders	36.68	0.00	
VERIZON	VERIZON WIRELESS	18-02979	#485430396-00001 7/26-8/25/18	33.86	0.00	
				70.54		
Extd Total: DIRECTOR OF COMMUNICATIONS				70.54		
Department Total: DIRECTOR OF COMMUNICATIONS				70.54		
Department: LEGAL SERVICES						
Extd: LEGAL SERVICES						
8-01-20-155-000-209 LEGAL SERVICES Fees						
MCMSCO	MCMANIMON, SCOTLAND&BAUMANN, LLC	18-02968	SERVICE RENDERED THRU 07/31/18	3,472.26	0.00	
Extd Total: LEGAL SERVICES				3,472.26		
Department Total: LEGAL SERVICES				3,472.26		
CAFR Total:				34,325.45		
Department: Planning Department						
Extd: Planning Department						
8-01-21-179-000-201 Planning Dept. General Plant						
WATSPR	WATCHUNG SPRING WATER CO.,INC.	18-02939	water bill 2nd floor August	38.95	0.00	
VERIZON	VERIZON WIRELESS	18-02979	#485430396-00001 7/26-8/25/18	125.78	0.00	
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03067	#16024:PMT. 35 OF 60	200.97	0.00	
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03068	#16024:PMT. 36 OF 60	200.97	0.00	
NJLEAMUN	NJ LEAGUE OF MUNICIPALITIES MA	18-03083	NJLM Registration online-Irina	55.00	0.00	
				621.67		
Extd Total: Planning Department				621.67		
Department Total: Planning Department				621.67		

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CITY OF ASBURY PARK
Bill List By Budget Account

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Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
Department: PLANNING BOARD						
Extd: PLANNING BOARD						
8-01-21-180-000-201	PLANNING BOARD General Plant					
JACSER JACK A. SERPICO		18-02917	Serpico PB Invoices 06-07.18	550.00	0.00	
	Extd Total: PLANNING BOARD			550.00		
	Department Total: PLANNING BOARD			550.00		
Department: ZONING BOARD OF ADJUSTMENT						
Extd: ZONING BOARD OF ADJUSTMENT						
8-01-21-185-000-209	ZONING BOARD Fees					
JACSER JACK A. SERPICO		18-02918	Serpico ZB Invoices 07/2018	650.00	0.00	
	Extd Total: ZONING BOARD OF ADJUSTMENT			650.00		
	Department Total: ZONING BOARD OF ADJUSTMENT			650.00		
	CAFR Total:			1,821.67		
Department: CODE ENFORCEMENT AND ADMIN.						
Extd: CODE ENFORCEMENT AND ADMIN.						
8-01-22-195-000-299	CODE ENFORCE Misc.					
STAPLE STAPLES BUSINESS ADVANTAGE		18-02707	Office Supplies	62.47	0.00	
WBMASON W.B.MASON CO., INC.		18-02866	Filing supplies	362.85	0.00	
VERIZON VERIZON WIRELESS		18-02979	#485430396-00001 7/26-8/25/18	391.75	0.00	
				817.07		
	Extd Total: CODE ENFORCEMENT AND ADMIN.			817.07		
	Department Total: CODE ENFORCEMENT AND ADMIN.			817.07		
Department: CONSTRUCTION CODE OFFICIAL						
Extd: CONSTRUCTION CODE OFFICIAL						
8-01-22-200-000-299	CONSTRUCTION CODE Misc. (In Cap)					
JOYSYS JOY SYSTEMS INC.		18-02569	QUOTE # 2018Q034 LAPTOPS	260.00	0.00	
WBMASON W.B.MASON CO., INC.		18-02640	OFFICE SUPPLIES	429.95	0.00	
NATPAR NATIONAL PARTS SUPPLY, INC.		18-02898	Floor Mats	171.72	0.00	
WBMASON W.B.MASON CO., INC.		18-02899	Banker Boxes	189.82	0.00	
VERIZON VERIZON WIRELESS		18-02979	#485430396-00001 7/26-8/25/18	404.52	0.00	
MUNCAP MUNICIPAL CAPITAL CORPORATION		18-03067	#16024:PMT. 35 OF 60	582.97	0.00	
MUNCAP MUNICIPAL CAPITAL CORPORATION		18-03068	#16024:PMT. 36 OF 60	582.97	0.00	
				2,621.95		
	Extd Total: CONSTRUCTION CODE OFFICIAL			2,621.95		
	Department Total: CONSTRUCTION CODE OFFICIAL			2,621.95		
	CAFR Total:			3,439.02		

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CITY OF ASBURY PARK
Bill List By Budget Account

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Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
Department: POLICE DEPARTMENT						
Extd: POLICE DEPARTMENT						
8-01-25-240-000-201	POLICE General Plant					
SHIINT	SHI INTERNATIONAL CORP	18-02790	Q#15796113 Temp Sensors	184.48	0.00	
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03067	#16024:PMT. 35 OF 60	202.52	0.00	
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03068	#16024:PMT. 36 OF 60	202.52	0.00	
				<u>589.52</u>		
8-01-25-240-000-202	POLICE Office Supplies					
WBMASON	W.B.MASON CO., INC.	18-02484	#S080532438 Chair Det Bureau	189.99	0.00	
ATECSEC	A+ TECHNOLOGY & SECURITY	18-02766	QUOTE #E517500 ADDITIONAL FOBS	952.50	0.00	
TRIFOR	TRI-TECH FORENSICS, INC.	18-02839	#27183 Gun Boxes, Knife Boxes,	386.00	0.00	
				<u>1,528.49</u>		
8-01-25-240-000-203	POLICE Motor Vehicle					
EDWTIR	EDWARDS TIRE CO., INC.	18-00198	Blanket Tire Repair	266.04	0.00	B
NATPAR	NATIONAL PARTS SUPPLY, INC.	18-02466	Blanket Auto Repairs	411.73	0.00	B
ASBCIR	ASBURY CIRCLE CAR WASH	18-02750	Blanket Cars washed August	207.00	0.00	B
RICAUT	RICH'S AUTO BODY	18-02885	#10963 Changed Flat Car 61	20.00	0.00	
EDWTIR	EDWARDS TIRE CO., INC.	18-02891	Blanket Car Repairs	114.70	0.00	B
				<u>1,019.47</u>		
8-01-25-240-000-216	POLICE Supplies-Compu.					
TOSSOL	TOSHIBA BUSINESS SOLUTION	18-02539	Supplies for ABC Machine	1,654.00	0.00	
8-01-25-240-000-218	POLICE Contract.Serv.					
WIRCOM	WIRELESS COMMUNICATIONS &	18-02940	M58245 Mobile Data Contract	1,220.00	0.00	
VERIZON	VERIZON WIRELESS	18-02979	#485430396-00001 7/26-8/25/18	992.27	0.00	
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03011	#3466040918 Contract #18726	515.72	0.00	
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03014	#3466060918 Contract #18726	515.72	0.00	
OPTIMUM	OPTIMUM	18-03022	#07866-182313-01-5 Current	171.38	0.00	
				<u>3,415.09</u>		
Extd Total: POLICE DEPARTMENT				8,206.57		
Department Total: POLICE DEPARTMENT				8,206.57		
Department: FIRE DEPARTMENT						
Extd: FIRE DEPARTMENT						
8-01-25-265-000-201	FIRE DEPT. General Plant					
COUCLE	COUNTRY CLEAN	18-00745	Blanket PO not to exceed	627.01	0.00	B
COUCLE	COUNTRY CLEAN	18-02389	Blanket PO Not to exceed	432.99	0.00	B
MERHEA	MERIDIAN HEALTH SYSTEM	18-02830	New hire phys for MC 7/31/18	669.00	0.00	
INSPSY	INSTITUTE FOR FORENSIC	18-02874	Psych Eval for new hire KM	450.00	0.00	
INSPSY	INSTITUTE FOR FORENSIC	18-02895	New Hire Exam for MC	450.00	0.00	
PENCOM	PENGUIN MANAGEMENT, INC.	18-02941	EDispatch System	2,220.00	0.00	
VERIZON	VERIZON WIRELESS	18-02979	#485430396-00001 7/26-8/25/18	23.96	0.00	
JOSDEL	Joseph Dellaragione	18-03016	REFUND OF IPAD STRAP FOR FIRE	45.98	0.00	
				<u>4,918.94</u>		
8-01-25-265-000-203	FIRE DEPT. Motor Vehicle					
JOHGUI	JOHN GUIRE CO.	18-02945	Carb for pump repair by DPW	169.19	0.00	

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CITY OF ASBURY PARK
Bill List By Budget Account

Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
8-01-25-265-000-206	FIRE DEPT. Purchase of Equipment					
FIRONE	FIREFIGHTER ONE LIMITED	18-02863	Quote SQ-00216008	261.00	0.00	
8-01-25-265-000-207	FIRE DEPT. Clothing Allowance					
ALLHAN	ALL HANDS FIRE EQUIPMENT, LLC	18-01803	2018 Clothing Allowance	3,682.00	0.00	B
8-01-25-265-000-218	FIRE DEPT. Contract Serv.					
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03067	#16024:PMT. 35 OF 60	75.44	0.00	
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03068	#16024:PMT. 36 OF 60	75.44	0.00	
				<u>150.88</u>		
	Extd Total: FIRE DEPARTMENT			9,182.01		
Extd:	FIRE HYDRANT					
8-01-25-265-266-299	FIRE HYDRANT Misc.					
NJAMER	N.J. AMERICAN WATER CO.	18-03031	#1018-210026567043 7/25 - 8/22	17,117.12	0.00	
	Extd Total: FIRE HYDRANT			17,117.12		
	Department Total: FIRE DEPARTMENT			26,299.13		
	CAFR Total:			34,505.70		
Department:	STREETS & ROADS MAINTENANCE					
Extd:	STREETS & ROADS MAINTENANCE					
8-01-26-290-000-201	STREETS & ROAD General Plant					
THEHAR	THE HARDWARE STORE	18-00139	Various Tools, Material, etc	18.28	0.00	B
JAEUM	JAEGER LUMBER & SUPPLY CO. INC	18-00375	Various Material, Tools, etc	410.16	0.00	B
GRAING	GRAINGER, INC.	18-00377	Various Supplies, Tools, etc	125.72	0.00	B
SUNFAR	SUNSET FARM MARKET GARDEN	18-01448	Various Landscaping Supplies	41.99	0.00	B
GRAING	GRAINGER, INC.	18-02800	Q#2037820152 Trash Grabber	196.32	0.00	
NJLEAMUN	NJ LEAGUE OF MUNICIPALITIES MA	18-02971	Pre-Registration Fee	275.00	0.00	
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03067	#16024:PMT. 35 OF 60	211.19	0.00	
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03068	#16024:PMT. 36 OF 60	211.19	0.00	
				<u>1,489.85</u>		
8-01-26-290-000-203	STREETS & ROAD Motor Vehicle					
CHEVAL	CHERRY VALLEY TRACTOR SALES	18-00149	Service, Material, Tools, etc	70.14	0.00	B
JACDOH	JACK DOHENY COMPANIES, INC.	18-00150	Service, Material, Parts, etc	652.14	0.00	B
THEHOS	THE HOSE SHOP, INC.	18-02278	Various Supplies, Tools, etc	373.85	0.00	B
EDWTIR	EDWARDS TIRE CO., INC.	18-02681	Services, Material, Tools, etc	667.44	0.00	B
NATPAR	NATIONAL PARTS SUPPLY, INC.	18-02798	Automotive Parts, Tools, etc	634.74	0.00	B
NATPAR	NATIONAL PARTS SUPPLY, INC.	18-02847	Quote for HYD Oil AW32, 55gal	325.00	0.00	
				<u>2,723.31</u>		
8-01-26-290-000-210	STREETS & ROAD Network Fleet					
NETWORK	NETWORKFLEET, INC.	18-03008	#MINS0036746 I-Transer-Unit	65.00	0.00	
NETWORK	NETWORKFLEET, INC.	18-03087	#1554591 Monthly Bundled	2,842.00	0.00	
				<u>2,907.00</u>		
8-01-26-290-000-211	STREETS & ROAD Traffic					
THEHAR	THE HARDWARE STORE	18-01108	Supplies for Parking Utility	62.54	0.00	B

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Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
8-01-26-290-000-218	STREETS & ROAD Contract.Serv.					
TERPES THE TERMINIX INTERNATIONAL CO	18-02685 Removal of Hornet's Nests			500.00	0.00	B
TERPES THE TERMINIX INTERNATIONAL CO	18-02686 Removal of Hornet's Nest			600.00	0.00	
ARMTRE ARMSTRONG TREE SERVICE LLC	18-02767 Q#18512L Tree & Stump Removal			500.00	0.00	
VERIZON VERIZON WIRELESS	18-02979 #485430396-00001 7/26-8/25/18			1,005.13	0.00	
OPTIMUM OPTIMUM	18-03024 Account No. 07866-183188-01-1			28.12	0.00	
				<u>2,633.25</u>		
8-01-26-290-000-235	STREETS & ROAD Shade Tree Commission					
GASFAM GASKOS FAMILY FARM	18-02900 landscaping for City Hall			6,633.60	0.00	
	Extd Total: STREETS & ROADS MAINTENANCE			16,449.55		
	Department Total: STREETS & ROADS MAINTENANCE			16,449.55		
Department: SOLID WASTE COLLECTION						
Extd: SOLID WASTE COLLECTION						
8-01-26-305-000-209	SOLID WASTE Fees					
DELDEM DELISA DEMOLITION, INC.	18-02504 Construction Debris/Bulk			4,378.24	0.00	B
ATLCOAS ATLANTIC COAST FIBERS, LLC	18-02909 #106292 Inbound Material Chrg			7,674.65	0.00	
DELDEM DELISA DEMOLITION, INC.	18-02969 #142883 Tipping Fees 8/16-31			36,984.72	0.00	
				<u>49,037.61</u>		
	Extd Total: SOLID WASTE COLLECTION			49,037.61		
	Department Total: SOLID WASTE COLLECTION			49,037.61		
Department: BUILDINGS & GROUNDS						
Extd: BUILDINGS & GROUNDS						
8-01-26-310-000-201	BUILDING & GND General Plant					
TERPES THE TERMINIX INTERNATIONAL CO	18-02239 Monthly General Pest Control			335.00	0.00	B
CROCON CROSSLIN CONTRACTOR SUPPLY CRP	18-02836 Quote for Ceiling Tiles, 2x2			250.00	0.00	
				<u>585.00</u>		
8-01-26-310-000-218	BUILDING & GND Contract.Serv.					
TERPES THE TERMINIX INTERNATIONAL CO	18-02992 #378476949 Hornet's Nest			300.00	0.00	
	Extd Total: BUILDINGS & GROUNDS			885.00		
	Department Total: BUILDINGS & GROUNDS			885.00		
	CAFR Total:			66,372.16		
Department: SOCIAL SERVICES:						
Extd: SOCIAL SERVICES:						
8-01-27-345-000-201	SOCIAL SERVICES General Plant					
STAPLE STAPLES BUSINESS ADVANTAGE	18-02791 Event Supply Storage Bins			55.96	0.00	
VERIZON VERIZON WIRELESS	18-02979 #485430396-00001 7/26-8/25/18			109.68	0.00	
				<u>165.64</u>		
	Extd Total: SOCIAL SERVICES:			165.64		
	Department Total: SOCIAL SERVICES:			165.64		

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Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
Department: SENIOR CENTER						
Extd: SENIOR CENTER						
8-01-27-350-000-201	SENIOR CENTER General Plant					
STAPLE	STAPLES BUSINESS ADVANTAGE	18-02812	Staples Maintenance Supplies	166.06	0.00	
VERIZON	VERIZON WIRELESS	18-02979	#485430396-00001 7/26-8/25/18	83.92	0.00	
OPTIMUM	OPTIMUM	18-03086	Cable service Sept	7.29	0.00	
				<u>257.27</u>		
8-01-27-350-000-299	SENIOR CENTER Misc.					
FRASCA	FRANCIS H. SCALESSA	18-01997	Quote Yoga Classes 3rd Qtr	175.00	0.00	B
SHORIT	SAKER SHOPRITE, INC.	18-02487	Condiments, Mayo, Relish, Butter	46.50	0.00	B
				<u>221.50</u>		
Extd Total: SENIOR CENTER				478.77		
Department Total: SENIOR CENTER				478.77		
CAFR Total:				644.41		
Department: RECREATION SERVICES & PROGRAM						
Extd: RECREATION SERVICES & PROGRAM						
8-01-28-370-000-299	RECREATION Misc.					
SHOLAN	SHORE LANES	18-02046	PAL summer camp activity	645.00	0.00	
SANDS	S AND S	18-02171	summer camp supplies	3,719.17	0.00	
SKYZON	SKY ZONE OCEAN	18-02189	PAL SUMMER CAMP ACTIVITY	864.00	0.00	B
SAHSAM	SAHARA SAMS OASIS & OUTDOOR	18-02190	PAL SUMMER CAMP ACTIVITY	527.85	0.00	B
SKYZON	SKY ZONE OCEAN	18-02665	PAL summer camp activity	432.00	0.00	B
MAKME	JAY YUCHT	18-02784	fun day rides	2,027.00	0.00	
VERIZON	VERIZON WIRELESS	18-02979	#485430396-00001 7/26-8/25/18	38.01	0.00	
				<u>8,253.03</u>		
Extd Total: RECREATION SERVICES & PROGRAM				8,253.03		
Department Total: RECREATION SERVICES & PROGRAM				8,253.03		
CAFR Total:				8,253.03		
Department: LIGHTING						
Extd: LIGHT, HEAT & POWER						
8-01-31-435-435-299	LIGHT, HEAT & POWER Misc.					
NJAMER	N.J. AMERICAN WATER CO.	18-02976	#1018-210025994611 8/2-8/28	43.14	0.00	
NJAMER	N.J. AMERICAN WATER CO.	18-03012	#1018-220024273714 8/3 - 9/5	18,361.75	0.00	
NJAMER	N.J. AMERICAN WATER CO.	18-03066	1018-210024807240 8/3 - 5/5	6,631.81	0.00	
				<u>25,036.70</u>		
Extd Total: LIGHT, HEAT & POWER				25,036.70		
Department Total: LIGHTING				25,036.70		

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Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
Department: TELEPHONE						
Extd: TELEPHONE						
8-01-31-440-000-299	TELEPHONE Misc.					
MONINT	MONMOUTH INTERNET CORPORATION	18-02977	INVOICE #284660-M SEPT 2018	4,245.51	0.00	
	Extd Total: TELEPHONE			4,245.51		
	Department Total: TELEPHONE			4,245.51		
Department: GASOLINE						
Extd: GASOLINE						
8-01-31-460-000-299	GASOLINE Misc.					
GRIALLI	GRIFFITH-ALLIED TRUCKING, LLC	18-02658	Diesel Fuel, Delivered	2,758.16	0.00	B
GRIALLI	GRIFFITH-ALLIED TRUCKING, LLC	18-02949	#1125370 Unleaded Fuel 8/29	<u>12,116.16</u>	0.00	
				14,874.32		
	Extd Total: GASOLINE			14,874.32		
	Department Total: GASOLINE			14,874.32		
	CAFR Total:			44,156.53		
Department: MUNICIPAL COURT						
Extd: MUNICIPAL COURT						
8-01-43-490-000-201	MUNIC COURT General Plant					
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03067	#16024:PMT. 35 OF 60	83.31	0.00	
MUNCAP	MUNICIPAL CAPITAL CORPORATION	18-03068	#16024:PMT. 36 OF 60	<u>83.31</u>	0.00	
				166.62		
8-01-43-490-000-202	MUNIC COURT Office Supplies					
JERMAIL	JERSEY MAIL SYSTEMS, LLC	18-02297	mail ink cartridges	386.95	0.00	
FAXEXP	FAX EXPRESS, INC.	18-02914	fax drum okidata 5650	230.92	0.00	
KEPSPR	KEPWELL SPRING WATER	18-02995	ACCT #107589 WATER	<u>48.80</u>	0.00	
				666.67		
8-01-43-490-000-219	MUNIC COURT Judges Fees					
SCOBAS	SCOTT J. BASEN	18-02758	alternate judge 8/10/18	750.00	0.00	
8-01-43-490-000-245	MUNIC COURT Interpreter					
BEACRA	BEATRIZ C. CRANEY	18-02915	interpreter 8/24/18	120.00	0.00	
	Extd Total: MUNICIPAL COURT			1,703.29		
	Department Total: MUNICIPAL COURT			1,703.29		

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Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
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Department: PUBLIC DEFENDER
Extd: PUBLIC DEFENDER

8-01-43-495-000-021	Fees					
RONTRO RONALD TROPOLI		18-02925	AUGUST 2018 SERVICES	3,000.00	0.00	
	Extd Total: PUBLIC DEFENDER			3,000.00		
	Department Total: PUBLIC DEFENDER			3,000.00		
	CAFR Total:			4,703.29		
	Fund Total: CURRENT			198,221.26		

Fund: BEACH
Department: BEACH UTILITY O/E: OTHER EXPENSES:
Extd: BEACH UTILITY O/E: OTHER EXPENSES:

8-05-55-502-000-201	BEACH UTILITY O/E: General Plant					
UPTFAS UP-TITE FASTNERS INC.	18-00339 Various Supplies, Tools, etc			9.00	0.00	B
THEHAR THE HARDWARE STORE	18-00370 Various Supplies, Tools, etc			164.32	0.00	B
SHEWIL SHERWIN WILLIAMS	18-00876 Paint, Supplies, Tools, etc			78.84	0.00	B
VERITIV VERITIV OPERATING COMPANY	18-02420 Various Custodial Supplies			233.33	0.00	B
DELDEM DELISA DEMOLITION, INC.	18-02435 MCRC TRASH - Fisherman's Lot			1,338.80	0.00	B
VERIZON VERIZON WIRELESS	18-02979 #485430396-00001 7/26-8/25/18			125.88	0.00	
VERITIV VERITIV OPERATING COMPANY	18-02991 #5002538073 Toilet Tissue, etc			839.78	0.00	
OPTIMUM OPTIMUM	18-03084 Account No. 07866-197754-01-4			157.40	0.00	
				<u>2,947.35</u>		
	Extd Total: BEACH UTILITY O/E: OTHER EXPENSES:			2,947.35		
	Department Total: BEACH UTILITY O/E: OTHER EXPENSES:			2,947.35		
	CAFR Total:			2,947.35		
	Fund Total: BEACH			2,947.35		

Fund: PARKING UTILITY: BUDGET:
Department: PARKING UTILITY O/E: OTHER EXPENSES:
Extd: PARKING UTILITY O/E: OTHER EXPENSES:

8-06-55-502-000-201	PARKING UTILITY O/E: General Plant					
GLESUP GLENCO SUPPLY INC.	18-02860 Sign Posts, Signs and Brackets			6,220.00	0.00	
NJLEAMUN NJ LEAGUE OF MUNICIPALITIES MA	18-02877 League Conference M. Manzella			55.00	0.00	
MUNCAP MUNICIPAL CAPITAL CORPORATION	18-03067 #16024:PMT. 35 OF 60			135.31	0.00	
MUNCAP MUNICIPAL CAPITAL CORPORATION	18-03068 #16024:PMT. 36 OF 60			135.31	0.00	
				<u>6,545.62</u>		
	Extd Total: PARKING UTILITY O/E: OTHER EXPENSES:			6,545.62		
	Department Total: PARKING UTILITY O/E: OTHER EXPENSES:			6,545.62		
	CAFR Total:			6,545.62		
	Fund Total: PARKING UTILITY: BUDGET:			6,545.62		

Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
Fund: SEWER UTILITY: BUDGET:						
Department: SEWER UTILITY O/E: OTHER EXPENSES:						
Extd: SEWER UTILITY O/E: OTHER EXPENSES:						
8-07-55-502-000-201	SEWER UTILITY O/E: General Plant					
HACCEM HACH COMPANY	18-00164 Various Material, Parts, etc			254.88	0.00	B
TREDEP TREASURER-STATE NJ - NJDEP	18-02936 #181510760 License Renewal Fee			50.00	0.00	
TREDEP TREASURER-STATE NJ - NJDEP	18-02937 #181510770 License Renewal Fee			50.00	0.00	
VERIZON VERIZON WIRELESS	18-02979 #485430396-00001 7/26-8/25/18			169.02	0.00	
RUDCOR RUDY CORONA	18-03090 REIMBURSEMENT OF LICENSE			103.90	0.00	
				627.80		
8-07-55-502-000-211	SEWER UTILITY O/E: Light & Power					
NJAMER N.J. AMERICAN WATER CO.	18-03012 #1018-220024273714 8/3 - 9/5			6,493.29	0.00	
8-07-55-502-000-218	SEWER UTILITY O/E: Contract Services					
WATSPR WATCHUNG SPRING WATER CO., INC.	18-00365 Deer Park Spring Water, etc			53.11	0.00	B
RAPPUM RAPID PUMP & METER SERVICE	18-02862 #RSR156809 Service Call 8/09			1,418.43	0.00	
ANSWER ANSERCOMM COMMUNICATIONS	18-02897 #M4541-082018 Answering Svcs			161.63	0.00	
SECWOR SECURITY WORLD INC.	18-02960 #54794 Service Call & Labor			305.00	0.00	
MUNCAP MUNICIPAL CAPITAL CORPORATION	18-03067 #16024:PMT. 35 OF 60			75.00	0.00	
MUNCAP MUNICIPAL CAPITAL CORPORATION	18-03068 #16024:PMT. 36 OF 60			75.00	0.00	
OPTIMUM OPTIMUM	18-03088 Account No. 07866-152521-04-4			100.55	0.00	
				2,188.72		
8-07-55-502-000-220	SEWER UTILITY O/E: Accounting					
AMEWAT AMERICAN WATER	18-03085 Usage data 4000153118 09/18/18			391.04	0.00	
8-07-55-502-000-224	SEWER UTILITY O/E: Sludge Removal					
PASVAL PASSAIC VALLEY SEWERAGE COM.	18-02861 #515391 Disposal of Sludge			15,491.25	0.00	
8-07-55-502-000-230	SEWER UTILITY O/E: Hypochlorite					
MIRCHE MIRACLE CHEMICAL COMPANY	18-02993 #31472 Sodium Hypochlorite			3,114.00	0.00	
Extd Total: SEWER UTILITY O/E: OTHER EXPENSES:				28,306.10		
Department Total: SEWER UTILITY O/E: OTHER EXPENSES:				28,306.10		
CAFR Total:				28,306.10		
Fund Total: SEWER UTILITY: BUDGET:				28,306.10		
Year Total:				236,020.33		
Fund: GRANT FUND BUDGET:						
G-02-43-871-016-200	2016 NJDHMS Mental Health Grant					
HOMDRU HOME DRUG	16-03749 Medication Assitance Blanket			80.00	0.00	B
Extd Total:				80.00		
G-02-43-871-017-200	2017 Mental Health Grant					
HOMDRU HOME DRUG	17-04094 Medication Assitance Blanket			10.00	0.00	B
Extd Total:				10.00		
Department Total:				90.00		

Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
G-02-43-886-018-200	2018 Mental Health Grant					
DOUSCH DOUGLAS SCHULTZ		18-03013	County Conference Freehold	70.00	0.00	
	Extd Total:			70.00		
	Department Total:			70.00		
	CAFR Total:			160.00		
	Fund Total: GRANT FUND BUDGET:			160.00		
	Year Total:			160.00		
Fund:	ANIMAL CONTROL FUND BUDGET:					
T-12-56-850-000-801	Reserve for Animal Control					
MGLFOR MGL FORMS-SYSTEMS, LLC		18-02515	2019 Dog tags	240.00	0.00	
NJDEPH NJ DEPT.HEALTH/SNR.SERV.		18-02947	August Dog Report 2018	46.20	0.00	
				<u>286.20</u>		
	Extd Total:			286.20		
	Department Total:			286.20		
	CAFR Total:			286.20		
	Fund Total: ANIMAL CONTROL FUND BUDGET:			286.20		
Fund:	TRUST OTHER					
T-20-56-850-868-801	Reserve for P.O.A.A.					
OFFBUS OFFICE BUSINESS SYSTEMS, INC.		18-02680	digital recorder	6,218.00	0.00	
	Extd Total:			6,218.00		
T-20-56-850-878-801	Reserve for Recreation					
SAHSAM SAHARA SAMS OASIS & OUTDOOR		18-02012	summer camp activity	3,327.75	0.00	B
	Extd Total:			3,327.75		
T-20-56-850-909-801	Reserve for Tax Sale Premiums					
FNADZL FNA DZ LLC DBA/FNA DZ LLC		18-02876	PREMIUM TSC-16-00036	3,100.00	0.00	
FNANJ FNA NJ, LLC		18-02910	Premium 1301/6 16.00098	1,800.00	0.00	
FNADZ FNA DZ, LLC FBO WSFS		18-02920	Premium 1706/21 17-00191	7,200.00	0.00	
CITASP CITY OF ASBURY PARK		18-03001	Excess premium account	<u>136,312.43</u>	0.00	
				148,412.43		
	Extd Total:			148,412.43		
T-20-56-850-933-301	Reserve for National Night Out					
CRAPRI CRAFTMASTER PRINTING, INC.		18-02132	print project for NNO	504.80	0.00	
VIPPAR VIP PARTY RENTALS LLC		18-03089	INV #334 SERVICES RENDERED ON	<u>275.00</u>	0.00	
				779.80		
	Extd Total:			779.80		
	Department Total:			158,737.98		
	CAFR Total:			158,737.98		
	Fund Total: TRUST OTHER			158,737.98		

Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
Fund:	PLANNING & ZONING ESCROW FUND BUDGET:					
CAFR:	PLANNING & ZONING ESCROW FUND BUDGET:					
T-21-00-037-000-299	633 COOKMAN AVE-REI GROUP III					
PATFAS PAT FASANO	18-02875 Return of Escrow Balance			120.58	0.00	
	Extd Total:			120.58		
	Department Total:			120.58		
T-21-00-401-000-299	1201 JEFFREY STREET(GARY LUNGAR)					
CLACAN CLARKE CATON HINTZ PC	18-02916 CCH PB-ZB Invoices			1,261.60	0.00	
	Extd Total:			1,261.60		
	Department Total:			1,261.60		
T-21-00-423-000-299	1607 ASBURY AVE(MT.ZION ASSEMBLY OF GOD)					
CLACAN CLARKE CATON HINTZ PC	18-02916 CCH PB-ZB Invoices			1,050.61	0.00	
	Extd Total:			1,050.61		
	Department Total:			1,050.61		
T-21-00-424-000-299	506 7TH AVENUE(MARK MASSARO)					
JACSER JACK A. SERPICO	18-02918 Serpico ZB Invoices 07/2018			300.00	0.00	
	Extd Total:			300.00		
	Department Total:			300.00		
T-21-00-427-000-299	1107 5TH AVENUE(M.LOPER & M.RODRIGUEZ)					
JACSER JACK A. SERPICO	18-02918 Serpico ZB Invoices 07/2018			225.00	0.00	
	Extd Total:			225.00		
	Department Total:			225.00		
T-21-00-429-000-299	208 THIRD AVENUE(209-213 FOURTH AVENUE)					
JACSER JACK A. SERPICO	18-02918 Serpico ZB Invoices 07/2018			75.00	0.00	
	Extd Total:			75.00		
	Department Total:			75.00		
T-21-00-431-000-299	1206 COMSTOCK STREET (SARA NORDSTROM)					
STSHOR ST SHORTHAND REPORTING SERVICE	18-02919 STATE SHORTHAND INVOICES 08/18			250.00	0.00	
	Extd Total:			250.00		
	Department Total:			250.00		
T-21-00-434-000-299	HECK ST. & 3RD AVE.(MDB PROPERTIES, LLC)					
CLACAN CLARKE CATON HINTZ PC	18-02916 CCH PB-ZB Invoices			925.00	0.00	
	Extd Total:			925.00		
	Department Total:			925.00		

Attachment: Bill List 9-26-18 (2018-345 : Payment of Bills)

Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
Department: LIGHTING						
T-21-00-435-000-299 JACSER JACK A. SERPICO	701 6TH AVENUE(STEVEN M.& WENDY GRONICH)	18-02918	Serpico ZB Invoices 07/2018	150.00	0.00	
	Extd Total:			150.00		
	Department Total: LIGHTING			150.00		
T-21-00-437-000-299 CLACAN CLARKE CATON HINTZ PC	703 7TH AVENUE(DON FARINEAU)	18-02916	CCH PB-ZB Invoices	943.85	0.00	
	Extd Total:			943.85		
	Department Total:			943.85		
T-21-00-438-000-299 JACSER JACK A. SERPICO	534 PROSPECT AVENUE(JONATHAN BLATT)	18-02918	Serpico ZB Invoices 07/2018	75.00	0.00	
	Extd Total:			75.00		
	Department Total:			75.00		
T-21-00-441-000-299 JACSER JACK A. SERPICO	1201 MONROE/1500 SEWALL(BOYS&GIRLS CLUB)	18-02918	Serpico ZB Invoices 07/2018	150.00	0.00	
	Extd Total:			150.00		
	Department Total:			150.00		
T-21-00-443-000-299 JACSER JACK A. SERPICO	1519 3RD AVENUE(3 SUNSET DRIVE,LLC)	18-02917	Serpico PB Invoices 06-07.18	225.00	0.00	
	Extd Total:			225.00		
	Department Total:			225.00		
T-21-00-446-000-299 JACSER JACK A. SERPICO	1219 1ST AVENUE(KAREN PROPP)	18-02918	Serpico ZB Invoices 07/2018	112.50	0.00	
	Extd Total:			112.50		
	Department Total:			112.50		
T-21-00-456-000-299 JACSER JACK A. SERPICO	PARKVIEW AP(INTERFAITH NEIGHBORS)	18-02917	Serpico PB Invoices 06-07.18	225.00	0.00	
	Extd Total:			225.00		
	Department Total:			225.00		
	CAFR Total: PLANNING & ZONING ESCROW FUND BUDGET:			6,089.14		
	Fund Total: PLANNING & ZONING ESCROW FUND BUDGET:			6,089.14		
Fund:	HOWELL/ASBURY PARK RCA BUDGET:					
T-38-56-850-850-802 CHTROT Charles Trott & M&J Renovation	HOWELL/ASBURY PARK RCA - Miscellaneous	18-00442	RCA Rehab Not To Exceed	16,500.00	0.00	B

Attachment: Bill List 9-26-18 (2018-345 : Payment of Bills)

Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
T-38-56-850-850-802	HOWELL/ASBURY PARK RCA - Miscellaneous		Continued			
MONCLE MONMOUTH COUNTY CLERK		18-02912	Invoice 2249156	80.00	0.00	
				16,580.00		
	Extd Total:			16,580.00		
	Department Total:			16,580.00		
	CAFR Total:			16,580.00		
	Fund Total: HOWELL/ASBURY PARK RCA BUDGET:			16,580.00		
	Year Total:			181,693.32		
Total Charged Lines:	335	Total List Amount:	417,873.65	Total Void Amount:	0.00	

Totals by Year-Fund							
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
CURRENT	8-01	198,221.26	0.00	198,221.26	0.00	0.00	198,221.26
BEACH	8-05	2,947.35	0.00	2,947.35	0.00	0.00	2,947.35
PARKING UTILITY:	8-06	6,545.62	0.00	6,545.62	0.00	0.00	6,545.62
SEWER UTILITY: BU	8-07	28,306.10	0.00	28,306.10	0.00	0.00	28,306.10
Year Total:		236,020.33	0.00	236,020.33	0.00	0.00	236,020.33
GRANT FUND BUDGET	G-02	160.00	0.00	160.00	0.00	0.00	160.00
ANIMAL CONTROL FU	T-12	286.20	0.00	286.20	0.00	0.00	286.20
TRUST OTHER	T-20	158,737.98	0.00	158,737.98	0.00	0.00	158,737.98
PLANNING & ZONING	T-21	6,089.14	0.00	6,089.14	0.00	0.00	6,089.14
HOWELL/ASBURY PAR	T-38	16,580.00	0.00	16,580.00	0.00	0.00	16,580.00
Year Total:		181,693.32	0.00	181,693.32	0.00	0.00	181,693.32
Total Of All Funds:		417,873.65	0.00	417,873.65	0.00	0.00	417,873.65



RESOLUTION NO. 2018-346

**City of Asbury Park
County of Monmouth
State of New Jersey**

AUTHORIZING THE EXECUTION OF “ADDENDUM B TO USE AND LICENSE AGREEMENT” WITH SHN FESTIVALS, LLC, CONCERNING A LIVE CULTURAL MUSIC AND ART FESTIVAL TO BE HELD IN A DESIGNATED PORTION OF THE ASBURY PARK WATERFRONT AREA FROM SEPTEMBER 28, 2018 THROUGH SEPTEMBER 30, 2018

WHEREAS, by Resolution No. 2018-303, which was adopted on August 22, 2018, the Mayor and Council of the City of Asbury Park (the “City”) authorized the execution of a Use and License Agreement (the Agreement”) and Addendum A thereto, between the City and SHN Festivals, LLC (“SHN”), relating to a proposed live cultural music and art festival and related activities (collectively referenced as the “event”) to be held in a designated portion of the Asbury Park waterfront area from Friday, September 28, 2018 through Sunday, September 30, 2018; and

WHEREAS, the parties have determined to revise certain language as set forth in the Agreement; and

WHEREAS, the proposed revisions are set forth in the attached “Addendum B to Use and License Agreement” (hereinafter “Addendum B”); and

WHEREAS, the City Council wishes to approve the attached Addendum B, and to authorize the Mayor to execute and the Municipal Clerk to attest the same.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the City Council of the City of Asbury Park, as follows:

1. That the attached “Addendum B to Use and License Agreement” (“Addendum B”) between the City and SHN Festivals, LLC is hereby approved by the City of Asbury Park.
2. That the Mayor is hereby authorized to execute and the Municipal Clerk to attest said Addendum B, on behalf of the City.
3. That a certified copy of this Resolution shall be provided to each of the following:
 - a. SHN Festivals, LLC
c/o Tim Sweetwood

C3 Presents
634 N. Highland Ave., NE
Atlanta, GA 30306

- b. Michael Capabianco, City Manager
- c. Kevin Keddy, Deputy City Manager/Fire Chief
- d. David Kelso, Deputy Police Chief
- e. Frederick C. Raffetto, Esquire, City Attorney

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2018-346 which was finally adopted by the City Council at a meeting held on the 26th day of September, 2018

CERTIFIED BY ME THIS 27th DAY OF September, 2018.

