

ORDINANCE #2173

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

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

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

CHAPTER VII PROPERTY MAINTENANCE AND HOUSING

SECTION I.

7-1 General

Powers of the Township Manager's Designated Agents.

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

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

Rules and Regulations.

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

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

7-1.3 Adoption of Property Maintenance Code.

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

Three copies of said Code have been placed on file in the office of the Township Clerk and in the office of the Department of Community Development of the Township of Ocean.

The 2009 International Property Maintenance Code is amended and revised in the following respects:

SECTION 101.1 Insert: Township of Ocean.

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

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

SECTION 202 BEDROOM DEFINITION SHALL BE AMENDED TO ADD:

Every Bedroom Occupied By One Person Shall Contain At Least 70 Square Feet (6.5m²) Of Floor Area And Every Bedroom Occupied By More Than One Person Shall Contain At Least 50 Square Feet (4.6m²) Of Floor Area For Each Occupant Thereof. Every Living Room Shall Contain At Least 120 Square Feet.

SECTION 107.3 Delete certified mail

SECTION 107.2(5) & (6) Delete.

SECTION 109.6 Delete.

SECTION 111 Delete.

SECTION 302.4 Add 10 inches

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

SECTION 602.3 Insert date "October 1 to May 1"

SECTION 602.4 Insert date "October 1 to May 1"

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

7-1.4 Definitions.

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

Notice of Violation.

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

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

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

Violation and Penalty.

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

Property Maintenance

Additions to Property Maintenance Code, Nonresidential Structures.

- a. Maintenance of Exterior of Premises and Structures.

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

1. Refuse. Brush, weeds, broken glass, stumps, roots, growths, filth, garbage, trash, refuse and debris.
2. Natural Growth. Dead and dying trees and limbs or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions.
3. Overhangs. Loose and overhanging objects and accumulations of ice and snow which, by reason of location above ground level, constitute a danger of their falling on persons in the vicinity thereof. It shall be unlawful to permit the branches or limbs of any trees or shrubbery to grow or extend in any of the streets within the territorial limits of the Township of Ocean, at a height of less than eight feet from the surface of any such streets, and any limb or branch the whole or any part of which may be lower than eight feet from the surface of any such street shall be and the same is hereby declared to be a nuisance and unlawful. If such limbs or branches shall not be removed within the time period specified, after service of the notice as provided for Section 107 of the 2009 International Property Maintenance Code, then the Township Manager, by its duly authorized agents, may abate said nuisances. The cost and expense paid and incurred by the township shall be added to the tax or taxes on the lot or lots of land in front of which said limbs or branches have been removed or cut, to be collected according to law, and shall be a lien upon such lands until paid.
4. Ground Surface Hazards. Holes, excavations, breaks, projections, obstructions on paths, walks, driveways, parking lots, and parking areas, and other parts of the premises which are accessible to and used by persons on the premises. All such holes and excavations shall be filled and repaired, walks and steps replaced and other conditions removed where necessary to eliminate hazards or unsanitary conditions with reasonable dispatch upon their discovery.
5. Recurring Accumulations of Stormwater. Adequate run-off drains shall be provided and maintained to eliminate any such recurrent or excessive accumulation of stormwater to minimize soil erosion.

