

ORDINANCE 2024-07

ORDINANCE OF THE BOROUGH OF SHIP BOTTOM, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 2.80, WHICH PERTAINS TO THE BOARD OF HEALTH, AMENDING CHAPTER 8.20, WHICH PERTAINS TO PUBLIC HEALTH NUISANCES, AMENDING CHAPTER 8.32, WHICH PERTAINS TO WEED, BRUSH, FILTH, AND WASTE REMOVAL, AMENDING CHAPTER 15.04, WHICH PERTAINS THE PROPERTY MAINTENANCE CODE, AND AMENDING CHAPTER 15.06, WHICH PERTAINS TO CERTIFICATES OF OCCUPANCY AND SITE PLAN REQUIREMENTS

STATEMENT OF PURPOSE

The purpose of this ordinance is to delete Chapter 2.80 pertaining to the Board of Health, repeal and replace §8.20 adopting the Public Health Nuisance Code, repeal and replace Chapter 8.32 regulating Weed, Brush, Filth, and Waste Removal, repeal and replace Chapter §15.04.010 adopting the 2021 International Property Maintenance Code, and repeal and replace Chapter 15.06 setting forth rules and regulations pertaining to Certificates of Occupancy and Construction and Site Plan requirements.

SECTION I

Chapter 2.80 is deleted and marked (Reserved).

SECTION II

Chapter 8.20 is repealed and replaced with the following.

§8.20.010 Public Health Nuisance Code.

- A. Adoption by Reference. Pursuant to Chapter 188, Laws of 1950, the "Public Health Nuisance Code of New Jersey (1953)" is adopted by reference for the Borough with the exception of Sections IV and VI and made a part of this section without the inclusion of the text herein. The code defines and prohibits certain matters, things, conditions, or acts as a nuisance and authorizes the inspection of premises by the Board of Health and provides for removal or abatement of certain nuisances, as well as recovery of expenses incurred by the Board of Health.
- B. Public Record. 3 copies of the "Public Health Nuisance Code of New Jersey (1953)," plainly marked as to the sections adopted, have been placed on file in the office of the Borough Clerk and shall remain on file for the use and examination of the public.

§8.20.020 Additional Nuisances.

In addition to the matters, things, conditions, and/or acts prohibited in the "Public Health Nuisance Code of New Jersey (1953)," the following are declared to be nuisances.

- A. Below-Grade Lands.
 - 1. No property owner in the Borough shall maintain his or her property below the grade established by the Borough Engineer or permit or suffer to be maintained on his or her property any low areas wherein water may accumulate and which may become mosquito breeding pools.
 - 2. In the event that any property owner maintaining a nuisance on his or her property, as described in this subsection, shall fail to abate such nuisance within 30 days from receipt of written notice to do so, the Borough shall arrange for the abatement of the nuisance set forth in the notice, at the expense of the property owner involved, and the cost thereof as ascertained by the Borough, plus interest, shall be collected from the owner.
- B. Water Pollution. No person shall place upon the banks of or discharge into any natural body of water any material tending to pollute such water or maintain any toilet, cesspool, or other receptacle or device for the disposal of excrement or other waste matter, human or

otherwise, which is not watertight or from which the waste matter escapes into any natural body of water for any reason, including flooding by storms or unusually high tides.