CINDY A. DYE
CITY CLERK

ADDENDUM B TO USE AND LICENSE AGREEMENT

This Addendum B to that certain Use and License Agreement (the “Agreement”) by and between the City of Asbury Park (the “City”) and SHN Festivals, LLC (“SHN”) dated August 22, 2018, of which this Addendum B is made a part, hereby supplements and amends the Agreement as follows:

1. The due date for payment of all fees and costs due to the City by SHN, as set forth in Section 2 of the Agreement, is hereby extended through the close of business on Friday, September 21, 2018.
2. Exhibit B to the Agreement, captioned “Permits/Fees,” is hereby amended in order to delete item #'s 1, 2 and 3, which previously required payment of a separate fee by SHN for each of the following:
 - (1) Special Event Permit (\$5,000.00);
 - (2) Beach Rental Fee (\$7,500.00); and
 - (3) Park Rental Fee (\$7,500.00).

The above fees are to be considered included as part and parcel of the \$75,000.00 fee for the Festival, as per Section 2(a) of the Agreement.

3. All other terms and conditions set forth in the Agreement, as well as Addendum A thereto, as executed on August 22, 2018, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals or caused these presents to be signed by their proper corporate officers and their proper corporate seal affixed hereto, the day, and year above stated.

WITNESS:

The City of Asbury Park

Cindy A. Dye, City Clerk

By: _____
John Moor, Mayor

SHN Festivals, LLC

By: _____
Tim Sweetwood, C3 Presents
President

Attachment: Addendum B to Use and License Agreement (2018-346 : Addendum B - Sea Hear Now)



RESOLUTION NO. 2018-347

**City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION AMENDING THE METERED PARKING REQUIREMENTS FOR THE WATERFRONT AREA OF THE CITY, EFFECTIVE DURING THE SEA.HEAR.NOW FESTIVAL

WHEREAS, the requirements concerning metered parking in the downtown and waterfront areas of the City of Asbury Park (“the City”) were established per Ordinance No. 2982 (the “Ordinance”), which was adopted by the Mayor and City Council on May 19, 2011, and which has subsequently been amended; and

WHEREAS, the Mayor and Council have previously taken action by Resolution to modify the metered parking requirements as set forth in the Ordinance for certain temporary periods of time for various reasons; and

WHEREAS, as an incentive to encourage alternative modes of transportation to the Sea.Hear.Now Festival on September 29th - 30th, the Mayor and Council wish to temporarily adjust the metered parking rates in the waterfront zone so as to continue the peak (summer) season rates of \$2.00/hour for the two weekend days; and

WHEREAS, the purpose of this Resolution is to memorialize this temporary adjustment of the metered parking rates.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Mayor and City Council of the City of Asbury Park that the metered parking rates in the waterfront zone, as established per Ordinance No. 2982, as amended, are hereby adjusted so as to continue the peak (summer) season rates of \$2.00/hour on Saturday, September 29th and Sunday, September 30th.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2018-347 which was finally adopted by the City Council at a meeting held on the 26th day of September, 2018

CERTIFIED BY ME THIS 27th DAY OF September, 2018.

CINDY A. DYE
CITY CLERK



RESOLUTION NO. 2018-348

**City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION AWARDING A CONTRACT FOR INSTALLATION OF PLAYGROUND EQUIPMENT

WHEREAS, the City received a Quote dated July 2, 2018, from MRC for Playground Equipment for Atkins Avenue Park more specifically described in Quote #142307 attached hereto and incorporated herein by reference; and

WHEREAS, the City is desirous of purchasing the Playground Equipment set forth in Quote #142307 and pursuant to the Local Public Contract Law a Resolution is required to be passed stating the City's intention to utilize State or Cooperative Contract to obtain the said playground equipment; and

WHEREAS, the City is utilizing Community Block Grant Funds (CDBG) to pay for these improvements; and

WHEREAS, the costs are as follows:

- Playground equipment; ESCNJ Contract #17/18-20 in the amount of \$67,512.74
- Safety surfacing; ESCNJ Contract #17/18-20 in the amount of \$31,024.10

WHEREAS, the total cost is \$98,536.84; and

WHEREAS, the City Manager is hereby authorized to sign paperwork for acquisition of the playground equipment off of the ESCNJ Contract as set forth in the Quote dated July 2, 2018, attached hereto and incorporated herein by reference; and

WHEREAS, The Chief Financial Officer has certified that funds are available in the following accounts T-17-74-850-850-806 and T-17-75-850-850-002. The maximum dollar value of the pending contract is as set forth in the resolution.

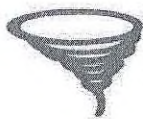
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Asbury Park, County of Monmouth and State of New Jersey that the City of Asbury Park authorizes the acquisition of the playground equipment more specifically described in Quote #142307 dated July 2, 2018, attached hereto and incorporated herein by at a total cost of \$98,536.84; and

BE IT FURTHER RESOLVED the City Manager shall be authorized to sign paperwork regarding the said purchase; and

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2018-348 which was finally adopted by the City Council at a meeting held on the 26th day of September, 2018

CERTIFIED BY ME THIS 26th DAY OF September, 2018.

CINDY A. DYE
CITY CLERK



Whirl Construction, Inc.

ESTABLISHED 1982

187 Main Street, P.O. Box 110, Port Monmouth, NJ 07758
 Phone (732) 495-3715 • Fax (732) 495-6133
 Email: info@whirlconstruction.net
www.whirlconstruction.net

PROPOSAL / AGREEMENT

Page 1 of 2

City of Asbury Park Ph: 732-502-5755 06-26-18
Cassandra.dickerson@cityofasburypark.com
Michael.capabianco@cityofasburypark.com

PROPOSAL SUBMITTED TO	PHONE	DATE
One Municipal Plaza	Asbury Park, New Jersey 07712	071817B
STREET	CITY STATE ZIP	QUOTE#
Cassandra Dickerson	Atkins Park – Polygon Shelter	Asbury Park
Michael Capabianco		
ATTN	JOB NAME	LOCATION

We hereby submit specifications and estimates for:

*Supply only: One (1) Polygon HXE-32MR.....\$20,760.00
 *(Please Note: Supply is based on A.F. Ramondo & Son, Co.,
 New Jersey State Contract – 16-FLEET-00123.)

Install only: One (1) Polygon HXE-32MR.....\$24,620.00
 (Please Note: Installation is not covered under state contract.)

THIS FORM MUST BE SIGNED AND RETURNED TO SCHEDULE INSTALLATION

Notes: Unless otherwise stated, Whirl is not responsible for accepting delivery or storage of equipment, or site preparation. Permit(s) and permit fees, if required, are the responsibility of the customer. Site security for rubber safety surface installation by others. Sharp objects (i.e., sports spikes, heeled shoes, etc.) will damage rubber surface and void surface warranties. Unforeseen subsurface obstructions may incur additional charges. The owner or general contractor shall hold Whirl harmless in the event of injury due to lack of, or insufficient, resilient surface. Customer is responsible for disposal of packing material. All excavated material is to remain on site. Unless otherwise stated, it is assumed that we are working on a flat, dirt surface. Owner is responsible for direct access to site for large trucks. All work is to be done in one move. Customer is responsible for locating any privately owned utilities. Any unmarked utilities damaged during contracted work will be the responsibility of the owner or his representative. ALL Equipment Installed Per Manufacturers' Specifications. Finance charge of 1.5% will be added where applicable on payments rec'd after net 30 days. Add tax where applicable.

We propose: hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:

Please select and initial above option(s) DOLLAR

Payment to be made as follows:

Purchase order due with signed proposal.

All material is guaranteed specified. All work is to be completed in a workmanlike manner according to standard practice. Any alteration or division from above specifications involving extra costs will be executed upon written orders, and will become an extra charge over and above the estimate. All agreements are contingent upon strikes, accidents or delays beyond our control. Owner is to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized Signature: Jim Davis

Jim Davis

Note: This proposal maybe withdrawn by us if not accepted within 30 days.

Acceptance of proposal: The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

VISIT US AT WWW.WHIRLCONSTRUCTION.NET

\$45,380

\$307 me

250 me

WHIRL CONSTRUCTION - Proposal/Contract continued

Page 2 of 2

WARRANTY OF AUTHORITY- Each person who executes this contract on behalf of any entity represents and warrants that he or she has the authority of the shareholders, and/or members, and/ or officers, to execute on behalf of said entity, and agrees to indemnify and hold harmless each other party from any claim that such authority did not exist.

APPLICABLE LAW- All parties to this contract hereby agree that this contract is to be deemed accepted, executed and delivered in the Township of Middletown, County of Monmouth, State of New Jersey and that this contract shall be governed by, construed, and enforced in accordance with the laws of the State of New Jersey, without giving effect to the principles of conflicts of law.

AMENDMENTS- Any amendments to this contract shall be in writing and signed by both parties.

CAPTIONS- The captions, headings, and arrangements used in this contract are for the convenience only and do not in any way effect, limit, amplify, or modify the terms and provisions hereof.

NOTICES- Any notice required or desired to be given pursuant to this contract shall be in writing and mailed certified mail to the respective parties.

BINDING EFFECT- This contract shall be in binding on all parties hereto, and shall insure to the benefit of the successors and assigns of the parties hereto.

CONSTRUCTION- Each party to this contract has reviewed this contract prior to execution. Accordingly, the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party and shall not be employed in the interpretation of this contract.

EFFECT OF BREACH OF CONTRACT- In the event either party breaches this contract, either party may avail itself of all remedies provided by law or equity.

ATTORNEY'S FEES- In the event of a breach of this contract, the prevailing party shall be entitled to reasonable attorney's fees in connection with the enforcement, and/or defense of this contract.

ENTIRE CONTRACT- This contract constitutes the parties complete and exclusive statement of their contract on the subject matter covered by this contract, and it supersedes all previous contracts, promises, and/or representations regarding the subject matter.

Date of acceptance: _____

Signature: _____

Title: _____

Print name: _____



MRC

MRC
PO Box 106
Spring Lake, NJ 07762
Ph: 732-458-1111
Fx: 732-974-0226
Email: MRC@GAMETIME.COM
Web: www.mrcrec.com

Cost Colers

new 9/15/18
as of

QUOTE
#142307

07/02/2018

NJ Asbury Park City of Atkins Park Playground Equipment 7.2.18

Asbury Park City of
Attn: Purchasing
1 Municipal Plaza
Asbury Park, NJ 07712

Project #: P85496
Ship To Zip: 07758

\$67,512.74

Quantity	Part #	Description	Unit Price	Amount
1	13575	Game Time - Joint Use Chin-Up Bar Station	\$1,074.00	\$1,074.00
1	13565	Game Time - Fitness Sign Post For Sticker	\$190.00	\$190.00
1	13556I	Game Time - Lat Pull Down (Single)- InGround Mount	\$3,817.00	\$3,817.00
1	13563I	Game Time - Leg Extension (In Ground)	\$2,614.00	\$2,614.00
1	13569	Game Time - Step-Up Fitness Station	\$1,289.00	\$1,289.00
1	13565	Game Time - Fitness Sign Post For Sticker	\$190.00	\$190.00
1	13570	Game Time - Sit-Up Station	\$1,182.00	\$1,182.00
1	13565	Game Time - Fitness Sign Post For Sticker	\$190.00	\$190.00
1	13587I	Game Time - Push Up Hi In ground	\$966.00	\$966.00
1	RDU	Game Time - GameTime Custom PrimeTime 2-5/5-12 Unit	\$29,079.00	\$29,079.00
3	28017	Game Time - 46" Food Court Table	\$1,645.00	\$4,935.00
1	28009	Game Time - 6' P/S Bench W/Back Inground	\$639.00	\$639.00
1	13577	Game Time - Assisted Horizontal Chin Up Station	\$1,676.00	\$1,676.00
1	13565	Game Time - Fitness Sign Post For Sticker	\$190.00	\$190.00
1	13573	Game Time - Log Hop Station	\$1,182.00	\$1,182.00
1	13565	Game Time - Fitness Sign Post For Sticker	\$190.00	\$190.00
1	INSTALL	Game Time - Installation by Whirl Construction, a Certified GameTime Installer	\$19,000.00	\$19,000.00

*8189.55
more For Playdown*





Whirl Construction, Inc.

ESTABLISHED 1982

194 Main Street, P.O. Box 110, Port Monmouth, NJ 07758

Phone (732) 495-3715 • Fax (732) 495-6133

Email: info@whirlconstruction.net

www.whirlconstruction.net

July 2, 2018

City of Asbury Park
Att: Ms. Cassandra Dickerson
One Municipal Plaza
Asbury Park, NJ 07712

RE: Atkins Park – Playground and Fitness Equipment

Dear Ms. Dickerson:

Attached herein is the updated pricing you requested for Atkins Park. This quote includes the price of the GameTime 2-12 Custom PrimeTime modular unit, along with the fitness equipment and site amenities. Also included is our installation pricing for all equipment.

If you have any questions, please email or call me.

Thank you.

Sincerely,

Jim Davis, President
Whirl Construction, Inc.
Attach. 4 pgs.
JD/lis

VISIT US AT WWW.WHIRLCONSTRUCTION.NET



SPORTS & RECREATION

MRC
PO Box 106
Spring Lake, NJ 07762
Ph: 732-458-1111
Fx: 732-974-0226
Email: MRC@GAMETIME.COM
Web: www.mrcrec.com

QUOTE
#142307

07/02/2018

NJ Asbury Park City of Atkins Park Playground Equipment 7.2.18

ESCNJ Contract - #ESCNJ 17/18-20

Shipping to Whirl Construction's yard in Port Monmouth, NJ.

Installation by Whirl Construction, a Certified GameTime Installer, is included in the above price.

No safety surfacing is included in the above price.

Sales tax is not include. Please supply a copy of your tax exempt certificate when placing your order.

KD/jm

Contract: ESC New Jersey

CHOOSE YOUR COLOR SCHEME: IT IS VERY IMPORTANT THAT YOU CHOOSE A COLOR SCHEME FOR YOUR MODULAR PLAYGROUND UNIT AT TIME OF ORDER. PLEASE SELECT FROM ONE OF THE MANY "PLAY PALETTES" LISTED IN THE BACK OF THE GAMETIME CATALOG OR ON OUR WEBSITE: www.gametime.com. INDICATE YOUR SELECTION BELOW.

GAMETIME PLAY PALETTE: NOTE: COLOR SELECTION FOR ALL OTHER EQUIPMENT SHOULD BE ENTERED IN THE SPACE PROVIDED UNDER THAT SPECIFIC ITEM.

SubTotal:	\$68,403.00
Discount:	(\$4,259.33)
Freight:	\$3,369.07
Total Amount:	\$67,512.74

Attachment: Atkins Park price quote (2018-348 : Awarding a contract for installation of playground equipment)





sport, site, play.

MRC
PO Box 106
Spring Lake, NJ 07762
Ph: 732-458-1111
Fx: 732-974-0226
Email: MRC@GAMETIME.COM
Web: www.mrcrec.com

QUOTE
#142307

07/02/2018

NJ Asbury Park City of Atkins Park Playground Equipment 7.2.18

This quotation is subject to policies in the current MANUFACTURER'S CATALOG and the following terms and conditions.

Our quotation is based on shipment of all items at one time to a single destination, unless noted, and changes are subject to price adjustment. Purchases in excess of \$1,000.00 to be supported by your written purchase order made out to **MRC Inc.** Kindly issue one order for the equipment and a separate order for surfacing and/or equipment installation services. Customer is responsible for any required permits and fees pertaining to such permits.

PRICING / PAYMENT: Pricing f.o.b. factory, firm for 30 days from date of quotation unless otherwise stated above. Payment terms: Purchase order made payable to **MRC, Inc.** Net 30 days for tax supported governmental agencies. A 1.5% per month finance charge will be imposed on all past due accounts. Equipment shall be invoiced separately from other services and shall be payable in advance of those services and project completion. Retainage not accepted.

TAXES: State and local taxes, if applicable, will be added at time of invoicing unless a tax exempt certificate is provided at the time of order entry.

FREIGHT/SHIPMENT: Freight charges: Prepaid and added at time of invoicing. Shipment: order shall ship within 30-45 days after **MRC's** receipt and acceptance of your **PURCHASE ORDER**, signed quotation and color selections.

RECEIPT OF GOODS: Customer is responsible for unloading and uncrating equipment from truck. Customer shall receive, unload and inspect goods upon arrival, noting any discrepancies on the Delivery Receipt prior to written acceptance of the shipment.

INSTALLATION: *Installation by a Gametime Certified Installer.*

- Installation assumes a flat, dirt surface with no grading preparation required.
- Gametime's installer is not responsible for any site preparation, and/or grading.
- Customer is responsible for calling **888-DIG-SAFE** a minimum of 72 hours before installation is to begin.
- Direct access is required for large construction vehicles.
- All work is to be done in one move.
- All excavated material is to remain on site.
- Customer is responsible for accepting delivery, storage of equipment and transporting equipment from storage to the site, if storage is other than installation site.
- Customer will be responsible for unloading the truck and disposal of packaging.
- The installation of the safety surfacing and/or border timbers is not included in the above price.
- Unforeseen subsurface obstructions may incur additional charges.

EXCLUSIONS: Unless specifically included, this quotation excludes all site work and landscaping; removal of existing equipment; acceptance of equipment and off-loading; storage of goods prior to installation; installation; installation tools/equipment; safety surfacing; borders and drainage provisions.

TO ORDER: Please complete the acceptance portion of this quotation and provide color selections, **PURCHASE ORDER** and other key information requested. Acceptance of this proposal indicates your agreement to the terms and conditions stated herein.





space, site, play

MRC
PO Box 106
Spring Lake, NJ 07762
Ph: 732-458-1111
Fx: 732-974-0226
Email: MRC@GAMETIME.COM
Web: www.mrcrec.com

QUOTE
#142307

07/02/2018

NJ Asbury Park City of Atkins Park Playground Equipment 7.2.18

Acceptance of quotation:

Accepted By (printed): _____

P.O. No: _____

Signature: _____

Date: _____

Title: _____

Phone: _____

Email: _____

Facsimile: _____

Purchase Amount: **\$67,512.74**

Order Information:

Bill To: _____

Ship To: _____

Contact: _____

Contact: _____

Address: _____

Tel: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

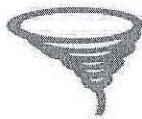
SALES TAX EXEMPTION CERTIFICATE #:
 (PLEASE PROVIDE A COPY OF CERTIFICATE)

Attachment: Atkins Park price quote (2018-348 : Awarding a contract for installation of playground equipment)



Packet P

Attachment: Atkins Park price quote (2018-348 : Awarding a contract for installation of playground equipment)



Whirl Construction, Inc.

ESTABLISHED 1982

187 Main Street, P.O. Box 110, Port Monmouth, NJ 07758
 Phone (732) 495-3715 • Fax (732) 495-6133
 Email: info@whirlconstruction.net
www.whirlconstruction.net

PROPOSAL / AGREEMENT

Page 1 of 2

City of Asbury Park Ph: 732-502-5755 06-26-18

Cassandra.dickerson@cityofasburypark.com
Michael.capabianco@cityofasburypark.com

PROPOSAL SUBMITTED TO	PHONE	DATE
One Municipal Plaza	Asbury Park, New Jersey 07712	071617B
STREET	CITY STATE ZIP	QUOTE#
Cassandra Dickerson	Atkins Park – Playground &	Asbury Park
Michael Capabianco	Fitness Area – Safety Surfacing	
ATTN	JOB NAME	LOCATION

We hereby submit specifications and estimates for:

Playground Area -

*Supply and Install:

1,134 sq. ft. of stone base for Play area and curbs.....\$ 1,530.00
 138 linear feet of concrete curbs\$ 2,622.00

*Supply and Install: 1,134 sq. ft. of Poured-in-Place –
 50/50- black/ standard color @ 2.5" depth.....\$13,075.02

Fitness Area –

*Supply and Install:

1,008 sq. ft. of Stone Base.....\$ 1,275.00
 128 linear feet of concrete curbs.....\$ 2,432.00

*Supply and Install: 1,008 sq. ft. of Poured-in-Place –
 50/50 – black/standard color @ 1.5" depth.....\$10,090.08

*(Please Note: The above pricing is based on ESCNJ 17/18-18.)

THIS FORM MUST BE SIGNED AND RETURNED TO SCHEDULE INSTALLATION

Notes: Unless otherwise stated, Whirl is not responsible for accepting delivery or storage of equipment, or site preparation. Permit(s) and permit fees, if required, are the responsibility of the customer. Site security for rubber safety surface installation by others. Sharp objects (i.e., sports spikes, heeled shoes, etc.) will damage rubber surface and void surface warranties. Unforeseen subsurface obstructions may incur additional charges. The owner or general contractor shall hold Whirl harmless in the event of injury due to lack of, or insufficient, resilient surface. Customer is responsible for disposal of packing material. All excavated material is to remain on site. Unless otherwise stated, it is assumed that we are working on a flat, dirt surface. Owner is responsible for direct access to site for large trucks. All work is to be done in one move. Customer is responsible for locating any privately owned utilities. Any unmarked utilities damaged during contracted work will be the responsibility of the owner or his representative. ALL Equipment Installed Per Manufacturers' Specifications. Finance charge of 1.5% will be added where applicable on payments rec'd after net 30 days. Add tax where applicable.

VISIT US AT WWW.WHIRLCONSTRUCTION.NET

We propose: hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:

Please select and initial above option(s)

DOLLAR

Payment to be made as follows:

Purchase order due with signed proposal.

All material is guaranteed specified. All work is to be completed in a workmanlike manner according to standard practice. Any alteration or division from above specifications involving extra costs will be executed upon written orders, and will become an extra charge over and above the estimate. All agreements are contingent upon strikes, accidents or delays beyond our control. Owner is to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized Signature: Jim Davis

Note: This proposal maybe withdrawn by

Jim Davis

us if not accepted within 30 days.

Acceptance of proposal: The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

WARRANTY OF AUTHORITY- Each person who executes this contract on behalf of any entity represents and warrants that he or she has the authority of the shareholders, and/or members, and/ or officers, to execute on behalf of said entity, and agrees to indemnify and hold harmless each other party from any claim that such authority did not exist.

APPLICABLE LAW- All parties to this contract hereby agree that this contract is to be deemed accepted, executed and delivered in the Township of Middletown, County of Monmouth, State of New Jersey and that this contract shall be governed by, construed, and enforced in accordance with the laws of the State of New Jersey, without giving effect to the principles of conflicts of law.

AMENDMENTS- Any amendments to this contract shall be in writing and signed by both parties.

CAPTIONS- The captions, headings, and arrangements used in this contract are for the convenience only and do not in any way effect, limit, amplify, or modify the terms and provisions hereof.

NOTICES- Any notice required or desired to be given pursuant to this contract shall be in writing and mailed certified mail to the respective parties.

BINDING EFFECT- This contract shall be in binding on all parties hereto, and shall insure to the benefit of the successors and assigns of the parties hereto.

CONSTRUCTION- Each party to this contract has reviewed this contract prior to execution. Accordingly, the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party and shall not be employed in the interpretation of this contract.

EFFECT OF BREACH OF CONTRACT- In the event either party breaches this contract, either party may avail itself of all remedies provided by law or equity.

ATTORNEY'S FEES- In the event of a breach of this contract, the prevailing party shall be entitled to reasonable attorney's fees in connection with the enforcement, and/or defense of this contract.

ENTIRE CONTRACT- This contract constitutes the parties complete and exclusive statement of their contract on the subject matter covered by this contract, and it supersedes all previous contracts, promises, and/or representations regarding the subject matter.

Date of acceptance: _____

Signature: _____

Title: _____

Print name: _____

Cedar Forest Products Co.

SUMMERHAVEN GAZEBO

Savor every season with CFP's
Summerhaven Gazebo

Strike up the band and enjoy the shade. Families and music lovers adore the Summerhaven Gazebo. With its decorative columns and cupola, the octagon Summerhaven is the focal point for any park, public square or meeting place. Designed for public use, the Summerhaven is both durable and attractive.

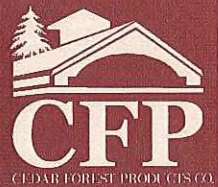


- Architectural grade, Port Orford Cedar
- Pressure-treated, glue-laminated Southern Yellow Pine hip rafters, perimeter beams and purlins
- #1 kiln-dried Southern Yellow Pine tongue and groove roof decking
- 35-year, class "A" laminate architectural shingles
- Pre-built cupola
- Roof Pitch 8/12
- Decorative top railings standard

Summerhaven	Roof Size
SH 12	12' diam.
SH 16	16' diam.
SH 20	20' diam.
SH 26	26' diam.
SH 28	28' diam.
SH 36	36' diam.

OPTIONS: Steel columns • Cedar tongue and groove roof deck • Cedar shingles • Cedar shakes • Railing • Pre-cut metal roofing • Floor system with steps • Lightning protection system • Two-tier roof system

www.cedarforestproducts.com 800-552-9495



Cedar Forest Products Co.



SUMMERHAVEN GAZEBO

Model: SF-1000
Price: \$1,200.00

This gazebo is made of high quality aluminum and is designed to last for many years. It is perfect for outdoor events, parties, and picnics. The gazebo is easy to assemble and disassemble, and it is available in a variety of colors.



Model	SF-1000
Price	\$1,200.00
Material	Aluminum
Color	White
Size	10' x 10'
Weight	150 lbs.
Assembly	Easy

For more information, please contact us at 1-800-555-1234. We are located at 1234 Main Street, Anytown, USA. Our website is www.cedarforestproducts.com.





SUMMERHAVEN LAMINATED COLUMN

BUILDING STRUCTURE(S) SHALL BE SUMMERHAVEN LAMINATED COLUMN, AS FURNISHED BY CEDAR FOREST PRODUCTS COMPANY, P.O. BOX 98, POLO, ILLINOIS, 61064, USA, 815-946-3994 OR 800-552-9495.

SPECIFICATIONS

Building material package shall be as designed and manufactured by Cedar Forest Products and specified herein. Any changes or departures from design shall be explained and documented by complete engineered drawings by a registered structural engineer at least seven days prior to bid date.

LAMINATED SUPPORT COLUMNS

Structural glue laminated timber shall be in conformance with ANSI/AITC A.190.1 (latest edition) American National Standard for structural glue laminated timber. Species: laminated lumber shall be kiln-dried Port Orford Cedar, architectural appearance grade, sealed and wrapped. Laminated columns shall be sized to suit loads. Manufacturers shall furnish connection steel and hardware for joining structural glue laminated timber members to their supports, exclusive of anchorage and embedment in masonry or concrete (anchor bolts are not furnished).

ROOF SYSTEM

Roof system is designed to withstand 30 PSF live load and 20 PSF wind load on the vertical projected area. Hip rafters, perimeter beams and purlins laminated Southern Yellow Pine, precut and sized according to shelter size.

PEAK CONNECTOR

Pre-built hot rolled steel. Wood to Wood steel connections shall be designed in accordance with the requirements of American Institute of Steel Construction. Surface preparation in accordance with SSPC-SP10. Finish: prime painted. Finish Coat: DuPont Latex enamel.

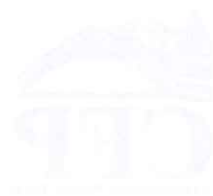
ROOF DECKING

Machine stress-rated lumber, 2700 Fb-2.2 E (nominal) 2" x 6" #1 grade, single tongue and groove with V-joint on bottom face, kiln-dried Southern Yellow Pine, maximum moisture content shall be 19% or less selected for decking. Roof decking shall be field cut, specified lengths with all joints over supports. Western Wood Products Association Grading Rules, Southern Pine Inspection Bureau (latest edition).

CUPOLA

Pre-built with cedar and pine lumber, shipped, assembled and ready to lift into place.

FASCIA



PEORIA, ILLINOIS

OFFICE OF THE CITY CLERK

Public Notice is hereby given that the City of Peoria, Illinois, is seeking proposals for the installation of playground equipment at the Peoria Public Library, 1001 North 1st Street, Peoria, Illinois 61602.

The proposals should be submitted to the City of Peoria, Office of the City Clerk, 1001 North 1st Street, Peoria, Illinois 61602.

Proposals should be submitted by the following deadline:

Thursday, May 10, 2018, at 2:00 PM. Proposals received after this time will not be considered. The City of Peoria reserves the right to accept or reject any or all proposals and to award the contract to the proposer deemed to be the most qualified.

For more information, please contact the City of Peoria, Office of the City Clerk.

The City of Peoria is an Equal Opportunity Employer. Minorities and women are encouraged to apply. The City of Peoria is an affirmative action employer. The City of Peoria is committed to providing a safe and healthy work environment for all employees. The City of Peoria is committed to providing a fair and equitable workplace for all employees. The City of Peoria is committed to providing a safe and healthy work environment for all employees. The City of Peoria is committed to providing a fair and equitable workplace for all employees.

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For more information, please contact the City of Peoria, Office of the City Clerk.

(Nominal) 2" x 8" Western Red Cedar, "D"/ Better Grade, kiln-dried, Surfaced on Four Sides, Western Wood Products Association Grading Rules-(latest edition).

SHINGLES

Class "A" fire rated, architectural grade, laminated fiberglass shingle with a 35 year limited warranty, ASTM D 3018 type 1. To be installed, over 30 lb. felt and style "D" roof edge. Roof application as per manufacturer's specifications. Color to be approved by owner/design professional. The roof slope shall be 8/12.

DECORATIVE BRACES AND OVERHEAD RAILINGS

Railings are Architectural knotty grade cedar. Plant-ons shall be D or Better inland red-cedar; precut plant-ons shall be field applied. Hardware: All bolts and lags zinc-plated galvanized nails. Coated deck screws.

STRUCTURE ERECTION

The fabricator shall furnish complete shop drawings showing necessary details. Installation of the structure shall be done with a competent supervisor in the construction trades according to Cedar Forest Products installation instructions providing proficient construction practices and procedures. The general contractor is responsible for the security of materials after its arrival at the destination. The contractor will be required to shim, cut, and make adjustments for proper building erection. Cedar Forest Products has a policy of continuous improvement and reserves the right to discontinue or change specifications without notice.

ENGINEERING

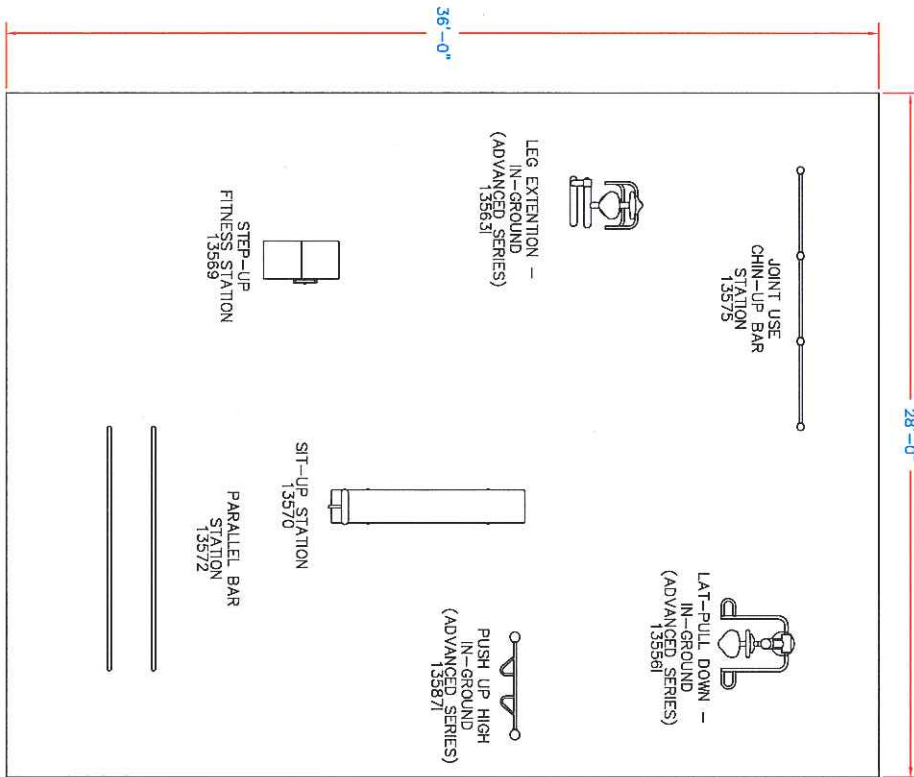
Building material packages that are designed and manufactured by Cedar Forest Products are reviewed by a registered structural engineer. Stamped structural drawings by a registered engineer licensed in the state of the project are available upon request. Structural calculations are available for an additional fee. Not included in our package is the site specific design of the foundation. No foundation stamped engineer drawings or calculations are provided by Cedar Forest Products. The purchaser must consult with a local registered structural engineer if the soil bearing conditions are different than those indicated in our drawings. The design, excavation, and construction of the structure(s) foundation must be verified by a local registered structural engineer.







Attachment: Atkins Park price quote (2018-348 : Awarding a contract for installation of playground equipment)



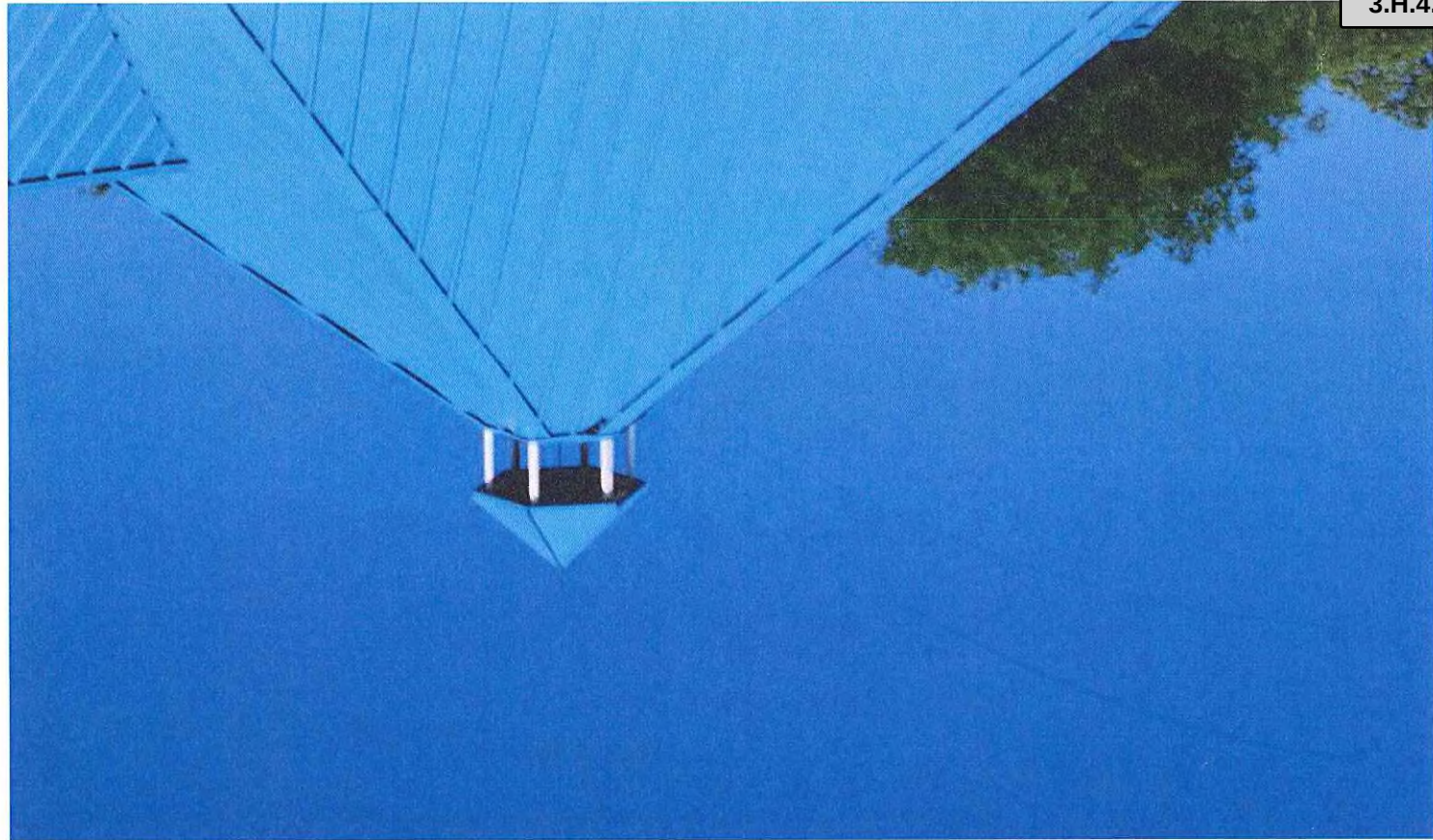
ATKINS PARK
FITNESS EQUIPMENT
ASBURY PARK, NJ
Representative
MRC

This play
equipment is
recommended
for children ages
13+

Minimum Area Required:
Scale: 1" = 5'-0"
This drawing can be
scaled only when in
an 11" x 17" format

IMPORTANT: Soft resilient surfacing
should be placed in the use zones of all
equipment, as specified for each type of
equipment, and at depths to meet the
critical fall heights as specified by the U.S.
consumer Product Safety Commission,
ASTM standard F 1487 and Canadian
Standard CANCOSA-2514

Drawn By:
KD
Date:
6.27.17
Drawing Name:
ATKINS FITNESS





playlife sport
800.922.0070 / www.mrcdec.com



Atkins Park - Asbury Park, NJ
Playground Area - View A



play site sport.
800.922.0070 / www.mrcrc.com

Atkins Park - Asbury Park, NJ
Playground Area - View B



GameTime's Food Court Table can be designed to match your recreation space or playground. A variety of color options for seats and frames allow you to create a table that blends seamlessly into your recreation area, and the plastisol-coated seat and top provides a comfortable surface for adults or children to take a break from their activities or enjoy a picnic in the park. The heavy duty steel frame creates a durable amenity for any recreation environment. Tables are available for portable mounting. Also available in accessible ADA version.

