

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON
BY AMENDING VARIOUS CHAPTERS OF THE GENERAL ORDINANCES
FOR CLARIFICATION AND COMPLIANCE**

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, in the County of Monmouth and State of New Jersey that Chapters I, (General), through XXI (Reserved) of the General Ordinances of the Borough of Rumson is hereby amended or supplemented as follows:

PURPOSE

It has been deemed necessary by the Borough Officials that the General Ordinances of the Borough of Rumson be reviewed by the Review Committee and the Review Committee has completed their review of the General Ordinances and deemed that the necessary changes and corrections be made for purposes of clarification and compliance by amending Chapter III (Police Regulations), Chapter IV General Licensing), Chapter V (Animals), Chapter VI (Alcoholic Beverage Control), Chapter VII, (Traffic), Schedule IVA, Parking Time Limited, Chapter VIII (Building and Housing), Chapter IX (Sewer and Water), Chapter X (Parks and Recreation Areas), XVI (Environmental Protection), and Chapter XX (Fire Prevention).

The above noted Chapters of the General Ordinances of the Borough of Rumson are hereby amended or supplemented as follows (new text is double underlined, text to be deleted is ~~struck through~~ and notations to the reader and changes in subparagraph designations either with or without changes to content are italicized):

SECTION 1.

That Chapter I, General, and Chapter II, Administration, shall be amended to read as follows:

**CHAPTER I
GENERAL**

through

**CHAPTER II
ADMINISTRATION**

No Change.

That Chapter III, Police Regulations, shall be amended to read as follows:

**CHAPTER III
POLICE REGULATIONS**

3-1 PENALTY. through **3-10 REGULATION OF SMOKE AND SOOT.**

No Change.

~~**3-11 FISHING, CRABBING AND PICNICKING PROHIBITED IN CERTAIN AREAS.**~~

(Notation: The Existing Section Shall be Deleted in its Entirety and Replaced as Below.)

3-11 RESERVED

That Chapter IV, General Licensing, shall be amended to read as follows:

**CHAPTER IV
GENERAL LICENSING**

That Chapter IV, General Licensing, shall be amended to read as follows:

4-1 DEFINITIONS. through **4-4 LICENSING SCOWS, BARGES AND VESSELS.**

No Change.

4-5 USE OF MUNICIPAL BOAT LAUNCHING RAMP.

4-5.1 Use of Municipal Launching Ramp Limited to Permit Holders. through 4-5.6 Rumson Municipal Harbor Master.

No Change.

~~4-5.7 Parking in Vicinity of Boat Ramp.~~

~~Parking in the off-street parking area immediately south of the boat ramp adjoining the bulkhead shall be limited to one (1) hour.~~

4-5.8 4-5.7 Violations and Penalties.

Any person(s), firm(s) or corporation(s) who violates or neglects to comply with any provisions of this section or any rule or regulation promulgated pursuant thereto, shall be subject to the penalty as stated in Chapter III, Section 3-1.

4-6 GARAGE SALES. through 4-9 REGISTRATION OF LANDSCAPERS AND TREE REMOVAL COMPANIES.

No Change.

That Chapter V, Animals, shall be amended to read as follows:

**CHAPTER V
ANIMALS**

5-1 DOGS.

5-1.1 Definitions.

5-2 LICENSE FOR DOGS. through 5-7 ENFORCEMENT. No Change.

5-8 REGULATION OF DOGS.

5-8.1 Impounded Dogs. through 5-8.9 Nuisances Upon Property of Others, Including Public Property Prohibited.

No Change.

5-8.10 Violations and Penalties.

a. No Change.

b. Any person who violates or refuses to comply with the provisions of subsection 5-8.5 shall be subject to the following fines and costs upon conviction thereof:

<u>Offense and Conviction</u>	<u>Fine</u>	<u>Court Cost</u>	<u>Total</u>
1 st	\$10.00 <u>\$15.00</u>	\$5.00	\$15.00
2 nd	\$15.00 <u>\$20.00</u>	\$5.00	\$20.00
3 rd	\$45.00 <u>\$50.00</u> and mandatory court appearance of licensee	\$5.00	\$50.00
4 th	\$70.00 <u>\$75.00</u> and mandatory court appearance of licensee	\$5.00	\$75.00
5 th	\$95.00 <u>\$100.00</u> and mandatory court appearance of licensee	\$5.00	\$100.00
6 th	\$195.00 <u>\$200.00</u> and mandatory court appearance of licensee	\$5.00	\$200.00

All fines after the sixth (6th) violation ~~will remain at one hundred ninety five (\$195.00) dollars plus five (\$5.00) dollars court cost shall require plus~~ a mandatory court appearance of licensee and all fines imposed shall be at the discretion of the Municipal Judge, which shall not exceed two thousand (\$2,000.00) dollars as stated in Chapter III, Section 3-1. If a period of two (2) years elapses between violations all previous violations will be eliminated from the record.

c. No Change.

5-9 ANIMALS RUNNING AT LARGE. through 5-10 ADOPTION OF ADDITIONAL STATE PROVISIONS.

No Change.

5-11 CATS.

5-11.1 Provisions Relating to Rabies Vaccination of Cats.

a. Vaccination Requirement. through d. Exemptions. No Change.

~~e. Any person who violates or fails or refuses to comply with the provisions of this section shall be liable to a penalty of not less than twenty five (\$25.00) dollars nor more than five hundred (\$500.00) dollars for each offense.~~

5-11.2 Feeding Wild (Feral) Cats Prohibited.

