

BOROUGH OF UNION BEACH
NOTICE OF PENDING ORDINANCES
ORDINANCE NO. 2016-229

The following Ordinance was introduced and passed upon first reading at a meeting of the Governing Body of The Borough of Union Beach in the County of Monmouth, New Jersey held on Thursday, January 21, 2016. It will be further considered for final passage after public hearing at a meeting of said Governing Body to be held on Thursday, February 18, 2016 at the Municipal Building, 650 Poole Avenue, Union Beach, New Jersey at 8:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested will be given an opportunity to be heard concerning same.

A copy of these Ordinances have been posted on the Bulletin Board at the Municipal Building, upon which Public Notices are customarily posted and on the Borough's Website at www.unionbeach.net during the week prior to and up to and including the date of such meeting. Copies of the Ordinances are available to the General Public of the Borough, who shall request such copies at the Office of the Borough Clerk, 650 Poole Avenue, Union Beach, NJ 07735.

**ORDINANCE NO. 2016- 229 AN ORDINANCE REVISING AND AMENDING AN
ORDINANCE ENTITLED "THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF
UNION BEACH, 1980," CHAPTER X, BUILDING AND HOUSING**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE
BOROUGH OF UNION BEACH that Chapter X, Building and Housing Regulations of the Borough of Union Beach is hereby amended as follows:

10-1.1 Enforcing Agency Established.

a. There is hereby established in the borough a State Uniform Construction Code enforcing agency to be known as Union Beach Code Enforcement Bureau, consisting of a construction official, building subcode official, plumbing subcode official, electrical subcode official, fire subcode officials, and such other subcode officials for such additional subcodes as the Commissioner of the Department of Community Affairs, State of New Jersey, shall hereafter adopt as part of the State Uniform Construction Code and the International Code Council, Building subcode of 2015, Plumbing subcode of 2015, Fire subcode of 2015 and the Electrical subcode of 2014. The construction official shall be the chief administrator of the enforcing agency. Any reorganization of positions, or the opening of lines of authority between dispersed personnel in different agencies, is reserved to the mayor and council.

10-2. INTERNATIONAL CODE COUNCIL PROPERTY
MAINTENANCE CODE, 2015

10-2.1 Adoption of International Code Council Property Maintenance Code, 2015. A certain document, three (3) copies of which are on file in the office of the Borough Clerk of the Borough of Union Beach, being marked and designated as the *International Code Council Property Maintenance Code, 2015* edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Union Beach, in the State of New Jersey, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said International Code Council Property Maintenance on file in the office of the Borough of Union Beach are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in section 3 of this ordinance.

10-2.2 Repealer and Saving Clause. The former subsections 10-2.1 and 10-2.3 adopting and amending "The International Code Council Property Maintenance Code, First Edition, 2015," and former subsections 10-2.2, 10-2.4 and 10-2.5 be and the same hereby are repealed. Nothing in this section or in the International Code Council Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this subsection; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this section.

10-2.4 Requirement for a Certificate of Occupancy. No owner or person in any capacity shall occupy or cause, let, allow, permit or suffer to be occupied by any person any vacant dwelling or dwelling unit, nor

shall any person, owner, or any agent, servant or employee lease or occupy or cause to be let or occupied and vacant dwelling or dwelling unit unless a certificate of occupancy certifying that the dwelling unit is fit for human habitation as set forth in this ordinance, shall first be obtained from the code official.

a. The code official shall cause to be prepared appropriate application forms for such certificate of occupancy which forms shall be available to applicants at the office of the code enforcement officer.

b. The code official shall cause to be prepared appropriate forms of the certificate of occupancy.

c. For a single family residence a fee of one hundred (\$100.00) dollars to cover the cost of the application and of the first inspection and any reinspection to confirm the correction of violations, deficiencies or other noncompliances prior to the issuance of the certificate of occupancy. If a third inspection is required because the applicant failed to correct all of the violations, deficiencies or other noncompliances an additional fee of fifty (\$50.00) dollars shall be charged prior to the issuance of the certificate of occupancy. An additional fee of fifty (\$50.00) dollars shall be charged for each reinspection required thereafter to ensure compliance with the code prior to the issuance of the certificate of occupancy. All fees shall be paid by the applicant to the Borough of Union Beach at the time the application is filed and prior to each required reinspection and shall not be refundable.

d. For a commercial building or multi-family dwelling with more than one apartment a fee of one hundred and twenty-five (\$125.00) dollars to cover the cost of the application and of the first inspection and any reinspection to confirm the correction of violations, deficiencies or other noncompliances prior to the issuance of the certificate of occupancy. If a third inspection is required because the applicant failed to correct all of the violations, deficiencies or other noncompliances an additional fee of one hundred (\$100.00) dollars shall be charged prior to the issuance of the certificate of occupancy. An additional fee of one hundred (\$100.00) dollars shall be charged for each reinspection required thereafter to ensure compliance with the code prior to the issuance of the certificate of occupancy. All fees shall be paid by the applicant to the Borough of Union Beach at the time the application is filed and prior to each required reinspection and shall not be refundable.

10-2.5 Designation of Enforcement Authority. The code enforcement officer shall be deemed the code official empowered to and responsible for the enforcement of all of the provisions of this ordinance and the *International Code Council Property Maintenance Code*, 2015 edition, adopted by this ordinance. The titles "code official" and "code enforcement officer" as they appear in these Revised General Ordinances and the *International Code Council Property Maintenance Code*, 2015 edition, shall be deemed interchangeable references to the same officials or officers of the Borough of Union Beach.

10-2.6 Violations and Penalties. Any person who shall violate a provision of this code shall, upon conviction thereof, be subject to a fine of not less than one hundred (\$100.00) dollars nor more than two thousand (\$2,000.00) dollars for each offense or may be imprisoned in the county jail or another place of imprisonment or confinement for a term not exceeding ninety (90) days or a period of community service not exceeding ninety (90) days, or both.

Each day that a violation continues after due notice has been served shall be deemed a separate offense.

If the violation is of a provision of any housing, building or zoning code and the Code Enforcement Bureau official or other code enforcement officer chooses to impose a fine in an amount greater than one thousand two hundred and fifty (\$1,250.00) dollars, the owner or agent or contractor or other person having control of the building or premises shall have a period of not less than thirty (30) days in which the owner, agent or contractor shall be afforded the opportunity to cure or abate the condition constituting the violation. Subsequent to the expiration of the 30 day period a fine greater than \$1,250 may be imposed if a court of competent jurisdiction has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

BE IT FURTHER ORDAINED, that if any provision, paragraph, section or subsection of this chapter be found unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions of this chapter shall remain in full force and effect and shall have continuing validity; and

BE IT FURTHER ORDAINED, that this ordinance shall take effect immediately upon final adoption in accordance with law.