Model Number: 28017

\$1,645

[Add to Quote Cart](#)



ColorTime's Pro-Cat can be designed to match your recreation space or environment. A variety of color options for back and trim allow you to create a look that blends seamlessly into your recreation area. The vinyl-coated steel and top provides a comfortable surface for kids to play. Take a break from their activities or enjoy a picnic in the park. The heavy-duty steel frame creates a durable structure for any recreation environment. Tables are available for additional seating and are available in accessible ADA version.

Model Number: 38017

\$1,545

Add to Quote Cart



FEATURES

- 1-5/8" galvanized pipe frame
- 1-1/16" center brace tubing
- Plastisol coated punched steel seat and top
- Powder coat frame and center base finish
- High quality, durable hardware
- Available for portable mounting

DOWNLOADS

[Product Flyer](#) [/pdf/Tuffclad-Food-Court-Table-28017]

SHARE



SPECIFICATIONS

Model: 28017

Age:

ADA ACCESSIBILITY

Accessible

Elevated

Ground Level



**Asbury Park, New Jersey
ORDINANCE NO. 2018-37**

AN ORDINANCE AMENDING SECTION 3-35, ENTITLED "SLEEPING IN PUBLIC PLACES," OF CHAPTER III, "POLICE REGULATIONS," OF THE "REVISED GENERAL ORDINANCES OF THE CITY OF ASBURY PARK, NEW JERSEY"

WHEREAS, the Mayor and Council of the City of Asbury Park (the "City") wish to make certain revisions to the City Code.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and Council of the City of Asbury Park (the "City"), in the County of Monmouth and State of New Jersey, that Section 3-35, entitled "Sleeping in Public Places," of Chapter III, "Police Regulations," of the "Revised General Ordinances of the City of Asbury Park, New Jersey," is hereby amended in the following respects (deletions are shown with ~~strikeout~~):

CHAPTER III

POLICE REGULATIONS

3-35 SLEEPING IN PUBLIC PLACES.

~~3-35.1 Definitions.~~

~~As used in this section:~~

~~Loiter shall encompass, but shall not necessarily be limited to, one or more of the following acts:~~

- ~~a. Obstruction of the free unhampered passage of pedestrians or vehicles.~~
- ~~b. Obstructing, molesting or interfering with any person lawfully upon any street, park, beach, boardwalk or other public place.~~
- ~~c. Remain idle in essentially one location without being able to establish having a legitimate business or purpose in so remaining idle or, by conduct, exhibiting the absence of a lawful purpose in so remaining idle.~~
- ~~d. Conduct involving the concept of standing idly by, loafing, walking about aimlessly without purpose and including the colloquial expression of "hanging around."~~
- ~~e. Refusing to move on when so requested by a peace officer, provided that the peace officer has exercised his/her discretion reasonably under the circumstances in order to preserve or promote public peace and order.~~

~~Open public place shall be deemed to include the quasi-public area in front of or adjacent to any store, shop, restaurant, luncheonette or other place of business and shall also include any parking lots or other vacant buildings or properties.~~

~~3-35.2~~ 3-35.1 Sleeping in Public Places Prohibited.

~~a. No person shall loiter, lounge or sleep in or upon any public street, highway, park, boardwalk, beach, pavilion or other public place, or in any public building, or obstruct access to any public building or any part thereof or obstruct passage through or upon any public street, park, beach, boardwalk or public place.~~

~~b. a.~~ a. It shall be unlawful for any person to sleep upon any beach, in any public park or other public place between the hours of 12:00 midnight and 8:00 a.m., local time prevailing, unless appropriate approval has been obtained from the City in advance.

~~c. b.~~ b. No person shall at any time use any automobile, truck or other motor vehicle, or any vehicle of any description, while the same is parked on any of the public streets, ways, or alleys, or in any public or quasi-public place, ~~driveway~~, or in any public or quasi-public lot or premises, for sleeping or living purposes.

~~d. c.~~ c. Unless appropriate approval has been obtained from the City in advance, ~~it~~ shall be unlawful for any person to set up tents, shacks, or any other temporary shelter for the purpose of overnight camping, ~~nor shall any person leave in any park or in~~ or on any public beach; public street, way, alley; or in any other public or quasi-public place, ~~driveway~~, lot or premises, ~~any moveable structure or special vehicle to be used or that could be used for such purpose, such as house trailer, camp trailer, camp wagon, or the like except in those areas designated for those purposes.~~

~~3-35.3~~ 3-35.2 Violations and Penalties.

Any person who is convicted of a violation of this section shall, upon conviction, be liable to the penalties set forth in Chapter I, Section 1-5.

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED, that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final passage and publication in accordance with the law, following the required twenty (20) day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2018-37 which was finally adopted by the City Council at a meeting held on the 10th day of October, 2018

CINDY A. DYE
CITY CLERK



**Asbury Park, New Jersey
ORDINANCE NO. 2018-45**

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER III “DRUG-FREE ZONES SURROUNDING PUBLIC HOUSING FACILITIES, PARKS AND PUBLIC BUILDINGS.” OF THE “CODE OF THE CITY OF ASBURY PARK, NEW JERSEY.”

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park (the “City”), in the County of Monmouth and State of New Jersey, that Chapter III “Police Regulations, Section 3” of the “Code of the City of Asbury Park, New Jersey is hereby amended and supplemented in order to amend the following:

**CHAPTER III
POLICE REGULATIONS**

3-6 DRUG-FREE ZONES SURROUNDING PUBLIC HOUSING FACILITIES, PARKS AND PUBLIC BUILDINGS.

3-6.1 Official Record of Location and Boundaries.

The map entitled, "Drug Free Zone Map," produced by the City Engineer, Brian Grant, P.E., dated February 1, 2007, and last revised April 14, 2009, and now revised by the City Engineer Christine Ballard with a map date of September 19, 2018 and certified as accurate according to the certification which may be found on file in the office of the City Clerk as annexed to Ordinance No. 2901, is hereby approved and adopted by the Mayor and City Council of the City of Asbury Park as the official finding and record of the location and boundaries of the area or areas on or within five hundred (500) feet of all real property within the City of Asbury Park that comprise a public housing facility, a public park or a public building.

3-7 DRUG-FREE SCHOOL ZONES.

3-7.1 Adoption of Drug-Free School Zone Map.

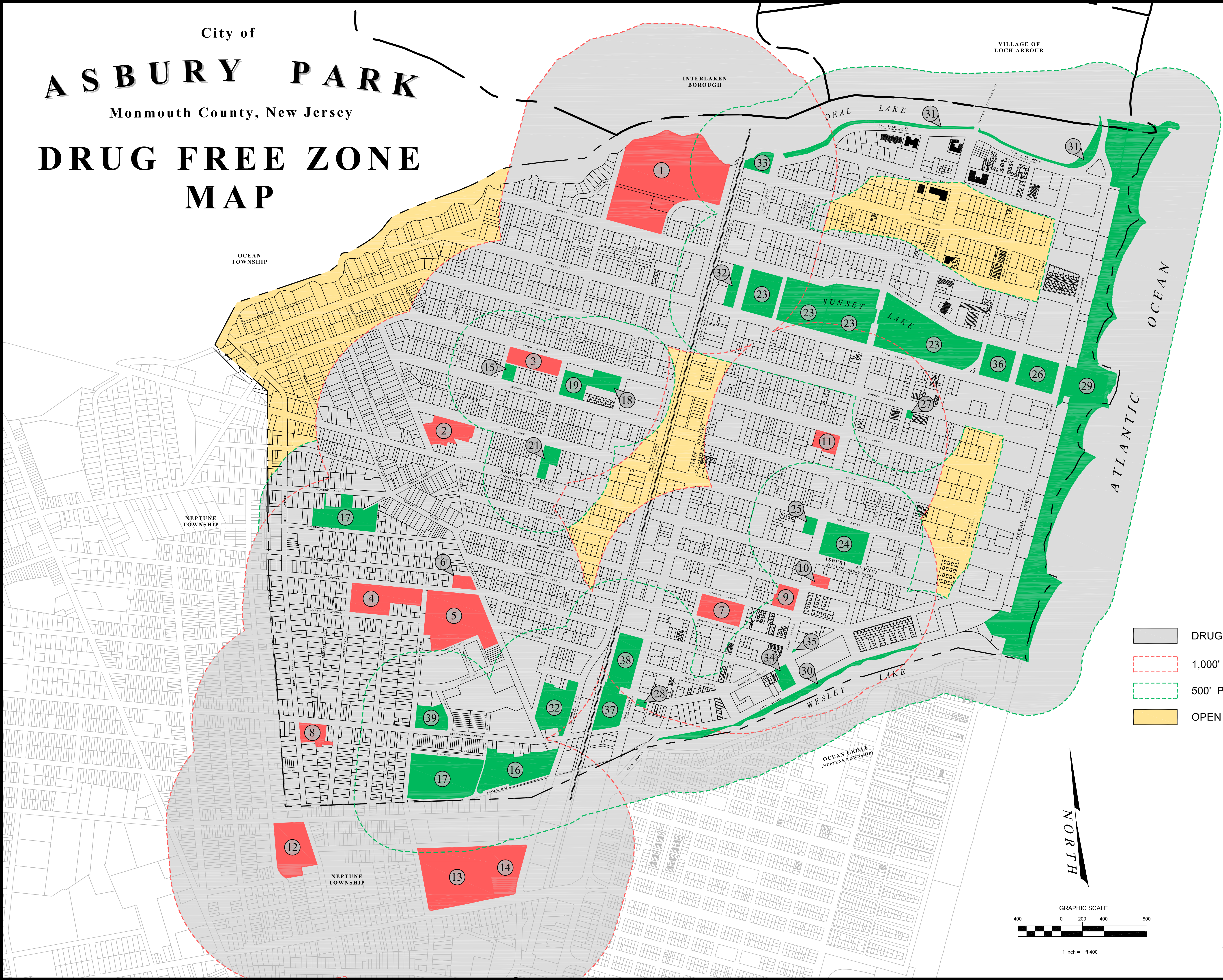
The map entitled, "Drug Free Zone Map," produced by the City Engineer, Brian Grant, P.E., dated February 1, 2007, and revised April 14, 2009, and now revised by the City Engineer Christine Ballard with a map date of September 19, 2018 and certified as accurate according to the certification which may be found on file in the office of the City Clerk as annexed to Ordinance No. 2901, is hereby approved and adopted by the Mayor and City Council of the City of Asbury Park as the official finding and record of the location and boundaries of the area or areas on or within one thousand (1,000) feet of all property within the City that is used for school purposes, or which is owned by or leased to any elementary or secondary school or school board.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO.

2018-45 which was finally adopted by the City Council at a meeting held on the 24th day of October, 2018

CINDY A. DYE
CITY CLERK

City of
ASBURY PARK
Monmouth County, New Jersey
**DRUG FREE ZONE
MAP**



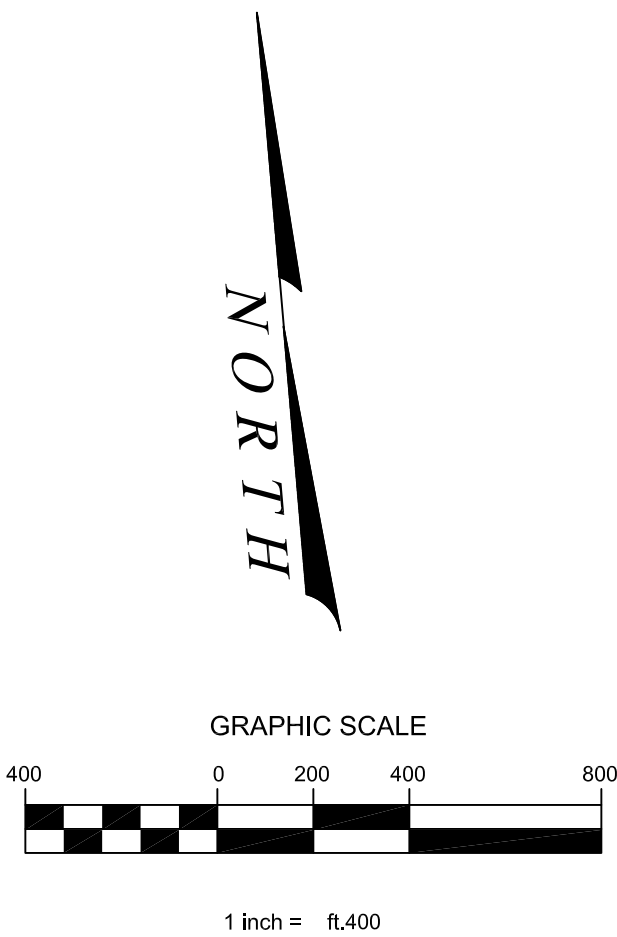
SCHOOL PROPERTY LOCATIONS

NO.	NAME OF SCHOOL	BLOCK	LOT
1	ASBURY PARK HIGH SCHOOL	101&102	1
2	OUR LADY OF MOUNT CARMEL SCHOOL	1601	3
3	BRADLEY ELEMENTARY SCHOOL	1702	1
4	BARACK OBAMA ELEMENTARY SCHOOL	1102	1
5	DR. MARTIN LUTHER KING, JR. MIDDLE SCHOOL	1203	2
6	WEST SIDE CHRISTIAN ACADEMY	1306	6
7	THURGOOD MARSHALL ELEMENTARY SCHOOL	2204	1
8	SISTERS ACADEMY	902	1
9	HOPE ACADEMY CHARTER SCHOOL	3204	6
10	COLLEGE ACHIEVE GREATER A.P. CHARTER SCHOOL (700 Grand Ave. Location)	3202	11
11	COLLEGE ACHIEVE GREATER A.P. CHARTER SCHOOL (506 Tine Ave. Elementary School)	3404	4
12	RIDGE AVENUE SCHOOL	NEPTUNE	
13	MIDTOWN COMMUNITY ELEMENTARY SCHOOL	NEPTUNE	
14	NEPTUNE EARLY CHILDHOOD CENTER	NEPTUNE	

PUBLIC PARKS, PUBLIC BUILDINGS, PUBLIC HOUSING

NO.	FACILITY NAME	BLOCK	LOT
15	BRADLEY SCHOOL ATHLETIC FIELD	1703	1
16	BOSTON WAY VILLAGE	702	1-9
17	ASBURY PARK VILLAGE	805	1
18	WASHINGTON VILLAGE	1402	14
19	ROBINSON TOWERS	304	2
20	LUMLEY BUILDINGS	304	4
21	COMSTOCK COURTS	404	1
22	LINCOLN VILLAGE	704	1
23	SUNSET LAKE PARK	2905,2908, 3901,3902	1
24	LIBRARY SQUARE PARK	3305	1
25	LIBRARY	3304	4
26	BRADLEY PARK	4103	1
27	FOURTH AVENUE, & HECK ST. TOT LOT	3403	1
28	MERCHANT'S SQUARE PARK	2407	1
29	WATERFRONT AREA, BUILDINGS BEACH AND BOARDWALK	4501, 4502	1,01, 1,01+28
30	WESLEY LAKE PARK	2411	1
31	DEAL LAKE PARK	3001,3702	1
32	FIREMAN'S MEMORIAL PARK	2904	2
33	DEAL LAKE BOAT LAUNCH AND PARK	3001	1
34	KENNEDY PARK	3105	1
35	SOLDIERS PARK	3102	1
36	ATLANTIC SQUARE	4102	1
37	TRANSPORTATION CENTER	2408	1
38	ASBURY PARK CITY HALL	2401	1
39	SPRINGWOOD AVENUE PARK	1201	1,01

- DRUG FREE ZONE
- 1,000' SCHOOL OFFSET (Grade K-12)
- 500' PARK / PUBLIC FACILITY OFFSET
- OPEN / CLEAR AREA



CHRISTINE A. BALLARD
ASBURY PARK CITY ENGINEER

LICENSED PROFESSIONAL ENGINEER
STATE OF NEW JERSEY LICENSE NO. 24GE04726700

09/19/2018
DATE



**Asbury Park, New Jersey
ORDINANCE NO. 2018-21**

**AN ORDINANCE OF THE CITY OF ASBURY PARK, COUNTY OF MONMOUTH
AND STATE OF NEW JERSEY ADDING CHAPTER TWO SECTION EIGHTY-EIGHT
"DEVELOPMENT FEES" TO THE CODE OF THE CITY OF ASBURY PARK**

Section I. Chapter Two Section Eighty-Eight, entitled "Development Fees,"

Created. That Chapter Two Section Eighty-Eight, "Development Fees" is hereby added to the Code and shall read as follows:

§ 88-1. Purpose.

- A. In *Holmdel Builder's Association v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- B. COAH was authorized by P.L. 2008, c. 46, Section 8 (N.J.S.A. 52:27D-329.2), and the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7) to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of COAH or a court of competent jurisdiction and have a COAH- or court-approved spending plan may retain fees collected from nonresidential development.
- C. In *Re: Adoption of N.J.A.C. 5:96 and 5:97* by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), also known as the Mount Laurel IV decision, the Supreme Court remanded COAH's duties to the Superior Court. As a result, affordable housing development fee collections and expenditures from the municipal affordable housing trust funds to implement municipal Third Round Fair Share Plans through July 1, 2025 are under the Court's jurisdiction and are subject to approval by the Court.
- D. This chapter establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance with P.L. 2008, c. 46, Sections 8 and 32 through 38 (N.J.S.A. 52:27D-329.2 and N.J.S.A. 40:55D-8.1 through 40:55D-8.7, respectively). Fees collected pursuant to this chapter shall be used for the sole purpose of providing low- and moderate-income housing. This chapter shall be interpreted within the framework of COAH's rules on development

fees, codified at N.J.A.C. 5:93-8.

§ 88-2. Basic requirements.

- A. This ordinance shall not be effective until approved by the Superior Court pursuant to N.J.A.C. 5:93.8.
- B. The City of Asbury Park shall not spend development fees until the Court has approved a plan for spending such fees in conformance with N.J.A.C. 5:93-8.

§ 88-3. Definitions.

The following terms, as used in this chapter, shall have the following meanings:

AFFORDABLE HOUSING DEVELOPMENT - A development that is inclusionary development, a municipal construction project containing affordable units or a one-hundred-percent affordable development. This shall include any project that contains restricted very-low, low-, moderate-, or middle-income units on or off-site. This shall also include any project that utilizes funds from the City's Regional Contribution Agreements (RCA).

COAH or THE COUNCIL - The New Jersey Council on Affordable Housing established under the Fair Housing Act

DEVELOPER - The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT FEE - Money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:93-8.

EQUALIZED ASSESSED VALUE - The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5, and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through 54:1-35c).

GREEN BUILDING STRATEGIES - Those strategies that minimize the impact of development on the environment and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

§ 88-4. Residential development fees.

- A. Imposed fees.
 - 1. Within all Zoning Districts and Redevelopment Areas, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted.

2. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application. Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5% of the equalized assessed value on the first two units; and the specified higher percentage up to six percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

B. Eligible exactions, ineligible exactions and exemptions for residential development.

1. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
2. Developments that have received preliminary or final site plan approval or are subject to an executed redevelopment or development agreement (including master redeveloper agreement) prior to the adoption of a municipal development fee ordinance shall be exempt from development fees unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
3. Renovations or additions to any single-family or two-family residence shall be exempt from paying a development fee except if the assessed value of the renovated/expanded structure is greater than or equal to 151% of the previously assessed value of the structure. Example: If the post-renovation/addition assessed value of a house originally assessed at \$100,000 structure is increased to \$151,000, the developer must pay a development fee on the increase in assessed value).
4. Buildings that are elevated or buildings that are replaced in an elevated position shall be exempt from paying a development fee provided the buildings are located in a Special Flood Hazard Area and meet the following. Notwithstanding, the exemption shall not apply if the number of residential units in the existing or demolished building is increased.
 - (i) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated to or above base flood elevation; and

- (ii) Within any AO Zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two (2) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
- 5. Buildings demolished and replaced due to being “destroyed” as a result of a fire or natural disaster (excluding flood damaged buildings that are located in the Special Flood Hazard Area) shall be exempt from paying a development fee, except:
 - (i) If the assessed value of the reconstructed structure is greater than or equal to 151% of the assessed value of the original structure (Example: If a house assessed at \$100,000 is replaced with a house assessed at \$151,000, the developer must pay a development fee on the increase in assessed value); or
 - (ii) If the number of residential units in the replacement building is greater than the number of units in the original building being demolished (Example: A single-family house is replaced with a house having three residential units).

§ 88-5. Nonresidential development fees.

A. Imposed fees.

1. Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements for all new nonresidential construction on an unimproved lot or lots.
2. Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
3. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

B. Eligible exactions, ineligible exactions and exemptions for nonresidential development.

1. The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the two-and-one-half-percent development fee, unless otherwise

exempted below.

2. The two-and-one-half-percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
3. Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as specified in the Form N-RDF, "State of New Jersey Nonresidential Development Certification/Exemption" form. Any exemption claimed by a developer shall be substantiated by that developer.
4. A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2008, c. 46, shall be subject to it at such time the basis for the exemption no longer applies and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.
5. If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by Asbury Park as a lien against the real property of the owner.

§ 88-6. Collection procedures.

- A. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the Construction Official responsible for the issuance of a building permit.
- B. For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Nonresidential Development Certification/Exemption," to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- C. The Construction Official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
- D. Within 90 days of receipt of that notice, the Municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the

development.

- E. The Construction Official responsible for the issuance of a final certificate of occupancy notifies the local Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- F. Within 10 business days of a request for the scheduling of a final inspection, the Municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- G. Should Asbury Park fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b of Section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).
- H. Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- I. Appeal of development fees.
 - 1. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by Asbury Park. Appeals from a determination of the Board may be made to the Tax Court in accordance with the provisions of the State Uniform Tax Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 - 2. A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by Asbury Park. Appeals from a determination of the Director may be made to the Tax Court in accordance with the provisions of the State Uniform Tax Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

§ 88-7. Affordable housing trust fund.

- A. There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.

- B. The following additional funds shall be deposited in the affordable housing trust fund and shall at all times be identifiable by source and amount:
1. Payments in lieu of on-site construction of affordable units;
 2. Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;
 3. Rental income from municipally operated units;
 4. Repayments from affordable housing program loans;
 5. Recapture funds;
 6. Proceeds from the sale of affordable units; and
 7. Any other funds collected in connection with Asbury Park's affordable housing program.

§ 88-8. Use of funds.

- A. The expenditure of all funds shall conform to a spending plan approved by the Court. Funds deposited in the housing trust fund may be used for any activity approved by the Court to address the City's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to, preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing nonresidential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:93-8 and specified in the approved spending plan.
- B. Funds shall not be expended to reimburse Asbury Park for past housing activities.
- C. At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.
1. Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and

assistance with emergency repairs.

2. Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
 3. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- D. Asbury Park may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:93-8.16.
- E. No more than 20% of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with annual monitoring requirements.
- F. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

§ 88-9. Monitoring.

- A. On or about June 30 of each year through 2025, Asbury Park shall provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs (“DCA”), COAH, or Local Government Services (“LGS”), or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the DCA, COAH, or LGS. This reporting shall include an accounting of all housing trust fund activity, including the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with Asbury Park' housing program, as well as to the expenditure of revenues and implementation of the plan approved by the Court.

§ 88-10. Ongoing collection of fees.

- A. The ability for Asbury Park to impose, collect and expend development fees shall expire with its Court-issued Judgement of Compliance unless Asbury Park has filed an adopted Housing Element and Fair Share Plan with the Court, has filed a

Declaratory Judgement Action, and has received the Court's approval of its development fee ordinance. If Asbury Park fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance and Repose, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to Section 20 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-320). Asbury Park shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its Judgment of Compliance and Repose, nor shall Asbury Park retroactively impose a development fee on such a development. Asbury Park shall not expend development fees after the expiration of its substantive certification or Judgment of Compliance and Repose.

Section II. Repealer. All ordinances or Code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section III. Severability. If any section, subsection, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

Section IV. Effective Date. This ordinance shall take effect upon its passage and publication, as required by law.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2018-21 which was finally adopted by the City Council at a meeting held on the 10th day of October, 2018

CINDY A. DYE
CITY CLERK



**Asbury Park, New Jersey
ORDINANCE NO. 2018-34**

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXVIII "HEALTH REGULATIONS BY ADDING SECTION 28-5 "INTENTIONAL RELEASE OF BALLOONS" OF THE "CODE OF THE CITY OF ASBURY PARK, NEW JERSEY."

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park (the "City"), in the County of Monmouth and State of New Jersey, that Chapter XX "Environmental Regulations" Section 20-4 "Intentional Release of Balloons" of the "Code of the City of Asbury Park, New Jersey is hereby amended and supplemented in order to add the following:

**CHAPTER XX
INTENTIONAL RELEASE OF BALLOONS**

28-4.1 Purpose.

It is hereby found and declared that it will be the public policy of City of Asbury Park to take action when feasible to reduce the effects of certain products utilized, placed, or released with the environment in order to protect the health and safety of the general public.

28-4.2 Release of balloons.

This section is adopted in order to protect the environment, particularly the wildlife, and the health, safety and well-being of persons and property by prohibiting the release of helium balloons into the atmosphere, including latex and mylar, as it has been determined that the release of balloons inflated with lighter-than-air gases pose a danger and nuisance to the environment, particularly to wildlife and marine animals so as to constitute a public nuisance and may pose a threat to the safety of its inhabitants and their property.

28-4.3 Prohibited releases.

It shall be unlawful for any person, firm or corporation to intentionally release, organize the release, or intentionally cause to be released balloons inflated with a gas that is lighter than air within the City of Asbury Park limits, except for:

1. Balloon released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes.
2. Hot air balloons that are recovered after launching.
3. Balloons released indoors.

28-4.4 Violations and penalties.

Any person found in violation is guilty of a non-criminal infraction punishable by a fine not to exceed the sum of \$500.

BE IT FURTHER ORDAINED that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final passage and publication in accordance with the law, following the required twenty (20) day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2018-34 which was finally adopted by the City Council at a meeting held on the 26th day of September, 2018

CINDY A. DYE
CITY CLERK



**Asbury Park, New Jersey
ORDINANCE NO. 2018-35**

**AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 26-4
“RETIREMENT BENEFITS” OF CHAPTER XXVI, “PERSONNEL POLICIES,” OF
THE “CODE OF THE CITY OF ASBURY PARK, NEW JERSEY.”**

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park (the “City”), in the County of Monmouth and State of New Jersey, that Section 26-4, entitled “Retirement Benefits”, of Chapter XXVI, “Personnel Policies,” of the “Code of the City of Asbury Park, New Jersey,” is hereby amended and supplemented in the following specific respects (additions are shown with underline; deletions are shown with ~~strikeout~~):

26-4 RETIREMENT BENEFITS.

~~Any permanent employee of the City who is a beneficiary of the retirement plan presently in effect for employees of the City of Asbury Park and who submits an application for retirement, shall be eligible for a lump sum payment as follows:~~

- ~~a. *Police Department.* Upon retirement, each permanent full-time employee shall receive one-half (1/2) of his accumulated sick time, limited to a maximum of one hundred thirty-five (135) days of full pay at the rate of pay existing on the date of the employee’s retirement.~~
- ~~b. *Fire Department.* Each permanent employee, after retirement, after having served the required number of years which make the employee eligible for retirement pay, shall receive one-half (1/2) of his accumulated sick leave time, subject to and conditioned upon, however, that the employee shall receive not more than one hundred eighty (180) days of full pay at the rate of pay in existence on the day of the employee’s retirement.~~
- ~~c. *All Other Employees.* Upon retirement, each permanent full-time employee shall receive one hundred (100%) percent of his accumulated sick leave time, subject to and conditioned upon, however, that the employee shall not receive more than two hundred twenty-five (225) days full pay at the rate of pay existing on the date of the employee’s retirement.~~

As per State statute, union contract or individual contract, as amended from time to time.

BE IT FURTHER ORDAINED that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final passage and publication in accordance with the law, following the required twenty (20) day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2018-35 which was finally adopted by the City Council at a meeting held on the 26th day of September, 2018

CINDY A. DYE
CITY CLERK



**Asbury Park, New Jersey
ORDINANCE NO. 2018-36**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER III, ENTITLED
“POLICE REGULATIONS,” OF THE “REVISED GENERAL ORDINANCES OF THE
CITY OF ASBURY PARK, NEW JERSEY,” IN ORDER TO ESTABLISH A NEW
SECTION THEREOF TO BE KNOWN AS SECTION 3-10, ENTITLED “BEGGING
AND PANHANDLING.”**

WHEREAS, the Mayor and Council of the City of Asbury Park (the “City”) recognize a constitutional right to beg or solicit in a peaceful and nonthreatening manner; and

WHEREAS, the Mayor and Council find, however, that an increase in aggressive panhandling throughout the City has become extremely disturbing and disruptive to residents and businesses and has contributed not only to the loss of access to and enjoyment of public places, but also to an enhanced sense of fear, intimidation and disorder; and

WHEREAS, aggressive panhandling usually includes, among other things, approaching or following pedestrians in a menacing manner, requests for money accompanied by intimidation or threats, the use of abusive language, unwanted physical contact, or the intentional blocking of pedestrian and vehicular traffic; and

WHEREAS, the Mayor and Council find that the presence of individuals who solicit money from persons at or near banks or automated teller machines is especially troublesome, as is the act of begging from those who are sitting at a sidewalk café or waiting in line for some purpose; and

WHEREAS, motorists also occasionally find themselves confronted by persons who, without permission, wash their automobile windows at traffic intersections despite explicit indications by drivers not to do so, which activity often carries with it an implicit threat to both persons and property; and

WHEREAS, people driving or parking on City streets occasionally find themselves faced with panhandlers seeking money by offering to perform “services” such as opening car doors or locating parking spaces; and

WHEREAS, the restrictions contained herein are intended to be narrowly tailored to serve a substantial governmental interest, and are intended not to be overbroad or vague; and

WHEREAS, the restrictions set forth herein are not intended to limit any person(s) from exercising his/her/their constitutional right to solicit, picket, protest or engage in other constitutionally protected speech or activity but, rather, to protect residents and others from the

fear and intimidation accompanying certain kinds of solicitation that have become an unwelcome and overwhelming presence within the City; and

WHEREAS, the Mayor and Council now wish to make certain revisions to the City Code with respect to begging and panhandling within the City of Asbury Park, New Jersey.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the City of Asbury Park (the “City”), in the County of Monmouth and State of New Jersey, that Chapter III, entitled “Police Regulations,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey,” is hereby amended and supplemented in order to establish a new Section thereof, to be known as Section 3-10, as follows:

CHAPTER III

POLICE REGULATIONS

3-10 BEGGING AND PANHANDLING.

3-10.1 Definitions.

As used in this section:

Aggressive Manner shall mean:

- a. Approaching or speaking to a person, or following a person before, during or after soliciting, asking or begging, if that conduct is intended or is likely to cause a reasonable person to:
 1. Fear bodily harm to oneself or to another, damage to or loss of property or the commission of an offense under the New Jersey Criminal Code upon oneself or another;
 2. Otherwise be intimidated into giving money or other item of value; or
 3. Suffer unreasonable inconvenience, annoyance or alarm.
 - b. Intentionally touching or causing physical contact with another person or with an occupied vehicle, without that person’s consent, in the course of soliciting, asking or begging.
 - c. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact.
 - d. Using violent or threatening gestures toward a person solicited.
- Ask* - see “Beg.”

Automated Teller Machine (“ATM”) shall mean a device linked to a financial institution’s account records which is able to carry out transactions including, but not limited to, account transfers, deposits, cash withdrawals, balance inquiries and mortgage and loan payments.

Automated Teller Machine Facility shall mean the area comprised of one or more automated teller machines and any adjacent space which is made available to banking customers after regular banking hours.

Bank or Check-Cashing Business shall mean any person or entity licensed by the State of New Jersey Department of Banking to engage in the business of cashing checks, drafts or money orders for consideration pursuant to the provisions of the New Jersey banking laws.

Beg shall mean using the spoken, written or printed word or bodily gestures, signs or other means with the purpose of obtaining an immediate donation of money or other item of value or soliciting the sale of goods or services.

Public Place shall mean a place to which the public or a substantial group of persons has access and includes, but is not limited to, any street, highway, parking lot, plaza, transportation facility, school, place of amusement, park, playground, any hallway, lobby and other portion of an apartment, house or hotel not constituting a room or apartment designed for actual residence. Public places shall also include door-to-door begging in an aggressive manner as defined herein.

Solicit - see “Beg.”

3-10.2 Prohibited Acts.

No person shall:

- a. Solicit, ask or beg in an aggressive manner in any public place.
- b. Solicit, ask or beg within ten (10) feet of any entrance or exit of any bank or check-cashing business during its business hours or within ten (10) feet of any ATM during the time it is available for customers’ use; provided, however, that when an ATM is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility; provided, further, that no person shall solicit, ask or beg within an automated teller machine facility where a reasonable person would or should know that (s)he does not have the permission to do so from the owner or other person lawfully in possession of such facility. Nothing in this subsection shall be construed to prohibit the lawful vending and services within such areas.
- c. Approach an operator or other occupant of a motor vehicle when such vehicle is located on any street, for the purpose of either performing or offering to

perform a service in connection with such vehicle or otherwise soliciting the sale of goods or services, if such approaching, performing, offering or soliciting is done in an aggressive manner as defined in § 3-10.1; provided, however, that this subsection shall not apply to services rendered in connection with the lawful towing of such vehicle or in connection with emergency repairs requested by the operator or other occupant of such vehicle.

- d. Solicit, ask or beg from an individual(s) who is/are sitting at a sidewalk café located on Bangs Avenue, Cookman Avenue, Lake Avenue, Main Street, the Asbury Park boardwalk, or any other location(s) within the City where a sidewalk café permit has been issued.
- e. Solicit, ask or beg from an individual(s) who is/are waiting in line for an entertainment-oriented purpose at one of the commercial venues within the City, or at a restaurant or other type of eating or drinking establishment within the City.

3-10.3 Exemptions.

The provisions of this article shall not apply to any unenclosed ATM located within any building, structure or space whose primary purpose or function is unrelated to banking activities including, but not limited to, supermarkets, airports and school buildings, provided that such ATM shall be available for use only during the regular hours of operation of the buildings, structure or space in which such machine is located.

3-10.4 Violations and Penalties.

Any violation of the provisions of this article shall constitute a violation punishable as provided in Chapter 1, § 1-5, entitled “General Penalty,” of the “Revised General Ordinances of the City of Asbury Park, New Jersey.”

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED, that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final passage and publication in accordance with the law, following the required twenty (20) day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2018-36 which was finally adopted by the City Council at a meeting held on the 26th day of September, 2018

CINDY A. DYE
CITY CLERK



**Asbury Park, New Jersey
ORDINANCE NO. 2018-38**

**ORDINANCE OF THE CITY OF ASBURY PARK AMENDING AND
SUPPLEMENTING CHAPTER VII OF THE CODE OF THE CITY OF ASBURY PARK
REGARDING TRAFFIC AND PARKING REGULATIONS**

WHEREAS, the City of Asbury Park (the “City”) has previously established certain traffic regulations concerning prohibited parking within the City; and

WHEREAS, the previous regulations as referenced above shall be collectively referenced herein as the “prior traffic regulations”; and

WHEREAS, since adoption of the prior regulations, the parking conditions have been evaluated by the City’s Transportation Manager on a continuous basis; and

WHEREAS, the proposed new regulations are set forth in Exhibit A attached; and

WHEREAS, it is the intention of the Mayor and Council that the revisions set forth herein shall amend and supplement the Traffic Control Regulations contained within the Chapter VII, entitled “Traffic,” of the “Code of the City of Asbury Park, New Jersey,” accordingly.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park, in the County of Monmouth and State of New Jersey, that the amended parking regulations are hereby approved and adopted for use within the City of Asbury Park, and that Chapter VII, entitled “Traffic,” of the “Code of the City of Asbury Park, New Jersey,” is hereby amended and supplemented as attached as Exhibit A.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2018-38 which was finally adopted by the City Council at a meeting held on the 26th day of September, 2018

CINDY A. DYE
CITY CLERK

EXHIBIT A

Deletions are denoted as strikethrough and additions are underlined.

7-13 PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS.

No person shall park a vehicle at any time upon any streets or parts thereof described, except where other parking regulations have been provided for. (2000 Code § 7-13; Ord. No. 2121 § 1; Ord. No. 2185 § 1; Ord. No. 2320 § 1; Ord. No. 2368; Ord. No. 2449 § 1; Ord. No. 2460 § 1; Ord. No. 2476 § 1; Ord. No. 2517; Ord. No. 2665; Ord. No. 2015-28)

<i>Name of Street</i>	<i>Sides</i>	<i>Location</i>
Monroe Avenue	<u>f. North</u>	<u>Beginning at the northwestern corner of the intersection of Monroe Avenue and Prospect Avenue, continuing westerly 125 feet along the north (westbound) curbline</u>

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**Asbury Park, New Jersey
ORDINANCE NO. 2018-39**

**AN ORDINANCE AMENDING AND SUPPLEMENTING VARIOUS ARTICLES AND
SECTIONS OF CODE OF THE CITY OF ASBURY PARK**

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park (the “City”), in the County of Monmouth and State of New Jersey, that the following chapter and/or sections “of the “Code of the City of Asbury Park, New Jersey is hereby created or amended:

**CHAPTER II
“DEPARTMENT OF PLANNING AND REDEVELOPMENT”**

Section 2-17.2(a) Appointment

(a) *Appointment.* The Director of Planning and Redevelopment shall be appointed by the City Manager. The Director of Planning and Redevelopment shall also hold the title and/ or duties as found in Chapter III Land Development as: Administrative officer; Development Coordinator.