The feeding of wild (feral) cats shall be prohibited.

5-11.3 Violations and Penalties.

Any person(s), firm(s) or corporation(s) who violates or neglects to comply with any provisions of this section or any rule or regulation promulgated pursuant thereto, shall be subject to the penalty as stated in Chapter III, Section 3-1.

That Chapter VI, Alcohol Beverage Control, shall be amended to read as follows:

**CHAPTER VI
ALCOHOLIC BEVERAGE CONTROL**

6-1 PURPOSE. through **6-2 DEFINITIONS.** No Change.

6-3 LICENSES.

6-3.1 Laws Applicable. through **6-3.3 License Required.** No Change.

6-3.4 License Fees; Maximum Number.

From and after the effective date hereof the annual fees and maximum number of licenses for the sale or distribution of alcoholic beverages in the Borough shall be as follows:

<u>Class of License</u>	<u>Annual License Fee</u>	<u>Number of Licenses</u>
Plenary Retail Consumption License	\$2,500.00	9
Plenary Retail Distribution License	\$1,411.00 <u>\$1,693.00</u>	2

The provisions of this subsection with respect to the limitation on the number of licenses shall not apply to the renewal or transfer or licenses presently issued.

6-3.5 License Terms. through **6-3.6 Requirement of Obtaining Liquor License Renewal.**

No Change.

That Chapter VII, Traffic, shall be amended to read as follows:

**CHAPTER VII
TRAFFIC**

7-1 WORDS AND PHRASES. through **7-12 VIOLATIONS.** No Change.

That Schedule I, No Parking, shall be amended to read as follows:

**SCHEDULE I
NO PARKING**

In accordance with the provisions of subsection 7-3.3, no person shall park a vehicle at any time upon any of the following described streets or parts of streets.

<i>Name of Street</i>	<i>Side</i>	<i>Location</i>
Allen Street to Avenue of Two Rivers a. East/ b. West	No Change.	
Avenue of Two Rivers South	West <u>Both</u>	For a distance of 430 feet in a northerly direction from the Shrewsbury River. <u>Between its southerly terminus and a point 450 feet northerly therefrom.</u>
Bay Street	No Change.	
Bellevue Avenue	West	Between Rumson road and 600 ft. south of Ridge Road
<u>Bellevue Avenue</u>	<u>West</u>	<u>Between Ridge Road and Auldwood Lane</u>
Bingham Avenue to West River Road	No Change.	

**SCHEDULE IA
PARKING RESTRICTED
LOT ADJACENT TO FIRE COMPANY**

No Change.

That Schedule II, Parking Prohibited Certain Hours, shall be amended to read as follows:

**SCHEDULE II
PARKING PROHIBITED CERTAIN HOURS**

In accordance with the provisions of subsection 7-3.4, no person shall park a vehicle or dumpster between the hours specified upon any of the following described streets, or parts of streets, or Municipal parking lots.

<i>Name of Street</i>	<i>Side</i>	<i>Hours</i>	<i>Months/Location</i>
All Streets	Both	From 3:00 a.m. to 5:00 a.m.	December, January, February and March
Avenue of Two Rivers South	Both	Entire day 24 hours	Between its southerly terminus and a point 450 feet northerly therefrom.
Bellevue Avenue	East	From 8:00 a.m. to 8:30 a.m. and 3:00 p.m. to 3:30 p.m. on school days only	Between North Rohallion Drive and 25 feet south of Ridge Road.
<u>Bellevue Avenue</u>	<u>West</u>	<u>From 7:00 a.m. to 3:00 p.m. on school days only</u>	<u>From 25 feet north of Ridge Road to Auldwood Lane</u>
<u>Blackpoint Road</u>	<u>North</u>	<u>From 7:00 a.m. to 3:00 p.m. on school days only</u>	<u>Between East River Road and Forrest Avenue</u>
Forrest Avenue	East	From 7:00 a.m. to 4:00 p.m. <u>3:00 p.m.</u> on school days only	From Ridge Road to a point 150 feet north thereof.
Municipal Parking Lots	Entire Lot	From 3:00 a.m. to 5:00 a.m.	All Municipal lots, owned and leased.
Narumson Street	North	From 8:00 a.m. <u>7:00 a.m.</u> to 6:00 p.m. <u>3:00 p.m.</u> on school days only	Between Park Avenue and Lennox <u>Forrest</u> Avenue.
<u>North Cherry Lane</u>	<u>South</u>	<u>From 7:00 a.m. to</u>	<u>From Bingham Avenue to</u>

		<u>3:00 p.m. on school days only</u>	<u>West Cherry Lane</u>
<u>South Cherry Lane</u>	<u>North</u>	<u>From 7:00 a.m. to 3:00 p.m. on school days only</u>	<u>From Bingham Avenue to West Cherry Lane</u>
<u>West Cherry Lane</u>	<u>East</u>	<u>From 7:00 a.m. to 3:00 p.m. on school days only</u>	<u>From North Cherry Lane to South Cherry Lane</u>

**SCHEDULE IIA
COMMERCIAL TRUCK, TRACTOR OR TRAILER PARKING
PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS**

through

**SCHEDULE III
NO STOPPING OR STANDING**

No Change.