- C. Sanitation of Privies. No person shall maintain any cesspool, private disposal plant, outdoor toilet, or privy in any unsanitary condition, or so that offensive odors will emanate therefrom, or one not provided with a well-fitting fly-proof cover.
- D. Foul Discharges. No person shall discharge foul or nauseous liquids or kitchen slops from any establishment so that such liquids shall pass into or along any of the public streets or highways.
- E. Dead Animals. No person shall cast or lay the carcass of any dead animal or any excrement or filth on any roadway in the Borough or on any vacant land.
- F. No person shall neglect to provide and use garbage cans with tight fitting covers when disposing of garbage, litter, refuse, or rubbish. No person shall overload any garbage can so that the gross weight exceeds 100 pounds, nor shall any person willfully upset garbage cans on any street or sidewalk.
- G. Hazards to Persons.
 - 1. No person shall maintain or permit the maintenance on property owned or controlled by him or her of anything or condition likely to cause injury to any person, including but not limited to the following:
 - a. A water-filled excavation;
 - b. Any type of motor vehicle body, frame, or chassis, any motor vehicles unable to be self-propelled, or any abandoned motor vehicles;
 - c. A crumbling stone or brick wall imperiling a sidewalk area;
 - d. Abandoned boats or any type of recreational vehicle;
 - e. 1 or more mounds of girders, lumber, or other building material;
 - f. An uncovered or exposed wall;
 - g. An excavation or cellar which has remained uncovered or unfenced for 30 days;
 - h. Refuse and debris resulting from construction activities or the demolishing of a building which has remained on the land for a period of 1 month or more after completion of the construction or demolition work.
 - 2. This subsection shall not apply to any lawful business requiring the maintenance of the thing or condition in question, provided there is compliance with all applicable laws, regulations, and provisions of the Borough Code and adequate precautions are taken to prevent injuries to persons and the public health, welfare, and safety.
- H. Bulkheads in Disrepair. No property owner shall allow bulkheads in such state of disrepair as to permit the earth and fill behind the bulkhead to wash into the tidal waters abutting the bulkhead or to endanger or be likely to endanger persons or property.
- I. Depressions or Holes Created Behind Bulkheads and Retaining Walls. No property owner shall allow depressions or holes created behind bulkheads and retaining walls as a result of the disrepair of such bulkhead or retaining wall as hereinabove described which may endanger or be likely to endanger persons or property.
- J. Noises. When the noise emanating from the following acts is clearly audible from at least 100 feet from the actor, source, or device, provided, however, that this enumeration shall not be deemed to be exclusive.
 - 1. Radios, stereos, etc. The playing of any radio, television, stereo, musical instrument or other machine or device for the production or reproduction of sound in such a manner or in such volume as to unreasonably annoy or disturb the quiet, comfort, or repose of persons in any dwelling, hotel, or other type of residence, or to disturb

the peace, quiet and comfort of neighboring inhabitants, or to play or operate the same with louder volume than is necessary for convenient hearing of the person or persons who are in the room, chamber, or venue in which said machine or device is operated and who are voluntary listeners to such sound.

2. Yelling, shouting, etc. Yelling, shouting, hooting, whistling or singing on public streets or yelling, shouting, hooting, whistling, or singing at any other place, whether public or private, in such a manner and in such volume and intensity to disturb the peace and quiet of the neighborhood, or to annoy or disturb the quiet, comfort, or repose of persons in any dwelling, hotel or any other place of residence, or of any persons in the vicinity.
 3. Peddlers, hawkers, and vendors. The shouting of peddlers, hawkers, and vendors, in such a manner and in such volume and intensity to disturb the peace and quiet of the neighborhood, so as to annoy or disturb the quiet, comfort, or repose of persons in any dwelling, hotel or any other type of residence, or of any persons in the vicinity.
 4. Loudspeakers and amplifiers for advertising. The use, operation or permitting the playing, use or operation of any radio, television, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the production or reproduction of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building, structure, store, or establishment.
- K. Construction equipment. Excluding emergency work, the operation of any equipment used in commercial construction, repair, alteration, or demolition work on buildings, structures, streets, or appurtenances thereto on residential or commercial property shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, 6:00 p.m. and 9:00 a.m. on Saturdays and federal holidays, and shall not be performed at all on Sundays.
- L. Landscaping equipment. Excluding emergency work, power tools, home maintenance tools, landscaping, and/or yard maintenance equipment used by residential operators (e.g., owners and tenants) shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends or federal holidays. Excluding emergency work, power tools, landscaping and/or yard maintenance equipment used by nonresidential operators (e.g., commercial operators, public employees, and third parties) shall not be operated on a residential or commercial property between the hours of 6:00 p.m. and 7:00 a.m. on weekdays and 6:00 p.m. and 9:00 a.m. on Saturdays and federal holidays and shall not be performed at all on Sundays.
- M. Loading operations and refuse-compacting vehicles. Loading, unloading, opening, or otherwise handling boxes, crates, containers, garbage cans, garbage pickup, or similar objects, or the operating or permitting the operation of any motor vehicle which can compact refuse, and which creates, during the compacting cycle, a disturbing noise shall not be performed between the hours of 6:00 p.m. and 7:00 a.m., except that municipal waste pickup may begin at 6:00 a.m. on scheduled pickup days during weekdays.
- N. Animals. No person shall keep, harbor, or maintain any animals which habitually cries, barks, howls, caws, or otherwise disturbs the peace.
- O. Light.
1. Placing or maintaining spotlights or other types of artificial lighting that provide a concentrated beam of light extending beyond any property lines.
 2. Placing or maintaining spotlights or other types of artificial lighting extending beyond the vertical plane of the face of any building or structure that causes a beam of light to be reflected upon any adjoining property or public street.
 3. All outdoor lighting shall be of a soft or glare-free type and shall not cast an illumination color which shall be distractive, obliterate, or obscure the view, or be ultraviolet, strobic, pulsating, flashing, travel, or of any unnatural kind.
 4. No outdoor lighting or outdoor light fixtures shall shine directly upon any neighboring property or into any room or rooms of structures on any neighboring property in a manner that creates glare for the occupants of any neighboring