(d) The Director of Planning and Redevelopment shall also be known as the City Planner

Section 2-17.2(b) Qualifications

(3) The Director shall possess Certification from the American Institute of Certified Planners (AICP).2-17.3 Functions of the Department

(i)_. Such other related responsibilities as may be assigned by the City Manager ~~and/or the Mayor and Council~~, which are necessary for the conduct of City business.

(f) Receipt, completeness review, processing of all development or redevelopment applications and subsequently forwarding the applications to the applicable board secretaries, Federal, State or County or municipal office or other offices as required, for development within the City.

k. In the prolonged absence of the Director of Planning and Redevelopment, the respective Zoning Board and Planning Board Planner shall serve as the Administrative Officer and Development Coordinator or designee of the City Manager. If that individual or firm is not available, then the respective Board Secretary shall serve as the Administrative Officer and Development Coordinator or designee of the City Manager.

**CHAPTER III
“LAND DEVELOPMENT”**

30-7 CERTIFICATE OF RESOLUTION COMPLIANCE

30-7.1 Requirement; Zoning Officer to Issue.

No building or structure may be erected or altered nor may any building or structure or parcel of land become occupied, or the use therein changed until a Zoning Permit or Certificate of Resolution Compliance ~~Certificate of Compliance~~ is obtained from the Zoning Officer. (2000 Code § 30-7.1)

30-7.2 Necessary for Construction Permit.

Application for a Zoning Permit or Certificate of Resolution Compliance ~~Certificate of Compliance~~ must be made at the time of application for a construction permit or a mercantile license. (2000 Code § 30-7.2)

30-7.3 Necessary Prior to New Occupancy or New Use.

Should a construction permit or mercantile license not be required, the ~~Certificate of Compliance~~ Zoning Permit or Certificate of Resolution. Compliance must be obtained prior to the new occupancy or new use of a building or property. (2000 Code § 30-7.3)

30-7.4 Fee for Certificate of Resolution Compliance, Time of Payment; Compliance Required Before Issuance.

A fee of twenty (\$20.00) dollars will be charged for each Certificate of Resolution Compliance ~~Certificate of Compliance~~. Such fee will be payable at the time of application. The Certificate will be issued only after an inspection is made by the Director of Planning and Redevelopment or their designee to confirm compliance with this chapter. (2000 Code § 30-7.4) This Certificate shall not be provided until all known outstanding municipal or Board invoices related to the project are paid.

30-15 Definitions

Administrative Officer shall mean the Director of Planning and Redevelopment as defined in Chapter 2. ~~City Planner/Zoning Inspector for the Planning Board, and the City Planner/Zoning Inspector or Zoning Officer for the Zoning Board of Adjustment.~~

Board Engineer - shall be the engineer duly appointed and of record by the respective Board.

Sexually Oriented Business - As defined by N.J.S. 2C-34-7 et. seq. and the requirements established there within.

30-23 PROVISIONS APPLICABLE TO BOTH THE PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT.

30-23.8 Meeting Attendance of Applicants

If an application is scheduled to be heard, the applicant shall notify the Board Secretary a minimum of two (2) business days before the scheduled hearing date if said applicant desires to postpone the hearing in writing. In addition, the applicant, at the discretion of

the Chair, is required to have a representative appear before the Board to state, for the official record, why the postponement is requested. The Board may, at its discretion, grant the postponement or deny the application without prejudice. The Board may, at its discretion, require re-notification of the application if a postponement is granted.

30-29.2 Notice Requirements for Hearings.

- a. *Public Notice.* Public notice of a hearing shall be given in the following cases:

4. At any other time the Board shall require notice as part of an application, hearing or other act the Board deems fit for the application to re-notice in the interest of the public.

30-39.1 Development Coordinator.

The Development Coordinator shall be the City Planner ~~Planner unless another person is appointed by the Governing Body.~~ The Development Coordinator shall officially receive all Applications for Development, determine if they are complete, and, if not, notify the applicant of deficiencies. The Development Coordinator, in consultation with the Zoning Officer, shall determine which local Board, official or agency has jurisdiction over the application and the Development Coordinator shall forward copies to Federal, State and local agencies required or requested to review the application. (2000 Code § 30-39.1)

30-39.4 ~~City~~ The Planning and Zoning Board Engineer(s) (Board Engineer).

The Board Engineer, as defined in this Chapter, shall be responsible for the following provisions of this chapter:

- a. Review all engineering plans accompanying Applications for Development referred by the Boards, Development Review Committee or Development Coordinator.
- b. Inspection, when requested by either Board, of improvements constructed or installed as part of any Application for Development other than those which are the responsibility of the Construction Official.
- c. Certification, when necessary, before acceptance, that all such improvements meet applicable City Codes and ordinances.

30-45.3 Certificate of ~~Zoning~~ Resolution Compliance.

- a. When application is made for a ~~Zoning Permit~~ Resolution Compliance that requires the issuance of permits under the Uniform Construction Code (N.J.A.C. 5:23 et seq.) for the construction of a new building or an addition to the ground level footprint of an existing building, an application for a ~~Certificate of Zoning Compliance~~ Resolution Compliance shall also be made upon payment of a fee of twenty (\$20.00) dollars, which shall cover the cost of a final inspection by the Zoning Officer. The Zoning Officer shall inspect for the satisfactory completion of landscaping, driveway pavement, sidewalk and curb repair/replacement and street tree plantings, as well as for compliance with the ~~Zoning Permit~~ Resolution of the Planning or Zoning Board. A copy of the approved Compliance ~~Certificate of Zoning Compliance~~ Resolution Compliance shall be transmitted to the Construction Official by the Director of Planning and

Redevelopment or their designee.

b. No land or new construction shall be occupied or used in whole or in part for any purpose whatsoever until a ~~Certificate of Zoning Compliance~~ Resolution Compliance and/or Zoning Permit shall have been issued by the Zoning Enforcement Officer stating that the use of the land or building complies with the provisions of this chapter.

c. No Certificate of Resolution Compliance for any land or structure shall be granted until all required improvements or conditions of approval have been met, installed or completed. A temporary Certificate of Resolution Compliance may be issued but only for a specific period, upon such conditions as the Development Coordinator may impose, such as bonding, to ensure the completion or installation of any such improvements unfinished because of weather or unforeseen delay. The installation of any required public or private improvements may also be delayed if the Board Engineer warrants in writing to the Development Coordinator that the delay is in the best interest of the City.

30-47.1 General.

a. If the Development Coordinator determines that the application requires action by the Board of Adjustment, it shall be forwarded to the Board of Adjustment Secretary and the applicant shall be responsible for providing notice as set forth in subsection 30-29.2. The ~~Board of Adjustment~~ Development Coordinator shall refer the application to those agencies required to review the application and any other agency which ~~it feels~~ may assist them in its deliberations.

30-49 PERFORMANCE AND MAINTENANCE GUARANTEES.

30-49.1 General.

As per P.L. 2017 Chapter 312, Senate, Number 3233 which amends Section 41 of p.L. 1975, c. 291 (C. 40:55D-53) the City hereby adopts the following regulations.

Guarantees required; surety; release. a. Before filing of final subdivision plats or recording of minor subdivision deeds or as a condition of final site plan approval or as a condition to the issuance of a zoning permit pursuant to subsection d. of section 52 of P.L.1975, c.291 (C.40:55D-65), the municipality may require and shall accept in accordance with the standards adopted by ordinance and regulations adopted pursuant to section 1 of P.L.1999, c.68 (C.40:55D-53a) for the purpose of assuring the installation and maintenance of certain on-tract improvements, the furnishing of a performance guarantee, and provision for a maintenance guarantee in accordance with paragraphs (1) and (2) of this subsection. If a municipality has adopted an ordinance requiring a successor developer to furnish a replacement performance guarantee, as a condition to the approval of a permit update under the State Uniform Construction Code, for the purpose of updating the name and address of the owner of property on a construction permit, the governing body may require and shall accept in accordance with the standards adopted by ordinance and regulations adopted pursuant to section 1 of P.L.1999, c.68 (C.40:55D-53a) for the purpose of assuring the installation and maintenance of certain on-tract improvements, the furnishing of a performance guarantee, and provision for a maintenance guarantee, in accordance with paragraphs (1) and (2) of this subsection.

(1) (a) As required this Ordinance , the developer shall furnish a performance guarantee in

favor of the municipality in an amount not to exceed 120% of the cost of installation of only those improvements required by an approval or developer's agreement, ordinance, or regulation to be dedicated to a public entity, and that have not yet been installed, which cost shall be determined by the Board Engineer, as defined by this chapter, according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4), for the following improvements as shown on the approved plans or plat: streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyor's monuments, as shown on the final map and required by "the map filing law," P.L.1960, c.141 (C.46:23-9.9 et seq.; repealed by section 2 of P.L.2011, c.217) or N.J.S.46:26B-1 through N.J.S.46:26B-8, water mains, sanitary sewers, community septic systems, drainage structures, public improvements of open space, and any grading necessitated by the preceding improvements.

The Board Engineer, as defined by this chapter, shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor.

(b) A municipality may also require a performance guarantee to include, within an approved phase or section of a development privately-owned perimeter buffer landscaping, as required by local ordinance or imposed as a condition of approval.

At the developer's option, a separate performance guarantee may be posted for the privately-owned perimeter buffer landscaping.

(c) In the event that the developer shall seek a temporary certificate of occupancy for a development, unit, lot, building, or phase of development, as a condition of the issuance thereof, the developer shall, if required by an ordinance adopted by the municipality, furnish a separate guarantee, referred to herein as a "temporary certificate of occupancy guarantee," in favor of the municipality in an amount equal to 120% of the cost of installation of only those improvements or items which remain to be completed or installed under the terms of the temporary certificate of occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent certificate of occupancy for the development, unit, lot, building or phase of development and which are not covered by an existing performance guarantee. Upon posting of a "temporary certificate of occupancy guarantee," all sums remaining under a performance guarantee, required pursuant to subparagraph (a) of this paragraph, which relate to the development, unit, lot, building, or phase of development for which the temporary certificate of occupancy is sought, shall be released. The scope and amount of the "temporary certificate of occupancy guarantee" shall be determined by the zoning officer, city engineer, as defined by this Chapter, or other municipal official designated by ordinance. At no time may a municipality hold more than one guarantee or bond of any type with respect to the same line item. The temporary certificate of occupancy guarantee shall be released by the zoning officer, Board Engineer, as defined by this Chapter, or other municipal official designated by ordinance upon the issuance of a permanent certificate of occupancy with regard to the development, unit, lot, building, or phase as to which the temporary certificate of occupancy relates.

(d) A developer shall, furnish to the municipality a "safety and stabilization guarantee," in favor of the municipality. At the developer's option, a "safety and stabilization guarantee" may be furnished either as a separate guarantee or as a line item of the performance guarantee. A "safety and stabilization guarantee" shall be available to the municipality solely for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition, only

in the circumstance that:

(i) site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure, and

(ii) work has not recommenced within 30 days following the provision of written notice by the municipality to the developer of the municipality's intent to claim payment under the guarantee. A municipality shall not provide notice of its intent to claim payment under a "safety and stabilization guarantee until a period of at least 60 days has elapsed during which all work on the development has ceased for reasons other than force majeure. A municipality shall provide written notice to a developer by certified mail or other form of delivery providing evidence of receipt.

The amount of a "safety and stabilization guarantee for a development with bonded improvements in an amount not exceeding \$100,000 shall be \$5,000.

The amount of a "safety and stabilization guarantee for a development with bonded improvements exceeding \$100,000 shall be calculated as a percentage of the bonded improvement costs of the development or phase of development as follows:

\$5,000 for the first \$100,000 of bonded improvement costs, plus

two and a half percent of bonded improvement costs in excess of \$100,000 up to \$1,000,000, plus

one percent of bonded improvement costs in excess of \$1,000,000.

A municipality shall release a separate "safety and stabilization guarantee" to a developer upon the developer's furnishing of a performance guarantee which includes a line item for safety and stabilization in the amount required under this paragraph.

A municipality shall release a "safety and stabilization guarantee" upon the Board Engineer's, as defined by this chapter, determination that the development of the project site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety.³

(2) (a) As required by this ordinance, the developer shall post with the municipality, prior to the release of a performance guarantee required pursuant to subparagraph (a), subparagraph (b), or both subparagraph (a) and subparagraph (b) of paragraph (1) of this subsection, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the improvements which are being released.

(b) If required, the developer shall post with the municipality, upon the inspection and issuance of final approval of the following private site improvements by the municipal engineer, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the following private site improvements: stormwater management basins, in-flow and water quality structures within the basins, and the out-flow pipes and structures of the stormwater management system, if any, which cost shall be determined according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4).

(c) The term of the maintenance guarantee shall be for a period not to exceed two years and shall automatically expire at the end of the established term.

(3) In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance

guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the municipality for such utilities or improvements.

b. The time allowed for installation of the bonded improvements for which the performance guarantee has been provided may be extended by the governing body by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the municipal engineer according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4) as of the time of the passage of the resolution.

c. If the required bonded improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the municipality for the reasonable cost of the improvements not completed or corrected and the municipality may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

d. (1) Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may request of the governing body in writing, by certified mail addressed in care of the municipal clerk, that the municipal engineer prepare, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section, a list of all uncompleted or unsatisfactory completed bonded improvements. If such a request is made, the obligor shall send a copy of the request to the municipal engineer. The request shall indicate which bonded improvements have been completed and which bonded improvements remain uncompleted in the judgment of the obligor. Thereupon the municipal engineer shall inspect all bonded improvements covered by obligor's request and shall file a detailed list and report, in writing, with the governing body, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.

(2) The list prepared by the municipal engineer shall state, in detail, with respect to each bonded improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed bonded improvement determined to be unsatisfactory. The report prepared by the municipal engineer shall identify each bonded improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory bonded improvement, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section.

e. (1) The governing body, by resolution, shall either approve the bonded improvements determined to be complete and satisfactory by the municipal engineer, or reject any or all of these bonded improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the municipal engineer. Upon adoption of the resolution by the governing

body, the obligor shall be released from all liability pursuant to its performance guarantee with respect to those approved bonded improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of the total performance guarantee and “safety and stabilization guarantee posted may be retained to ensure completion and acceptability of all improvements. The safety and stabilization guarantee shall be reduced by the same percentage as the performance guarantee is being reduced at the time of each performance guarantee reduction.

For the purpose of releasing the obligor from liability pursuant to its performance guarantee the amount of the performance guarantee attributable to each approved bonded improvement shall be reduced by the total amount for each such improvement, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section, including any contingency factor applied to the cost of installation. If the sum of the approved bonded improvements would exceed 70 percent of the total amount of the performance guarantee, then the municipality may retain 30 percent of the amount of the total performance guarantee and “safety and stabilization guarantee to ensure completion and acceptability of bonded improvements, as provided above, except that any amount of the performance guarantee attributable to bonded improvements for which a “temporary certificate of occupancy guarantee has been posted shall be released from the performance guarantee even if such release would reduce the amount held by the municipality below 30 percent.

(2) If the municipal engineer fails to send or provide the list and report as requested by the obligor pursuant to subsection d. of this section within 45 days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the municipal engineer to provide the list and report within a stated time and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

If the governing body fails to approve or reject the bonded improvements determined by the municipal engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the municipal engineer's list and report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section; and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

(3) In the event that the obligor has made a cash deposit with the municipality or approving authority as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee, provided that if the developer has furnished a “safety and stabilization guarantee, the municipality may retain cash equal to the amount of the remaining safety and stabilization guarantee.

f. If any portion of the required bonded improvements is rejected, the approving authority may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this section shall be followed.

g. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the governing body or the municipal engineer.

h. (1) The obligor shall reimburse the municipality for reasonable inspection fees paid to the municipal engineer for the foregoing inspection of improvements; which fees shall not exceed the sum of the amounts set forth in subparagraphs (a) and (b) of this paragraph. The municipality may require the developer to post the inspection fees in escrow in an amount:

(a) not to exceed, except for extraordinary circumstances, the greater of \$500 or 5% of the cost of bonded improvements that are subject to a performance guarantee under subparagraph (a), subparagraph (b), or both subparagraph (a) and subparagraph (b) of paragraph (1) of subsection a. of this section; and

(b) not to exceed 5% of the cost of private site improvements that are not subject to a performance guarantee under subparagraph (a) of paragraph (1) of subsection a. of this section, which cost shall be determined pursuant to section 15 of P.L.1991, c.256 (C.40:55D-53.4).

(2) For those developments for which the inspection fees total less than \$10,000, fees may, at the option of the developer, be paid in two installments. The initial amount deposited in escrow by a developer shall be 50% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the municipal engineer for inspections, the developer shall deposit the remaining 50% of the inspection fees.

(3) For those developments for which the inspection fees total \$10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited in escrow by a developer shall be 25% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees 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 inspection fees.

(4) If the municipality determines that the amount in escrow for the payment of inspection fees, as calculated pursuant to subparagraphs (a) and (b) of paragraph (1) of this subsection, is insufficient to cover the cost of additional required inspections, the municipality may require the developer to deposit additional funds in escrow provided that the municipality delivers to the developer a written inspection escrow deposit request, signed by the municipal engineer, which: informs the developer of the need for additional inspections, details the items or undertakings that require inspection, estimates the time required for those inspections, and estimates the cost of performing those inspections.

i. In the event that final approval is by stages or sections of development pursuant to subsection a. of section 29 of P.L.1975, c.291 (C.40:55D-38), the provisions of this section shall be applied by stage or section.

j. To the extent that any of the improvements have been dedicated to the municipality on the subdivision plat or site plan, the municipal governing body shall be deemed, upon the release of any performance guarantee required pursuant to subsection a. of this section, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivision plats approved by the approving authority, provided that such improvements have been inspected and have received final approval by the municipal engineer.

(cf: P.L.2013, c.123, s.3)

30-50.1 General.**Board Engineer**

As required by this Ordinance amending the City Code, the developer shall post with the municipality, prior to the release of a performance guarantee required pursuant to subparagraph (a), subparagraph (b), or both subparagraph (a) and subparagraph (b) of paragraph (1) of this subsection, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the improvements which are being released.

(b) As required, the developer shall post with the municipality, upon the inspection and issuance of final approval of the following private site improvements by the municipal engineer, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the following private site improvements: stormwater management basins, in-flow and water quality structures within the basins, and the out-flow pipes and structures of the stormwater management system, if any, which cost shall be determined according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4).

(c) The term of the maintenance guarantee shall be for a period not to exceed two years and shall automatically expire at the end of the established term.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2018-39 which was finally adopted by the City Council at a meeting held on the 10th day of October, 2018

CINDY A. DYE
CITY CLERK



**Asbury Park, New Jersey
ORDINANCE NO. 2018-XX**

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Commented [MC2]:

AN ORDINANCE AMENDING AND SUPPLEMENTING VARIOUS ARTICLES AND SECTIONS OF CODE OF THE CITY OF ASBURY PARK

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park (the “City”), in the County of Monmouth and State of New Jersey, that the following chapter and/or sections “of the “Code of the City of Asbury Park, New Jersey is hereby created or amended:

**CHAPTER II
“DEPARTMENT OF PLANNING AND REDEVELOPMENT”**

Section 2-17.2(a) Appointment

(a) *Appointment.* The Director of Planning and Redevelopment shall be appointed by the City Manager. The Director of Planning and Redevelopment shall also hold the title and/ or duties as found in Chapter III Land Development as: Administrative officer; Development Coordinator.

(d) The Director of Planning and Redevelopment shall also be known as the City Planner

Section 2-17.2(b) Qualifications

(3) The Director shall possess Certification from the American Institute of Certified Planners (AICP). ~~The Director shall possess AICP~~

2-17.3 Functions of the Department

(i)_. Such other related responsibilities as may be assigned by the City Manager ~~and/or the Mayor and Council~~, which are necessary for the conduct of City business.

(f) Receipt, completeness review, processing of all development or redevelopment applications and subsequently forwarding the applications to the applicable board secretaries, Federal, State ~~of~~ County ~~or municipal~~ office or other offices as required, for development within the City.

k. In the prolonged absence of the Director of Planning and Redevelopment, the respective Zoning Board and Planning Board Planner shall serve as the Administrative Officer and

Development Coordinator or designee of the City Manager. If that individual or firm is not available, then the respective Board Secretary shall serve as the Administrative Officer and Development Coordinator or designee of the City Manager.

CHAPTER III “LAND DEVELOPMENT”

30-7 CERTIFICATE OF RESOLUTION COMPLIANCE

30-7.1 Requirement; Zoning Officer to Issue.

No building or structure may be erected or altered nor may any building or structure or parcel of land become occupied, or the use therein changed until a Zoning Permit or Certificate of Resolution Compliance ~~Certificate of Compliance~~ is obtained from the Zoning Officer. (2000 Code § 30-7.1)

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30-7.2 Necessary for Construction Permit ~~or Mercantile License~~.

Application for a Zoning Permit or Certificate of Resolution Compliance ~~Certificate of Compliance~~ must be made at the time of application for a construction permit or a mercantile license. (2000 Code § 30-7.2)

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30-7.3 Necessary Prior to New Occupancy or New Use.

Should a construction permit or mercantile license not be required, ~~the Certificate of Compliance~~ Zoning Permit or Certificate of Resolution Compliance must be obtained prior to the new occupancy or new use of a building or property. (2000 Code § 30-7.3)

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30-7.4 Fee for Certificate of Resolution Compliance, Time of Payment; Compliance Required Before Issuance.

A fee of twenty (\$20.00) dollars will be charged for each Certificate of Resolution Compliance ~~Certificate of Compliance~~. Such fee will be payable at the time of application. The Certificate will be issued only after an inspection is made by the ~~Zoning Officer~~ Director of Planning and Redevelopment or their designee to confirm compliance with this chapter. (2000 Code § 30-7.4) This Certificate shall not be provided until all known outstanding municipal or Board invoices related to the project are paid.

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30-15 Definitions

Administrative Officer shall mean the Director of Planning and Redevelopment as defined in Chapter 2. ~~City Planner/Zoning Inspector for the Planning Board, and the City Planner/Zoning Inspector or Zoning Officer for the Zoning Board of Adjustment.~~

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Board Engineer – shall be the engineer dually appointed and of record by the respective Board.

Sexually Oriented Business – As defined by N.J.S. 2C-34-7 et. seq. and the requirements established therewithin.

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30-23 PROVISIONS APPLICABLE TO BOTH THE PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT.

30-23.8 Meeting Attendance of Applicants

If an application is scheduled to be heard, the applicant shall notify the Board Secretary a minimum of two (2) business days before the scheduled hearing date if said applicant desires to postpone the hearing in writing. In addition, ~~the applicant, at the discretion of the Chair, is required to have a representative appear before the Board to state, for the official record, why the postponement is requested. The Board may, at its discretion, grant the postponement or deny the application without prejudice. The Board may, at its discretion, require re-notification of the application if a postponement is granted.~~

30-29.2 Notice Requirements for Hearings.

a. Public Notice. Public notice of a hearing shall be given in the following cases:

4. At any other time the Board shall require notice as part of an application, hearing or other act the Board deems fit for the application to re-notice in the interest of the public.

30-39.1 Development Coordinator.

The Development Coordinator shall be the City ~~Planner~~ Planner unless another person is appointed by the Governing Body. The Development Coordinator shall officially receive all Applications for Development, determine if they are complete, and, if not, notify the applicant of deficiencies. The Development Coordinator, in consultation with the Zoning Officer, shall determine which local Board, official or agency has jurisdiction over the application and the Development Coordinator shall forward copies to Federal, State and local agencies required or requested to review the application. (2000 Code § 30-39.1)

30-39.4 ~~City~~ The Planning and Zoning Board Engineer(s) (Board Engineer).

The ~~City Engineer~~Board Engineer, as defined in this Chapter, shall be responsible for the following provisions of this chapter:

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- a. Review all engineering plans accompanying Applications for Development referred by the Boards, Development Review Committee or Development Coordinator.
- b. Inspection, when requested by either Board, of improvements constructed or installed as part of any Application for Development other than those which are the responsibility of the Construction Official.
- c. Certification, when necessary, before acceptance, that all such improvements meet applicable City Codes and ordinances.

30-45.3 Certificate of ~~Zoning~~ Resolution Compliance.

- a. When application is made for a ~~Zoning Permit~~ Resolution Compliance that requires the issuance of permits under the Uniform Construction Code (N.J.A.C. 5:23 et seq.) for the construction of a new building or an addition to the ground level footprint of an existing building, an application for a ~~Certificate of Zoning Compliance~~ Resolution Compliance shall also be made upon payment of a fee of twenty (\$20.00) dollars, which shall cover the cost of a final inspection by the Zoning Officer. The Zoning Officer shall inspect for the satisfactory completion of landscaping, driveway pavement, sidewalk and curb repair/replacement and street tree plantings, as well as for compliance with the ~~Zoning Permit Resolution of the Planning or Zoning Board~~. A copy of the approved Compliance ~~Certificate of Zoning Compliance Resolution Compliance~~ shall be transmitted to the Construction Official by the Director of Planning and Redevelopment or their designee.
- b. No land or new construction shall be occupied or used in whole or in part for any purpose whatsoever until a ~~Certificate of Zoning Compliance~~ Resolution Compliance and/or Zoning Permit shall have been issued by the Zoning Enforcement Officer stating that the use of the land or building complies with the provisions of this chapter.
- c. No Certificate of Resolution Compliance for any land or structure shall be granted until all required improvements or conditions of approval have been met, installed or completed. A temporary Certificate of Resolution Compliance may be issued but only for a specific period, upon such conditions as the Development Coordinator may impose, such as bonding, to ensure the completion or installation of any such improvements unfinished because of weather or unforeseen delay. The installation of any required public or private improvements may also be delayed if the ~~City Engineer~~Board Engineer warrants in writing to the Development Coordinator that the delay is in the best interest of the City.

30-47.1 General.

a. If the Development Coordinator determines that the application requires action by the Board of Adjustment, it shall be forwarded to the Board of Adjustment Secretary and the applicant shall be responsible for providing notice as set forth in subsection 30-29.2. The ~~Board of Adjustment~~ Development Coordinator shall refer the application to those agencies required to review the application and any other agency which ~~it feels~~ may assist them in its deliberations. ~~If the application entails site plan approval, the Board of Adjustment may refer the site plan to the Planning Board for its review and nonbinding recommendation which shall be returned to the Board of Adjustment within thirty (30) days of referral.~~

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30-49 PERFORMANCE AND MAINTENANCE GUARANTEES.

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30-49.1 General.

As per P.L. 2017 Chapter 312, Senate, Number 3233 which amends Section 41 of p.L. 1975, c. 291 (C. 40:55D-53) the City hereby adopts the following regulations.

Guarantees required; surety; release. a. Before filing of final subdivision plats or recording of minor subdivision deeds or as a condition of final site plan approval or as a condition to the issuance of a zoning permit pursuant to subsection d. of section 52 of P.L.1975, c.291 (C.40:55D-65), the municipality may require and shall accept in accordance with the standards adopted by ordinance and regulations adopted pursuant to section 1 of P.L.1999, c.68 (C.40:55D-53a) for the purpose of assuring the installation and maintenance of certain on-tract improvements, the furnishing of a performance guarantee, and provision for a maintenance guarantee in accordance with paragraphs (1) and (2) of this subsection. If a municipality has adopted an ordinance requiring a successor developer to furnish a replacement performance guarantee, as a condition to the approval of a permit update under the State Uniform Construction Code, for the purpose of updating the name and address of the owner of property on a construction permit, the governing body may require and shall accept in accordance with the standards adopted by ordinance and regulations adopted pursuant to section 1 of P.L.1999, c.68 (C.40:55D-53a) for the purpose of assuring the installation and maintenance of certain on-tract improvements, the furnishing of a performance guarantee, and provision for a maintenance guarantee, in accordance with paragraphs (1) and (2) of this subsection.

(1) (a) As required this Ordinance , the developer shall furnish a performance guarantee in favor of the municipality in an amount not to exceed 120% of the cost of installation of only those improvements required by an approval or developer's agreement, ordinance, or regulation to be dedicated to a public entity, and that have not yet been installed, which cost shall be determined by the ~~municipality~~ Board Engineer, as defined by this chapter, according to the

method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4), for the following improvements as shown on the approved plans or plat: streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyor's monuments, as shown on the final map and required by "the map filing law," P.L.1960, c.141 (C.46:23-9.9 et seq.; repealed by section 2 of P.L.2011, c.217) or N.J.S.46:26B-1 through N.J.S.46:26B-8, water mains, sanitary sewers, community septic systems, drainage structures, public improvements of open space, and any grading necessitated by the preceding improvements.

The ~~municipality~~Board Engineer, as defined by this chapter, shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor.

(b) A municipality may also require a performance guarantee to include, within an approved phase or section of a development privately-owned perimeter buffer landscaping, as required by local ordinance or imposed as a condition of approval.

At the developer's option, a separate performance guarantee may be posted for the privately-owned perimeter buffer landscaping.

(c) In the event that the developer shall seek a temporary certificate of occupancy for a development, unit, lot, building, or phase of development, as a condition of the issuance thereof, the developer shall, if required by an ordinance adopted by the municipality, furnish a separate guarantee, referred to herein as a "temporary certificate of occupancy guarantee," in favor of the municipality in an amount equal to 120% of the cost of installation of only those improvements or items which remain to be completed or installed under the terms of the temporary certificate of occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent certificate of occupancy for the development, unit, lot, building or phase of development and which are not covered by an existing performance guarantee. Upon posting of a "temporary certificate of occupancy guarantee," all sums remaining under a performance guarantee, required pursuant to subparagraph (a) of this paragraph, which relate to the development, unit, lot, building, or phase of development for which the temporary certificate of occupancy is sought, shall be released. The scope and amount of the "temporary certificate of occupancy guarantee" shall be determined by the zoning officer, ~~city~~municipal engineer, as defined by this Chapter, or other municipal official designated by ordinance. At no time may a municipality hold more than one guarantee or bond of any type with respect to the same line item. The temporary certificate of occupancy guarantee shall be released by the zoning officer, ~~municipal city~~Board Engineer, as defined by this Chapter, or other municipal official designated by ordinance upon the issuance of a permanent certificate of occupancy with regard to the development, unit, lot, building, or phase as to which the temporary certificate of occupancy relates.

(d) A developer shall, furnish to the municipality a "safety and stabilization guarantee," in favor of the municipality. At the developer's option, a "safety and stabilization guarantee" may be furnished either as a separate guarantee or as a line item of the performance guarantee. A "safety and stabilization guarantee" shall be available to the municipality solely for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise

implementing measures to protect the public from access to an unsafe or unstable condition, only in the circumstance that:

(i) site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure, and

(ii) work has not recommenced within 30 days following the provision of written notice by the municipality to the developer of the municipality's intent to claim payment under the guarantee. A municipality shall not provide notice of its intent to claim payment under a "safety and stabilization guarantee until a period of at least 60 days has elapsed during which all work on the development has ceased for reasons other than force majeure. A municipality shall provide written notice to a developer by certified mail or other form of delivery providing evidence of receipt.

The amount of a "safety and stabilization guarantee for a development with bonded improvements in an amount not exceeding \$100,000 shall be \$5,000.

The amount of a "safety and stabilization guarantee for a development with bonded improvements exceeding \$100,000 shall be calculated as a percentage of the bonded improvement costs of the development or phase of development as follows:

\$5,000 for the first \$100,000 of bonded improvement costs, plus

two and a half percent of bonded improvement costs in excess of \$100,000 up to \$1,000,000, plus

one percent of bonded improvement costs in excess of \$1,000,000.

A municipality shall release a separate "safety and stabilization guarantee" to a developer upon the developer's furnishing of a performance guarantee which includes a line item for safety and stabilization in the amount required under this paragraph.

A municipality shall release a "safety and stabilization guarantee" upon the ~~municipal city~~ Board Engineer's, as defined by this chapter, determination that the development of the project site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety.³

(2) (a) As required by this ordinance, the developer shall post with the municipality, prior to the release of a performance guarantee required pursuant to subparagraph (a), subparagraph (b), or both subparagraph (a) and subparagraph (b) of paragraph (1) of this subsection, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the improvements which are being released.

(b) If required, the developer shall post with the municipality, upon the inspection and issuance of final approval of the following private site improvements by the municipal engineer,

a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the following private site improvements: stormwater management basins, in-flow and water quality structures within the basins, and the out-flow pipes and structures of the stormwater management system, if any, which cost shall be determined according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4).

(c) The term of the maintenance guarantee shall be for a period not to exceed two years and shall automatically expire at the end of the established term.

(3) In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the municipality for such utilities or improvements.

b. The time allowed for installation of the bonded improvements for which the performance guarantee has been provided may be extended by the governing body by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the municipal engineer according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4) as of the time of the passage of the resolution.

c. If the required bonded improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the municipality for the reasonable cost of the improvements not completed or corrected and the municipality may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

d. (1) Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may request of the governing body in writing, by certified mail addressed in care of the municipal clerk, that the municipal engineer prepare, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section, a list of all uncompleted or unsatisfactory completed bonded improvements. If such a request is made, the obligor shall send a copy of the request to the municipal engineer. The request shall indicate which bonded improvements have been completed and which bonded improvements remain uncompleted in the judgment of the obligor. Thereupon the municipal engineer shall inspect all bonded improvements covered by obligor's request and shall file a detailed list and report, in writing, with the governing body, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.

(2) The list prepared by the municipal engineer shall state, in detail, with respect to each bonded improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the

unsatisfactory state of each completed bonded improvement determined to be unsatisfactory. The report prepared by the municipal engineer shall identify each bonded improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory bonded improvement, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section.

e. (1) The governing body, by resolution, shall either approve the bonded improvements determined to be complete and satisfactory by the municipal engineer, or reject any or all of these bonded improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the municipal engineer. Upon adoption of the resolution by the governing body, the obligor shall be released from all liability pursuant to its performance guarantee with respect to those approved bonded improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of the total performance guarantee and "safety and stabilization guarantee posted may be retained to ensure completion and acceptability of all improvements. The safety and stabilization guarantee shall be reduced by the same percentage as the performance guarantee is being reduced at the time of each performance guarantee reduction.

For the purpose of releasing the obligor from liability pursuant to its performance guarantee the amount of the performance guarantee attributable to each approved bonded improvement shall be reduced by the total amount for each such improvement, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section, including any contingency factor applied to the cost of installation. If the sum of the approved bonded improvements would exceed 70 percent of the total amount of the performance guarantee, then the municipality may retain 30 percent of the amount of the total performance guarantee and "safety and stabilization guarantee to ensure completion and acceptability of bonded improvements, as provided above, except that any amount of the performance guarantee attributable to bonded improvements for which a "temporary certificate of occupancy guarantee has been posted shall be released from the performance guarantee even if such release would reduce the amount held by the municipality below 30 percent.

(2) If the municipal engineer fails to send or provide the list and report as requested by the obligor pursuant to subsection d. of this section within 45 days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the municipal engineer to provide the list and report within a stated time and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

If the governing body fails to approve or reject the bonded improvements determined by the municipal engineer to be complete and satisfactory or reduce the performance guarantee for the

complete and satisfactory improvements within 45 days from the receipt of the municipal engineer's list and report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section; and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

(3) In the event that the obligor has made a cash deposit with the municipality or approving authority as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee, provided that if the developer has furnished a "safety and stabilization guarantee, the municipality may retain cash equal to the amount of the remaining safety and stabilization guarantee.

f. If any portion of the required bonded improvements is rejected, the approving authority may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this section shall be followed.

g. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the governing body or the municipal engineer.

h. (1) The obligor shall reimburse the municipality for reasonable inspection fees paid to the municipal engineer for the foregoing inspection of improvements; which fees shall not exceed the sum of the amounts set forth in subparagraphs (a) and (b) of this paragraph. The municipality may require the developer to post the inspection fees in escrow in an amount:

(a) not to exceed, except for extraordinary circumstances, the greater of \$500 or 5% of the cost of bonded improvements that are subject to a performance guarantee under subparagraph (a), subparagraph (b), or both subparagraph (a) and subparagraph (b) of paragraph (1) of subsection a. of this section; and

(b) not to exceed 5% of the cost of private site improvements that are not subject to a performance guarantee under subparagraph (a) of paragraph (1) of subsection a. of this section, which cost shall be determined pursuant to section 15 of P.L.1991, c.256 (C.40:55D-53.4).

(2) For those developments for which the inspection fees total less than \$10,000, fees may, at the option of the developer, be paid in two installments. The initial amount deposited in escrow by a developer shall be 50% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the municipal engineer for inspections, the developer shall deposit the remaining 50% of the inspection fees.

(3) For those developments for which the inspection fees total \$10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited in escrow by a developer shall be 25% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees 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 inspection fees.