That Schedule IV, Parking Time Limited, shall be amended to read as follows:

**SCHEDULE IV
PARKING TIME LIMITED**

In accordance with the provisions of subsection 7-3.6, no person shall park a vehicle for longer than the time shown on the following described streets or parts of streets.

<i>Name of Street</i>	<i>Side</i>	<i>Time Limit</i>	<i>Hours</i>	<i>Months/Location</i>
Blackpoint Road	South	2 hours	7:00 a.m. to 11:00 a.m. <u>3:00 p.m.</u> <u>on school days only</u>	Between East River Road and Forrest Avenue (Only on school days)
Blossom Road	East	2 hours	7:00 a.m. to 11:00 a.m. <u>3:00 p.m.</u> (<u>on</u> school days only)	Between Ridge Road and Robin Road (September through June).
Carton Street	North	2 hours	9:00 a.m. to 7:00 a.m. 9:00 p.m. to 3:00 p.m. <u>on school days only</u>	From a point approximately 150 feet west of East River Road to a point approximately 150 feet westerly thereof. <u>From East River to Forrest Avenue</u>
Carton Street	North	2 hours	7:00 a.m. to 11:00 a.m. (school days only)	From Forrest Avenue east two hundred seventy-one (271) feet. (September through June).
East River Road	North	1/2 hour	8:00 a.m. to 6:00 p.m.	From Parnly Street to a point 260 feet northerly thereof.
West River Road	North	1/2 hour	8:00 a.m. to 6:00 p.m.	Between Washington Street and First Street.

That Schedule IVA, Parking Limited Municipal Parking Lot, shall be amended to read as follows:

**SCHEDULE IVA
PARKING TIME LIMITED
MUNICIPAL PARKING LOT**

In accordance with the provisions of subsection 7-3.6, no person shall park a vehicle for longer than the time limit shown, upon any of the following described Municipal parking lots. No person shall park a vehicle overnight in the entire Municipal parking lot without a lawful purpose.

Where parking stalls are painted in the municipal parking lot, vehicles shall be parked within the painted white lines delineating the parking stall.

<i>Parking Lot</i>	<i>Time Limit</i>	<i>Location</i>
No Change.		

**SCHEDULE V
TRUCKS OVER FOUR TONS**

through

**SCHEDULE XVI
SPEED LIMITS**

No Change.

That Chapter VIII, Building and Housing, shall be amended to read as follows:

**CHAPTER VIII
BUILDING AND HOUSING**

8-1 STATE UNIFORM CONSTRUCTION CODE.

8-1.1 Enforcing Agency Established. through 8-1.2 Smoke Alarm Inspection.

No Change.

8-1.3 Fee Schedule.

The fee for a construction permit shall be the sum of the subcode fees listed in a. through o. hereof and shall be paid before the permit is issued as determined by the construction official.

a. *General.* No Change.

b. *Basic Construction.*

1. New Construction Fees.

(a) New construction in all use groups classification except for signs and structures or buildings and special fees for which volume cannot be computed.

The fee shall be ~~two and fifty three~~ three hundredths (~~\$0.0250~~) (\$0.030) cents per cubic foot of volume of the building or structure.

(b) (1) Residential: ~~Seventy-five~~ Seventy-five (\$75.00) dollars minimum.

(2) Nonresidential: Eighty (\$80.00) dollars minimum.

2. Renovations, alterations, additions, repairs, pre-manufactured construction and minor work fees.

(a) Additions. The fee shall be ~~one and fifty three~~ three hundredths (~~\$0.0150~~) (\$0.030) cents per cubic foot of volume of the addition. The minimum fee shall be ~~seventy-five one hundred~~ (~~\$75.00~~) (\$100.00) dollars residential, one hundred ~~and twenty-five~~ (~~\$100.00~~) (\$125.00) dollars nonresidential.

(b) through (d) No Change.

(e) Minimum fees.

(1) Residential: ~~Fifty~~ Sixty (~~\$50.00~~) (\$60.00) dollars.

(2) Nonresidential fees: One hundred (~~\$100.00~~) and ten dollars (\$110.00) dollars.

3. Special fees. Structures for which volume cannot easily be computed.

(a) Swimming pools.

(1) The fee for the installation of a private inground swimming pool at least 24 inches deep or having a surface area of at least 250 square feet shall be ~~one two hundred (\$100.00)~~ (\$200.00) dollars.

(2) through (3) No Change.

(4) The fee for the installation of a pool compliant fence shall be seventy-five (\$75.00) dollars.

(b) through (g) No Change.

c. *Fees for Continued Inspection of Equipment Subject to Limitations as Per N.J.A.C. 5:23-2.23(i).*

No Change.

d. *State of New Jersey Training Fees.*

1. This fee shall be in the amount of ~~\$0.00265~~ \$0.00334 per cubic foot volume of new construction. The fee for alterations and renovations shall be calculated based on ~~\$0.00135~~ \$0.00170 per one thousand (\$1,000.00) dollars of estimated cost computed in accordance with N.J.A.C. 5:23-2.28.

e. *Demolition, Removal, or Moving of Buildings and/or Structures.* The fee shall be:

1. Demolition.

(a) through (b) No Change.

(c) All other use groups, buildings or structures: Two hundred fifty (\$250.00) dollars.