property or in such a manner that the lighting constitutes an objectionable glare source.

5. No outdoor lighting or outdoor light fixtures at any property shall be permitted where such create light trespass.
6. No outdoor lighting shall be located on any structure adjacent to a natural body of water if such outdoor lighting creates glare, constitutes a safety hazard, or otherwise constitutes an objectionable direct glare source.

§8.20.030 Applicability.

This Chapter is intended to apply and to bind the owners, tenants, occupants, guests, and all other persons. This Chapter shall not apply to representatives and employees of the Borough performing tasks on official business of the Borough or for specific activities authorized by the Mayor and Council.

§8.20.040 Enforcement; Complaints.

- A. It shall be the duty of the Police Department and Code Enforcement Officials to determine whether or not this Chapter has been and is being complied with, and to enforce the provisions of this Chapter against any person violating the same.
- B. Any police officer or Code Enforcement Official or any individual person may file a complaint in Municipal Court violations of this chapter.

§8.20.050 Violations and Penalties.

Any person who is convicted of a violation of this Chapter shall be punishable as provided in Chapter 1.08, General Penalty.

SECTION III

Chapter 8.32 is repealed and replaced with the following.

Chapter 8.32 Weed, Brush, Filth, and Waste Removal

§8.32.010 Purposes and General Regulations

- A. It is necessary to ensure that lands, lots, buildings, premises, dwellings, and structures (collectively "Lands and Structures"), as well as the public rights-of-way in the streets, sidewalks and easements, are free from debris, filth, brush, trash, refuse, solid waste, weeds, dead and dying trees, stumps, roots, obnoxious growths, obnoxious materials, soil, sediment, and other discarded materials, including, but not limited to discarded furniture, appliances, and pipes (collectively "Debris") in order to protect against, remedy, and eliminate threats to persons, property, and the public health, welfare, and safety, health and fire hazards, to protect private property rights, economic activities, and neighboring property values, and prevent both public and attractive nuisances.
- B. It is further necessary to prevent deep spots, depressions, and holes (hereinafter collectively "Depressions") on certain lands and lots from accumulating stagnant water and debris, conditions which poses a threat to the public health, safety, and welfare, including, but not limited to, creating fire hazards, health hazards, and providing breeding grounds for mosquitoes, flies, other insects, rodents, and vermin.
- C. It is further necessary to ensure that lands and lots are graded and maintained to control soil erosion and sediment, which conditions cause and pose threats to persons, property, and the public health, welfare, and safety, create fire and health hazards, diminish and damage private property rights, economic activities, and neighboring property values, and constitute both public and attractive nuisances.

§8.32.020 Duties of Owners and Tenants

- A. Property owners and tenants shall be responsible to ensure that the Lands and Structures that they own or at which they have legal possessory interests and the corresponding public rights-of-way and easements are free from Debris and the Depressions and do not pose threats to the public health, welfare, and safety as set forth in §8.32.010.

- B. Property owners and tenants shall be responsible to remove the accumulation of all soil and/or sediment from the public rights-of-way adjacent to their properties in the streets and easements within 24 hours of any accumulation of any such soil and/or sediment.
- C. It shall be the responsibility of the property owners to grade and maintain the land to control soil erosion and sediment damages in compliance with the requirements of §16.52. All necessary soil erosion and sediment control measures shall be installed to prevent the accumulation of soil and sediment onto adjacent properties and the public right-of-way adjacent to the owners' properties.