6. Sources of Infestation. Sources of infestation shall be eliminated.
 7. Foundation Walls. Foundation walls shall be kept structurally sound, free from defects and damage and capable of bearing imposed loads safely.
 8. Chimneys, Flues and Vents. Chimneys and all flue and vent attachments thereto shall be maintained structurally sound, free from defects, and so maintained as to capably perform at all times the functions for which they were designed. Chimneys, flues, gas vents or other draft-producing equipment shall provide sufficient draft to develop the rated output of the connected equipment and shall be structurally safe, durable, smoke tight, and capable of withstanding the action of the flue gases.
 9. Porches, Landings, Balconies, Stairs and Fire Escapes. Porches, landings, balconies, stairs and fire escapes shall be provided with banisters or railings properly designed and maintained to minimize the hazards of falling, and they shall be kept structurally sound, in good repair, and free from defects.
 10. Accumulation of Leaves. Any accumulation of fallen leaves on a developed property that exists outside the dates set forth in subsection 10-6.4 of the "Revised General Ordinances of the Township of Ocean, 1965" for the municipal collection of leaves.
- b. The exterior of the premises and condition of accessory structures shall be maintained so that the appearance of the premises and all buildings thereon shall reflect a level of maintenance in keeping with the standards of the neighborhood, and such that the appearance of the premises and structures shall not constitute a blighting factor for adjoining property owners, nor an element leading to the progressive deterioration and downgrading of the neighborhood with accompanying diminution of property values including the following:
1. Landscaping. Premises shall be kept landscaped to prevent erosion, and lawns, hedges and bushes shall be kept trimmed and free from becoming overgrown and unsightly where exposed to public view and where they constitute a blighting factor depreciating adjoining property.
 2. Signs and Billboards. All permanent signs and billboards exposed to public view permitted by reason of other regulations or as a lawful nonconforming use shall be maintained in good repair. Any signs which have excessively weathered or faded or upon which the paint has excessively peeled or cracked shall, with their supporting members, be removed forthwith.
 3. Windows. All windows exposed to public view shall be kept clean and free of marks or foreign substances except when necessary in the course of changing displays.
 4. Awnings and Marquees. Any awning or marquee and its accompanying structural members which extend over any street, sidewalk, or other portion of the premises shall be maintained in good repair and shall not constitute a nuisance or a safety hazard. In the event such awnings or marquees are not properly maintained in accordance with the foregoing, they shall, together with their supporting members, be removed forthwith. In the event the awnings or marquees are made of cloth, plastic, or of similar materials, the cloth or plastic where exposed to public view shall be maintained in good condition and shall not show evidence of excessive weathering, discoloration, ripping, tearing, or other holes. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks, or other parts of the public domain.
- c. General Maintenance. The exterior of every structure or accessory structure not inherently resistant to decay, including fences, shall be maintained in good repair and all surfaces thereof shall be kept painted or otherwise provided with a protective coating sufficient to prevent structural deterioration and to maintain appearance. Such structures shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint, or other conditions reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated, and adjoining properties and the neighborhood protected from blighting influences.
- d. Structural Soundness. The exterior of every structure or accessory structure, including fences, signs, and store fronts, shall be maintained in good repair and all surfaces thereof shall be kept painted or otherwise provided with a protective coating sufficient to prevent structural deterioration and to maintain appearance. All surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint, or other conditions reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved and safety and fire hazards eliminated.

- e. Store Fronts. In the event repairs to a store front become necessary, such repairs shall be made with the same or similar materials used in the construction of the store front in such a manner as to permanently repair the damaged area or areas. Any cornice visible above a store front shall be kept painted, where required, and in good repair.
- f. General Sanitation and Safety. All parts of the premises under the control of the occupant or operator shall be kept in a clean and sanitary condition, and the occupant shall refrain from performing any acts which would render other parts of the premises unclean or unsanitary, would obstruct the owner or operator from performing any duty required hereunder or maintaining the premises in a clean and sanitary condition, including:
Refuse, storage and accumulation: Storage bins, rooms, and areas shall not be used for accumulated garbage or refuse.
- g. Hazards/dangerous conditions or any dangerous or hazardous conditions that are outlined as follows:

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

Unfit Dwellings.

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

Hearing Provisions.

Any person affected by a notice which has been issued in connection with the enforcement of unfit dwelling, may request and shall be granted a hearing on the matter before the Township

Manager's hearing panel, provided such person shall file in the office of the Township Clerk a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within ten days after the day the notice is served. Upon receipt of such petition, the Township Manager shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten days after the day on which the petition is filed; provided that upon application of the petitioner the Code Enforcement Official and the Township Manager may postpone the date of the hearing for a reasonable time beyond such ten-day period, if in their judgment the petitioner has submitted a good and sufficient reason for such postponement. After such hearing the Code Enforcement Official and the Township Manager shall sustain, modify or withdraw the notice, depending upon their findings as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with. If the Code Enforcement Official and the Township Manager sustain or modify such notice, it shall be deemed to be an order. Any notice served pursuant to this chapter shall automatically become an order if a written petition for a hearing is not filed in the office of the Code Enforcement Official and the Township Manager within ten days after such notice is served. The proceedings at such hearings, including the findings and the decision of the Code Enforcement Official and the Township Manager shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Code Enforcement Official and the Township Manager. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Code Enforcement Official and the Township Manager may seek relief there from in any court of competent jurisdiction, as provided by the laws of the State. Whenever the Code Enforcement Official and the Township Manager's designated agents find that an emergency exists which requires immediate action to protect the public health or safety, he may, without notice of hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as they deem necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Code Enforcement Official and the Township Manager's designated agents shall be afforded a hearing as soon as possible. After such hearing, depending upon their findings as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with, the Code Enforcement Official and the Township Manager's designated agents shall continue such order in effect, or modify it, or revoke it.