~~(d) Selective demolition: The fee shall be fifty (\$50.00) dollars.~~

2. through 3. No Change.

f. *Estimated Costs.* through k. *Certificate of Occupany per U.C.C.*

No Change.

l. *Plumbing Subcode Fees.*

1. Fixtures and stacks, including but not limited to sinks, urinals, water closets, bathtubs, shower stalls, floor drains, laundry tubs, sump pumps, drinking fountains, hose bibs, water conditioning systems, humidifiers, dishwashers, garbage disposals, clothes washers, and similar devices. The fee shall be ~~ten fifteen (\$10.00)~~ (\$15.00) dollars each.

2. Hot Water Heaters. The fee shall be:

(a) Residential: ~~Thirty five Fifty (\$35.00)~~ (\$50.00) dollars each.

(b) Nonresidential: ~~Fifty Sixty-five (\$50.00)~~ (\$65.00) dollars each.

3. Oil or Gas Fired Boilers: No Change.

4. Sewer. The fee shall be:

(a) Residential: ~~Fifty Seventy-five (\$50.00)~~ (\$75.00) dollars each.

(b) Nonresidential: ~~Seventy-five One hundred (\$75.00)~~ (\$100.00) dollars each.

5. Special devices, etc. through 10. Footing Drains. No Change.

11. Water Service Lines. The fee shall be:

(a) Residential: ~~Fifty Seventy-five (\$50.00)~~ (\$75.00) dollars each.

(b) Nonresidential: ~~Seventy-five~~ One hundred (\$75.00) (\$100.00) dollars each.

12. Air Conditioner Condensate Drains. through 13 Cross Connections.

No Change.

14. The minimum plumbing subcode fee shall be:

(a) Residential: ~~Fifty Sixty~~ (\$50.00) (\$60.00) dollars.

(b) Nonresidential: ~~Sixty Seventy-five~~ (\$60.00) (\$75.00) dollars.

m. *Fire Protection Subcode Fees.*

1. New Construction, Renovations, Alterations or Repairs. The minimum fee shall be:

(a) Residential: ~~Fifty Sixty~~ (\$50.00) (\$60.00) dollars for each system.

(b) Nonresidential: One hundred fifty (\$150.00) dollars for each system.

2. Each gas or oil fired appliances such as furnaces, ranges, stoves and fireplaces not connected to the plumbing system shall be fifty (\$50.00) dollars.

3. Special Fixtures and Equipment.

(a) through (c) No Change.

(d) The fee for the permit and inspection for the installation or removal of above or underground storage tanks shall be:

(1) through (3) No Change.

(e) through (f) No Change.

(g) Fees for smoke and heat detectors:

(1) The fee for one to ten detectors shall be ~~forty-five~~ sixty (~~\$45.00~~) (\$60.00) dollars.

(2) The fee for 11-20 detectors shall be ~~ninety one hundred twenty~~ (~~\$90.00~~) (\$120.00) dollars.

(3) The fee for 21-100 detectors shall be ~~one hundred forty two hundred~~ (~~\$140.00~~) (\$200.00) dollars.

(4) The fee for 101-500 detectors shall be ~~two~~ three hundred (~~\$200.00~~) (\$300.00) dollars

(5) The fee for over 500 detectors shall be ~~three~~ five hundred (~~\$300.00~~) (\$500.00) dollars.

4. The minimum fire subcode fee shall be:

(a) Residential: ~~Fifty Sixty~~ (\$50.00) (\$60.00) dollars.

(b) Nonresidential: Seventy-five (\$75.00) dollars.

n. *Electrical Subcode Fees.* Required for the installation, removal, alteration and/or replacement of all listed items.

1. Electrical fixtures and devices, including but not limited to lighting outlets, wall switches, fluorescent fixtures, convenience receptacles, smoke detectors and similar fixtures or devices ~~and motors or devices less than one horsepower or one kilowatt~~ and are not listed elsewhere in this schedule and connected to nominal 240/120 VAC, 20 amperes (or less) branch circuits. The fee shall be:

(a) through (b) No Change.

2. Special electrical fixtures and devices for, but not limited to electrical heating, cooling, service conductors, feeders, switches, switchboards, panel boards, motors, control equipment, generators, transformers, smoke detectors, air conditioners, cooling

equipment, lighting standards, swimming pools, hot tubs, hydromassage bathtubs, spas, steam baths and similar fixtures and devices. The fee shall be:

(a) Residential steam room, sauna, indoor installation of hot tub, and similar devices: The fee shall be ~~forty-five~~ fifty (~~\$45.00~~) (\$50.00) dollars each.

(b) Indoor installations of hydromassage bathtubs (~~no heating units included~~): ~~Twenty-five~~ (~~\$20.00~~) (\$25.00) dollars each.

(c) through (g) No Changes.

NOTE: Use (h) through (~~k~~) (m) fees when item is not specifically listed elsewhere.

(h) Each motor or electrical device less than or equal to ten hp; and for each transformer, generator, and device less than or equal to ten kW: The fee shall be ~~fifteen~~ twenty (~~\$15.00~~) (\$20.00) dollars each.

(i) Each motor or electrical device greater than ten hp and less than or equal to fifty hp; and for each transformer, generator, and device greater than ten kW and less than or equal to forty-five kW, ~~and each service panel, service entrance, subpanel, or feeder less than or equal to 200 amperes~~: The fee shall be ~~ninety~~ forty (~~\$90.00~~) (\$40.00) dollars each.

(j) Each motor or electrical device greater than 50 hp and less than or equal to 100 hp; and for each transformer, generator, and device greater than 45 kW and less than or equal to 112.5 kW, ~~and for each service entrance, subpanel, or feeder greater than 200 amperes and less than or equal to 1,000 amperes~~: The fee shall be one hundred (\$100.00) dollars each.