§8.32.030 Designated Public Officers

The Borough designates, charges, and authorizes the Director of the Long Beach Island Health Department, a public officer of the Borough designated by said Director, the Code Enforcement Officer, and other public officers that may be designated by resolution of the Mayor and Council as the public officers charged with the authority to carry out the provisions of this ordinance.

§8.32.040 Duties of Owners and Tenants.

- A. It shall be the duty of the owners, tenants, and the persons in possession of any lands and structures to maintain those lands and structures free from debris and to keep same maintained in a clean, safe, and sanitary condition.
- B. It shall be the duty of the owners, tenants, and persons in possession of any lands and structures to maintain those lands and structures free from Depressions and that all Depressions that occur or are created are filled with a clean fill to a street grade height of 8 inches.
- C. It shall be the duty of the owners of any lands and structures to grade and maintain the land to control soil erosion and sediment damages in compliance with the requirements of §16.52. It shall be the duty of the owners, tenants, or persons in possession of any lands and structures to remove the accumulation of all soil and/or sediment from the public rights-of-way adjacent to their properties in the streets and easements within 24 hours of any accumulation of any such soil and/or sediment.
- D. Should the owners, tenants, or persons in possession of any lands and structures fail to maintain those lands, structures, public rights-of-way, streets, and easements in accordance with the duties set forth herein, the Designated Public Officer may serve notices of penalties and removal as provided herein.
- E. It shall be the duty of the owners, tenants, or persons in possession of any lands and structures to remove debris, fill depressions, and otherwise comply with Subsections A through D above within 10 days after receipt of notice from the Designated Public Officer pursuant to §8.32.040.

§8.32.050 Notice to Owners or Tenants and Service Provisions.

Notices shall be served in writing either personally or by registered mail to the owners, tenants, and persons in possession and by posting it upon the lands and structures, if possible, in a conspicuous place. If the whereabouts of an owner is unknown and cannot be ascertained by and through the exercise of reasonable diligence, and service cannot be made by way of personal service or registered mail, the Designated Public Officer exercising the authority provided herein shall make an affidavit to that effect and then cause notice to be published in a newspaper circulating in the Borough at least once and not less than 30 days before the improvement is made by the Borough. Proof by affidavit of service of the notice shall be filed with the officer in charge of the records of tax liens, but failure to file the proofs shall not invalidate the proceedings if service has been made as hereinbefore provided.

§8.32.060 Removal and Abatement; Costs established as Lien.

- A. If the owner, tenant, or person in possession of any lands and structures in question fails to abate the condition(s) complained of in the notice within 10 days after receipt of same or 30 days after publication in the newspaper, and if service is not effectuated by personal or registered mail, the Debris may be removed and Depressions filled by or under the direction of the Designated Public Officer and the removal and fill may be performed under that direction by either the Borough employees or by third-party contractors pursuant to the

provisions of the Local Public Contracts Law, unless the action is necessary to prevent imminent danger to life, limb, or property, in which case no-bid contracts may be entered.

- B. Where the Debris shall have been removed and/or Depressions filled by the Borough pursuant to the terms herein, the Designated Public Officer shall certify the cost thereof to the Mayor and Council. The Mayor and Council shall examine the certificate, and if it shall be found correct, the Mayor and Council shall cause the cost as shown thereon to be charged against the lands and structures from which the Debris was removed and/or the Depressions filled. The amount so charged shall forthwith become a lien upon the lands and shall be added to become and form a part of the taxes next to be assessed and levied upon the lands, the same to bear interest at the same rate as taxes and shall be collected and enforced by the same officers and in the same manner as taxes.
- C. The responsibilities of the tenants and owners shall not be diminished by the requirement providing for removal of Debris and filling of Depressions by the Borough herein. Removal, abatement, and/or fill by the Borough shall be an alternate, optional procedure to remedy, abate, and alleviate the threats to persons and property and the public health and dangers to public health, safety, and welfare in the event that the tenant and/or owners do not comply with their duties and the notice provided herein.
- D. In the event the Borough removes, abates, and/or fills pursuant to its authority herein and does not secure the services of third-party contractors, the Borough shall charge for all costs related to the services provided by the Borough employees and officials for the removal, abatement, and fill performed, as to be determined by the Mayor and Council. In the event the Borough removes, abates, and/or fills pursuant to its authority herein and secures the services of third-party contractors pursuant to the terms herein, the Borough shall charge the amount for the costs and fees charged by the third-party contractors.
- E. In addition to the assessment of a municipal lien against the premises upon which the Debris or Depression was situate, as aforesaid, the Borough may also elect to enforce the payment of the assessment of the entire cost of the removal of the debris and filling of the depression, together with interest, as a debt of the owner of the premises and may authorize the institution of an action at law for the collection thereof.