(4) If the municipality determines that the amount in escrow for the payment of inspection fees, as calculated pursuant to subparagraphs (a) and (b) of paragraph (1) of this subsection, is insufficient to cover the cost of additional required inspections, the municipality may require the developer to deposit additional funds in escrow provided that the municipality delivers to the developer a written inspection escrow deposit request, signed by the municipal engineer, which: informs the developer of the need for additional inspections, details the items or undertakings that require inspection, estimates the time required for those inspections, and estimates the cost of performing those inspections.

i. In the event that final approval is by stages or sections of development pursuant to subsection a. of section 29 of P.L.1975, c.291 (C.40:55D-38), the provisions of this section shall be applied by stage or section.

j. To the extent that any of the improvements have been dedicated to the municipality on the subdivision plat or site plan, the municipal governing body shall be deemed, upon the release of any performance guarantee required pursuant to subsection a. of this section, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivision plats approved by the approving authority, provided that such improvements have been inspected and have received final approval by the municipal engineer.

(cf: P.L.2013, c.123, s.3)

30-50.1 General.

All improvements required by the Planning Board shall, before being accepted by the City Council, be covered by a maintenance bond running in favor of the City of Asbury Park in

~~the amount of fifteen (15%) percent of the estimated cost of the improvements as estimated by the City EngineerBoard Engineer. The maintenance bond shall run for a period of two (2) years and shall provide for the proper repair and/or replacement of any such improvements during the period. The two (2) year period shall be from the date of the acceptance of the improvements by the City, and no performance guarantee shall be released by the City until such time as the maintenance bond herein required has been posted with the City. (2000 Code § 30-50.1)~~

As required by this Ordinance amending the City Code, the developer shall post with the municipality, prior to the release of a performance guarantee required pursuant to subparagraph (a), subparagraph (b), or both subparagraph (a) and subparagraph (b) of paragraph (1) of this subsection, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the improvements which are being released.

(b) As required, the developer shall post with the municipality, upon the inspection and issuance of final approval of the following private site improvements by the municipal engineer, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the following private site improvements: stormwater management basins, in-flow and water quality structures within the basins, and the out-flow pipes and structures of the stormwater management system, if any, which cost shall be determined according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4).

(c) The term of the maintenance guarantee shall be for a period not to exceed two years and shall automatically expire at the end of the established term.



**Asbury Park, New Jersey
ORDINANCE NO. 2018-40**

**AN ORDINANCE AMENDING THE PROPERTY MAINTENANCE CODE OF THE
CITY OF ASBURY PARK**

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park (the "City"), in the County of Monmouth and State of New Jersey, that Chapter XIII "PROPERTY IMPROVEMENT AND NEIGHBORHOOD PRESERVATION" is hereby amended within the "Code of the City of Asbury Park, New Jersey" in order to revise Chapter XIII in its entirety, as follows:

13-100 PROPERTY MAINTENANCE CODE

SECTION 101 - SCOPE AND INTENT

101.1 Title and General.

These regulations shall be known as the 2015 International Property Maintenance Code (as amended herein) of the City of Asbury Park (the City), hereinafter referred to as "this Code."

This Chapter shall be read and documented as: Chapter - Section. For example, this section shall be documented as follows: 13-101.1.

101.2 Scope.

The provisions of this Code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 Intent.

This Code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.4 Severability.

If a section, subsection, sentence, clause or phrase of this Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.

SECTION 102 - APPLICABILITY**102.1 General.**

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this Code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this Code specify different requirements, the most restrictive shall govern.

102.2 Maintenance.

Equipment, systems, devices and safeguards required by this code or a previous regulation or Code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, owner's authorized agent, operator or occupant shall cause any service, facility, equipment or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this Code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's authorized agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 Application of other codes.

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code and NFPA 70 or adopted State and local codes. Nothing in this code shall be construed to cancel, modify or set aside any provision of the International Zoning Code.

102.4 Existing remedies.

The provisions in this Code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure that is dangerous, unsafe and unsanitary.

102.5 Workmanship.

Repairs, maintenance work, alterations or installations that are caused directly or indirectly by

the enforcement of this Code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's instructions.

102.6 Historic buildings.

The provisions of this Code shall not be mandatory for existing buildings or structures designated as historic buildings, where such buildings or structures are judged by the Code Official to be safe and in the public interest of health, safety and welfare.

102.7 Referenced codes and standards.

The codes and standards referenced in this Code shall be those that are listed in Section 9 and considered part of the requirements of this Code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

102.7.1 Conflicts.

Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.7.2 Provisions in referenced codes and standards.

Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

102.8 Requirements not covered by code.

Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

102.9 Application of references.

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.10 Severability clause

If any provision of this Code, or any application of any provision, is held invalid, the invalidity shall not affect other applications of the provision, or other provisions of this Code, which reasonably can be given effect despite the invalidity.

102.11 Other laws.

The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

SECTION 103 -- ADMINISTRATION AND ENFORCEMENT**103.1 General.**

The Department of Property Improvement and Neighborhood Preservation and Code Enforcement is hereby created and the executive official in charge thereof shall be known as the code official.

103.2 Appointment.

The code official shall be appointed by the chief appointing authority of the jurisdiction.

103.3 Deputies.

May be appointed in accordance with the prescribed procedures of this jurisdiction.

103.4 Liability.

The code official, member of the board of appeals or employee charged with the enforcement of this Code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this Code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

103.4.1 Legal defense.

Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

103.5 Fees.

The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as authorized as per City Ordinance.

103.6 Inspections.

A. Property Maintenance Code. The City of Asbury Park shall have the right to conduct inspections on all structures that come within this article. All inspections conducted pursuant to this article shall be performed in accordance with the procedures set forth in the 2015 International Property Maintenance Code of the City of Asbury Park, with the exception that any inspections conducted pursuant to the Uniform Fire Code shall be performed in accordance with the provisions set forth in the Uniform Fire Code and any inspection under the Hotel and Multiple Dwelling Law shall be performed in accordance with the N.J. Hotel and Multiple Dwelling Law.

B. Certificate of Rental Compliance. No person, agency, corporation, partnership, firm, company, owner, real estate agent, broker or any other individual shall hereafter rent, lease or sublet to another or allow any person or persons to live in or occupy as a tenant or otherwise or suffer or permit any change in occupancy or use of any building, dwelling or dwelling unit or part thereof, as the owner of said premises or on behalf of the owner of said premises, without first obtaining from the Department of Neighborhood Preservation and Code Enforcement, a Certificate of Rental Compliance stating that at the time of the proposed rental lease or subletting, the premises complied with all applicable ordinances of the City of Asbury Park. The specific requirements for inspections for Rental Compliance are set forth in detail in Section 104 et seq. of this Code.

C. Certificate of Resale Compliance for all Real Property at Time of Sale and Transfer of Title. No person, agency, corporation, partnership, firm, company, owner, real estate agent, broker or any other individual shall hereafter sell or transfer title to real property to another, or otherwise permit any change in occupancy or use of any building, dwelling or dwelling unit or part thereof in conjunction with the transfer of title to said premises, as the owner of said premises or on behalf of the owner of said premises, without first obtaining from the Department of Neighborhood Preservation and Code Enforcement, a Certificate of Resale Compliance stating that at the time of the proposed sale or transfer of title, the premises complied with all applicable ordinances of the City of Asbury Park. The buyer and seller of the property are equally responsible for the Certificate of Resale Compliance process.

D. In the event the owner or lessor of a premises fails to correct a nuisance, defect or other violation, following proper notice of same, the City of Asbury Park may take all necessary and appropriate actions to abate said nuisance, correct said defect or violation or put said premises in proper condition in accordance with state laws and local ordinances at the cost of the owner or lessor. Pursuant to N.J.S.A. 40:48-2.12(f), the cost expended by the municipality for such purpose shall be charged to the owner or lessor and shall become a lien against said premises as provided by law. The City does not have the ability to enforce terms and conditions of lease agreements; all violations and summons shall be written to the owner or owner's property manager.

103.7 Procedures.

A. Property Maintenance Code. All inspections conducted pursuant to this article shall be performed in accordance with the procedures set forth in the 2015 International Property Maintenance Code of the City of Asbury Park, with the exception that any inspections conducted

pursuant to the Uniform Fire Safety Act shall be performed in accordance to said Act and any inspections pursuant to the N.J. Hotel and Multiple Dwelling Law shall be conducted in accordance and procedures set forth therein.

B. Certificate of Rental Compliance. The Department of Neighborhood Preservation and Code Enforcement shall make available appropriate application forms for Certificate of Rental Compliance in its' office, and/or by any other means available. These forms shall be obtained and completed by the owner, agent, or broker of each such rental property and individual rental unit therein. All required inspections shall be completed as evidenced by the issuance of a Certificate of Rental Compliance before the continued occupancy of the rental property or individual unit in a rental property occurs, and in accordance with the requirements of Section 104 of this Code, below. The landlord shall make application for an inspection under this section at least ten (10) business days prior to the intended new tenancy/occupancy, or the expiration of the current Certificate of Rental Compliance, whichever is sooner, and the certificate of rental compliance shall be issued before a new tenancy or change in occupancy is permitted. The Department of Neighborhood Preservation and Code Enforcement shall make an inspection and issue a certificate of compliance, if the dwelling unit complies with the 2015 International Property Maintenance Code of the City of Asbury Park.

C. Certificate of Resale Compliance for all Real Property at Time of Sale and Transfer of Title. The Department of Neighborhood Preservation and Code Enforcement shall make available appropriate application forms for a Certificate of Resale Compliance in its' office, and/or by any other means available. It is the responsibility of the seller, the seller's real estate agent or broker, to apply to the Department of Neighborhood Preservation and Code Enforcement, not more than thirty (30) days, nor less than (10) days prior to the expected date of sale, for inspection by the Code Official or housing inspector. If such inspection indicates that the building is in compliance with the provisions of the 2015 International Property Maintenance Code of the City of Asbury Park, a Certificate of Resale Compliance is issued to the applicant. If the building is not in compliance, a list of existing deficiencies and violations is provided to the seller who shall correct them prior to closing of title in the sale.

- 1) The buyer of a property for which a Certificate of Resale Compliance is required may elect to make the corrections necessary to obtain the Certificate of Resale Compliance required hereunder. In that event, upon delivery to the code official of a written Letter of Intent, signed by the buyer(s), with their signatures being notarized, indicating their agreement for making all such necessary repairs to bring the property into compliance within a time acceptable to the city, then a Conditional Certificate of Resale Compliance may be issued. In no event is the time period permitted for the buyer(s) to make repairs after sale to be greater than six months.

D. The Certificate of Resale Compliance, as set forth above, shall be valid for a period of thirty (30) days from the date of issue. At the end of the thirty (30) days, the Certificate of Resale Compliance shall expire, and a new application and inspection must be submitted and obtained prior to closing of title on the sale of the property may occur.

E. Violations of any requirement of this chapter must be corrected by the owner of the unit/property before the issuance of a Certificate of Rental or Resale Compliance. The responsibility for correction of a violation, except in the case of a rental, may be assumed by the buyer, with the written notification and approval of the seller, buyer and Department of Neighborhood Preservation and Code Enforcement.

F. Failure by seller to apply for and/or obtain a Certificate of Resale Compliance prior to transfer of title, or failure of a buyer to complete agreed-upon repairs within the time deemed acceptable by the City, constitutes a violation of this chapter. Both the seller and buyer shall be in violation of this Code, in the event a closing of title on the sale of property occurs without first obtaining a Certificate of Resale Compliance, in accordance with the procedures in this Code.

G. In no event shall the issuance of a Certificate of Rental or Resale Compliance pursuant to this Code be considered the same as, or a substitute for, a Certificate of Occupancy under the New Jersey Uniform Construction Code, N.J.A.C. 52:27D-119 et seq., as required in Chapter XII of this Code.

SECTION 104 -- RENTAL REGULATIONS AND REGISTRATION OF RENTAL PROPERTIES AND LANDLORDS. RESERVED

SECTION 105 - DUTIES AND POWERS OF THE CODE OFFICIAL

105.1 General.

The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

105.2 Inspections.

The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

105.3 Right of entry.

In accordance with State and case law, where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official, or a code officer in this Department, is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or

premises is occupied the code official or officer shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, owner's authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

105.4 Identification.

The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

105.5 Notices and orders.

The code official shall issue all necessary notices or orders to ensure compliance with this code.

105.6 Department records.

The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 106 - APPROVAL

106.1 Modifications.

Existing State of New Jersey law, code, regulations and rules shall govern required repairs. In most circumstances, the repairs will be completed under the auspices of the applicable Construction or subcode official (for example: Fire or electrical subcode official and the regulations that govern them). The Construction or subcode official will have jurisdiction over the permitting and repair process. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner's authorized agent, provided the code official shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

106.2 Alternative materials, methods and equipment.

Existing State of New Jersey law, code, regulations and rules shall govern required repairs. In most circumstances, the repairs will be completed under the auspices of the applicable Construction or subcode official (for example: Fire or electrical subcode official and the regulations that govern them). The Construction or subcode official will have jurisdiction over the permitting and repair process. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the Construction official finds that the proposed

design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons the alternative was not approved.

106.3 Required testing.

Whenever there is insufficient evidence of compliance with the provisions of this code or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the Construction official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

106.3.1 Test methods.

Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the Construction official shall be permitted to approve appropriate testing procedures performed by an approved agency.

106.3.2 Test reports.

Reports of tests shall be retained by the code official for the period required for retention of public records.

106.4 Used material and equipment.

The use of used materials that meet the requirements of this Code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested where necessary, placed in good and proper working condition and approved by the Construction official.

106.5 Approved materials and equipment.

Materials, equipment and devices approved by the Construction official shall be constructed and installed in accordance with such approval.

106.6 Research reports.

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

SECTION 107 -- VIOLATIONS

107.1 Unlawful acts.

It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Code.

107.2 Notice of violation.

The code official shall serve a notice of violation or order in accordance with Section 108.

107.3 Prosecution of violation.

Any person failing to comply with a notice of violation or order served in accordance with Section 108 of this Code shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

107.4 Violation penalties.

Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a new and separate offense.

107.5 Abatement of violation.

The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

SECTION 108 -- NOTICES AND ORDERS

108.1 Notice to person responsible.

Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 108.2 and 108.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

108.2 Form.

Such notice prescribed in Section 108.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.
5. Inform the property owner or owner's authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 107.3.

108.3 Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified and first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

108.4 Unauthorized tampering.

Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.

108.5 Penalties.

Penalties for noncompliance with Orders and Notices shall be as set forth in Section 107.3

108.6 Transfer of ownership.

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. The Department of Neighborhood Preservation and

Code Enforcement shall create, maintain and update forms to comply with this section from time-to-time.

108. 7 Notice Requirements.

a. *Five Day Notice Period.* A minimum five (5) day notice period prior to the issuance of the Summons for the following violation:

1. Transfer of Title Without Disclosure to purchaser of existing Violations.

b. *Forty-Eight Hour Notice Period.* A minimum forty-eight (48) hour notice period prior to the issuance of a Summons for the following violations:

1. Failure to remove weeds or plant growth deemed as a nuisance, in the discretion of the Code Official or officer

2. Any other items or violations in the discretion of the Code official or officer, deemed compliant with this section.

c. *No Notice Required.* No notices of violation shall be required prior to the issuance of a Summons for the following violations:

1. failure to provide Required Utilities (Water)
2. failure to provide Required Utilities (Electric and Heat)
3. failure to obtain a Certificate of Occupancy before Occupancy or Transfer of Title prior to closing of title
4. Trash at curb on days when pickup is not scheduled and not in compliance with the Solid Waste chapter of the City Code
5. Failure to provide proper snow removal.
6. Prohibited occupancy of a placarded structure;
7. Sanitation (exterior property and premises to be maintained clean and sanitary);
8. Grass, Weeds and plant growth in excess of 10 inches unless previous direction or communication has been provided;
9. accumulations of garbage or rubbish;
10. failure to provide clean, sanitary disposal of rubbish in a container;
11. failure to provide clean, sanitary disposal of garbage in a container;
12. overcrowding;
13. occupying non-habitable spaces for sleeping purposes;
14. failure to maintain a safe, unobstructed means of egress;
15. accumulations of trash, rubbish or other materials blocking egress;
16. tampering with a smoke or carbon monoxide detector;
17. failure to provide operable smoke and carbon monoxide systems at all times;
18. Any other items or violations deemed compliant with this section, which, in the discretion of the Code official or officer, affect the health or safety concerns of the citizens.

SECTION 109 -- UNSAFE STRUCTURES AND EQUIPMENT

109.1 General.

When a structure or equipment is found by the Code Official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this Code.

109.1.1 Unsafe structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

109.1.2 Unsafe equipment.

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

109.1.3 Structure unfit for human occupancy.

A structure is unfit for human occupancy whenever the Code Official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, roach, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

109.1.4 Unlawful structure.

An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this Code, or was erected, altered or occupied contrary to law.

109.1.5 Dangerous structure or premises.

For the purpose of this Code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.

2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

109.2 Closing of vacant structures.

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner or owner's authorized agent to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

109.2.1 Authority to disconnect service utilities.

The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner or owner's authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner, owner's authorized agent or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

109.3 Notice.

Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, owner's authorized agent or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

109.4 Placarding.

Upon failure of the owner, owner's authorized agent or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

109.4.1 Placard removal.

The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

109.5 Prohibited occupancy.

Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any or person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

109.6 Abatement methods.

The owner, owner's authorized agent, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

109.7 Record.

The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

SECTION 110 -- EMERGENCY MEASURES**110.1 Imminent danger.**

When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

110.2 Temporary safeguards.

Notwithstanding other provisions of this Code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

110.3 Closing streets.

When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places

adjacent to unsafe structures, and prohibit the same from being utilized. The Code Official shall immediately contact the Chief of Police (or highest ranking officer), Fire Chief and the City Manager.

110.4 Emergency repairs.

For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible. This work shall be then liened against the property as to ensure complete reimbursement.

110.5 Costs of emergency repairs.

Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises or owner's authorized agent where the unsafe structure is or was located for the recovery of such costs.

110.6 Hearing.

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 111 - DEMOLITION

111.1 General.

The code official shall order the owner or owner's authorized agent of any premises upon which is located any structure, which in the code official's or owner's authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond six months, unless approved by the Construction official.

111.2 Notices and orders.

Notices and orders shall comply with Section 108.

111.3 Failure to comply.

If the owner of a premises or owner's authorized agent fails to comply with a demolition order

within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

111.4 Salvage materials.

When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state. All sales of materials shall be in accordance with the Local Public Contracts Law or Court Order.

SECTION 112 -- MEANS OF APPEAL

112.1 Application for appeal.

Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the court of competent jurisdiction.

SECTION 113 -- STOP WORK ORDER

113.1 Authority.

Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.

113.2 Issuance.

A stop work order shall be in writing and shall be given to the owner of the property, to the owner's authorized agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

113.3 Emergencies.

Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

113.4 Failure to comply.

Any person who shall continue any work after having been served with a stop work order, except

such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less or more than established by Ordinance.

SECTION 200 - DEFINITIONS

SECTION 201 - GENERAL

201.1 Scope.

Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability.

Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes.

Where terms are not defined in this code and are defined in the code of the State of New Jersey, the New Jersey Uniform Construction Code, the International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Residential Code, International Zoning Code, NFPA 70, or local definition, such terms shall have the meanings ascribed to them as stated in those codes.

201.4 Terms not defined.

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts.

Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

SECTION 202 - GENERAL DEFINITIONS

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. Acceptable to the code official.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a

dwelling or sleeping unit.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative; such as inspectors. Commonly referred to as:

Director of the Department of Neighborhood Preservation

CONDEMN. To adjudge unfit for occupancy.

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS. The costs shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a code official, the governing body or board of appeals.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HISTORIC BUILDING

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register or state or locally designated historic district.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or

death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY or LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

MANUFACTURER RECOMMENDATION. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying how they are to be properly installed, maintained, etc.

NEGLECT. The lack of proper maintenance for a building or structure.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

REPAIRS; EMERGENT - COMPLETING OF. Any repairs authorized by a third party and in accordance with the Local Public Contracts Law, by the code official or other authorized City representative who shall have the power to lien a property;

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

CHAPTER 13 - SECTION 300

GENERAL REQUIREMENTS

CHAPTER 13 - SECTION 301-- GENERAL

301.1 Scope.

The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility.

The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter.

Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

301.3 Vacant structures and land.

Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

301.4 Manufacturer Recommendation

All equipment, materials or products to which have been affixed a label, seal, symbol or other identifying how they are to be properly installed, maintained, etc.

301.5 More Stringent Regulation(s) to Apply - Code Enforcement

All other ordinances or parts of ordinances, or rules, regulations, etc., in conflict herewith with regards to Code Enforcement activities are hereby repealed to the extent of such consistency, except where such other ordinances or parts of ordinances provide for a higher or more stringent standard, in which event, that higher or more stringent standard shall apply.

301.5 More Stringent Regulation(s) to Apply - Other Code

All other ordinances or parts of ordinances, or rules, regulations, etc., in conflict herewith with regards to other Federal, State, County or local are hereby repealed to the extent of such consistency, except where such other ordinances or parts of ordinances provide for a higher or more stringent standard, in which event, that higher or more stringent standard shall apply. Nothing shall permit the code official to write a corrective action notice or citation based upon these codes

301.5 Willful Damage

Willful Damage. Every occupant shall be liable for willfully or maliciously causing damage to any part of the premises that results in a violation of this code. Any adult occupant shall be responsible and liable for any violation of this code caused by minors under their care or custody occupying the same unit of dwelling space, if the violations were permitted to continue with the knowledge or acquiescence or consent of the adult member.

SECTION 302 -- EXTERIOR PROPERTY AREAS

As used in this section:

Trash or debris shall mean and include the following:

Automobile left standing in an unlicensed and unusable state or condition, or parts thereof left outside of an enclosed garage, scraps of metal, wood, pieces of stone, cement, cans, bottles, scrap paper, or a combination thereof, left in such a condition as to create an unsightly, unhealthful, unsafe, or unsanitary condition, or in such manner as would constitute a fire or health hazard.

302.1 Sanitation.

Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition, free of trash or debris.

302.2 Duties of Owners and Tenants.

It shall be the duty of any owner or tenant or person in possession of any lands in the City:

- a. To keep such lands free of brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris, where the same are inimical to the preservation of public health, safety or general welfare of the City, or which may constitute a fire hazard;
- b. Where the lands abut or border upon any public street or alley in the City, to remove all grass, weeds, brush and other debris from that part of the street or alley bordering on their respective lands.

302.3 Grading and drainage.

Premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

302.3 (a) Filling of Land to Grade.

It is hereby declared to be the duty of the owner or owners of any and all lots in this City to fill and cause each and every lot to be maintained properly filled to grade at all times. This requirement shall apply to vacant lands, areas of lands not plotted into lots and lots upon which improvements are erected.

302.4 Sidewalks and driveways.

Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous.

302.5 Weeds.

Premises and exterior property shall be maintained free from weeds, moss, algae or plant growth in excess of six inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the

jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. A bill may be sent or a lien placed upon said property.

Upon mailing date of the notice of violation, owner or agent having charge of a property to cut and destroy weeds after service, the owner shall have one calendar week to abate the issue and then the City shall be authorized to enter the property. A bill may be sent or a lien placed upon said property.

302.6 Rodent harborage.

Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health.

302.6(1) Rodent harborage - continuous maintenance

After pest elimination as per Section 302.5, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

302.7 Exhaust vents.

Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

302.8 Accessory structures.

Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.9 Motor vehicles.

Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

a. Automobile(s) left standing in an unlicensed and unusable state or condition, or parts thereof left outside of an enclosed garage, so as to be accessible to children, rodents, vermin, or insect pests, or in such condition or location as to create an unsightly appearance to neighboring property owners or the general public are prohibited.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

b. No trailer of any size for vehicle repair which provides enclosed storage shall be parked, kept or stored on any premises. This prohibition shall not apply to trash, refuse or recycling containers or to any trailer owned by the municipality or being used in connection with any temporary function, including a circus or carnival, which is approved by the municipality.

302.10 Defacement of property.

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

302.10.1 GRAFFITI ABATEMENT.

302.10.2 Purpose and Intent.

The City Council of the City of Asbury Park finds graffiti on public or private property a blighting element, which leads to depreciation of the value of property that has been targeted by such vandalism and depreciates the value of the adjacent and surrounding properties to the extent that graffiti creates a negative impact upon the entire City.

The City Council finds and determines that graffiti is obnoxious and a public nuisance, and must be eliminated by means of prevention, education and abatement to avoid the detrimental impact of such graffiti on the City and its residents, and to prevent the further spread of graffiti.

The purpose and intent of the City Council, through the adoption of this section, is to provide additional enforcement tools to protect public and private property from acts of vandalism and defacement. It is the further intent of the City Council, through the adoption of this section, to provide notice to all of those who disregard the property rights of others, that the law enforcement agencies of the City, the Departments of Code Enforcement and Neighborhood Preservation and the City Attorney, will strictly enforce the law and vigorously prosecute those persons engaging in violations of this section.

302.10.3 Definitions.

Aerosol paint container shall mean any aerosol container, which is adapted or made for the purpose of spraying paint or other substance capable of defacing property.

Felt-tip marker shall mean any tipped style marker or similar implement with a tip which, at its broadest width, is one-eighth (1/8) inch, or greater.

Graffiti shall mean any unauthorized inscribing, word, figure, or design which is marked, etched, scratched, drawn, painted, pasted or otherwise affixed to or on any surface, regardless of the nature of the material of that structural component, to the extent the same was not authorized in advance by the owner thereof, or despite advance authorization, is otherwise deemed by the City Council to be a public nuisance.

Graffiti implement shall mean an aerosol paint container, a felt tip marker, or any other device

containing any solution or substance capable of being used to leave a visible mark at least one-eighth (1/8) of an inch in width upon any surface.

302.10.4 Declaration of Nuisance.

- a. The City Council hereby declares and finds graffiti to be a nuisance subject to abatement according to the provisions and procedures herein contained and as authorized by New Jersey Statutes N.J.S.A. 40:48-1 et seq.
- b. The existence of any surface of a structure on any privately owned parcel of land which has been defaced with graffiti after removal more than five (5) times in twelve (12) months is hereby deemed to be a nuisance, and may be abated by the City by order of the City Council requiring modifications thereto, or to the immediate area surrounding same. Such modifications may include, but are not limited to retrofitting of such surfaces at the expense of the property owner(s) of said lot, with such features or qualities as may be established by the City as necessary to reduce the attractiveness of the surface for graffiti, or as necessary to permit more convenient, expedient or efficient removal of graffiti therefrom.

302.10.5 Graffiti Prohibited.

- a. No person shall place graffiti or other writing upon any public or privately owned tree or structures including, but not limited to, buildings, walls, fences, poles, sidewalks and signs, ("structures" hereinafter in this section) located within the City. It shall also be unlawful for any person to apply or affix any adhesive backed label, sticker, "bumper sticker" or similar item, to any tree or structure not owned or lawfully possessed by such person.
- b. No person owning or otherwise in control of any real property within the City shall permit or allow any graffiti to be placed upon or remain on any structure located on such property.

302.10.6 Possession of Graffiti Implements by Minors Prohibited.

Possession of any graffiti implement by any person under the age of eighteen (18) years with the intent to deface property while upon public or private property shall be unlawful unless that minor has received the consent of the owner of such private property whose consent to such possession and presence is given in writing in advance or unless that minor is accompanied by and under the supervision of a parent or legal guardian. This provision shall not apply to the possession of felt tip markers by minors attending, or traveling to or from a school at which the minor is enrolled, if the minor is participating in a class at said school, which formally requires possession of such felt tip markers. The burden of proof in any prosecution for violation of this subsection shall be upon the minor student to establish the need to possess a felt tip marker.

302.10.7 Possession of Graffiti Implements Prohibited in Designated Public Places.

Possession of any graffiti implement by any person under the age of eighteen (18) years with the intent to deface property while in any public park, playground, swimming pool, recreational facility, or while in or within ten (10) feet of an underpass, bridge abutment, storm drain, or other

similar type of infrastructure not normally used by the public shall be unlawful except as may be authorized by the City or unless that minor is accompanied by and under the supervision and control of a parent or legal guardian.

302.10.8 Accessibility to Graffiti Implements Prohibited.

Furnishing of Graffiti Implements to Minors Prohibited. It shall be unlawful for any person, other than a parent or legal guardian, to sell, exchange, give, loan, or otherwise furnish, or cause or permit to be exchanged, given, loaned, or otherwise furnished, any graffiti implement to any minor without the consent of the parent or lawful guardian which consent shall be given in advance in writing.

302.10.9 Right of City to Require Removal.

a. In the event graffiti is found, the City shall provide the owner of record written notice of an order to remove said graffiti be certified mail and regular mail, which order shall afford the owner the opportunity to remove the graffiti within sixty (60) days of the date that the notice is sent, however, any government agency or department shall be afforded one hundred twenty (120) days from the date that the notice is sent to remove graffiti from property owned by the agency or department.

b. The City's order to remove shall contain a form to be utilized by a property owner to inform the City that the graffiti has been removed and shall contain a certification stating that by affixing a signature to the form indicating that the graffiti has been removed, the owner is certifying that the facts set forth therein are true and that the certification shall be considered as if made under oath and subject to the same penalties as provided by law for perjury.

302.10.10 Response to Order to Remove Graffiti from Property Owner.

A property owner who has been ordered to remove graffiti shall respond to the City by personal delivery or certified mail:

- a. Any objection to the order, within thirty (30) days of the date of the order;
- b. Notice that the graffiti has been removed, within thirty (30) days of the date of the order, or in the case of the State Department of Transportation, within one hundred twenty (120) days of the date of the order.

302.10.11 Objection to Order to Remove Graffiti.

A property owner who objects to an order to remove graffiti may institute an action challenging the order before a court of competent jurisdiction within forty five (45) days of the date of the order.

302.10.12 Failure to Comply with Order to Remove Graffiti.

a. If a property owner does not undertake the removal of graffiti within sixty (60) days of the date of the order, or in the case of the Department of Transportation, within one hundred twenty (120) days of the date of the order, unless an action challenging the order to remove graffiti is still pending, the City may remove the graffiti from that property and present the property owner with a detailed itemization of the costs incurred by the City, by certified mail and regular mail, for reimbursement from the property owner.

b. Whenever the City undertakes the removal of graffiti from any building, structure or other exposed surface, the City Council, in addition to assessing the cost of removal as municipal lien against the premises, may enforce the payment of such assessment, together with interest, as a debt of the owner of the property and may authorize the institution of an action at law for the collection thereof. The Superior Court shall have jurisdiction of any such action.

302.10.13 Right of City to Remove.

a. Whenever the City becomes aware, or is notified and determines that graffiti is so located on public or privately owned property viewable from a public or quasi-public place within the City, the City shall be authorized to use public funds for the removal of same, or for the painting or repairing of same, but shall not authorize or undertake to provide for the painting or repair of any more extensive area than that where the graffiti is located, unless the City Manager, or designee, determines in writing that a more extensive area is required to be repainted or repaired in order to avoid aesthetic disfigurement to the neighborhood or community, or unless the responsible party agrees to pay for the costs of repainting or repairing the more extensive area. Refer to 302.10.10.

b. *Right of Entry on Private Property.*

1. **Securing Owner Consent.** Prior to entering upon private property or property owned by a public entity other than the City, for the purposes of removal of graffiti, the City shall attempt to secure the consent of the responsible party, and a release of the City from liability for private or public property damage.

2. **Failure to Obtain Owner Consent.** If a responsible party fails to remove the offending graffiti within the time herein specified, or if the City shall have requested consent to remove or paint over the offending graffiti and the responsible party shall have refused consent for entry on terms acceptable to the City consistent with the terms of this subsection, the City may commence abatement and cost recovery proceedings for the removal of the graffiti pursuant to the nuisance abatement authority granted by the State of New Jersey, which authority includes the recovery of all costs incurred by the City in abating graffiti and recordation of lien as to affected property.

302.11 Snow Removal.

All snow shall be removed within 24 hours from the termination of the snow event and within 48 hours if a State of Emergency has been declared. No snow shall be deposited within the Right-of-Way or within a City owner roadway or alley.

302.12 Placement of dumpsters.

All dumpsters shall be set upon plywood to protect the surface against ruts. This applies to dumpsters on private property, a roadway, alley, or within the right-of-way. A property owner's use of a dumpster is subject to the requirements of Ordinance 3-15.1 et seq.

302.12A Use of Dumpsters

All dumpsters shall be property specific and not to be shared unless by adjacent properties.

302.13 Trees and root systems

Trees shall be maintained to a good visual standard or in accordance with ANSI standards. All tree roots shall not impede or damage existing infrastructure such as sidewalks or fences.

302.14 Order to Remove.

Whenever any Code Official or Inspector, Police Officer or Special Police Officer deems it necessary and expedient for the preservation of the public health, safety, general welfare, or the elimination of a fire hazard, or upon investigation of a complaint of any resident, officer or employee of the City, he may order the owner, tenant or person in possession of any lands on which any brush, grass, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash or other debris are found to exist, to remove same within three (3) days or to cause the removal thereof if the order is not complied with.

302.15 Service of Notice.

After an investigation of a complaint of any resident, officer or employee of the City, or upon his own motion, any City Code Official or Inspector, Police Officer or Special Police Officer or other City Official appointed or directed by the City Manager (or designee) shall proceed with regard to the manner of service of notice to remove the contents thereof as provided in Section 107 et seq. herein.

302.16 Removal by City; Costs Established as a Lien.

In the event the owner, tenant or person in possession of the lands in question refuses or neglects to abate or remedy the condition complained of within three (3) days after receipt of notice, any City Code Official or Inspector, Police Officer or Special Police Officer may cause the condition complained of to be abated and remedied by referral to the City Department of Public Works, which Department shall then certify the cost thereof to the City Tax Collector, who shall cause the cost as shown thereon to be charged against the lands. The amount so charged shall forthwith become a lien upon such lands and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, which shall be collected and enforced by the Tax Collector in the same manner as taxes. Costs shall be in addition to any penalties imposed for a violation of this section. In the event that the order for removal of trash or debris is as a result of the trash or debris being located on the City right-of-way and the owner, tenant or person in possession of the lands in question refuses or neglects to abate or remedy the condition complained of within forty-eight

(48) hours after receipt of notice, any City Code Official or Inspector, Police Officer or Special Police Officer may cause the condition complained of to be abated and remedied by referral to the City Department of Public Works, which Department shall then certify the cost thereof to the City Tax Collector, who shall cause the cost as shown thereon to be charged against the lands. The amount so charged shall forthwith become a lien upon such lands and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, which shall be collected and enforced by the Tax Collector in the same manner as taxes. Costs shall be in addition to any penalties imposed for a violation of this section.

a. *Violations and Penalties.* All violators of this section shall be subject to a penalty of no less than two hundred fifty (\$250.00) dollars for each violation or thirty (30) days community service or both.

Each and every day in which a violation of this section exists shall constitute a separate violation subject to a penalty.

302.17 Exceptions.

The provisions of this section shall not apply to a regular established and licensed business known as a towing operator's storage yard, which business is subject to the special regulations provided in the City Code.

302.18 CLEAR VIEW AT INTERSECTIONS.

302.18.1 Height Restricted.

It shall be the responsibility of any owner, tenant or occupant of any parcel of land within the City to cut all brush, hedges and other plant life growing within ten (10) feet of any roadway and within twenty-five (25) feet of any intersection of two (2) roadways, to a height of not more than two and one-half (2 1/2) feet provided such shall be necessary and expedient for the preservation of the public safety. The owner, tenant or occupant shall have ten (10) days after notice to cut the same.

302.18.2 Inspection and Determination by City.

At least once in each calendar year the Department of Neighborhood Preservation may examine all roadways in the City and make a determination of each parcel of land where it is necessary and expedient for the preservation of the public safety to have any brush, hedges or other plant life cut in accordance with this section of the provisions of N.J.S.A. 40:48-2.26 and 40:48-2.27.

302.18.3 Notice to Remove.

When the Department of Neighborhood Preservation ascertains that there is a parcel of land on which exist the conditions described in this section, it shall cause notice to be given to the owner, tenant or occupant of the land to cut the brush, hedges or other plant life within ten (10) days

after the notice is given. The notice shall be given in writing, either personally or by the United States certified mail. If neither method of giving notice is possible or practical, notice may be given by posting it in a prominent place on the parcel of land.

302.18.4 Removal by City; Cost Established as Lien.

If the owner, tenant or occupant fails to cut the brush within ten (10) days, the Public Works Director shall direct a City employee or arrange for an independent contractor, to cut the brush, hedges or other plant life. Where such cutting is done by the Public Works Director, or any other person, or under his direction, he shall certify the cost thereof to the City Tax Collector who shall cause the cost as shown thereon to be charged against the land. The amount so charged shall forthwith become a lien upon the lands and shall be added to and become and form part of the taxes next to be assessed and levied upon the lands, the same to bear interest at the same rate as other taxes and shall be collected and enforced by the same officers and in the same manner as taxes.

SECTION 303

SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools.

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair. All pools shall comply with existing zoning code and other State and local statutes; the stricture regulation shall apply.

303.2 Enclosures.

Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is not less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304

EXTERIOR STRUCTURE

304.1 General.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions.

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the New Jersey Uniform Construction Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or

that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or

13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

14. Other items deemed in accordance with this section:

Exceptions:

1. Where substantiated otherwise by an approved method.

2. Demolition of unsafe conditions shall be permitted where approved by the Construction official.

304.2 Protective treatment.

Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. Any repairs and/or replacement must match, or be similar to, the style and color of the existing.

304.3 Premises identification.

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 3 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm). Additional or more stringent State regulations may apply; the more stringent regulations shall be the governing regulations.

304.4 Structural members.

Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads. Any repairs and/or replacement must match, or be similar to, the style and color of the existing.

304.5 Foundation walls.

Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls.

Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.7 Roofs and drainage.

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. Any repairs and/or replacement must match, or be similar to, the style and color of the existing.

304.8 Decorative features.

Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions.

Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies.

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers.

Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained

structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames.

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing.

Glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows.

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens.

Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

304.15 Doors (exterior).

Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways.

Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water. Handles shall be in good working order.

304.17 Guards for basement windows.

Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents or the elements.

304.18 Building security.

Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

304.18.1 Doors (interior).

Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock. Bedrooms shall not have exterior keys or locks.

304.18.2 Windows.

Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways.

Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

304.19 Gates.

Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 305**INTERIOR STRUCTURE****305.1 General.**

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure that they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming

house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

305.1.1 Unsafe conditions.

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

- Where substantiated otherwise by an approved method.
- Demolition of unsafe conditions shall be permitted when approved by the code official.

305.2 Structural members.

Structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces.

Interior surfaces, including but not limited to, windows, walls, and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces.

Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.5 Handrails and guards.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors.

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

305.7 Cabinets and/or shelves

Cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils and of food that, under ordinary summer conditions, does not require refrigeration for safe keeping; and a counter or table for food preparation are required. All cabinets and/or shelves and counter or table shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or harmful effect on food.

SECTION 306**COMPONENT SERVICEABILITY****306.1 General.**

The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Unsafe conditions.

Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the, existing State or local laws or regulations, International Building Code or the International Existing Building Code as required for existing buildings:

1. Soils that have been subjected to any, but not limited to, the following conditions:

- 1.1. Collapse of footing or foundation system;
- 1.2. Damage to footing, foundation, concrete or other structural element due to soil

expansion;

- 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
- 1.4. Inadequate soil as determined by a geotechnical investigation;
- 1.5. Where the allowable bearing capacity of the soil is in doubt; or
- 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.

2. Concrete that has been subjected to any, but not limited to the following conditions:

- 2.1. Deterioration;
- 2.2. Ultimate deformation;
- 2.3. Fractures;
- 2.4. Fissures;
- 2.5. Spalling;
- 2.6. Exposed reinforcement; or
- 2.7. Detached, dislodged or failing connections.
- 2.8. Cracking

3. Aluminum that has been subjected to any, but not limited to the following conditions:

- 3.1. Deterioration;
- 3.2. Corrosion;
- 3.3. Elastic deformation;
- 3.4. Ultimate deformation;
- 3.5. Stress or strain cracks;
- 3.6. Joint fatigue; or
- 3.7. Detached, dislodged or failing connections; or
- 3.8. Cracking

4. Masonry that has been subjected to any, but not limited to the following conditions:

- 4.1. Deterioration;
- 4.2. Ultimate deformation;
- 4.3. Fractures in masonry or mortar joints;
- 4.4. Fissures in masonry or mortar joints;
- 4.5. Spalling;
- 4.6. Exposed reinforcement; or
- 4.7. Detached, dislodged or failing connections; or
- 4.8. Cracking

5. Steel that has been subjected to any, but not limited to the following conditions:

- 5.1. Deterioration;
- 5.2. Elastic deformation;
- 5.3. Ultimate deformation;

- 5.4. Metal fatigue; or
- 5.5. Detached, dislodged or failing connections; or
- 5.6. Cracking

6. Wood that has been subjected to any of, but not limited to, following conditions:

- 6.1. Ultimate deformation;
- 6.2. Deterioration;
- 6.3. Damage from insects, rodents and other vermin;
- 6.4. Fire damage beyond charring;
- 6.5. Significant splits and checks;
- 6.6. Horizontal shear cracks;
- 6.7. Vertical shear cracks;
- 6.8. Inadequate support;
- 6.9. Detached, dislodged or failing connections; or
- 6.10. Excessive cutting and notching.

Exceptions:

Where substantiated otherwise by an approved method.

Demolition of unsafe conditions shall be permitted where approved by the code official.

SECTION 307

HANDRAILS AND GUARDRAILS

307.1 General.

Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

SECTION 308

RUBBISH AND GARBAGE

308.1 Accumulation of rubbish or garbage.

Exterior property and premises, and the interior of every structure, shall be free from any

accumulation of rubbish or garbage.

308.2 Disposal of rubbish.

Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

308.2.1 Rubbish storage facilities.

The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

308.2.2 Refrigerators.

Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

308.3 Disposal of garbage.

Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

308.3.1 Garbage facilities.

The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leak proof, covered, outside garbage container.

308.3.2 Containers.

The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

308.3.3 Containers - Standards.

All items to be collected from curbside will be placed at curbside in upright container, plastic bags, tied in bundles, or otherwise contained so as to not be loose - in no case shall any container, bag or bundle exceed 60lbs in weight or 55 gallons. Items secured in bundles (i.e. branches, wood, hedge clippings, carpeting) shall not exceed 4ft in length. Household furniture placed at curb shall not exceed 120lbs. Household odds and ends (i.e. a door, shutter, and window) shall not exceed 120lbs.

Quantity to be collected from residential and non-residential premises per pickup day shall conform to the following:

1. Type 10 Household Trash - Not more than five containers and/or bags per dwelling unit and non-residential establishment, per pickup day - Total aggregate

per dwelling unit or non-residential establishment not to exceed 300 lbs.

2. Type 13 Bulk Waste - No more than three large items - total aggregate of items, bags, bundles or containers not to exceed 360 lbs per dwelling unit or non-residential establishment, per pickup day. For premises having more than one dwelling unit or more than one non-residential establishment, no more than six large bulk items or an aggregate of 720lbs are to be collected per pickup per building.

3. Type 23 Yard Waste - No more than three bundles, bags or containers per residential or non-residential unit or in the aggregate more than 180lbs, per pickup day. For Premises having more than one dwelling or non-residential establishment no more than six bundles, bags or containers (aggregate) weight not to exceed 360lbs) are to be collected per pickup day.

SECTION 309

PEST ELIMINATION

309.1 Infestation.

Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation.

309.2 Owner.

The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

309.3 Single occupant.

The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.

309.4 Multiple occupancy.

The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.

309.5 Occupant.

The occupant of any structure shall be responsible for the continued rodent and pest-free

condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination.

CHAPTER 13 - SECTION 400 -- LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401

GENERAL

401.1 Scope.

The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

401.2 Responsibility.

The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

401.3 Alternative devices.

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the International Building Code shall be permitted.

SECTION 402

LIGHT

402.1 Habitable spaces.

Every habitable space shall have not less than one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, but a minimum of 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways.

Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with not less than a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with not less than 1 footcandle (11 lux) at floors, landings and treads.

402.3 Other spaces.

All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

SECTION 403**VENTILATION****403.1 Habitable spaces.**

Every habitable space shall have not less than one openable window. The total openable area of the window in every room shall be equal to not less than 45 percent of the minimum glazed area required in Section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and toilet rooms.

Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

403.3 Cooking facilities.

Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

Exceptions:

1. Where specifically approved in writing by the code official.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 Process ventilation.

Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 Clothes dryer exhaust.

Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

Exception: Listed and labeled condensing (ductless) clothes dryers.

SECTION 404**OCCUPANCY LIMITATIONS****404.1 Privacy.**

Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths.

A habitable room, other than a kitchen, shall be not less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passageway of 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights.

Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting a maximum of 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped

ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.

4. Confliction with other State codes

404.4 Bedroom and living room requirements.

Every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room area.

Every living room shall contain not less than 120 square feet (11.2 m²) and every bedroom shall contain not less than 70 square feet (6.5 m²) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m²) of floor area for each occupant thereof. Continuation of an existing nonconformance shall be permitted pending compliance with all other applicable State and City laws, codes and regulations.

404.4.2 Access from bedrooms.

Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

404.4.3 Water closet accessibility.

Every bedroom shall have access to not less than one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.

404.4.4 Prohibited occupancy.

Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements.

Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding.

Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

TABLE 404.5

MINIMUM AREA REQUIREMENTS

Space	1- 2 Occupants	3 - 5 Occupants	6 or more
Living Room a,b	No requirement	120	150
Dining Room a,b	No requirement	80	100
Bedrooms	Shall comply with Section 404.4		
For SI: 1 square foot = 0.093 m2			

404.5.1 Sleeping area.

The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. Sleeping areas shall comply with Section 404.4.

404.5.2 Combined spaces.

Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

404.6 Efficiency unit.

Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 m²). A unit occupied by not more than two occupants shall have a minimum clear floor area of 220 square feet (20.4 m²). A unit occupied by three occupants shall have a minimum clear floor area of 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

404.7 Food preparation.

All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

CHAPTER 13 - SECTION 500-

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501 GENERAL

501.1 Scope.

The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility.

The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises that does not comply with the requirements of this chapter.

SECTION 502

REQUIRED FACILITIES

502.1 Dwelling units.

Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink, refrigerator, and stove that shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

The stove, for cooking food, and a refrigerator or refrigerator-freezer shall be required. Said refrigerator shall be capable of maintaining safe storage of food at temperatures less than 45 degrees Fahrenheit but more than 32 degrees Fahrenheit. Said stove and refrigerator, and/or refrigerator-freezer shall be properly installed with all necessary connections for safe, sanitary, and efficient operation and shall be maintained in good working condition. Said equipment need not be installed while a dwelling unit is not occupied.

Cabinets and/or shelves: Cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils and of food that, under ordinary summer conditions, does not require refrigeration for safe keeping; and a counter or table for food preparation are required. All cabinets and/or shelves and counter or table shall be of sound construction furnished with

surfaces that are easily cleanable, reachable, and that will not impart any toxic or harmful effect on food.

502.2 Rooming houses.

Not less than one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

502.3 Hotels.

Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each 10 occupants.

502.4 Employees' facilities.

Not less than one water closet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking facilities.

Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

502.5 Public toilet facilities.

Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the International Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

SECTION 503

TOILET ROOMS

503.1 Privacy.

Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

503.2 Location.

Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities.

Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

503.4 Floor surface.

In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 504

PLUMBING SYSTEMS AND FIXTURES

504.1 General.

Plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances.

Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards.

Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 505

WATER SYSTEM

505.1 General.

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.

505.2 Contamination.

The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply.

The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities.

Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a minimum temperature of 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

SECTION 506**SANITARY DRAINAGE SYSTEM****506.1 General.**

Plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

506.2 Maintenance.

Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

506.3 Grease interceptors.

Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of

maintenance, cleaning and repairs shall be available for inspection by the code official.

SECTION 507

STORM DRAINAGE

507.1 General.

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

CHAPTER 13 - SECTION 600-- MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601

GENERAL

601.1 Scope.

The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility.

The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that does not comply with the requirements of this chapter.

SECTION 602

HEATING FACILITIES

602.1 Facilities required.

Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies.

If the lease requires the landlord to provide heat, the landlord must give you the amount of heat required by the state codes and the local town or city ordinance. Under the state housing codes, from October 1 to May 1, the landlord must provide enough heat so that the temperature in the apartment is at least 68 degrees from 6 a.m. to 11 p.m. between the hours of 11 p.m. and 6 a.m., the temperature in the apartment must be at least 65 degrees. **Cite:** N.J.A.C. 5:10-14 et seq. and N.J.A.C. 5:28-1.12(m).

602.3 Heat supply.

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable work spaces.

Indoor occupiable work spaces shall be supplied with heat are to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement.

The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603**MECHANICAL EQUIPMENT****603.1 Mechanical appliances.**

Mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Removal of combustion products.

Fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances that are labeled for unvented operation.

603.3 Clearances.

Required clearances to combustible materials shall be maintained.

603.4 Safety controls.

Safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air.

A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices.

Devices intended to reduce fuel consumption by attachment to a fuel -burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

SECTION 604

ELECTRICAL FACILITIES

604.1 Facilities required.

Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service.

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 60 amperes.

604.3 Electrical system hazards.

Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure.

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment.

Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the International Building Code.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

- Enclosed switches, rated a maximum of 600 volts or less;
- Busway, rated a maximum of 600 volts;
- Panelboards, rated a maximum of 600 volts;
- Switchboards, rated a maximum of 600 volts;
- Fire pump controllers, rated a maximum of 600 volts;
- Manual and magnetic motor controllers;
- Motor control centers;
- Alternating current high-voltage circuit breakers;
- Low-voltage power circuit breakers;
- Protective relays, meters and current transformers;
- Low- and medium-voltage switchgear;
- Liquid-filled transformers;
- Resin transformers;
- Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
- Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
- Luminaires that are listed as submersible;
- Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure.

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment.

Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits that have been exposed to fire, shall be replaced in accordance with the provisions of the International Building Code.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired

where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

SECTION 605

ELECTRICAL EQUIPMENT

605.1 Installation.

Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.2 Receptacles.

Every habitable space in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain not less than one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

605.3 Luminaires.

Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

605.4 Wiring.

Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

SECTION 606

ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General.

Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location approved by the code official. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.2 Elevators.

In buildings equipped with passenger elevators, not less than one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607

DUCT SYSTEMS

607.1 General.

Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. All duct systems shall be installed to manufacturers' specifications.

CHAPTER 13 - SECTION 700-

FIRE SAFETY REQUIREMENTS

SECTION 701

GENERAL

701.1 Scope.

The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

701.2 Responsibility.

The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

SECTION 702

MEANS OF EGRESS

702.1 General.

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code.

702.2 Aisles.

The required width of aisles in accordance with the International Fire Code shall be unobstructed.

702.3 Locked doors.

Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code.

702.4 Emergency escape openings.

Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

SECTION 703

FIRE-RESISTANCE RATINGS

703.1 Fire-resistance-rated assemblies.

The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

703.2 Opening protectives.

Required opening protectives shall be maintained in an operative condition. Fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

SECTION 704

FIRE PROTECTION SYSTEMS

704.1 General.

Systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code.

704.1.1 Automatic sprinkler systems.

Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

704.1.2 Fire department connection.

Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an approved sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire code official.

704.2 Single-and multiple-station smoke alarms.

Single-and multiple-station smoke alarms shall be installed in existing Group I-1 and R occupancies in accordance with Sections 704.2.1 through 704.2.3.

704.2.1 Where required.

Existing Group I-1 and R occupancies shall be provided with single-station smoke alarms in accordance with Sections 704.2.1.1 through 704.2.1.4. Interconnection and power sources shall be in accordance with Sections 704.2.2 and 704.2.3.

Exceptions:

1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.
2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.
3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

704.2.1.1 Group R-1.

Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.
2. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.

3. In each story within the sleeping unit, including basements. For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

704.2.1.2 Groups R-2, R-3, R-4 and I-1.

Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
4. Photoelectric smoke alarms shall not be installed less than 6 feet (1829 mm) horizontally from a permanently installed cooking appliance.

704.2.1.4 Installation near bathrooms.

Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section 704.2.1.1 or 704.2.1.2.

704.2.2 Interconnection.

Where more than one smoke alarm is required to be installed within an individual dwelling or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings that are not undergoing alterations, repairs or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or

repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

704.2.3 Power source.

Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for over-current protection.

Exceptions:

1. Smoke alarms are permitted to be solely battery operated in existing buildings where no construction is taking place.
2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.
3. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for building wiring without the removal of interior finishes.
 1. The fire alarm system shall comply with all applicable requirements in Section 907 of the International Fire Code.
 2. Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the dwelling or sleeping unit in accordance with Section 907.5.2 of the International Fire Code.
 3. Activation of a smoke detector in a dwelling or sleeping unit shall not activate alarm notification appliances outside of the dwelling or sleeping unit, provided that a supervisory signal is generated and monitored in accordance with Section 907.6.5 of the International Fire Code.

SECTION 800-- ABANDONED AND VACANT PROPERTIES

801 IDENTIFICATION OF ABANDONED PROPERTIES.

801-1 City List of Abandoned Properties.

- a. The Director of Property Improvement and Neighborhood Preservation or the City Manager's designee is hereby directed to identify abandoned properties with the City, place said properties on an abandoned property list established as provided in Section 36 of P.L.1996, c.62 (C.55:19-

55), as amended by Section 28 of P.L.2003, c.210, and provide such notices and carry out such other tasks as are required to effectuate an abandoned property list as provided by law.

b. The abandoned property list shall apply to the City of Asbury Park as a whole.

c. The Director of Property Improvement and Neighborhood Preservation or the City Manager's designee is hereby designated as the public officer for the purpose of carrying out the responsibilities established by this section and shall have all the responsibilities and powers provided by law.

d. The Director of Property Improvement and Neighborhood Preservation or the City Manager's designee shall exercise the authority granted the City pursuant to Section 13 of P.L.2003, c.210, to designate qualified rehabilitation entities to act as the designee of the City with respect to the provisions of that section.

e. The Director of Property Improvement and Neighborhood Preservation or the City Manager's designee shall provide a report to the Mayor and City Council every six (6) months, with respect to the number and location of properties on the abandoned property list, the status of those properties, and any actions taken by the City or by any qualified rehabilitation entity designated pursuant to the authority granted to the public officer with respect to any property on the list or any other abandoned property within the City.
(Ord. No. 3031; Ord. No. 3077)

802 REGISTRATION OF VACANT PROPERTY.

802-1.1 Definitions.

As used in this section:

Municipal officer shall mean the Director of Property Improvement and Neighborhood Preservation/Code Enforcement or such official within that department as may be designated by the Director in writing.

Owner shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity that has filed a notice with the Municipal Clerk pursuant to the provisions of C.46:10B-51 (P.L.2008, c.127, Sec.17 as amended by P.L.2009, c.296), or any other entity determined by the public officer of the City of Asbury Park to have authority to act with respect to the property.

Vacant Property shall mean any building or structure which is not at present legally occupied or at which all lawful business or construction operations or residential or other occupancy have substantially ceased, and which is in such condition that it cannot legally be re-occupied without repair or rehabilitation, including but not limited to any property meeting the definition of abandoned property in N.J.S.A. 55:19-80; provided, however, that any habitable property where all building systems are in sound working order, where the building and grounds are maintained in good condition, and which is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property for purposes of this section.
(Ord. No. 2015-10 § 1)

802-1.2 Registration of Vacant Property Required; Term; Fee Waivers.

- a. As of the effective date of this section (this section adopted by Ord. No. 2015-10 on 4-22-15), the owner of any vacant property as defined herein shall, within 30 days after the building becomes vacant property or within 30 days after assuming ownership of the vacant property, whichever is later; or within 10 days of receipt of notice from the City, file a registration statement for such vacant property with the municipal officer on forms provided for that purpose by the municipal officer along with any fee required by this section. Failure to receive notice from the municipality shall not constitute grounds for failing to register the property.
- b. Each property having a separate tax block and lot number shall be registered separately.
- c. The registration shall include the information required under subsection 13-802-1.4, the insurance certificate required under subsection 13-802-1.7, as well as any additional information that the municipal officer may reasonably require.
- d. The registration shall remain valid for one year from the date of registration. The owner shall be required to renew the registration annually as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed in subsection 13-802-1.5 for each vacant property registered.
- e. The municipal officer may establish for purposes of efficient administration that all registrations shall be renewed by a single date in each year, which date shall be established by the municipal officer in which case the initial registration fee shall be pro-rated for registration statements received less than 10 months prior to that date.
- f. 1. Any owner of vacant property who plans to restore the property to productive use and occupancy during the twelve (12) month period following the date of the initial registration of the property shall file a detailed statement of the owner's plans for restoration of the property with the registration statement and shall be exempt from payment of the registration fee, but shall comply with all other provisions of this section. In the event that the property has not been restored to productive use and occupancy at the end of the twelve (12) month period, the owner shall be liable for any fee waived. The municipal officer, after consultation with the City Council and with the approval of a majority thereof, may extend the waiver of the registration fee for not more than one additional year in response to a written request by the property owner where the municipal officer finds that compelling conditions outside the owner's control made it impossible for the owner to restore the property within the initial twelve (12) month period.
2. Where the owner is an entity experienced in rehabilitation or redevelopment of vacant properties, and where the property subject to this section is being held for a project of rehabilitation or redevelopment consistent with municipal plans and ordinances, and where by virtue of financing, market or other conditions that project may require more than one year for realization, the municipal officer, after consultation with the City Council and with the approval of a majority thereof, may extend the waiver of the registration fee on an annual basis without limitation upon written request by the owner as long as the municipal officer finds that the owner is making reasonable progress toward completion of the project. The owner shall provide the municipal officer with such documentation, which may include plans, financing applications,

applications for land use approval or other evidence of progress.

g. The owner shall notify the municipal officer within 30 days of any change in the registration information by filing an amended registration statement on a form provided by the municipal officer for such purpose.

h. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the City against the owner or owners of the building.
(Ord. No. 2015-10 § 2)

802-1.3 City Access for Inspections.

At any time after filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide access to the City to conduct exterior and interior inspections of the building to determine compliance with municipal codes, on reasonable notice to the property owner or the designated agent. (Ord. No. 2015-10 § 3)

802-1.4 Registration Application Content.

a. The registration statement shall include (1) the name, street address, e-mail address and telephone number of a natural person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owner or owners in connection with the enforcement of any applicable code; and (2) the name, street address, e-mail address and telephone number of the firm or individual responsible for maintaining the property. The individual or a representative of the firm responsible for maintaining the property shall be available by telephone or in person on a 24 hour per day, seven (7) day per week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the state of New Jersey or reside within the state of New Jersey.

b. An owner who is a natural person and who maintains offices in the state of New Jersey or resides within the state of New Jersey may designate him or herself as agent or as the individual responsible for maintaining the property.

c. By designating an authorized agent under the provisions of this section the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the municipal officer in writing of a change of authorized agent or until the owner files a new annual registration statement.

d. Any owner who fails to register a vacant property under the provisions of this section shall

further be deemed to consent to receive, by posting at the building, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

(Ord. No. 2015-10 § 4)

802-1.5 Fees.

a. The registration and renewal fee for each building shall be as follows:

Initial registration	\$500.00 or prorated amount
	per subsection 802-1.2
First renewal	\$1,000.00
Second renewal	\$1,750.00
Any subsequent renewal	\$2,500.00

b. One hundred (100%) percent of all fee income resulting from the application of this section shall be used for the sole purpose of carrying out municipal activities with respect to vacant and distressed properties, including but not limited to code enforcement, abatement of nuisance conditions, stabilization, rehabilitation, and other activities designed to minimize blight and further productive reuse of properties.

(Ord. No. 2015-10 § 5)

802-1.6 Maintenance of Vacant Property Required.

The owner of any structure that has become vacant property, and any person responsible for maintaining any such building that has become vacant, shall within 30 days of the structure becoming vacant or 30 days of the owner taking title to the property:

a. Enclose and secure the structure as provided in the applicable codes of the City of Asbury Park or as set forth in rules and regulations adopted by the municipal officer to supplement those codes.

b. Ensure that the grounds of the structure, including yards, fences, sidewalks, walks and driveways, are well-maintained and kept free from trash or debris; and

c. Maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition until the building is again occupied or demolished or until repair or rehabilitation of the building is complete.

(Ord. No. 2015-10 § 6)

802-1.7 Insurance Requirements.

The owner of any vacant property shall acquire or otherwise maintain liability insurance, in an amount of not less than \$300,000.00 for buildings designed primarily for one to four unit residential use and not less than \$1,000,000.00 for any other building, including, but not limited to, buildings designed for multifamily, manufacturing, storage or commercial uses, covering any

damage to any person or any property caused by any physical condition of or in the building. Any insurance policy acquired or renewed after the building has become vacant shall provide for written notice to the municipal officer within 30 days of any lapse, cancellation or change in coverage. The owner shall attach evidence of the insurance to the owner's registration statement. Any registration statement submitted that does not include such evidence shall not be deemed to be a valid registration. (Ord. No. 2015-10 § 7)

802-1.8 Online Registry.

The City of Asbury Park may establish an online registry of all properties registered with the City under this section, which shall include a procedure by which citizens can provide the municipal officer with information on unregistered properties that may be subject to this section through electronic means. (Ord. No. 2015-10 § 8)

802-1.9 Additional Rules and Regulations.

The municipal officer may issue rules and regulations for the administration of the provisions of this section, after consultation with the City Council and with the approval of a majority thereof. (Ord. No. 2015-10 § 9)

802-1.10 Violations and Penalties.

a. Any person who violates any provision of this section or of the rules and regulations issued hereunder shall be fined not less than one thousand (\$1,000.00) dollars and not more than two thousand (\$2,000.00) dollars for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this section shall be recoverable from the owner and shall be a lien on the property.

b. For purposes of this section, failure to file a registration statement within 30 days after a building becomes vacant property or within 30 days after assuming ownership of a vacant property, whichever is later; or within 10 days of receipt of notice by the City, failure to provide correct information on the registration statement, failure to comply with the provisions of subsections 802-1.6 and 802-1.7, or such other matters as may be established by the rules and regulations of the municipal officer shall be deemed to be violations of this section. (Ord. No. 2015-10 § 10)

803-1.0 UPKEEP OF VACANT AND ABANDONED RESIDENTIAL

PROPERTIES IN FORECLOSURE.

803-1.1 Definitions.

Creditor shall mean, consistent with section 3 of P.L. 2008, c.86, a State chartered bank, savings bank, savings and loan association or any credit union, or any person required to be licensed under the provisions of the "New Jersey Residential Mortgage Lending Act," and any entity acting on behalf of the Creditor named in the debt obligation, including but not limited to,

mortgage loan servicers.

Public officer shall mean the Director of Property Improvement and Neighborhood Preservation/Code Enforcement or such official within that department as may be designated by the Director, in writing.
(Ord. No. 2015-18 § 13-3.1)

803-1.2 Creditor Responsibility for Vacant and Abandoned Properties; In-State Representative Required.

a. Any Creditor filing a summons and complaint in an action to foreclose on any residential property within the City shall be immediately responsible for the care, maintenance, security, and upkeep of the exterior of that property, in the event it is determined to be vacant and abandoned property.

b. Where a Creditor is located out-of-State, the Creditor shall be responsible for appointing an in-State representative or agent to act on the Creditor's behalf for the purpose of satisfying the requirements of paragraph a. above. Notice of said representative or agent shall be provided to the City Clerk and the Public Officer (as defined in this section, in a manner that is consistent with subsection a. of section 17 of P.L. 2008, c.127 (the "Save New Jersey Homes Act of 2008")), and shall further include the full name and contact information of the in-State representative or agent.

c. All foreclosing creditors, and, in the case of an out-of-state foreclosing Creditor, their in-State representatives, shall be responsible to comply with the requirements of all other ordinances adopted by the City of Asbury Park and the Code of the City relating to vacant and/or abandoned property, in the same manner as those ordinances and the Code of the City pertain to the title owners of such vacant and/or abandoned property.
(Ord. No. 2015-18 § 13-3.2)

803-1.3 Notice.

a. The City's public officer shall be authorized to issue a notice to a Creditor that has filed a summons and complaint in an action to foreclose on a residential property within the City, if the public officer determines that the Creditor has violated this section by failing to provide for the care, maintenance, security, and upkeep of the exterior of the property. Where a Creditor is an out-of-State Creditor, the notice shall be issued to the representative or agent that has been identified by the Creditor pursuant to subsection 13-4.2 and the Save New Jersey Homes Act of 2008.

b. The notice referenced in paragraph a. above shall require the Creditor to correct the violation(s) within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety.

c. The issuance of a notice pursuant to paragraph a. above shall constitute proof that a residential property is "Vacant and Abandoned" for the purposes of this section.

(Ord. No. 2015-18 § 13-3.3)

803-1.4 Violations and Penalties.

a. A Creditor subject to this section that is found by the municipal court of the City, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a “care, maintenance, security, or upkeep violation” cited in a notice issued pursuant to this section, shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this subsection shall commence 31 days following the Creditor’s receipt of the notice, except where the violation is deemed to present an imminent risk to the public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

b. An out-of-state Creditor subject to this section that is found by the municipal court of the City, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on an out-of-state Creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in paragraph (1) of subsection a. of section 17 of P.L. 2008, c.127 (C.46:10B-51), for providing notice to the City Clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

c. No less than one hundred percent (100 %) of any money collected pursuant to this section shall be utilized by the City of Asbury Park for purposes relating to its City code enforcement purposes.

(Ord. No. 2015-18 § 13-3.4)

SECTION 900--

REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7. The original list can be found in the IPMC Book in the Code Department.

APPENDIX A BOARDING STANDARD

A101

GENERAL

A101.1 General.

Windows and doors shall be boarded in an approved manner to prevent entry by unauthorized

persons and shall be painted to correspond to the color of the existing structure.

A102

MATERIALS

A102.1 Boarding sheet material.

Boarding sheet material shall be minimum 1/2-inch-thick (12.7 mm) wood structural panels complying with the International Building Code.

A102.2 Boarding framing material.

Boarding framing material shall be minimum nominal 2-inch by 4-inch (51 mm by 102 mm) solid sawn lumber complying with the International Building Code.

A102.3 Boarding fasteners.

Boarding fasteners shall be minimum 3/4-inch-diameter (9.5 mm) carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the International Building Code.

A103

INSTALLATION

A103.1 Boarding installation.

The boarding installation shall be in accordance with Figures A103.1(1) and A103.1(2) and Sections A103.2 through A103.5 of the IPMC which is available for inspection.

A103.2 Boarding sheet material.

The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

A103.3 Windows.

The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch (51 mm by 102 mm) strong back framing material shall be cut minimum 2 inches (51 mm) wider than the window opening and shall be placed on the inside of the window opening 6 inches (152 mm) minimum above the bottom and below the top of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

A103.4 Door walls.

The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at a maximum of 24 inches (610 mm) on center. Blocking shall also be secured at a maximum of 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every 6 inches (152 mm) on center.

A103.5 Doors.

Doors shall be secured by the same method as for windows or door openings. One door to the structure shall be available for authorized entry and shall be secured and locked in an approved 2008, c.127 (C.46:10B-51), for providing notice to the City Clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED, that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2018-40 which was finally adopted by the City Council at a meeting held on the 26th day of September, 2018

CINDY A. DYE
CITY CLERK

Property Maintenance Code update July 2018 [Compatibility Mode]

Main document changes and comments

Page 1: Inserted	Michael Capabianco	7/9/2018 9:41:00 AM
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Page 5: Inserted	Michael Capabianco	7/9/2018 9:33:00 AM
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The buyer and seller of the property are equally responsible for the Certificate of Resale Compliance process.

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The City does not have the ability to enforce terms and conditions of lease agreements; all violations and summons shall be written to the owner or owner's property manager.

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unless previous direction or communication has been provided

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, moss, algae

Page 29: Inserted	Michael Capabianco	7/10/2018 9:01:00 AM
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302.12A Use of Dumpsters

All dumpsters shall be property specific and not to be shared unless by adjacent properties.

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Any repairs and/or replacement must match, or be similar to, the style and color of the existing.

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Any repairs and/or replacement must match, or be similar to, the style and color of the existing.

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Any repairs and/or replacement must match, or be similar to, the style and color of the existing.

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Bedrooms shall not have exterior keys or locks.

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but not limited to,

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Continuation of an existing nonconformance shall be permitted pending compliance with all other applicable State and City laws, codes and regulations.

Header and footer changes

Text Box changes

Header and footer text box changes

Footnote changes

Endnote changes

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park (the “City”), in the County of Monmouth and State of New Jersey, that Chapter XIII “PROPERTY IMPROVEMENT AND NEIGHBORHOOD PRESERVATION” is hereby amended within the “Code of the City of Asbury Park, New Jersey” in order to revise Chapter XIII in its entirety, as follows:

13-100 PROPERTY MAINTENANCE CODE

SECTION 101 - SCOPE AND INTENT

101.1 Title and General.

These regulations shall be known as the 2015 International Property Maintenance Code (as amended herein) of the City of Asbury Park (the City), hereinafter referred to as "this Code."

This Chapter shall be read and documented as: Chapter - Section. For example, this section shall be documented as follows: 13-101.1.

101.2 Scope.

The provisions of this Code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 Intent.

This Code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.4 Severability.

If a section, subsection, sentence, clause or phrase of this Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.

SECTION 102 - APPLICABILITY

102.1 General.

Where there is a conflict between a general requirement and a specific requirement, the specific

requirement shall govern. Where differences occur between provisions of this Code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this Code specify different requirements, the most restrictive shall govern.

102.2 Maintenance.

Equipment, systems, devices and safeguards required by this code or a previous regulation or Code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, owner's authorized agent, operator or occupant shall cause any service, facility, equipment or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this Code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's authorized agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 Application of other codes.

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code and NFPA 70 or adopted State and local codes. Nothing in this code shall be construed to cancel, modify or set aside any provision of the International Zoning Code.

102.4 Existing remedies.

The provisions in this Code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure that is dangerous, unsafe and unsanitary.

102.5 Workmanship.

Repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's instructions.

102.6 Historic buildings.

The provisions of this Code shall not be mandatory for existing buildings or structures designated as historic buildings, where such buildings or structures are judged by the Code Official to be safe and in the public interest of health, safety and welfare.

102.7 Referenced codes and standards.

The codes and standards referenced in this Code shall be those that are listed in Section 9 and considered part of the requirements of this Code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

102.7.1 Conflicts.

Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.7.2 Provisions in referenced codes and standards.

Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

102.8 Requirements not covered by code.

Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

102.9 Application of references.

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.10 Severability clause

If any provision of this Code, or any application of any provision, is held invalid, the invalidity shall not affect other applications of the provision, or other provisions of this Code, which reasonably can be given effect despite the invalidity.

102.11 Other laws.

The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

SECTION 103 -- ADMINISTRATION AND ENFORCEMENT

103.1 General.

The Department of Property Improvement and Neighborhood Preservation and Code

Enforcement is hereby created and the executive official in charge thereof shall be known as the code official.

103.2 Appointment.

The code official shall be appointed by the chief appointing authority of the jurisdiction.

103.3 Deputies.

May be appointed in accordance with the prescribed procedures of this jurisdiction.

103.4 Liability.

The code official, member of the board of appeals or employee charged with the enforcement of this Code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this Code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

103.4.1 Legal defense.

Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

103.5 Fees.

The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as authorized as per City Ordinance.

103.6 Inspections.

A. Property Maintenance Code. The City of Asbury Park shall have the right to conduct inspections on all structures that come within this article. All inspections conducted pursuant to this article shall be performed in accordance with the procedures set forth in the 2015 International Property Maintenance Code of the City of Asbury Park, with the exception that any inspections conducted pursuant to the Uniform Fire Code shall be performed in accordance with the provisions set forth in the Uniform Fire Code and any inspection under the Hotel and Multiple Dwelling Law shall be performed in accordance with the N.J. Hotel and Multiple Dwelling Law.

B. Certificate of Rental Compliance. No person, agency, corporation, partnership, firm,

company, owner, real estate agent, broker or any other individual shall hereafter rent, lease or sublet to another or allow any person or persons to live in or occupy as a tenant or otherwise or suffer or permit any change in occupancy or use of any building, dwelling or dwelling unit or part thereof, as the owner of said premises or on behalf of the owner of said premises, without first obtaining from the Department of Neighborhood Preservation and Code Enforcement, a Certificate of Rental Compliance stating that at the time of the proposed rental lease or subletting, the premises complied with all applicable ordinances of the City of Asbury Park. The specific requirements for inspections for Rental Compliance are set forth in detail in Section 104 et seq. of this Code.

C. Certificate of Resale Compliance for all Real Property at Time of Sale and Transfer of Title. No person, agency, corporation, partnership, firm, company, owner, real estate agent, broker or any other individual shall hereafter sell or transfer title to real property to another, or otherwise permit any change in occupancy or use of any building, dwelling or dwelling unit or part thereof in conjunction with the transfer of title to said premises, as the owner of said premises or on behalf of the owner of said premises, without first obtaining from the Department of Neighborhood Preservation and Code Enforcement, a Certificate of Resale Compliance stating that at the time of the proposed sale or transfer of title, the premises complied with all applicable ordinances of the City of Asbury Park. The buyer and seller of the property are equally responsible for the Certificate of Resale Compliance process.

D. In the event the owner or lessor of a premises fails to correct a nuisance, defect or other violation, following proper notice of same, the City of Asbury Park may take all necessary and appropriate actions to abate said nuisance, correct said defect or violation or put said premises in proper condition in accordance with state laws and local ordinances at the cost of the owner of lessor. Pursuant to N.J.S.A. 40:48-2.12(f), the cost expended by the municipality for such purpose shall be charged to the owner or lessor and shall become a lien against said premises as provided by law. The City does not have the ability to enforce terms and conditions of lease agreements; all violations and summons shall be written to the owner or owner's property manager.

103.7 Procedures.

A. Property Maintenance Code. All inspections conducted pursuant to this article shall be performed in accordance with the procedures set forth in the 2015 International Property Maintenance Code of the City of Asbury Park, with the exception that any inspections conducted pursuant to the Uniform Fire Safety Act shall be performed in accordance to said Act and any inspections pursuant to the N.J. Hotel and Multiple Dwelling Law shall be conducted in accordance and procedures set forth therein.

B. Certificate of Rental Compliance. The Department of Neighborhood Preservation and Code Enforcement shall make available appropriate application forms for Certificate of Rental Compliance in its' office, and/or by any other means available. These forms shall be obtained and completed by the owner, agent, or broker of each such rental property and individual rental unit therein. All required inspections shall be completed as evidenced by the issuance of a Certificate of Rental Compliance before the continued occupancy of the rental property or

individual unit in a rental property occurs, and in accordance with the requirements of Section 104 of this Code, below. The landlord shall make application for an inspection under this section at least ten (10) business days prior to the intended new tenancy/occupancy, or the expiration of the current Certificate of Rental Compliance, whichever is sooner, and the certificate of rental compliance shall be issued before a new tenancy or change in occupancy is permitted. The Department of Neighborhood Preservation and Code Enforcement shall make an inspection and issue a certificate of compliance, if the dwelling unit complies with the 2015 International Property Maintenance Code of the City of Asbury Park.