(k) Each motor or electrical device greater than 100 hp; and for each transformer, generator, and each device greater than 112.5 kW; ~~and each service panel, service entrance, subpanel, or feeder greater than 1,000 amperes~~: The fee shall be five hundred fifty (\$550.00) dollars each.

(l) Service panels, subpanels or components. The fees shall be:

<u>100 amps or less</u>	<u>\$100.00</u>
<u>101 amps – 200 amps</u>	<u>\$150.00</u>
<u>201 amps – 300 amps</u>	<u>\$200.00</u>
<u>301 amps – 400 amps</u>	<u>\$250.00</u>
<u>401 amps or more</u>	<u>\$300.00</u>

(m) Radiant heat (electric): The fee shall be twenty-five (\$25.00) dollars each.

3. through 6. No Change.

7. The minimum fee for a swimming pool or outdoor hot tub, which shall apply only to the swimming pool or the outdoor hot tub portion of the permit, shall be:

(a) Seventy-five (\$75.00) dollars when underwater lighting is not to be used or when fiber optic lighting provides the light source.

(b) Two hundred fifty (\$250.00) dollars when underwater lighting is to be used.

o. *Miscellaneous.* No Change.

8-1.4 Biannual Report: Recommending New Fee Schedule. through **8-1.6 Fire Limits.**

No Change.

8-2 UNFIT BUILDINGS. No Change.

8-3 ~~RESERVED.~~ RESIDENTIAL CERTIFICATE OF OCCUPANCY.

8-3 CERTIFICATES OF OCCUPANCY.

8-3.1 Short Title.

The short title of this section shall be known as “An Ordinance Providing for and Requiring the Inspection and Certificates of Occupancy of Rooms, Dwellings, and Apartments Offered for Sale or Rent in the Borough of Rumson.”

8-3.2 Purpose.

The purpose of this section shall be to provide the Borough with a means by which all rooms, dwellings or apartments are subject to inspection and registration by the Borough concerning the existence in particular rooms, dwellings or apartments any zoning, planning, building, health, electrical, sanitary and plumbing ordinance or code violations that may threaten the public health, safety, morals or general welfare of the Borough's citizens. The standard by which all violations will be determined include all pertinent codes and ordinances of the Borough, the State of New Jersey with particular emphasis on the New Jersey Housing Code, or Federal laws and administrative regulations. This section will also afford the Borough adequate supervision to assure that all rooms, dwellings and apartments are habitable to serve as a deterrent to the deterioration of property or properties and premises constructed thereon.

8-3.3 Limitation of Certificates.

The issuance of the appropriate Certificate of Occupancy or other applicable certificates by the Borough does not constitute a certification that the premises' electrical, plumbing, sanitary or heating systems are in A-1 shape and are guaranteed. The Certificate of Occupancy or applicable certificate means that the premises have been checked as a permitted use and have the adequate necessities for suitable human occupancy. It does not guarantee service or future capabilities beyond the date of inspection.

8-3.4 Definitions.

As used in this section:

Apartment shall mean multi-family dwelling adhering to the standards set forth in the Zoning Ordinances of the Borough and amendments thereto, or in the specific variance granting the apartment.

Dwelling unit shall mean a building used as a residence, abode, habitation or any room or combination of rooms containing sleeping, cooking and sanitary facilities intended to provide living accommodations for a family.

Family shall mean one or more persons customarily living together as a single housekeeping unit whether or not related to each other by birth or marriage, as distinguished from a group occupying a boarding house, lodging house, hotel or motel.

Inspector shall mean the Building Inspector, Zoning Officer, or Construction Official of the Borough.

8-3.5 Certificate of Occupancy.

- a. *Required.* No persons shall rent, lease or allow any person to live in or occupy as a tenant or owner of any room, dwelling, or the like, unless a Certificate of Occupancy certifies that the room, dwelling, or the like is in compliance with the applicable ordinances, codes, and laws of the Federal, State and Borough indicating such is fit for human habitation.

As exceptions to this paragraph, no Certificate of Occupancy is necessary if: The person renting, etc. and the person rented to are members of the same family.

- b. *Change of Occupancy Without Certificate of Occupancy; Penalty.* No owner of rental properties, agent, real estate agent or broker, firm, company, partnership, corporation, or person shall rent, lease, let, mortgage with right of occupancy or change the occupancy, whether or not for a consideration and whether such change of occupancy be temporary or permanent without obtaining a Certificate of Occupancy. Any dwelling unit, hotel, motel, room, unit, boarding house or premises on which a building is located and used for human occupancy shall not be used unless a Certificate of Occupancy certifies that the building and premises are in compliance with all applicable ordinances of the Borough and any State or Federal law regulations or administrative codes, directives, or the like.

Any contractor who assists or builds a separate dwelling unit within an existing structure without having required the owners to produce proof of any and all appropriate permits, shall be subject to a penalty.