§8.32.070 Authorities of Public Officers, Designated Persons, and Contractors.

A. Powers.

- 1. The Designated Public Officer is charged with and authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this ordinance, including, all powers provided by N.J.S.A. 40:48-1, et seq., and, in addition to the others granted herein, the following powers:
 - a. To investigate the conditions of the lands and structures;
 - b. To administer oaths, affirmations, examine witnesses, and receive evidence;
 - c. To enter upon the Lands and Structures for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the person(s) in possession, except in circumstances that poses imminent threat and harm to the public health, welfare, and safety;
 - d. To appoint and fix the duties of such officers, agents, and employees as he deems necessary to carry out the purpose of this ordinance; and
 - e. To delegate any of the functions and powers under the ordinance to such officers and agents as he may designate.
 - 2. All third-party contractors retained to remove Debris and fill Depressions shall have the right to enter upon the lands and structures to effectuate all actions required to conduct the removal and filling and actions related thereto under the direction of the designated public officer.
- B. The Designated Public Officer, upon inspection of the Lands and Structures, shall set forth a written report and/or description of the Debris and Depressions, which shall be filed in the Public Officer(s) department and a copy with the Clerk of the Borough. The notice

served in accordance with §8.32.050, however, shall not include the written report and/or description, but generally set forth the Debris that shall be removed and/or the Depressions that shall be filled within 10 days after receipt of the notice.

§8.32.080 Violations and Penalties.

Any person who is convicted of a violation of this Chapter shall be punishable as provided in Chapter 1.08, General Penalty.

SECTION IV

§15.04 is repealed and replaced with the following.

§15.04.010 Adoption of Property Maintenance Code.

- A. The 2021 International Property Maintenance Code is hereby adopted as the Borough Property Maintenance Code, together with any subsequent amendment, change or supplement thereto, is adopted and incorporated as fully as if set out at length herein, save and except such portions as are deleted, modified, or amended, if any, prescribed herein and as set forth in the Borough Code.
- B. The changes, additions, and exceptions to the International Property Maintenance Code are as follows (section references hereinafter set forth are to sections as set forth in said International Property Maintenance Code).
 1. Section PM-101.1 (page 1, second line): insert "Borough of Ship Bottom."
 2. Section PM-102.3 is deleted and replaced with, "Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the State Uniform Construction Code Act, the State Uniform Safety Act, the Borough Code, and any other standards or procedures required by the laws of State of New Jersey and by federal law. If none are applicable, 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 Fuel Gas Code, International Mechanical Code and the ICC Electrical Code."
 3. Section PM-103.1 is deleted.
 4. Section PM-103.2 is deleted and replaced with "Inspections and issuing orders in connection therewith under the provisions of the 2006 International Property Maintenance Code shall be the exclusive responsibility of the Code Enforcement Official."
 5. Sections 107 and 108 are deleted. The Borough may elect to issue a Notice of Violation and provide a time period within which to remedy the violation and/or issue a Summons in accordance with Chapter 1.08, General Penalty and/or avail itself of any remedies at law and equity in the Superior Court of New Jersey.

§15.04.020 Copies on File.

Three (3) copies of the said code, entitled the "2021 International Property Maintenance Code," as prepared and published by the International Code Council, marked with amendments and deletions hereinabove set forth, are to be filed in the office of the Borough Clerk and shall remain on file there for use and examination by the public.

§15.04.030 Violations and Penalties.

Any person who is convicted of a violation of this Chapter shall be punishable as provided in Chapter 1.08, General Penalty.