7-2.4 Order for Abatement or Demolition.

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

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

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

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

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

7-3 Housing Code

7-3.1 Certificate of Occupancy Inspections.

The Housing Inspector, Code Enforcement Official and the Township Manager's other designated agents are hereby authorized to make inspections to determine the condition of dwellings, dwelling units, rooming units, and premises located within the Township of Ocean in order that they may perform their duties safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections, the Housing Inspector, Code Enforcement Official and the Township Manager's other designated agents are hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units, and premises. The owner or occupant of every dwelling, dwelling unit, and rooming unit, or the person in charge thereof, shall give the Housing Inspector, Code

Enforcement Official and the Township Manager's other designated agents free access to such dwelling, dwelling unit or rooming unit and its premises at all times for the purposes of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful rule or regulation adopted, or any lawful order issued pursuant to the provisions of this chapter. If any discrepancies were noted, a violation notice shall be issued.

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

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

7-3.3 Certificate of Occupancy Required.

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

7-3.4 Application for Certificate of Occupancy.

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

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

7-3.5 Bedroom door locks in dwellings:

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

7-3.6 Inspection.

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

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

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

7-3.8 Posting of Certificate of Occupancy.

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

7-3.9 Cost of Inspection.

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

7-3.10 Smoke Detectors Required.

- a. Preamble. The township council is knowledgeable that many instances have been documented whereby lives have been saved as a result of smoke detectors/ Carbon Monoxide detectors being provided in residential dwellings and multifamily dwellings, and the township council is further knowledgeable that the New Jersey State Uniform Construction Code and, in particular, the ICC Basic Building Code/2009 and Uniform Fire Code 5:70-2.3 and, in particular, New Jersey Edition of the ICC New Jersey Edition, requires that smoke detectors be installed in all dwellings. The township council deems it necessary to the health, safety and welfare of its inhabitants to enact certain amendments to its certificate of occupancy ordinance.
- b. Installation Required. No person shall sell, rent, transfer, grant or lease any dwelling, motel room or garden apartment unit unless such dwelling, motel room or garden apartment unit shall be provided with a minimum of one approved U.L. listed and labeled smoke detector and one carbon monoxide detector sensing visible or invisible particles of combustion installed in a manner and location consistent with its listing and approved by the Fire Official. When actuated, the detector shall provide an alarm suitable to warn the occupants within the dwelling, motel room or garden apartment unit.
- c. Required to Obtain Certificate of Occupancy. In addition to requirements that an application for a certificate of occupancy established that the dwelling, motel unit or garden apartment unit meets the standards as set forth therein, it shall also be a requirement that each dwelling shall be provided with a minimum of one approved U.L. listed/ labeled smoke detector and one carbon monoxide detector, sensing visible or invisible particles of combustion installed in a manner and location consistent with its listing and approved by the Fire Official. When actuated, the detector shall provide an alarm suitable to warn the occupants within the dwelling.

7-3.11 Landlord Registration.

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

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

Fees:

The fee for the first registration by a landlord for a particular unit shall be in the amount of 150.00. The fee for an annual renewal registration is \$75.00.

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

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

7-4 Multiple-Dwelling Security Funds.

7-4.1 Multiple-Dwelling Emergency Board.

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

7-4.2 Duties of Board.

The duties of the Board shall consist of the following:

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

7-4.3 Depositing of Security Funds.

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

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

7-4.4 Spending of Money by Board.

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

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

7-4.5 Authorization to Expend Moneys.

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

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

SECTION II.

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

SECTION III.

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

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

CERTIFICATION

*I hereby certify that this is a true copy of a Ordinance adopted by the Township of Ocean Governing Body at their meeting held on **December 5, 2011.***

Vincent Buttiglieri, RMC/CMC/MMC
Township Clerk