- c. Reissuance for Hotels, Boarding Houses, and Apartments; Reinspection. Certificates of Occupancy for hotels, boarding houses, and apartments shall only be required once every twelve (12) months unless requested by the prospective occupancy, or complaints concerning the premises or unit have been received by the Borough, in which case, if a re-inspection of the premises reveals the need for repairs, renovations, alterations or the like, a new Certificate of Occupancy must be issued for the continued use and occupancy of the premises.
- d. Reissuance for Other Dwellings; Reinspection. In all other cases, a Certificate of Occupancy once issued shall be valid so long as the occupant to whom the Certificate is issued, is still in possession, except wherein a complaint about the premises is made or a request for re-inspection is made, and an inspection of the premises reveals the need for repairs, renovations, alterations or the like, a new Certificate of Occupancy shall be required for continued use and occupancy.
- e. Smoke Detectors; Other Additional Requirements. In addition to the requirements that an application for Certificate of Occupancy establishes that the dwelling unit or apartment meets the standards as noted herein, it shall also be a requirement that each dwelling shall be provided with a minimum of one approved, listed and labeled smoke detector sensing visible or invisible particles of combustion installed in a manner and location consistent with its listing. When actuated, the detector shall provide an alarm suitable to warn the occupants within the dwelling. Each separate dwelling must have a separate heating control. Each dwelling within a building must have a separate entrance and exit. One hundred (100) amps are required and must be provided for each dwelling within a building. The establishment of a separate kitchen facilities constitutes the establishment of a separate dwelling unit.
- f. Carbon Monoxide Alarms; Other Additional Requirements. In addition to the Certificate of Occupancy and smoke detector compliance inspections, the property owner shall request and the appropriate Borough official shall make an inspection to confirm that the property has the required carbon monoxide alarm(s). Such inspection shall be done to make certain that the property conforms with N.J.A.C. 5:70-4.19(d) and N.J.A.C. 5:70-2.3, together with any subsequent amendments and supplements thereto. These regulations apply to one- and two-family homes. A carbon monoxide alarm compliance application shall be submitted, and a carbon monoxide alarm inspection certificate obtained, when any one- or two-family home is sold, leased or otherwise made subject to a change of occupancy. The obligation to obtain the same is upon the owner or seller.
- g. A Certificate of Occupancy requirement checklist is on file in the Building Department for review prior to an inspection being scheduled.

8-3.6 Application for Certificate of Occupancy.

Application for Certificate of Occupancy shall be in writing to the Construction Official and shall state:

- a. The name, address, telephone number and principal place of business of the owner.
- b. The name, address, telephone number and principal place of business of tenant, new owner, and/or name and address of the agent of the new tenant or owner where applicable.
- c. A description of the room, dwelling, apartment, or the like by street number or other specific and readily determinable description or otherwise, to enable exact identification for location thereof.
- d. The names, addresses, telephone numbers and principal place of business of the agent, person, association, or corporation, if any appointed, by the owner or management of same.

All applications for Certificates of Occupancy shall be located in the Borough Building Department.

8-3.7 Inspection, Notice and Hearing.

- a. No such vacated room, dwelling, apartment, or the like shall be transferred, rented or occupied by any new tenant or owner until an inspection has been made by the Inspector 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 Borough. If no such violation exists, the Inspector shall issue a Certificate of Occupancy. Whenever the Inspector determines that there are reasonable grounds to believe that there has been a violation of any provisions of this section, or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person responsible therefor.
- b. Such notice shall: 1. be put in writing; 2. include a statement of the reasons why it is being issued; 3. allow a reasonable time for the performance of any act it requires; and 4. be served upon the owner, or his agent, or the occupant as the case may require, provided that such

notice or a copy thereof is served upon the owner, agent or occupant personally, or is sent by registered mail to his last known address, or posted in a conspicuous place in or about the dwelling affected by the notice, or served by any other method authorized or required by the State. Such notice may contain an outline of remedial action which, if taken, will affect compliance with the provisions of this section and with rules and regulations adopted pursuant thereto.

- c. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this section, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Hearing Board, which will consist of a Construction Official, the Building Inspector and a Health Official, provided such person shall file in the office of the Borough Clerk a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the date the notice was served. Upon receipt of such petition, the Borough Clerk shall set a time and place for such hearing and shall give the petitioner written notice thereof.
- d. 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 (10) days after the date on which the petition was filed; provided that upon application of the petitioner the Hearing Board may postpone the date of the hearing for a reasonable time beyond such ten (10) day period, if in its judgment the petitioner has submitted a good and sufficient reason for such postponement.
- e. After such hearing, the Hearing Board shall sustain, modify, or withdraw the notice depending upon its findings as to whether the provisions of this Ordinance and of the rules and regulations adopted pursuant thereto have been complied with. If the notice is sustained or modified, it shall be deemed to be an order. Any notice served pursuant to this section shall automatically become an order if a written petition for a hearing is not filed in the office of the Borough Clerk within ten (10) days after such notice is served. The proceedings at such hearing, including the findings and decision of the Hearing Board shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Borough Clerk. Such record shall also include a copy of every notice or order in connection with the matter.
- f. Any person aggrieved by the decision may seek relief therefrom in any Court of competent jurisdiction, as provided by the laws of the State.
- g. Whenever the Hearing Board finds that an emergency exists which requires immediate action to protect the public health or safety, it may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as it deems necessary to meet the emergency. Notwithstanding the other provisions of this section such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Hearing Board shall be afforded a hearing as soon as possible. After such hearing, depending upon his findings as to whether the provisions of this section and of the rules and regulations adopted pursuant thereto have been complied with, the Hearing Board shall continue such order in effect or modify it, or resolve it.

8-3.8 Posting Certificate of Occupancy.

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

8-3.9 Cost of Inspection.