SECTION V

A new Chapter 15.06 is adopted as follows.

Chapter 15.06 Certificates of Occupancy and Approval

§15.06.010 Certificates of Occupancy and Approval.

- A. It is unlawful to permit the use and/or occupancy of any structure or part thereof until a Certificate of Occupancy has been issued by the Code Enforcement Officer for a Transfer of Title Certificate of Occupancy or by the Construction Official for all other Certificates of Occupancy in accordance with this Chapter and the Uniform Construction Code, as applicable.
- B. A Certificate of Occupancy shall be secured from the Code Enforcement Officer and required as follows.
 - 1. Pursuant to the requirements set forth in N.J.A.C. 5:23-2.23.
 - 2. Upon the completion of construction of any new building.
 - 3. Upon the completion of construction of any addition to an existing building, which addition requires a building permit.
 - 4. Upon the change in use of and/or addition of any use to any building and/or property and any use that requires site plan approval. The change in use shall also require a new zoning permit.
 - 5. The change in ownership by transfer of title to any existing structure.
- C. To secure a Certificate of Occupancy, a written application shall be completed and all applicable requirements of the Uniform Construction Code, this Chapter, and the Borough Code, as applicable, shall be met.
 - 1. Unless additional time is agreed upon by the applicant in writing, a Certificate of Occupancy shall be granted or denied in writing within 10 business days from the date a complete application is filed.
- D. Notwithstanding the foregoing, a Certificate of Approval shall be issued for all work that requires a construction permit but does not require a Certificate of Occupancy. No application shall be required for a Certificate of Approval.
- E. As a condition of securing a Certificate of Occupancy or Certificate of Approval, the owner shall permit the designated Borough officials to enter upon and in and examine and inspect the property and structure(s) subject to the certificate of occupancy application for compliance with the applicable requirements.

§15.06.020 Requirements for all Certificates of Occupancy.

- A. The structures shall conform with Title 16 and the use is a permitted use or exists as a valid preexisting nonconforming use and conform to all applicable Uniform Construction Code and Borough Code requirements.
 - 1. The Certificate of Occupancy permit shall reflect the use for which the building is permitted. A person shall not be permitted to occupy a building unless he or she receives an occupancy permit and unless the nature of the occupancy conforms to what is set forth in the Certificate of Occupancy.
 - 2. The applicant shall permit the Zoning Officer, or his or her designated representative, to enter upon and examine the structures subject to the application to confirm the property conforms to the zoning provisions, or, if not, that the property exists as a valid nonconforming use.
- B. No person shall occupy or allow any person to occupy any structure used for commercial or residential purposes without first having obtained a Certificate of Occupancy.
- C. With the exception of transfer of title Certificates of Occupancy, all local taxes and assessments on the property shall be required to be paid as a condition of approval of a Certificate of Occupancy.
- D. A smoke detector shall be installed in accordance with the following.

1. All smoke detector units shall be powered by an alternating current (AC) constantly active electric circuit which cannot be deactivated by the operation of any interconnected switching device and shall comply with the latest NFPA 70 electrical code. As an alternative, battery-powered single smoke detector units may be installed in dwelling units provided that the following conditions are met.
 - a. The owner or his or her representative shall inspect and maintain all smoke detector units and replace batteries in all smoke detector units annually or as otherwise required per manufacturer's printed recommendations.
 - b. The owner or his or her representative shall place a tag on each smoke detector unit and shall place the date of inspection and his or her initials on the tag.
 - c. Entries shall be made on the tag upon initial installation. An entry made on a tag shall constitute a certification that the smoke detector unit is operating properly. Tags shall be affixed so as not to impair the functioning of the smoke detector unit.
2. All smoke detector units shall be listed, shall meet the latest requirements of U.L. 217 and shall be installed and maintained as per the manufacturer's recommendations and shall comply with the latest NFPA No. 72E and 74 standards except as otherwise provided.
3. Single station smoke detector units shall have integral alarms capable of emitting a minimum sound intensity of 85 DBA at a 10-foot distance with an easily seen and easily activated manual unit test button, or approved alternative and a power source monitor light or trouble signal.
4. Multiple station smoke detector units shall be either a series of interconnected single station units or smoke detectors of the non-self-contained type which are interconnected to a common alarm system.