C. Certificate of Resale Compliance for all Real Property at Time of Sale and Transfer of Title. The Department of Neighborhood Preservation and Code Enforcement shall make available appropriate application forms for a Certificate of Resale Compliance in its' office, and/or by any other means available. It is the responsibility of the seller, the seller's real estate agent or broker, to apply to the Department of Neighborhood Preservation and Code Enforcement, not more than thirty (30) days, nor less than (10) days prior to the expected date of sale, for inspection by the Code Official or housing inspector. If such inspection indicates that the building is in compliance with the provisions of the 2015 International Property Maintenance Code of the City of Asbury Park, a Certificate of Resale Compliance is issued to the applicant. If the building is not in compliance, a list of existing deficiencies and violations is provided to the seller who shall correct them prior to closing of title in the sale.

- 1) The buyer of a property for which a Certificate of Resale Compliance is required may elect to make the corrections necessary to obtain the Certificate of Resale Compliance required hereunder. In that event, upon delivery to the code official of a written Letter of Intent, signed by the buyer(s), with their signatures being notarized, indicating their agreement for making all such necessary repairs to bring the property into compliance within a time acceptable to the city, then a Conditional Certificate of Resale Compliance may be issued. In no event is the time period permitted for the buyer(s) to make repairs after sale to be greater than six months.

D. The Certificate of Resale Compliance, as set forth above, shall be valid for a period of thirty (30) days from the date of issue. At the end of the thirty (30) days, the Certificate of Resale Compliance shall expire, and a new application and inspection must be submitted and obtained prior to closing of title on the sale of the property may occur.

E. Violations of any requirement of this chapter must be corrected by the owner of the unit/property before the issuance of a Certificate of Rental or Resale Compliance. The responsibility for correction of a violation, except in the case of a rental, may be assumed by the buyer, with the written notification and approval of the seller, buyer and Department of Neighborhood Preservation and Code Enforcement.

F. Failure by seller to apply for and/or obtain a Certificate of Resale Compliance prior to transfer of title, or failure of a buyer to complete agreed-upon repairs within the time deemed acceptable by the City, constitutes a violation of this chapter. Both the seller and buyer shall be in violation of this Code, in the event a closing of title on the sale of property occurs without first

obtaining a Certificate of Resale Compliance, in accordance with the procedures in this Code.

G. In no event shall the issuance of a Certificate of Rental or Resale Compliance pursuant to this Code be considered the same as, or a substitute for, a Certificate of Occupancy under the New Jersey Uniform Construction Code, N.J.A.C. 52:27D-119 et seq., as required in Chapter XII of this Code.

SECTION 104 -- RENTAL REGULATIONS AND REGISTRATION OF RENTAL PROPERTIES AND LANDLORDS. RESERVED

SECTION 105 - DUTIES AND POWERS OF THE CODE OFFICIAL

105.1 General.

The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

105.2 Inspections.

The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

105.3 Right of entry.

In accordance with State and case law, where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official, or a code officer in this Department, is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the code official or officer shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, owner's authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

105.4 Identification.

The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

105.5 Notices and orders.

The code official shall issue all necessary notices or orders to ensure compliance with this code.

105.6 Department records.

The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 106 - APPROVAL**106.1 Modifications.**

Existing State of New Jersey law, code, regulations and rules shall govern required repairs. In most circumstances, the repairs will be completed under the auspices of the applicable Construction or subcode official (for example: Fire or electrical subcode official and the regulations that govern them). The Construction or subcode official will have jurisdiction over the permitting and repair process. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner's authorized agent, provided the code official shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

106.2 Alternative materials, methods and equipment.

Existing State of New Jersey law, code, regulations and rules shall govern required repairs. In most circumstances, the repairs will be completed under the auspices of the applicable Construction or subcode official (for example: Fire or electrical subcode official and the regulations that govern them). The Construction or subcode official will have jurisdiction over the permitting and repair process. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the Construction official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons the alternative was not approved.

106.3 Required testing.

Whenever there is insufficient evidence of compliance with the provisions of this code or evidence that a material or method does not conform to the requirements of this code, or in order

to substantiate claims for alternative materials or methods, the Construction official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

106.3.1 Test methods.

Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the Construction official shall be permitted to approve appropriate testing procedures performed by an approved agency.

106.3.2 Test reports.

Reports of tests shall be retained by the code official for the period required for retention of public records.

106.4 Used material and equipment.

The use of used materials that meet the requirements of this Code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested where necessary, placed in good and proper working condition and approved by the Construction official.

106.5 Approved materials and equipment.

Materials, equipment and devices approved by the Construction official shall be constructed and installed in accordance with such approval.

106.6 Research reports.

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

SECTION 107 -- VIOLATIONS

107.1 Unlawful acts.

It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Code.

107.2 Notice of violation.

The code official shall serve a notice of violation or order in accordance with Section 108.

107.3 Prosecution of violation.

Any person failing to comply with a notice of violation or order served in accordance with

Section 108 of this Code shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

107.4 Violation penalties.

Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a new and separate offense.

107.5 Abatement of violation.

The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

SECTION 108 -- NOTICES AND ORDERS

108.1 Notice to person responsible.

Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 108.2 and 108.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

108.2 Form.

Such notice prescribed in Section 108.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.
5. Inform the property owner or owner's authorized agent of the right to appeal.

6. Include a statement of the right to file a lien in accordance with Section 107.3.

108.3 Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified and first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

108.4 Unauthorized tampering.

Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.

108.5 Penalties.

Penalties for noncompliance with Orders and Notices shall be as set forth in Section 107.3

108.6 Transfer of ownership.

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. The Department of Neighborhood Preservation and Code Enforcement shall create, maintain and update forms to comply with this section from time-to-time.

108. 7 Notice Requirements.

a. *Five Day Notice Period.* A minimum five (5) day notice period prior to the issuance of the Summons for the following violation:

1. Transfer of Title Without Disclosure to purchaser of existing Violations.

b. *Forty-Eight Hour Notice Period.* A minimum forty-eight (48) hour notice period prior to the issuance of a Summons for the following violations:

1. Failure to remove weeds or plant growth deemed as a nuisance, in the discretion of the Code Official or officer

2. Any other items or violations in the discretion of the Code official or officer, deemed compliant with this section.

c. *No Notice Required.* No notices of violation shall be required prior to the issuance of a Summons for the following violations:

1. failure to provide Required Utilities (Water)
2. failure to provide Required Utilities (Electric and Heat)
3. failure to obtain a Certificate of Occupancy before Occupancy or Transfer of Title prior to closing of title
4. Trash at curb on days when pickup is not scheduled and not in compliance with the Solid Waste chapter of the City Code
5. Failure to provide proper snow removal.
6. Prohibited occupancy of a placarded structure;
7. Sanitation (exterior property and premises to be maintained clean and sanitary);
8. Grass, Weeds and plant growth in excess of 10 inches unless previous direction or communication has been provided;
9. accumulations of garbage or rubbish;
10. failure to provide clean, sanitary disposal of rubbish in a container;
11. failure to provide clean, sanitary disposal of garbage in a container;
12. overcrowding;
13. occupying non-habitable spaces for sleeping purposes;
14. failure to maintain a safe, unobstructed means of egress;
15. accumulations of trash, rubbish or other materials blocking egress;
16. tampering with a smoke or carbon monoxide detector;
17. failure to provide operable smoke and carbon monoxide systems at all times;
18. Any other items or violations deemed compliant with this section, which, in the discretion of the Code official or officer, affect the health or safety concerns of the citizens.

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SECTION 109 -- UNSAFE STRUCTURES AND EQUIPMENT

109.1 General.

When a structure or equipment is found by the Code Official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this Code.

109.1.1 Unsafe structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

109.1.2 Unsafe equipment.

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

109.1.3 Structure unfit for human occupancy.

A structure is unfit for human occupancy whenever the Code Official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, roach, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

109.1.4 Unlawful structure.

An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this Code, or was erected, altered or occupied contrary to law.

109.1.5 Dangerous structure or premises.

For the purpose of this Code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior

thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.

11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

109.2 Closing of vacant structures.

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner or owner's authorized agent to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

109.2.1 Authority to disconnect service utilities.

The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner or owner's authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner, owner's authorized agent or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

109.3 Notice.

Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, owner's authorized agent or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

109.4 Placarding.

Upon failure of the owner, owner's authorized agent or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

109.4.1 Placard removal.

The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

109.5 Prohibited occupancy.

Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any or person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

109.6 Abatement methods.

The owner, owner's authorized agent, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

109.7 Record.

The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

SECTION 110 -- EMERGENCY MEASURES

110.1 Imminent danger.

When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

110.2 Temporary safeguards.

Notwithstanding other provisions of this Code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

110.3 Closing streets.

When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized. The Code Official shall immediately contact the Chief of Police (or highest ranking officer), Fire Chief and the City Manager.

110.4 Emergency repairs.

For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible. This work shall be then liened against the property as to ensure complete reimbursement.

110.5 Costs of emergency repairs.

Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises or owner's authorized agent where the unsafe structure is or was located for the recovery of such costs.

110.6 Hearing.

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 111 - DEMOLITION**111.1 General.**

The code official shall order the owner or owner's authorized agent of any premises upon which is located any structure, which in the code official's or owner's authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond six months, unless approved by the Construction official.

111.2 Notices and orders.

Notices and orders shall comply with Section 108.

111.3 Failure to comply.

If the owner of a premises or owner's authorized agent fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

111.4 Salvage materials.

When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of

such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state. All sales of materials shall be in accordance with the Local Public Contracts Law or Court Order.

SECTION 112 -- MEANS OF APPEAL

112.1 Application for appeal.

Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the court of competent jurisdiction.

SECTION 113 -- STOP WORK ORDER

113.1 Authority.

Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.

113.2 Issuance.

A stop work order shall be in writing and shall be given to the owner of the property, to the owner's authorized agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

113.3 Emergencies.

Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

113.4 Failure to comply.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less or more than established by Ordinance.

SECTION 200 - DEFINITIONS

SECTION 201 - GENERAL

201.1 Scope.

Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability.

Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes.

Where terms are not defined in this code and are defined in the code of the State of New Jersey, the New Jersey Uniform Construction Code, the International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Residential Code, International Zoning Code, NFPA 70, or local definition, such terms shall have the meanings ascribed to them as stated in those codes.

201.4 Terms not defined.

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts.

Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

SECTION 202 - GENERAL DEFINITIONS

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. Acceptable to the code official.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative; such as inspectors. Commonly referred to as: Director of the Department of Neighborhood Preservation

CONDEMN. To adjudge unfit for occupancy.

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS. The costs shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the

demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a code official, the governing body or board of appeals.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HISTORIC BUILDING

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register or state or locally designated historic district.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment,

material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY or LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

MANUFACTURER RECOMMENDATION. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying how they are to be properly installed, maintained, etc.

NEGLECT. The lack of proper maintenance for a building or structure.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

REPAIRS; EMERGENT - COMPLETING OF. Any repairs authorized by a third party and in accordance with the Local Public Contracts Law, by the code official or other authorized City representative who shall have the power to lien a property;

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is

not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

CHAPTER 13 - SECTION 300

GENERAL REQUIREMENTS

CHAPTER 13 - SECTION 301-- GENERAL

301.1 Scope.

The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility.

The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter.

Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

301.3 Vacant structures and land.

Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

301.4 Manufacturer Recommendation

All equipment, materials or products to which have been affixed a label, seal, symbol or other identifying how they are to be properly installed, maintained, etc.

301.5 More Stringent Regulation(s) to Apply - Code Enforcement

All other ordinances or parts of ordinances, or rules, regulations, etc., in conflict herewith with regards to Code Enforcement activities are hereby repealed to the extent of such consistency, except where such other ordinances or parts of ordinances provide for a higher or more stringent standard, in which event, that higher or more stringent standard shall apply.

301.5 More Stringent Regulation(s) to Apply - Other Code

All other ordinances or parts of ordinances, or rules, regulations, etc., in conflict herewith with regards to other Federal, State, County or local are hereby repealed to the extent of such consistency, except where such other ordinances or parts of ordinances provide for a higher or more stringent standard, in which event, that higher or more stringent standard shall apply. Nothing shall permit the code official to write a corrective action notice or citation based upon these codes

301.5 Willful Damage

Willful Damage. Every occupant shall be liable for willfully or maliciously causing damage to any part of the premises that results in a violation of this code. Any adult occupant shall be responsible and liable for any violation of this code caused by minors under their care or custody occupying the same unit of dwelling space, if the violations were permitted to continue with the knowledge or acquiescence or consent of the adult member.

SECTION 302 -- EXTERIOR PROPERTY AREAS

As used in this section:

Trash or debris shall mean and include the following:

Automobile left standing in an unlicensed and unusable state or condition, or parts thereof left outside of an enclosed garage, scraps of metal, wood, pieces of stone, cement, cans, bottles, scrap paper, or a combination thereof, left in such a condition as to create an unsightly, unhealthful, unsafe, or unsanitary condition, or in such manner as would constitute a fire or health hazard.

302.1 Sanitation.

Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition, free of trash or debris.

302.2 Duties of Owners and Tenants.

It shall be the duty of any owner or tenant or person in possession of any lands in the City:

- a. To keep such lands free of brush, weeds, dead and dying trees, stumps, roots, obnoxious

growths, filth, garbage, trash and debris, where the same are inimical to the preservation of public health, safety or general welfare of the City, or which may constitute a fire hazard;

b. Where the lands abut or border upon any public street or alley in the City, to remove all grass, weeds, brush and other debris from that part of the street or alley bordering on their respective lands.

302.3 Grading and drainage.

Premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

302.3 (a) Filling of Land to Grade.

It is hereby declared to be the duty of the owner or owners of any and all lots in this City to fill and cause each and every lot to be maintained properly filled to grade at all times. This requirement shall apply to vacant lands, areas of lands not plotted into lots and lots upon which improvements are erected.

302.4 Sidewalks and driveways.

Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous.

302.5 Weeds.

Premises and exterior property shall be maintained free from weeds, moss, alge or plant growth in excess of six inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. A bill may be sent or a lien placed upon said property.

Upon mailing date of the notice of violation, owner or agent having charge of a property to cut and destroy weeds after service, the owner shall have one calendar week to abate the issue and then the City shall be authorized to enter the property. A bill may be sent or a lien placed upon said property.

302.6 Rodent harborage.

Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health.

302.6(1) Rodent harborage - continuous maintenance

After pest elimination as per Section 302.5, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

302.7 Exhaust vents.

Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

302.8 Accessory structures.

Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.9 Motor vehicles.

Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

a. Automobile(s) left standing in an unlicensed and unusable state or condition, or parts thereof left outside of an enclosed garage, so as to be accessible to children, rodents, vermin, or insect pests, or in such condition or location as to create an unsightly appearance to neighboring property owners or the general public are prohibited.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

b. No trailer of any size for vehicle repair which provides enclosed storage shall be parked, kept or stored on any premises. This prohibition shall not apply to trash, refuse or recycling containers or to any trailer owned by the municipality or being used in connection with any temporary function, including a circus or carnival, which is approved by the municipality.

302.10 Defacement of property.

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving

or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

302.10.1 GRAFFITI ABATEMENT.

302.10.2 Purpose and Intent.

The City Council of the City of Asbury Park finds graffiti on public or private property a blighting element, which leads to depreciation of the value of property that has been targeted by such vandalism and depreciates the value of the adjacent and surrounding properties to the extent that graffiti creates a negative impact upon the entire City.

The City Council finds and determines that graffiti is obnoxious and a public nuisance, and must be eliminated by means of prevention, education and abatement to avoid the detrimental impact of such graffiti on the City and its residents, and to prevent the further spread of graffiti.

The purpose and intent of the City Council, through the adoption of this section, is to provide additional enforcement tools to protect public and private property from acts of vandalism and defacement. It is the further intent of the City Council, through the adoption of this section, to provide notice to all of those who disregard the property rights of others, that the law enforcement agencies of the City, the Departments of Code Enforcement and Neighborhood Preservation and the City Attorney, will strictly enforce the law and vigorously prosecute those persons engaging in violations of this section.

302.10.3 Definitions.

Aerosol paint container shall mean any aerosol container, which is adapted or made for the purpose of spraying paint or other substance capable of defacing property.

Felt-tip marker shall mean any tipped style marker or similar implement with a tip which, at its broadest width, is one-eighth (1/8) inch, or greater.

Graffiti shall mean any unauthorized inscribing, word, figure, or design which is marked, etched, scratched, drawn, painted, pasted or otherwise affixed to or on any surface, regardless of the nature of the material of that structural component, to the extent the same was not authorized in advance by the owner thereof, or despite advance authorization, is otherwise deemed by the City Council to be a public nuisance.

Graffiti implement shall mean an aerosol paint container, a felt tip marker, or any other device containing any solution or substance capable of being used to leave a visible mark at least one-eighth (1/8) of an inch in width upon any surface.

302.10.4 Declaration of Nuisance.

a. The City Council hereby declares and finds graffiti to be a nuisance subject to abatement according to the provisions and procedures herein contained and as authorized by New Jersey Statutes N.J.S.A. 40:48-1 et seq.

b. The existence of any surface of a structure on any privately owned parcel of land which has

been defaced with graffiti after removal more than five (5) times in twelve (12) months is hereby deemed to be a nuisance, and may be abated by the City by order of the City Council requiring modifications thereto, or to the immediate area surrounding same. Such modifications may include, but are not limited to retrofitting of such surfaces at the expense of the property owner(s) of said lot, with such features or qualities as may be established by the City as necessary to reduce the attractiveness of the surface for graffiti, or as necessary to permit more convenient, expedient or efficient removal of graffiti therefrom.

302.10.5 Graffiti Prohibited.

a. No person shall place graffiti or other writing upon any public or privately owned tree or structures including, but not limited to, buildings, walls, fences, poles, sidewalks and signs, ("structures" hereinafter in this section) located within the City. It shall also be unlawful for any person to apply or affix any adhesive backed label, sticker, "bumper sticker" or similar item, to any tree or structure not owned or lawfully possessed by such person.

b. No person owning or otherwise in control of any real property within the City shall permit or allow any graffiti to be placed upon or remain on any structure located on such property.

302.10.6 Possession of Graffiti Implements by Minors Prohibited.

Possession of any graffiti implement by any person under the age of eighteen (18) years with the intent to deface property while upon public or private property shall be unlawful unless that minor has received the consent of the owner of such private property whose consent to such possession and presence is given in writing in advance or unless that minor is accompanied by and under the supervision of a parent or legal guardian. This provision shall not apply to the possession of felt tip markers by minors attending, or traveling to or from a school at which the minor is enrolled, if the minor is participating in a class at said school, which formally requires possession of such felt tip markers. The burden of proof in any prosecution for violation of this subsection shall be upon the minor student to establish the need to possess a felt tip marker.

302.10.7 Possession of Graffiti Implements Prohibited in Designated Public Places.

Possession of any graffiti implement by any person under the age of eighteen (18) years with the intent to deface property while in any public park, playground, swimming pool, recreational facility, or while in or within ten (10) feet of an underpass, bridge abutment, storm drain, or other similar type of infrastructure not normally used by the public shall be unlawful except as may be authorized by the City or unless that minor is accompanied by and under the supervision and control of a parent or legal guardian.

302.10.8 Accessibility to Graffiti Implements Prohibited.

Furnishing of Graffiti Implements to Minors Prohibited. It shall be unlawful for any person, other than a parent or legal guardian, to sell, exchange, give, loan, or otherwise furnish, or cause or permit to be exchanged, given, loaned, or otherwise furnished, any graffiti implement to any minor without the consent of the parent or lawful guardian which consent shall be given in

advance in writing.

302.10.9 Right of City to Require Removal.

a. In the event graffiti is found, the City shall provide the owner of record written notice of an order to remove said graffiti by certified mail and regular mail, which order shall afford the owner the opportunity to remove the graffiti within sixty (60) days of the date that the notice is sent, however, any government agency or department shall be afforded one hundred twenty (120) days from the date that the notice is sent to remove graffiti from property owned by the agency or department.

b. The City's order to remove shall contain a form to be utilized by a property owner to inform the City that the graffiti has been removed and shall contain a certification stating that by affixing a signature to the form indicating that the graffiti has been removed, the owner is certifying that the facts set forth therein are true and that the certification shall be considered as if made under oath and subject to the same penalties as provided by law for perjury.

302.10.10 Response to Order to Remove Graffiti from Property Owner.

A property owner who has been ordered to remove graffiti shall respond to the City by personal delivery or certified mail:

a. Any objection to the order, within thirty (30) days of the date of the order;

b. Notice that the graffiti has been removed, within sixty (60) days of the date of the order, or in the case of the State Department of Transportation, within one hundred twenty (120) days of the date of the order.

302.10.11 Objection to Order to Remove Graffiti.

A property owner who objects to an order to remove graffiti may institute an action challenging the order before a court of competent jurisdiction within forty five (45) days of the date of the order.

302.10.12 Failure to Comply with Order to Remove Graffiti.

a. If a property owner does not undertake the removal of graffiti within sixty (60) days of the date of the order, or in the case of the Department of Transportation, within one hundred twenty (120) days of the date of the order, unless an action challenging the order to remove graffiti is still pending, the City may remove the graffiti from that property and present the property owner with a detailed itemization of the costs incurred by the City, by certified mail and regular mail, for reimbursement from the property owner.

b. Whenever the City undertakes the removal of graffiti from any building, structure or other exposed surface, the City Council, in addition to assessing the cost of removal as municipal lien against the premises, may enforce the payment of such assessment, together with interest, as a

debt of the owner of the property and may authorize the institution of an action at law for the collection thereof. The Superior Court shall have jurisdiction of any such action.

302.10.13 Right of City to Remove.

a. Whenever the City becomes aware, or is notified and determines that graffiti is so located on public or privately owned property viewable from a public or quasi-public place within the City, the City shall be authorized to use public funds for the removal of same, or for the painting or repairing of same, but shall not authorize or undertake to provide for the painting or repair of any more extensive area than that where the graffiti is located, unless the City Manager, or designee, determines in writing that a more extensive area is required to be repainted or repaired in order to avoid aesthetic disfigurement to the neighborhood or community, or unless the responsible party agrees to pay for the costs of repainting or repairing the more extensive area. Refer to 302.10.10.

b. *Right of Entry on Private Property.*

1. Securing Owner Consent. Prior to entering upon private property or property owned by a public entity other than the City, for the purposes of removal of graffiti, the City shall attempt to secure the consent of the responsible party, and a release of the City from liability for private or public property damage.
2. Failure to Obtain Owner Consent. If a responsible party fails to remove the offending graffiti within the time herein specified, or if the City shall have requested consent to remove or paint over the offending graffiti and the responsible party shall have refused consent for entry on terms acceptable to the City consistent with the terms of this subsection, the City may commence abatement and cost recovery proceedings for the removal of the graffiti pursuant to the nuisance abatement authority granted by the State of New Jersey, which authority includes the recovery of all costs incurred by the City in abating graffiti and recordation of lien as to affected property.

302.11 Snow Removal.

All snow shall be removed within 24 hours from the termination of the snow event and within 48 hours if a State of Emergency has been declared. No snow shall be deposited within the Right-of-Way or within a City owner roadway or alley.

302.12 Placement of dumpsters.

All dumpsters shall be set upon plywood to protect the surface against ruts. This applies to dumpsters on private property, a roadway, alley, or within the right-of-way. A property owner's use of a dumpster is subject to the requirements of Ordinance 3-15.1 et seq.

302.12A Use of Dumpsters

All dumpsters shall be property specific and not to be shared unless by adjacent properties.

302.13 Trees and root systems

Trees shall be maintained to a good visual standard or in accordance with ANSI standards. All tree roots shall not impede or damage existing infrastructure such as sidewalks or fences.

302.14 Order to Remove.

Whenever any Code Official or Inspector, Police Officer or Special Police Officer deems it necessary and expedient for the preservation of the public health, safety, general welfare, or the elimination of a fire hazard, or upon investigation of a complaint of any resident, officer or employee of the City, he may order the owner, tenant or person in possession of any lands on which any brush, grass, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash or other debris are found to exist, to remove same within three (3) days or to cause the removal thereof if the order is not complied with.

302.15 Service of Notice.

After an investigation of a complaint of any resident, officer or employee of the City, or upon his own motion, any City Code Official or Inspector, Police Officer or Special Police Officer or other City Official appointed or directed by the City Manager (or designee) shall proceed with regard to the manner of service of notice to remove the contents thereof as provided in Section 107 et seq. herein.

302.16 Removal by City; Costs Established as a Lien.

In the event the owner, tenant or person in possession of the lands in question refuses or neglects to abate or remedy the condition complained of within three (3) days after receipt of notice, any City Code Official or Inspector, Police Officer or Special Police Officer may cause the condition complained of to be abated and remedied by referral to the City Department of Public Works, which Department shall then certify the cost thereof to the City Tax Collector, who shall cause the cost as shown thereon to be charged against the lands. The amount so charged shall forthwith become a lien upon such lands and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, which shall be collected and enforced by the Tax Collector in the same manner as taxes. Costs shall be in addition to any penalties imposed for a violation of this section.

In the event that the order for removal of trash or debris is as a result of the trash or debris being located on the City right-of-way and the owner, tenant or person in possession of the lands in question refuses or neglects to abate or remedy the condition complained of within forty-eight (48) hours after receipt of notice, any City Code Official or Inspector, Police Officer or Special Police Officer may cause the condition complained of to be abated and remedied by referral to the City Department of Public Works, which Department shall then certify the cost thereof to the City Tax Collector, who shall cause the cost as shown thereon to be charged against the lands. The amount so charged shall forthwith become a lien upon such lands and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, which shall be collected and enforced by the Tax Collector in the same manner as taxes. Costs shall be in addition to any penalties imposed for a violation of this section.

a. *Violations and Penalties.* All violators of this section shall be subject to a penalty of no less than two hundred fifty (\$250.00) dollars for each violation or thirty (30) days community service or both.

Each and every day in which a violation of this section exists shall constitute a separate violation subject to a penalty.

302.17 Exceptions.

The provisions of this section shall not apply to a regular established and licensed business known as a towing operator's storage yard, which business is subject to the special regulations provided in the City Code.

302.18 CLEAR VIEW AT INTERSECTIONS.

302.18.1 Height Restricted.

It shall be the responsibility of any owner, tenant or occupant of any parcel of land within the City to cut all brush, hedges and other plant life growing within ten (10) feet of any roadway and within twenty-five (25) feet of any intersection of two (2) roadways, to a height of not more than two and one-half (2 1/2) feet provided such shall be necessary and expedient for the preservation of the public safety. The owner, tenant or occupant shall have ten (10) days after notice to cut the same.

302.18.2 Inspection and Determination by City.

At least once in each calendar year the Department of Neighborhood Preservation may examine all roadways in the City and make a determination of each parcel of land where it is necessary and expedient for the preservation of the public safety to have any brush, hedges or other plant life cut in accordance with this section of the provisions of N.J.S.A. 40:48-2.26 and 40:48-2.27.

302.18.3 Notice to Remove.

When the Department of Neighborhood Preservation ascertains that there is a parcel of land on which exist the conditions described in this section, it shall cause notice to be given to the owner, tenant or occupant of the land to cut the brush, hedges or other plant life within ten (10) days after the notice is given. The notice shall be given in writing, either personally or by the United States certified mail. If neither method of giving notice is possible or practical, notice may be given by posting it in a prominent place on the parcel of land.

302.18.4 Removal by City; Cost Established as Lien.

If the owner, tenant or occupant fails to cut the brush within ten (10) days, the Public Works Director shall direct a City employee or arrange for an independent contractor, to cut the brush, hedges or other plant life. Where such cutting is done by the Public Works Director, or any other person, or under his direction, he shall certify the cost thereof to the City Tax Collector who shall

cause the cost as shown thereon to be charged against the land. The amount so charged shall forthwith become a lien upon the lands and shall be added to and become and form part of the taxes next to be assessed and levied upon the lands, the same to bear interest at the same rate as other taxes and shall be collected and enforced by the same officers and in the same manner as taxes.

SECTION 303

SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools.

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair. All pools shall comply with existing zoning code and other State and local statutes; the stricture regulation shall apply.

303.2 Enclosures.

Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is not less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304

EXTERIOR STRUCTURE

304.1 General.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions.

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the New Jersey Uniform Construction Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects

or the required strength;

2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all

nominal loads and resisting all load effects.

14. Other items deemed in accordance with this section:

Exceptions:

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted where approved by the Construction official.

304.2 Protective treatment.

Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. Any repairs and/or replacement must match, or be similar to, the style and color of the existing.

304.3 Premises identification.

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 3 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm). Additional or more stringent State regulations may apply; the more stringent regulations shall be the governing regulations.

304.4 Structural members.

Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads. Any repairs and/or replacement must match, or be similar to, the style and color of the existing.

304.5 Foundation walls.

Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls.

Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.7 Roofs and drainage.

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. Any repairs and/or replacement must match, or be similar to, the style and color of the existing.

304.8 Decorative features.

Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions.

Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies.

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers.

Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames.

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing.

Glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows.

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens.

Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

304.15 Doors (exterior).

Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways.

Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water. Handles shall be in good working order.

304.17 Guards for basement windows.

Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents or the elements.

304.18 Building security.

Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

304.18.1 Doors (interior).

Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock. Bedrooms shall not have exterior keys or locks.

304.18.2 Windows.

Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways.

Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

304.19 Gates.

Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 305**INTERIOR STRUCTURE****305.1 General.**

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure that they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

305.1.1 Unsafe conditions.

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

- Where substantiated otherwise by an approved method.
- Demolition of unsafe conditions shall be permitted when approved by the code official.

305.2 Structural members.

Structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces.

Interior surfaces, including but not limited to, -windows, walls, and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces.

Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.5 Handrails and guards.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed

loads and shall be maintained in good condition.

305.6 Interior doors.

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

305.7 Cabinets and/or shelves

Cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils and of food that, under ordinary summer conditions, does not require refrigeration for safe keeping; and a counter or table for food preparation are required. All cabinets and/or shelves and counter or table shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or harmful effect on food.

SECTION 306

COMPONENT SERVICEABILITY

306.1 General.

The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Unsafe conditions.

Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the, existing State or local laws or regulations, International Building Code or the International Existing Building Code as required for existing buildings:

1. Soils that have been subjected to any, but not limited to, the following conditions:
 - 1.1. Collapse of footing or foundation system;
 - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
 - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
 - 1.4. Inadequate soil as determined by a geotechnical investigation;
 - 1.5. Where the allowable bearing capacity of the soil is in doubt; or
 - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any, but not limited to the following conditions:

- 2.1. Deterioration;
- 2.2. Ultimate deformation;
- 2.3. Fractures;
- 2.4. Fissures;
- 2.5. Spalling;
- 2.6. Exposed reinforcement; or
- 2.7. Detached, dislodged or failing connections.
- 2.8. Cracking

3. Aluminum that has been subjected to any, but not limited to the following conditions:

- 3.1. Deterioration;
- 3.2. Corrosion;
- 3.3. Elastic deformation;
- 3.4. Ultimate deformation;
- 3.5. Stress or strain cracks;
- 3.6. Joint fatigue; or
- 3.7. Detached, dislodged or failing connections; or
- 3.8. Cracking

4. Masonry that has been subjected to any, but not limited to the following conditions:

- 4.1. Deterioration;
- 4.2. Ultimate deformation;
- 4.3. Fractures in masonry or mortar joints;
- 4.4. Fissures in masonry or mortar joints;
- 4.5. Spalling;
- 4.6. Exposed reinforcement; or
- 4.7. Detached, dislodged or failing connections; or
- 4.8. Cracking

5. Steel that has been subjected to any, but not limited to the following conditions:

- 5.1. Deterioration;
- 5.2. Elastic deformation;
- 5.3. Ultimate deformation;
- 5.4. Metal fatigue; or
- 5.5. Detached, dislodged or failing connections; or
- 5.6. Cracking

6. Wood that has been subjected to any of, but not limited to, following conditions:

- 6.1. Ultimate deformation;
- 6.2. Deterioration;
- 6.3. Damage from insects, rodents and other vermin;
- 6.4. Fire damage beyond charring;

- 6.5. Significant splits and checks;
- 6.6. Horizontal shear cracks;
- 6.7. Vertical shear cracks;
- 6.8. Inadequate support;
- 6.9. Detached, dislodged or failing connections; or
- 6.10. Excessive cutting and notching.

Exceptions:

Where substantiated otherwise by an approved method.
Demolition of unsafe conditions shall be permitted where approved by the code official.

SECTION 307

HANDRAILS AND GUARDRAILS

307.1 General.

Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

SECTION 308

RUBBISH AND GARBAGE

308.1 Accumulation of rubbish or garbage.

Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

308.2 Disposal of rubbish.

Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

308.2.1 Rubbish storage facilities.

The owner of every occupied premises shall supply approved covered containers for rubbish, and

the owner of the premises shall be responsible for the removal of rubbish.

308.2.2 Refrigerators.

Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

308.3 Disposal of garbage.

Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

308.3.1 Garbage facilities.

The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leak proof, covered, outside garbage container.

308.3.2 Containers.

The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

308.3.3 Containers - Standards.

All items to be collected from curbside will be placed at curbside in upright container, plastic bags, tied in bundles, or otherwise contained so as to not be loose - in no case shall any container, bag or bundle exceed 60lbs in weight or 55 gallons. Items secured in bundles (i.e. branches, wood, hedge clippings, carpeting) shall not exceed 4ft in length. Household furniture placed at curb shall not exceed 120lbs. Household odds

and ends (i.e. a door, shutter, and window) shall not exceed 120lbs.

Quantity to be collected from residential and non-residential premises per pickup day shall conform to the following:

1. Type 10 Household Trash - Not more than five containers and/or bags per dwelling unit and non-residential establishment, per pickup day - Total aggregate per dwelling unit or non-residential establishment not to exceed 300 lbs.
2. Type 13 Bulk Waste - No more than three large items - total aggregate of items, bags, bundles or containers not to exceed 360 lbs per dwelling unit or non-residential establishment, per pickup day. For premises having more than one dwelling unit or more than one non-residential establishment, no more than six large bulk items or an aggregate of 720lbs are to be collected per pickup per building.
3. Type 23 Yard Waste - No more than three bundles, bags or containers per residential or non-residential unit or in the aggregate more than 180lbs, per pickup day. For Premises having more than one dwelling or non-residential establishment no more than six bundles, bags or containers (aggregate) weight not to exceed

360lbs) are to be collected per pickup day.

SECTION 309

PEST ELIMINATION

309.1 Infestation.

Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation.

309.2 Owner.

The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

309.3 Single occupant.

The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.

309.4 Multiple occupancy.

The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.

309.5 Occupant.

The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination.

CHAPTER 13 - SECTION 400 -- LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401

GENERAL

401.1 Scope.

The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

401.2 Responsibility.

The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

401.3 Alternative devices.

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the International Building Code shall be permitted.

SECTION 402**LIGHT****402.1 Habitable spaces.**

Every habitable space shall have not less than one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, but a minimum of 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways.

Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with not less than a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with not less than 1 footcandle (11 lux) at floors, landings and treads.

402.3 Other spaces.

All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

SECTION 403

VENTILATION

403.1 Habitable spaces.

Every habitable space shall have not less than one openable window. The total openable area of the window in every room shall be equal to not less than 45 percent of the minimum glazed area required in Section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and toilet rooms.

Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

403.3 Cooking facilities.

Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

Exceptions:

1. Where specifically approved in writing by the code official.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 Process ventilation.

Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 Clothes dryer exhaust.

Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

Exception: Listed and labeled condensing (ductless) clothes dryers.

SECTION 404

OCCUPANCY LIMITATIONS

404.1 Privacy.

Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths.

A habitable room, other than a kitchen, shall be not less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passageway of 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights.

Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting a maximum of 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.
4. Confliction with other State codes

404.4 Bedroom and living room requirements.

Every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room area.

Every living room shall contain not less than 120 square feet (11.2 m²) and every bedroom shall contain not less than 70 square feet (6.5 m²) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m²) of floor area for each occupant thereof. Continuation of an existing nonconformance shall be permitted pending compliance with all other applicable State and City laws, codes and regulations.

404.4.2 Access from bedrooms.

Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

404.4.3 Water closet accessibility.

Every bedroom shall have access to not less than one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.

404.4.4 Prohibited occupancy.

Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements.

Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding.

Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

TABLE 404.5

MINIMUM AREA REQUIREMENTS

Space	1- 2 Occupants	3 - 5 Occupants	6 or more
Living Room a,b	No requirement	120	150
Dining Room a,b	No requirement	80	100
Bedrooms	Shall comply with Section 404.4		
For SI: 1 square foot = 0.093 m2			

404.5.1 Sleeping area.

The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. Sleeping areas shall comply with Section 404.4.

404.5.2 Combined spaces.

Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

404.6 Efficiency unit.

Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 m²). A unit occupied by not more than two occupants shall have a minimum clear floor area of 220 square feet (20.4 m²). A unit occupied by three occupants shall have a minimum clear floor area of 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

404.7 Food preparation.

All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

CHAPTER 13 - SECTION 500-

**PLUMBING FACILITIES AND FIXTURE
REQUIREMENTS**

**SECTION 501
GENERAL**

501.1 Scope.

The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility.

The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises that does not comply with the requirements of this chapter.

SECTION 502**REQUIRED FACILITIES****502.1 Dwelling units.**

Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink, refrigerator, and stove that shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

The stove, for cooking food, and a refrigerator or refrigerator-freezer shall be required. Said refrigerator shall be capable of maintaining safe storage of food at temperatures less than 45 degrees Fahrenheit but more than 32 degrees Fahrenheit. Said stove and refrigerator, and/or refrigerator-freezer shall be properly installed with all necessary connections for safe, sanitary, and efficient operation and shall be maintained in good working condition. Said equipment need not be installed while a dwelling unit is not occupied.

Cabinets and/or shelves: Cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils and of food that, under ordinary summer conditions, does not require refrigeration for safe keeping; and a counter or table for food preparation are required. All cabinets and/or shelves and counter or table shall be of sound construction furnished with surfaces that are easily cleanable, reachable, and that will not impart any toxic or harmful effect on food.