All applications for a Certificate of Occupancy and the inspection required thereby shall be accompanied by the appropriate filing fee designated to cover the cost of inspection in connection with the aforesaid application, which fee shall be paid upon filing the application and shall not be refundable.

- a. Single-Family Dwellings — one hundred twenty-five (\$125.00) dollars per unit, which fees shall also include rentals of single-family homes. One (1) reinspection shall be included in the basic fee. The second reinspection, as well as any additional reinspections, shall require a fee to be paid in the amount of fifty (\$50.00) dollars.
- b. Apartments or Multi-Family Dwellings — fifty (\$50.00) dollars per unit or apartment. One (1) reinspection shall be included in the basic fee. The second reinspection, as well as any additional reinspections, shall require a fee to be paid in the amount of twenty-five (\$25.00) dollars.

8-3.10 Records.

The Construction Official shall keep detailed records of all applications for Certificates of Occupancy.

8-3.11 New Housing.

- a. No Certificate of Occupancy shall be issued on any construction commenced as a result of receiving final approval until the Borough Engineer shall certify to the Planning Board that all required improvements have been completed.
- b. In the case of a structure with plans for demolition, a Certificate of Occupancy Waiver can be filed with the demolition permit information with the Building Department prior or immediately after closing. This waiver does not require the fee listed in Section 8-3.9.

8-3.12 Violations and Penalties.

- a. Any owner, lessee, lessor, sub-lessee, or sub-lessor, or occupant of premises not having a valid Certificate of Occupancy issued thereby, shall immediately vacate the premises and shall be subject to a penalty as established in Chapter I, Section 3-1 of this Code.
- b. Any person who interferes with the Official or any other person authorized to exercise the powers of this section shall upon conviction in the Municipal Court, be subject to a penalty as established in Chapter I, Section 3-1 of this Code and such action in and penalties imposed by the Municipal Court may be in addition to any other action or proceeding set forth in this section.

8-4 STREET NUMBERS. through 8-5 FENCES.

No Change.

8-6 PROPERTY MAINTENANCE CODE; BASIC MECHANICAL CODE; BASIC FIRE PREVENTION CODE.

8-6.1 Adoption. through 8-6.2 Changes in Codes.

No Change.

8-6.3 Maintenance of Exterior Premises.

The exterior of the premises, the exterior of structures and the condition of accessory structures shall be maintained so that the appearance of the premises and structures shall not constitute a blighting factor for adjoining property owners. Such maintenance shall include the following:

- a. Premises with landscaping and lawns, hedges and bushes shall be kept trimmed and from becoming overgrown and unsightly where exposed to public view and where the same constitute a blighting factor depreciating adjoining property.
- b. The exterior of every structure, including fences, shall be maintained in good repair. The same shall be maintained free of broken glass, loose shingles, crumbling stone or block, excessive peeling paint or other conditions reflective of deterioration or inadequate maintenance, to the end that the property itself may be preserved safely, fire hazards eliminated and properties protected from blighting influences. Sidewalks and driveways and/or parking areas shall be maintained in good repair.

8-6.4 Brush, Grass and Weeds.

a. Duties of Owners and Tenants.

1. Brush, Weeds, Debris, etc., Which are a Fire Hazard or Injurious to Public Health or Safety. It shall be the duty of the owner, tenant or person in possession of any lands in the Borough, where it shall be necessary and expedient for the preservation of the public health, safety, general welfare or to eliminate a fire hazard, to remove from such lands brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris.
2. Grass. Notwithstanding anything to the contrary in paragraph 1 above, it shall be the duty of the owner, tenant or person in possession of any lands in the Borough to keep all grass cut to a height of not more than twelve (12") inches on any property in the Borough.

b. *Notice to Owners or Tenants.* After an investigation initiated by any complaint of a resident, officer or employee of the Borough relative to a violation of this Chapter, or without receiving a complaint, the Police Department, or Code Enforcement, if the reported conditions are found to exist, a representative of the Police Department or Code Enforcement shall notify the owner, tenant or person in possession of the lands complained of, in writing, either personally or by registered mail, to remove such brush, hedges or other plant life, trees, stumps, roots, obnoxious growth, filth, garbage, trash or other debris within ten (10) days after receipt of the notice. The Code Enforcement Officer shall inspect the lands in question after the ten (10)-day period expires and report, in writing, whether the condition complained of has been abated or remedied.

c. *Removal by Borough; Costs Established as Lien.* If the owner, tenant or person in possession of the lands in question shall fail to abate the condition complained of within ten (10) days after receipt of the notice, the Borough shall cause the condition complained of to be abated and shall certify the cost to the Council, who shall examine the certificate and, if it is found to be correct, cause the cost as shown thereon to be charged against the lands. The amount so charged shall become a lien upon the lands and shall be added to and become a part of the taxes next to be assessed and levied upon the lands, shall bear interest at the same rate as taxes, and shall be collected and enforced by the same officer and in the same manner as taxes. Costs shall be in addition to any penalties imposed for any violation of this Chapter.