§15.06.030 Construction and Site Plan Requirements.

- A. A current plot plan of the premises, which plot plan shall show the location of all improvements at the site.
- B. Site plan, subdivision, and variance approvals, as may be necessary, have been granted by the appropriate agency or agencies in accordance with the provisions of the Borough Code, and the property complies with the requirements for approvals and the Borough Code.
 1. With respect to any finally approved subdivision and/or site plan or subsection of such subdivision, a certificate of occupancy shall be issued only upon the written confirmation by the Borough engineer to the construction official of the completion of the following improvements as such improvements may be required as part of subdivision and/or site plan approval:
 - a. Curbs;
 - b. All utilities;
 - c. Water supply and sewerage treatment facilities, which shall be functioning and servicing the property in question;
 - d. Storm drainage facilities;
 - e. Final grading of the property;
 - f. Base course (in the case of subdivisions) or final course (in the case of site plans) of the street or streets serving the property;
 - g. Base course (in the case of subdivisions) or final course (in the case of site plans) of driveways and parking areas;
 - h. Landscaping; and

- i. Any other improvements required as part of subdivision and/or site plan approval.
5. With respect to any individual residential lot within a subdivision or any building containing townhouses or apartments, a certificate of occupancy shall be issued only upon the written confirmation by the Borough engineer to the construction official of the completion of the following improvements, in addition to those listed in Subsection (E)(4) of this section, to the extent the improvements are required as part of a subdivision and/or site plan approval:
 - a. Sidewalks;
 - b. Driveway aprons; and
 - c. Street names and regulatory signs.
- C. The applicant shall have submitted a certification by a licensed architect or engineer, sealed by the said architect or engineer, certifying compliance with all provisions of Chapter 16.68, Flood Hazard Prevention, and all National Flood Insurance Program regulations. The Code Enforcement Officer shall certify to the Mayor and Council the compliance or noncompliance of any building located in the Borough with appropriate National Flood Insurance Program regulations and conformance with the provisions of Chapter 16.68, Flood Hazard Prevention.
- D. The Code Enforcement Officer shall receive a certification from the Tax Collector that all taxes and water/sewer charges have been paid and are current on the premises for which a Certificate of Occupancy is sought.
- E. Approval in writing shall be delivered to the Code Enforcement Officer from the Water and Sewer Department certifying compliance with all rules and regulations of the Water and Sewer Department. The Code Enforcement Officer shall request in writing the approval or denial from the Water and Sewer Department, and the Department shall respond in writing within 3 days of the receipt of the written request by the Code Enforcement Officer.

§15.06.040 Temporary Certificate of Occupancy.

- A. A temporary Certificate of Occupancy may be issued although not all requirements have been complied with pursuant to the Uniform Construction Code.
- B. In the event that the applicant 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 applicant shall furnish a separate guarantee in favor of the Borough 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.
 1. Upon posting of a Temporary Certificate of Occupancy guarantee, all sums remaining under a performance guarantee that 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 Borough Engineer. At no time may the Borough 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 Borough Engineer 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.
 2. The scope and amount of the Temporary Certificate of Occupancy guarantee shall be determined by the Construction Code Official or Zoning Officer or their designee, and the form of the guarantee shall be approved by the Borough Attorney. The Temporary Certificate of Occupancy guarantee shall be released by the Construction Code Official or Zoning Officer or their designee 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.

§15.06.050 Transfer of Title Certificate of Occupancy.

- A. No transfer of title by the owner of any real property shall take place unless and until a new Certificate of Occupancy or the owner otherwise complies with the requirements set forth herein.
- B. The application shall include a current plot plan of the premises, which plot plan shall show the location of all improvements at the site, and an elevation certificate.
- C. In the event a transfer of Certificate of Occupancy cannot be issued due to the failure to comply with the applicable requirements, the new owner shall submit a written request to the Code Enforcement Officer and sign an affidavit setting forth that the property shall not be occupied until all requirements are satisfied, the requirements are approved by the Borough, and a Certificate of Occupancy is approved.
- D. Prior to the issuance of a Certificate of Occupancy such certificate shall be submitted to the Building Department on the form provided by the Building Department and be accompanied by a recorded deed, recorded in the Ocean County Clerk's Office at Toms River, New Jersey, which recorded deed shall contain the following specific language:

NOW, here is hereby imposed upon the lands described herein a restrictive covenant advising all future owners of the said lands whether acquired by conveyance, inheritance or otherwise that the lands may only be used in accordance with flood regulations established by the Federal Emergency Management Agency (FEMA). A violation of any of the said FEMA regulations may result in:

- A. An issuance of a summons returnable in the Municipal Court of the Borough of Ship Bottom or any other Court having appropriate jurisdiction, subjecting the defendant to a fine of not less than One Hundred (\$100) Dollars nor more than One Thousand (\$1,000) Dollars per day, or such greater or lesser fine as may be permitted by law, for each and every day that any violation of the said FEMA regulations are violated; or
- B. Subject the owner of the lands to an action in the Chancery Division, Superior Court of New Jersey or any other court having injunctive jurisdiction for a mandatory injunction compelling the owner to remove any structures or improvements which violate the FEMA regulations.

By acceptance of title to the lands encumbered hereby, any owner thereof whether title be acquired by Deed of conveyance, inheritance or otherwise, grants to the appropriate inspection officers of the Borough of Ship Bottom the right upon forty-eight (48) hours advance notice to inspect, during normal business hours, the areas of any structure located on the lands which lie below the base flood elevation (BFE) as defined by FEMA regulations in order to determine compliance with such regulations and for a failure to permit such inspection, the owner of the lands may be subject to Complaint returnable in the Municipal Court of the Borough of Ship Bottom which may result in a fine of not less than One Hundred(\$ 1 00) Dollars nor more than One Thousand (\$1,000) Dollars per day, or such greater or lesser fine as may be permitted by law, for each and every day which inspection is refused.

- E. Where two or more detached dwelling units exist on one parcel of land, whether or not they exist under separate ownership, condominium ownership, time share ownership or any other type of individual or multiple ownership, the seller(s) shall be required to install separate water and sewer services and connections for each dwelling unit. If such services and connections are not installed prior to the issuance of the certificate of occupancy, the seller(s) shall provide the construction official with a letter signed by a responsible official of each of the applicable utility companies stating that the required fees have been paid by the seller(s) for the required utility connections and service, and that the required connections and service shall be installed.

§15.06.060 Denial of Certificate.

- A. No Certificate of Occupancy shall be issued unless the property is in full compliance with the Uniform Construction Code and the Borough Code.
- B. Should a Certificate of Occupancy be denied, the reason(s) for denial so shall be stated on 2 copies of the application and 1 copy shall be returned to the applicant.

§15.06.070 Fees.

The required fees are set forth in Chapters 15.18 and 16.84.

§15.06.080 Violations and Penalties.

Any person who is convicted of a violation of this Chapter shall be punishable as provided in Chapter 1.08, General Penalty.

SECTION VI

§16.88.030E is deleted.

SECTION VII

All ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION VIII

If any word, phrase, clause, section, or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

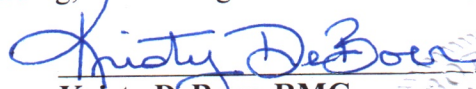
Effective date.

This ordinance shall take effect after final adoption and publication as required by law.

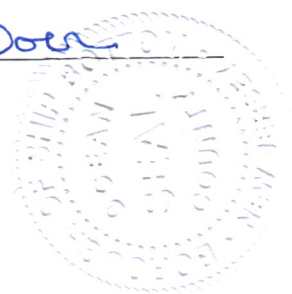
NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Mayor and Council of the Borough of Ship Bottom, County of Ocean, State of New Jersey, held on Tuesday, January 23, 2024, at 6:30 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Mayor and Council to be held on February 27, 2024, at 6:30 p.m. at the Municipal Building, 1621 Long Beach Boulevard, Ship Bottom, New Jersey 08008.



Kristy DeBoer, RMC
Municipal Clerk



CERTIFICATION

I, KRISTY DEBOER, RMC, Municipal Clerk for the Borough of Ship Bottom do hereby certify that the foregoing Ordinance 2024-07 was duly adopted by the Mayor and Council at the meeting held on February 27, 2024, at 6:30 p.m.

Kristy DeBoer, RMC
Municipal Clerk

William Huelsenbeck
Mayor