502.2 Rooming houses.

Not less than one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

502.3 Hotels.

Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each

10 occupants.

502.4 Employees' facilities.

Not less than one water closet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking facilities.

Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

502.5 Public toilet facilities.

Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the International Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

SECTION 503

TOILET ROOMS

503.1 Privacy.

Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

503.2 Location.

Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities.

Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

503.4 Floor surface.

In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard,

nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 504

PLUMBING SYSTEMS AND FIXTURES

504.1 General.

Plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances.

Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards.

Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 505

WATER SYSTEM

505.1 General.

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.

505.2 Contamination.

The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply.

The water supply system shall be installed and maintained to provide a supply of water to

plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities.

Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a minimum temperature of 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

SECTION 506

SANITARY DRAINAGE SYSTEM

506.1 General.

Plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

506.2 Maintenance.

Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

506.3 Grease interceptors.

Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the code official.

SECTION 507

STORM DRAINAGE

507.1 General.

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

CHAPTER 13 - SECTION 600--

MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601

GENERAL

601.1 Scope.

The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility.

The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that does not comply with the requirements of this chapter.

SECTION 602

HEATING FACILITIES

602.1 Facilities required.

Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies.

If the lease requires the landlord to provide heat, the landlord must give you the amount of heat required by the state codes and the local town or city ordinance. Under the state housing codes, from October 1 to May 1, the landlord must provide enough heat so that the temperature in the apartment is at least 68 degrees from 6 a.m. to 11 p.m. between the hours of 11 p.m. and 6 a.m., the temperature in the apartment must be at least 65 degrees. **Cite:** N.J.A.C. 5:10-14 et seq. and N.J.A.C. 5:28-1.12(m).

602.3 Heat supply.

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating

system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable work spaces.

Indoor occupiable work spaces shall be supplied with heat are to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement.

The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603

MECHANICAL EQUIPMENT

603.1 Mechanical appliances.

Mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Removal of combustion products.

Fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances that are labeled for unvented operation.

603.3 Clearances.

Required clearances to combustible materials shall be maintained.

603.4 Safety controls.

Safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air.

A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices.

Devices intended to reduce fuel consumption by attachment to a fuel -burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

SECTION 604**ELECTRICAL FACILITIES****604.1 Facilities required.**

Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service.

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 60 amperes.

604.3 Electrical system hazards.

Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure.

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment.

Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the International Building Code.

Exception: The following equipment shall be allowed to be repaired where an inspection report

from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

Enclosed switches, rated a maximum of 600 volts or less;
 Busway, rated a maximum of 600 volts;
 Panelboards, rated a maximum of 600 volts;
 Switchboards, rated a maximum of 600 volts;
 Fire pump controllers, rated a maximum of 600 volts;
 Manual and magnetic motor controllers;
 Motor control centers;
 Alternating current high-voltage circuit breakers;
 Low-voltage power circuit breakers;
 Protective relays, meters and current transformers;
 Low- and medium-voltage switchgear;
 Liquid-filled transformers;
 Resin transformers;
 Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
 Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
 Luminaires that are listed as submersible;
 Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure.

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment.

Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits that have been exposed to fire, shall be replaced in accordance with the provisions of the International Building Code.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

SECTION 605

ELECTRICAL EQUIPMENT

605.1 Installation.

Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.2 Receptacles.

Every habitable space in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain not less than one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

605.3 Luminaires.

Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

605.4 Wiring.

Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

SECTION 606**ELEVATORS, ESCALATORS AND DUMBWAITERS****606.1 General.**

Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location approved by the code official. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.2 Elevators.

In buildings equipped with passenger elevators, not less than one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607**DUCT SYSTEMS****607.1 General.**

Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. All duct systems shall be installed to manufacturers' specifications.

CHAPTER 13 - SECTION 700-

FIRE SAFETY REQUIREMENTS

SECTION 701

GENERAL

701.1 Scope.

The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

701.2 Responsibility.

The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

SECTION 702

MEANS OF EGRESS

702.1 General.

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code.

702.2 Aisles.

The required width of aisles in accordance with the International Fire Code shall be unobstructed.

702.3 Locked doors.

Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code.

702.4 Emergency escape openings.

Required emergency escape openings shall be maintained in accordance with the code in effect

at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

SECTION 703

FIRE-RESISTANCE RATINGS

703.1 Fire-resistance-rated assemblies.

The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

703.2 Opening protectives.

Required opening protectives shall be maintained in an operative condition. Fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

SECTION 704

FIRE PROTECTION SYSTEMS

704.1 General.

Systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code.

704.1.1 Automatic sprinkler systems.

Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

704.1.2 Fire department connection.

Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an approved sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire code official.

704.2 Single-and multiple-station smoke alarms.

Single-and multiple-station smoke alarms shall be installed in existing Group I-1 and R occupancies in accordance with Sections 704.2.1 through 704.2.3.

704.2.1 Where required.

Existing Group I-1 and R occupancies shall be provided with single-station smoke alarms in accordance with Sections 704.2.1.1 through 704.2.1.4. Interconnection and power sources shall be in accordance with Sections 704.2.2 and 704.2.3.

Exceptions:

1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.
2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.
3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

704.2.1.1 Group R-1.

Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.
2. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.
3. In each story within the sleeping unit, including basements. For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

704.2.1.2 Groups R-2, R-3, R-4 and I-1.

Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of

bedrooms.

2. In each room used for sleeping purposes.

3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

4. Photoelectric smoke alarms shall not be installed less than 6 feet (1829 mm) horizontally from a permanently installed cooking appliance.

704.2.1.4 Installation near bathrooms.

Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section 704.2.1.1 or 704.2.1.2.

704.2.2 Interconnection.

Where more than one smoke alarm is required to be installed within an individual dwelling or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings that are not undergoing alterations, repairs or construction of any kind.

2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

704.2.3 Power source.

Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for over-current protection.

Exceptions:

1. Smoke alarms are permitted to be solely battery operated in existing buildings where no construction is taking place.
2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.
3. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for building wiring without the removal of interior finishes.
 1. The fire alarm system shall comply with all applicable requirements in Section 907 of the International Fire Code.
 2. Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the dwelling or sleeping unit in accordance with Section 907.5.2 of the International Fire Code.
 3. Activation of a smoke detector in a dwelling or sleeping unit shall not activate alarm notification appliances outside of the dwelling or sleeping unit, provided that a supervisory signal is generated and monitored in accordance with Section 907.6.5 of the International Fire Code.

SECTION 800-- ABANDONED AND VACANT PROPERTIES**801 IDENTIFICATION OF ABANDONED PROPERTIES.****801-1 City List of Abandoned Properties.**

- a. The Director of Property Improvement and Neighborhood Preservation or the City Manager's designee is hereby directed to identify abandoned properties with the City, place said properties on an abandoned property list established as provided in Section 36 of P.L.1996, c.62 (C.55:19-55), as amended by Section 28 of P.L.2003, c.210, and provide such notices and carry out such other tasks as are required to effectuate an abandoned property list as provided by law.
- b. The abandoned property list shall apply to the City of Asbury Park as a whole.
- c. The Director of Property Improvement and Neighborhood Preservation or the City Manager's designee is hereby designated as the public officer for the purpose of carrying out the responsibilities established by this section and shall have all the responsibilities and powers provided by law.
- d. The Director of Property Improvement and Neighborhood Preservation or the City Manager's designee shall exercise the authority granted the City pursuant to Section 13 of P.L.2003, c.210,

to designate qualified rehabilitation entities to act as the designee of the City with respect to the provisions of that section.

e. The Director of Property Improvement and Neighborhood Preservation or the City Manager's designee shall provide a report to the Mayor and City Council every six (6) months, with respect to the number and location of properties on the abandoned property list, the status of those properties, and any actions taken by the City or by any qualified rehabilitation entity designated pursuant to the authority granted to the public officer with respect to any property on the list or any other abandoned property within the City.
(Ord. No. 3031; Ord. No. 3077)

802 REGISTRATION OF VACANT PROPERTY.

802-1.1 Definitions.

As used in this section:

Municipal officer shall mean the Director of Property Improvement and Neighborhood Preservation/Code Enforcement or such official within that department as may be designated by the Director in writing.

Owner shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity that has filed a notice with the Municipal Clerk pursuant to the provisions of C.46:10B-51 (P.L.2008, c.127, Sec.17 as amended by P.L.2009, c.296), or any other entity determined by the public officer of the City of Asbury Park to have authority to act with respect to the property.

Vacant Property shall mean any building or structure which is not at present legally occupied or at which all lawful business or construction operations or residential or other occupancy have substantially ceased, and which is in such condition that it cannot legally be re-occupied without repair or rehabilitation, including but not limited to any property meeting the definition of abandoned property in N.J.S.A. 55:19-80; provided, however, that any habitable property where all building systems are in sound working order, where the building and grounds are maintained in good condition, and which is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property for purposes of this section.
(Ord. No. 2015-10 § 1)

802-1.2 Registration of Vacant Property Required; Term; Fee Waivers.

a. As of the effective date of this section (this section adopted by Ord. No. 2015-10 on 4-22-15), the owner of any vacant property as defined herein shall, within 30 days after the building becomes vacant property or within 30 days after assuming ownership of the vacant property, whichever is later; or within 10 days of receipt of notice from the City, file a registration statement for such vacant property with the municipal officer on forms provided for that purpose by the municipal officer along with any fee required by this section. Failure to receive notice from the municipality shall not constitute grounds for failing to register the property.

b. Each property having a separate tax block and lot number shall be registered separately.

c. The registration shall include the information required under subsection 13-802-1.4, the insurance certificate required under subsection 13-802-1.7, as well as any additional information that the municipal officer may reasonably require.

d. The registration shall remain valid for one year from the date of registration. The owner shall be required to renew the registration annually as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed in subsection 13-802-1.5 for each vacant property registered.

e. The municipal officer may establish for purposes of efficient administration that all registrations shall be renewed by a single date in each year, which date shall be established by the municipal officer in which case the initial registration fee shall be pro-rated for registration statements received less than 10 months prior to that date.

f. 1. Any owner of vacant property who plans to restore the property to productive use and occupancy during the twelve (12) month period following the date of the initial registration of the property shall file a detailed statement of the owner's plans for restoration of the property with the registration statement and shall be exempt from payment of the registration fee, but shall comply with all other provisions of this section. In the event that the property has not been restored to productive use and occupancy at the end of the twelve (12) month period, the owner shall be liable for any fee waived. The municipal officer, after consultation with the City Council and with the approval of a majority thereof, may extend the waiver of the registration fee for not more than one additional year in response to a written request by the property owner where the municipal officer finds that compelling conditions outside the owner's control made it impossible for the owner to restore the property within the initial twelve (12) month period.

2. Where the owner is an entity experienced in rehabilitation or redevelopment of vacant properties, and where the property subject to this section is being held for a project of rehabilitation or redevelopment consistent with municipal plans and ordinances, and where by virtue of financing, market or other conditions that project may require more than one year for realization, the municipal officer, after consultation with the City Council and with the approval of a majority thereof, may extend the waiver of the registration fee on an annual basis without limitation upon written request by the owner as long as the municipal officer finds that the owner is making reasonable progress toward completion of the project. The owner shall provide the municipal officer with such documentation, which may include plans, financing applications, applications for land use approval or other evidence of progress.

g. The owner shall notify the municipal officer within 30 days of any change in the registration information by filing an amended registration statement on a form provided by the municipal officer for such purpose.

h. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the City against the owner or owners of the building.

(Ord. No. 2015-10 § 2)

802-1.3 City Access for Inspections.

At any time after filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide access to the City to conduct exterior and interior inspections of the building to determine compliance with municipal codes, on reasonable notice to the property owner or the designated agent. (Ord. No. 2015-10 § 3)

802-1.4 Registration Application Content.

a. The registration statement shall include (1) the name, street address, e-mail address and telephone number of a natural person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owner or owners in connection with the enforcement of any applicable code; and (2) the name, street address, e-mail address and telephone number of the firm or individual responsible for maintaining the property. The individual or a representative of the firm responsible for maintaining the property shall be available by telephone or in person on a 24 hour per day, seven (7) day per week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the state of New Jersey or reside within the state of New Jersey.

b. An owner who is a natural person and who maintains offices in the state of New Jersey or resides within the state of New Jersey may designate him or herself as agent or as the individual responsible for maintaining the property.

c. By designating an authorized agent under the provisions of this section the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the municipal officer in writing of a change of authorized agent or until the owner files a new annual registration statement.

d. Any owner who fails to register a vacant property under the provisions of this section shall further be deemed to consent to receive, by posting at the building, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.
(Ord. No. 2015-10 § 4)

802-1.5 Fees.

a. The registration and renewal fee for each building shall be as follows:

Initial registration	\$500.00 or prorated amount per subsection 802-1.2
First renewal	\$1,000.00

Second renewal	\$1,750.00
Any subsequent renewal	\$2,500.00

b. One hundred (100%) percent of all fee income resulting from the application of this section shall be used for the sole purpose of carrying out municipal activities with respect to vacant and distressed properties, including but not limited to code enforcement, abatement of nuisance conditions, stabilization, rehabilitation, and other activities designed to minimize blight and further productive reuse of properties.
(Ord. No. 2015-10 § 5)

802-1.6 Maintenance of Vacant Property Required.

The owner of any structure that has become vacant property, and any person responsible for maintaining any such building that has become vacant, shall within 30 days of the structure becoming vacant or 30 days of the owner taking title to the property:

- a. Enclose and secure the structure as provided in the applicable codes of the City of Asbury Park or as set forth in rules and regulations adopted by the municipal officer to supplement those codes.
- b. Ensure that the grounds of the structure, including yards, fences, sidewalks, walks and driveways, are well-maintained and kept free from trash or debris; and
- c. Maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition until the building is again occupied or demolished or until repair or rehabilitation of the building is complete.
(Ord. No. 2015-10 § 6)

802-1.7 Insurance Requirements.

The owner of any vacant property shall acquire or otherwise maintain liability insurance, in an amount of not less than \$300,000.00 for buildings designed primarily for one to four unit residential use and not less than \$1,000,000.00 for any other building, including, but not limited to, buildings designed for multifamily, manufacturing, storage or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building. Any insurance policy acquired or renewed after the building has become vacant shall provide for written notice to the municipal officer within 30 days of any lapse, cancellation or change in coverage. The owner shall attach evidence of the insurance to the owner's registration statement. Any registration statement submitted that does not include such evidence shall not be deemed to be a valid registration. (Ord. No. 2015-10 § 7)

802-1.8 Online Registry.

The City of Asbury Park may establish an online registry of all properties registered with the City under this section, which shall include a procedure by which citizens can provide the municipal officer with information on unregistered properties that may be subject to this section

through electronic means. (Ord. No. 2015-10 § 8)

802-1.9 Additional Rules and Regulations.

The municipal officer may issue rules and regulations for the administration of the provisions of this section, after consultation with the City Council and with the approval of a majority thereof. (Ord. No. 2015-10 § 9)

802-1.10 Violations and Penalties.

a. Any person who violates any provision of this section or of the rules and regulations issued hereunder shall be fined not less than one thousand (\$1,000.00) dollars and not more than two thousand (\$2,000.00) dollars for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this section shall be recoverable from the owner and shall be a lien on the property.

b. For purposes of this section, failure to file a registration statement within 30 days after a building becomes vacant property or within 30 days after assuming ownership of a vacant property, whichever is later; or within 10 days of receipt of notice by the City, failure to provide correct information on the registration statement, failure to comply with the provisions of subsections 802-1.6 and 802-1.7, or such other matters as may be established by the rules and regulations of the municipal officer shall be deemed to be violations of this section. (Ord. No. 2015-10 § 10)

803-1.0 UPKEEP OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES IN FORECLOSURE.

803-1.1 Definitions.

Creditor shall mean, consistent with section 3 of P.L. 2008, c.86, a State chartered bank, savings bank, savings and loan association or any credit union, or any person required to be licensed under the provisions of the “New Jersey Residential Mortgage Lending Act,” and any entity acting on behalf of the Creditor named in the debt obligation, including but not limited to, mortgage loan servicers.

Public officer shall mean the Director of Property Improvement and Neighborhood Preservation/Code Enforcement or such official within that department as may be designated by the Director, in writing. (Ord. No. 2015-18 § 13-3.1)

803-1.2 Creditor Responsibility for Vacant and Abandoned Properties; In-State Representative Required.

a. Any Creditor filing a summons and complaint in an action to foreclose on any residential property within the City shall be immediately responsible for the care, maintenance, security, and

upkeep of the exterior of that property, in the event it is determined to be vacant and abandoned property.

b. Where a Creditor is located out-of-State, the Creditor shall be responsible for appointing an in-State representative or agent to act on the Creditor's behalf for the purpose of satisfying the requirements of paragraph a. above. Notice of said representative or agent shall be provided to the City Clerk and the Public Officer (as defined in this section, in a manner that is consistent with subsection a. of section 17 of P.L. 2008, c.127 (the "Save New Jersey Homes Act of 2008")), and shall further include the full name and contact information of the in-State representative or agent.

c. All foreclosing creditors, and, in the case of an out-of-state foreclosing Creditor, their in-State representatives, shall be responsible to comply with the requirements of all other ordinances adopted by the City of Asbury Park and the Code of the City relating to vacant and/or abandoned property, in the same manner as those ordinances and the Code of the City pertain to the title owners of such vacant and/or abandoned property.
(Ord. No. 2015-18 § 13-3.2)

803-1.3 Notice.

a. The City's public officer shall be authorized to issue a notice to a Creditor that has filed a summons and complaint in an action to foreclose on a residential property within the City, if the public officer determines that the Creditor has violated this section by failing to provide for the care, maintenance, security, and upkeep of the exterior of the property. Where a Creditor is an out-of-State Creditor, the notice shall be issued to the representative or agent that has been identified by the Creditor pursuant to subsection 13-4.2 and the Save New Jersey Homes Act of 2008.

b. The notice referenced in paragraph a. above shall require the Creditor to correct the violation(s) within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety.

c. The issuance of a notice pursuant to paragraph a. above shall constitute proof that a residential property is "Vacant and Abandoned" for the purposes of this section.
(Ord. No. 2015-18 § 13-3.3)

803-1.4 Violations and Penalties.

a. A Creditor subject to this section that is found by the municipal court of the City, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a "care, maintenance, security, or upkeep violation" cited in a notice issued pursuant to this section, shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this subsection shall commence 31 days following the Creditor's receipt of the notice, except where the violation is deemed to present an imminent risk to the public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

b. An out-of-state Creditor subject to this section that is found by the municipal court of the City, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on an out-of-state Creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in paragraph (1) of subsection a. of section 17 of P.L. 2008, c.127 (C.46:10B-51), for providing notice to the City Clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

c. No less than one hundred percent (100 %) of any money collected pursuant to this section shall be utilized by the City of Asbury Park for purposes relating to its City code enforcement purposes.

(Ord. No. 2015-18 § 13-3.4)

SECTION 900--

REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7. The original list can be found in the IPMC Book in the Code Department.

APPENDIX A BOARDING STANDARD

A101

GENERAL

A101.1 General.

Windows and doors shall be boarded in an approved manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure.

A102

MATERIALS

A102.1 Boarding sheet material.

Boarding sheet material shall be minimum 1/2-inch-thick (12.7 mm) wood structural panels complying with the International Building Code.

A102.2 Boarding framing material.

Boarding framing material shall be minimum nominal 2-inch by 4-inch (51 mm by 102 mm) solid sawn lumber complying with the International Building Code.

A102.3 Boarding fasteners.

Boarding fasteners shall be minimum 3/4-inch-diameter (9.5 mm) carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the International Building Code.

A103

INSTALLATION

A103.1 Boarding installation.

The boarding installation shall be in accordance with Figures A103.1(1) and A103.1(2) and Sections A103.2 through A103.5 of the IPMC which is available for inspection.

A103.2 Boarding sheet material.

The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

A103.3 Windows.

The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch (51 mm by 102 mm) strong back framing material shall be cut minimum 2 inches (51 mm) wider than the window opening and shall be placed on the inside of the window opening 6 inches (152 mm) minimum above the bottom and below the top of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

A103.4 Door walls.

The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at a maximum of 24 inches (610 mm) on center. Blocking shall also be secured at a maximum of 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every 6 inches (152 mm) on center.

A103.5 Doors.

Doors shall be secured by the same method as for windows or door openings. One door to the structure shall be available for authorized entry and shall be secured and locked in an approved 2008, c.127 (C.46:10B-51), for providing notice to the City Clerk that a summons and complaint

in an action to foreclose on a mortgage has been served.

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED, that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

**CITY OF ASBURY PARK
BOND ORDINANCE NUMBER 2018-41**

BOND ORDINANCE PROVIDING FOR THE ACQUISITION AND INSTALLATION OF LICENSE PLATE READERS AND ASSOCIATED SOFTWARE, BY AND IN THE CITY OF ASBURY PARK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$175,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$175,000 IN BONDS OR NOTES TO FINANCE THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF ASBURY PARK, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

SECTION 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a Parking Utility improvement or purpose to be undertaken by the City of Asbury Park, in the County of Monmouth, State of New Jersey (the “City”). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$175,000 from the Parking Utility of the City, said sum being inclusive of all appropriations heretofore made therefor. Pursuant to the provisions of N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the “Local Bond Law”), no down payment is required as the Parking Utility of the City is self-liquidating.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof, negotiable bonds of the Parking Utility of the City are hereby authorized to be issued in the principal amount of \$175,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the City in a principal amount not exceeding \$175,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued are various Parking Utility Improvements including, but not limited to, the acquisition and installation, as applicable, of License Plate Readers and associated software; and acquisition and installation, as applicable of various software required for operations; and also including all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$175,000.

(c) The estimated cost of said improvement or purpose is \$175,000.

SECTION 4. In the event the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity make a contribution or grant in aid to the City, for the improvement and purpose authorized hereby and the same shall be received by the City prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity, shall be received by the City after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the City as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the City, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the City shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Parking Utility of the City is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs of the Parking Utility as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, will be on file in the Office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement or purpose which the City may lawfully undertake as a Parking Utility improvement or purpose, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvement or purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is seven (7) years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the City and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$175,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$35,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

SECTION 8. The full faith and credit of the City is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The City hereby declares the intent of the City to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The City Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The City Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The City covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

DATED: September 26, 2018

CINDY A. DYE,
Clerk of the City of Asbury Park

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____, 2018

JOHN MOOR,
Mayor of the City of Asbury Park



**Asbury Park, New Jersey
ORDINANCE NO. 2018-42**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XX
“ENVIRONMENTAL REGULATIONS” ADDING SECTION 20-3 PLASTIC BAGS OF
THE “CODE OF THE CITY OF ASBURY PARK, NEW JERSEY.”**

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and City Council of the City of Asbury Park (the “City”), in the County of Monmouth and State of New Jersey, that Chapter XX, entitled “Environmental Regulations,” of the “Code of the City of Asbury Park, New Jersey” is hereby amended and supplemented in order to add a new Section 20-3 thereof, to be known as “Plastic Bags,” as follows:

CHAPTER XX

ENVIRONMENTAL REGULATIONS

20-3 PLASTIC BAGS.

20-3.1 Purpose.

The purpose of these provisions is to promote and operationalize:

- a. The protection of unique coastal resources found in the City of Asbury Park and identified for protection in policies of the NJDEP - Coastal Management Program; 42 U.S.C. 6901, *et seq.* Solid Waste Disposal Act.
- b. Compliance with federal and state mandates for Clean Water (including National Pollutant Discharge Elimination System Permit Program) 33 U.S.C. 1251, *et seq.* - Clean Water Act; N.J.S.A. 58:10A-1, *et seq.* - New Jersey Water Pollution Control Act.
- c. A reduction in the amount of plastic material that is manufactured, transported, handled/processed, and discarded, and the impacts associated with such activities.
- d. A reduction in the amount of waste/debris throughout the City of Asbury Park and bordering waterways, and the amount of material going to landfills.

20-3.2 Definitions.

“Carryout bag” means a single-use or reusable bag that is: (1) provided by a covered store to a customer at the point of sale and is used to carry goods from such store; or (2) provided by a street vendor. Such term shall not include reusable carryout bags or exempt bags.

“City” shall mean the City of Asbury Park.

“City Manager” shall mean the City Manager of the City of Asbury Park or his/her designee(s) authorized to carry out the provisions of this Section.

“Covered store” means (i) a food service establishment and (ii) a retail or wholesale establishment engaged in the sale of personal, consumer or household items including but not limited to drug stores, pharmacies, grocery stores, supermarkets, convenience food stores, food marts, or other retail establishments of any kind, that provide carryout bags to consumers in which to place items purchased or obtained at such establishment.

“Exempt bag” means any of the following: (i) a bag without handles to carry produce, meats, dry goods, dry cleaning, or other non-prepackaged food items to the point of sale within a store or market to prevent such food items from coming into direct contact, and/or intended to stop cross-contamination with other purchased items; (ii) a bag provided by a pharmacy to carry prescription drugs; or (iii) a bag associated with any purchase related to an individual(s) receiving public assistance, such as the New Jersey State Supplemental Nutritional Assistance Program, EBT Program, or New Jersey State Special Supplemental Nutrition Program for women, infants and children as full or partial payment, fixed income or disability; or (iv) any other bag to be exempted from the provisions of this Section as determined by the City Manager or his/her designee.

“Food service establishment” shall mean any establishment located in the City which serves made to order food for dine in, take out or delivery.

“Reusable carryout bag” means a bag with handles that is specifically designed and manufactured for multiple reuse and is either:

- (i) made of cloth or other machine washable fabric;
- (ii) made of durable plastic that is at least 2.25 mils thick; or
- (iii) defined as a reusable bag by the City Manager or his/her designee.

“Street vendor” means any person or business peddling, vending, selling, or displaying for sale on a seasonal or one-time basis any merchandise or food that is presented from a mobile setting including a vehicle, cart, tent, table, or stand. This includes all businesses at farmers markets, street festivals, and other events requiring group or special event permits.

20-3.3 Use of Single-Use Plastic Carryout Bags Prohibited.

Effective February 1, 2019, no operator of any covered store or street vendor within the City shall provide any single-use plastic carryout bag to any customer for the purpose of enabling a customer to transport products or goods out of the covered store or from the point of purchase, except in accordance with the provisions of this Section. Nothing in this Section shall be read to preclude operators of covered stores or street vendors from providing single-use paper bags to customers for a fee in accordance with Subsection 20-3.4 of this Chapter or from making reusable carryout bags available for sale to customers. No operator or street vendor shall

preclude customers from using their own reusable carryout bags.

20-3.4 Carryout Bag Fee.

a. Effective February 1, 2019, an operator of a covered store or a street vendor may provide a customer with a single-use plastic carryout bag, provided that the operator or street vendor shall impose and collect a fee of \$0.05 for each single-use plastic carryout bag provided to the customer. No covered store or street vendor shall be required to charge such fee for an exempt bag. All monies collected under this Section shall be retained by the covered store or street vendor.

b. No covered store or street vendor shall charge a carryout bag fee for bags of any kind provided by the customer in lieu of a carryout bag provided by any such covered store or street vendor.

c. No covered store or street vendor shall charge or prevent a person from using a bag of any kind that they have brought to any such covered store or street vendor for purposes of carrying goods from such store or street vendor.

20-3.5 Outreach and Education.

a. The City Manager or his/her designee shall establish an outreach and education program aimed at educating residents and covered stores on reducing the use of single-use carryout bags and increasing the use of reusable carryout bags.

b. To the extent practicable, the City Manager or his/her designee shall seek the assistance of private entities and local not-for-profit organizations to provide and distribute reusable carryout bags to residents and to covered stores.

20-3.6 Enforcement.

a. Any notice of violation issued pursuant to this Section shall be returnable in the City's municipal court, which shall have the power to impose penalties as provided herein.

b. The City Manager shall designate appropriate staff to enforce this Section, including but not limited to representatives of the Code Enforcement Department, Public Works Department, Building Department and the Recycling Coordinator.

20-3.7 Penalty.

Any person who is convicted of a violation of this Section shall, upon conviction, be liable to the penalties set forth in Chapter I, Section 1-5, of the City Code.

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED, that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final passage and publication in accordance with the law, following the required twenty (20) day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

I, CINDY A. DYE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2018-42 which was finally adopted by the City Council at a meeting held on the 10th day of October, 2018

CINDY A. DYE
CITY CLERK



Minutes
Meeting of the Municipal Council
Wednesday, September 26, 2018
WORK SESSION

Announcement by the City Clerk

Attendee Name	Title	Status	Arrived
Eileen Chapman	Councilmember	Present	
Yvonne Clayton	Councilmember	Present	
Jesse Kendle	Councilmember	Present	
Amy Quinn	Deputy Mayor	Absent	
John Moor	Mayor	Present	
Cindy Dye	City Clerk	Present	
Michael Capabianco	City Manager	Present	
Frederick Raffetto	City Attorney	Present	

City Clerk Cindy Dye called the meeting to order at 6:00 PM.

Proclamation Recognizing the Asbury Park Music Foundation

Mayor Moor and the City Council presented a proclamation recognizing the Asbury Park Music Foundation.

City Manager's Report on Issues Raised at Prior Council Meeting(s)

City Manager Capabianco stated that there was no sign permit across the street. A summons was issued; however, it was dismissed by the court. This is being looked into.

Special Event Applications

Leesha Floyd reviewed the special event applications with Mayor and Council.

Review of Agenda Items for September 26, 2018 Regular Meeting

City Manager Capabianco reviewed the Council meeting agenda with the Mayor and Council.

Matters from City Council

Council Member Clayton stated that there will be a 2nd public meeting regarding the City's Affordable Housing Plan on October 11 at the Asbury Park Senior Center. She also announced the new CDBG home repair program, which allows homeowners who qualify to obtain up to \$5,000 for repairs for in or around your home. Please contact Carrie Jeanot or Cassandra Dickerson for more information.

Council Member Kendle stated that the Asbury Park Homecoming Parade will be held on October 6. He also announced the Trunk or Treat will be held on Halloween. Anyone who wishes to donate, please see Leesha.

Mayor Moor reiterated Council Member Clayton's comments on the new CDBG program. He recognized the event held at the Senior Center sponsored by the Mayor's Wellness Committee supporting senior health.

Matters from City Manager

City Manager Capabianco had no matters.

Matters from City Attorney

City Attorney Raffetto stated that if any members of the public have questions regarding the Sea Hear Now concert, please speak to the City Manager or refer to the City website.

Regular Meeting begins at 7 p.m.

Respectfully submitted by:

Cindy A. Dye, RMC, City Clerk



Minutes
Meeting of the Municipal Council
Wednesday, September 26, 2018
REGULAR MEETING

Executive Session - 4:00 p.m.

2018-342 Resolution Authorizing a meeting which excludes the public

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jesse Kendle, Councilmember
SECONDER:	Eileen Chapman, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

Attendee Name	Title	Status	Arrived
Eileen Chapman	Councilmember	Present	
Yvonne Clayton	Councilmember	Present	
Jesse Kendle	Councilmember	Present	
Amy Quinn	Deputy Mayor	Absent	
John Moor	Mayor	Present	
Cindy Dye	City Clerk	Present	
Michael Capabianco	City Manager	Present	
Frederick Raffetto	City Attorney	Present	

City Clerk Cindy Dye called the meeting to order at 7:00 PM.

PUBLIC PARTICIPATION

Motion made by Council Member Kendle and seconded by Council Member Clayton to open the meeting to the public.

The following members of the public spoke: Rev. Gilbert Caldwell, Milia Estes, Christian Hubert, Pam Lamberton, John Webber.

Motion made by Council Member Council Member Clayton and seconded by Council Member Council Member Kendle to open the meeting to the public.

MINUTES

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

1. Executive Minutes of Sep 12, 2018 4:00 PM
2. Municipal Council - Work Session - Sep 12, 2018 6:00 PM
3. Municipal Council - Regular Meeting - Sep 12, 2018 7:00 PM

CONSENT AGENDA RESOLUTIONS

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jesse Kendle, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

2018-343 Resolution Approving Special Event Applications

2018-344 Resolution to Credit Sewer Account 806-16 4 Avenue A

2018-349 Resolution Authorizing Installation of Rainbow Crosswalk

INDIVIDUAL RESOLUTIONS

2018-345 Resolution Approving Payment of Bills

RESULT:	ADOPTED [3 TO 1]
MOVER:	Yvonne Clayton, Councilmember
SECONDER:	Eileen Chapman, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle
NAYS:	John Moor
ABSENT:	Amy Quinn

2018-346 Authorizing the Execution of “Addendum B to Use and License Agreement” with SHN Festivals, LLC, Concerning a Live Cultural Music and Art Festival to be Held in a Designated Portion of the Asbury Park Waterfront Area from September 28, 2018 through September 30, 2018

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jesse Kendle, Councilmember
SECONDER:	Eileen Chapman, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

2018-347 Resolution Amending the Metered Parking Requirements for the Waterfront Area of the City, Effective During the Sea.Hear.Now Festival

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Jesse Kendle, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

2018-348 Resolution Awarding a Contract for Installation of Playground Equipment

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

ORDINANCES

Introduction

2018-37 An Ordinance Amending Section 3-35, Entitled “Sleeping In Public Places,” of Chapter III, “Police Regulations,” of the “Revised General Ordinances of the City Of Asbury Park, New Jersey”

RESULT:	TABLED [UNANIMOUS]
	Next: 10/10/2018 7:00 PM
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Jesse Kendle, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

2018-45 An Ordinance Amending and Supplementing Chapter III “Drug-Free Zones Surrounding Public Housing Facilities, Parks and Public Buildings.” of the “Code of the City of Asbury Park, New Jersey.”

Public hearing is scheduled for October 24, 2018.

RESULT:	INTRODUCED [UNANIMOUS]
	Next: 10/24/2018 7:00 PM
MOVER:	Jesse Kendle, Councilmember
SECONDER:	Eileen Chapman, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

Second Reading/Public Hearing

2018-21 An Ordinance of the City of Asbury Park, County of Monmouth and State of New Jersey Adding Chapter Two Section Eighty-Eight "Development Fees" to the Code of the City of Asbury Park

RESULT:	TABLED [UNANIMOUS]
	Next: 10/10/2018 7:00 PM
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

2018-34 An Ordinance Amending and Supplementing Chapter XXVIII "Health Regulations by Adding Section 28-5 "Intentional Release of Balloons" of the "Code of the City of Asbury Park, New Jersey."

Motion made by Council Member Kendle and seconded by Council Member Clayton to open the ordinance to the public.

The following members of the public spoke: Helen Henderson, John Webber.

Motion made by Council Member Chapman and seconded by Council Member Clayton to close the ordinance to the public.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Yvonne Clayton, Councilmember
SECONDER:	Eileen Chapman, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

2018-35 An Ordinance Amending and Supplementing Section 26-4 "Retirement Benefits" of Chapter XXVI, "Personnel Policies," of the "Code of the City of Asbury Park, New Jersey."

Motion made by Council Member Kendle and seconded by Council Member Chapman to open the ordinance to the public.

No one from the public spoke.

Motion made by Council Member Kendle and seconded by Council Member Clayton to close the ordinance to the public.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Jesse Kendle, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

2018-36 An Ordinance Amending and Supplementing Chapter III, Entitled "Police Regulations," of the "Revised General Ordinances of the City of Asbury Park, New Jersey," in Order to Establish a New Section Thereof to be Known as Section 3-10, Entitled "Begging And Panhandling."

Motion made by Council Member Kendle and seconded by Council Member Chapman to open the ordinance to the public.

The following members of the public spoke: Christian Hubert.

Motion made by Council Member Clayton and seconded by Council Member Kendle to close the ordinance to the public.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

2018-38 Ordinance of the City of Asbury Park Amending and Supplementing Chapter VII of the Code of the City of Asbury Park Regarding Traffic and Parking Regulations

Motion made by Council Member Kendle and seconded by Council Member Chapman to open the ordinance to the public.

No one from the public spoke.

Motion made by Council Member Kendle and seconded by Council Member Chapman to close the ordinance to the public.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

2018-39 An Ordinance Amending and Supplementing Various Articles and Sections of Code of The City of Asbury Park

RESULT:	TABLED [UNANIMOUS]
	Next: 10/10/2018 7:00 PM
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Jesse Kendle, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

2018-40 An Ordinance Amending the Property Maintenance Code of the City of Asbury Park

Motion made by Council Member Kendle and seconded by Council Member Chapman to open the ordinance to the public.

No one from the public spoke.

Motion made by Council Member Kendle and seconded by Council Member Chapman to close the ordinance to the public.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

2018-41 Bond Ordinance Providing for the Acquisition and Installation of License Plate Readers and Associated Software, by and in the City of Asbury Park, in the County of Monmouth, State of New Jersey; Appropriating \$175,000 Therefor and Authorizing the Issuance of \$175,000 in Bonds or Notes to Finance the Cost Thereof

Motion made by Council Member Clayton and seconded by Council Member Chapman to open the ordinance to the public.

No one from the public spoke.

Motion made by Council Member Kendle and seconded by Council Member Clayton to close the ordinance to the public.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Yvonne Clayton, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

2018-42 An Ordinance Amending and Supplementing Chapter XX “Environmental Regulations”
Adding Section 20-3 Plastic Bags of the “Code Of The City Of Asbury Park, New
Jersey.”

RESULT:	TABLED [UNANIMOUS]
	Next: 10/10/2018 7:00 PM
MOVER:	Eileen Chapman, Councilmember
SECONDER:	Jesse Kendle, Councilmember
AYES:	Eileen Chapman, Yvonne Clayton, Jesse Kendle, John Moor
ABSENT:	Amy Quinn

ADJOURNMENT

The meeting was adjourned at 7:30 PM

Respectfully submitted by:

Cindy A. Dye, RMC, City Clerk