8-6.5 General Maintenance and Structural Standards.

a. Outside building walls shall not have any holes, loose boards or any broken or missing members or cracked or damaged finish which admits rain, cold air, dampness, rodents, insects and/or vermin.

b. Every building shall be so maintained as to be weather tight, watertight and vermin proof. All exposed surfaces thereof subject to deterioration shall be protected against weathering by a protective coating appropriate for the particular material involved, as needed.

c. Basements, cellars and crawl spaces shall be free of moisture resulting from seepage, and cross-ventilation shall be required where necessary to prevent accumulation of moisture and dampness, shall be paved with stone or concrete not less than four (4") inches thick and shall be maintained at all times in a condition so as to be smooth, clean and free from cracks, breaks and/or other hazards.

d. All parts of the premises shall be maintained so as to prevent infestation.

e. All parts of the dwelling shall be kept in a clean and sanitary condition, free of nuisance and free from health, safety and fire hazards.

f. Every roof, roof gutter, flashing, rainwater conductor and roof cornice shall be weather tight, rain tight and vermin proof and shall be kept in good repair.

8-6.6 Notice of Violations.

After inspection or the discovery of violations of this or any chapter of this Code, except as to emergency circumstances, the Enforcement Officer, upon first determining that a violation of this or any chapter of this Code exists, shall issue a written violation notice advising the owner of the property in violation of the following:

a. Nature of the violation(s), stating applicable Code sections.

b. A reasonable time, not to exceed thirty (30) days in normal circumstances, and not to exceed ninety (90) days in unusual circumstances, to achieve voluntary compliance.

c. If this notice is not complied with, then the Borough of Rumson shall issue a summons, to be heard in the Municipal Court of the Borough of Rumson.

d. A violation notice need not be issued when conditions constitute an emergency and present an eminent or immediate threat of danger to a human life or limb, health, property or the public safety.

e. Upon evidence of good faith efforts to commence compliance with such notice, the Enforcement Officer may, in his sole discretion, grant a reasonable extension of the time to complete compliance.

8-6.7 Violations and Notice of Abatement.

Whenever the Code Enforcement Officer, Housing Inspector, Fire Official and the Department of Health or their agents or employees determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter or any rule or regulation adopted pursuant thereto or under the BOCA National Property Maintenance Code, 1996 Edition, he or she may issue a summons returnable in the Rumson Municipal Court for said violation or violations. In addition thereto, or as an alternative method of remedy, he or she may give notice of abatement of the alleged violation to the person or persons responsible therefor as hereinafter provided. The 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; and

d. Be served upon the owner or his agent, or the occupant, as the case may require, provided that 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 sent by certified mail to his last known address; 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. The 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.

8-6.8 Violations and Penalties.

Unless a different penalty is mandated by State law or regulations duly adopted thereunder, any violation of this Chapter shall result in penalties as follows:

a. Any person, firm or corporation found guilty in the Municipal Court of the Borough of Rumson of a violation of the terms of this Chapter shall be punishable as provided in Section 3-1.

1. Violations of Grass Height Regulation. The permissible fines for violating the grass height ordinance shall be fifty (\$50.00) dollars for the first offense, one hundred (\$100.00) dollars for the second offense, and between one hundred (\$100.00) dollars and the maximum fine permitted by Section 3-1 for any third or subsequent offense.

b. Except as otherwise provided, each and every day in which a violation of any provision of this Chapter exists shall constitute a separate violation. In addition, each violation of this Chapter shall be considered a separate offense upon each and every day in which a violation exists.

8-7 RENTAL PROPERTY—REGISTRATION REQUIRED.

8-7.1 Purpose.

The purpose of this section is to insure that residential rental units are properly maintained in accordance with the Property Maintenance and related Codes, as well as to protect the property and the health, safety and welfare of Borough residents. To this end, the section shall be liberally construed to assure the provision of decent and safe units of dwelling space.

8-7.2 Definitions.

Unless the context clearly indicates a different meaning, the following words or phrases, when used in this section, shall have the following meanings:

Agent shall mean the individual or individuals designated by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner by this section. The term does not necessarily mean a licensed real estate broker or salesman of the State of New Jersey as those terms are defined by N.J.S.A. 45:15-3; however, such term may include a license real estate broker or salesman of the State of New Jersey if such person is designated by the owner as the owner's agent.

Apartment or dwelling shall mean any apartment, condominium, townhouse, or any room or rooms in any other dwelling unit consisting of one (1) or more rooms occupying all or part of a floor or floors in a building, whether designed with or without housekeeping facilities for dwelling purposes and notwithstanding whether the apartment be designed for residence, for office, or the operation of any industry or business, or for any other type of independent use.

Local Enforcing Agency shall mean the Housing Inspector of the Borough of Rumson.

Owner shall mean any person or group of persons, firm, corporation, limited liability company, association, trust, any type of partnership or other entity who owns, operates, exercises control over or is in charge of a rental facility.

Person shall mean an individual, firm, corporation, partnership, association, trust or any other legal entity, or any combination thereof.

Rental facility shall mean every building, group of buildings or a portion thereof which is kept, used, maintained, advertised or held out to be a place where living accommodations are supplied, whether furnished or unfurnished, for pay or other consideration, to one (1) or more individuals and is meant to include apartments and apartment complexes.

Rental unit shall mean a dwelling unit which is available for lease or rental purposes and is meant to include a dwelling unit offered for lease or rental, including, but not limited to, one-family homes, two-family homes, three-family homes, etc., as well as individual apartments/condominiums/townhouses located within apartment, condominium or townhouse complexes.

8-7.3 Registration.

Each and every rental unit shall hereafter be registered with the Local Enforcing Agency on forms which shall be provided for that purpose and which shall be obtained from the office of the Local Enforcing Agency.

All registrations shall be renewed and amended within twenty (20) days of any change of ownership of any rental unit. No rental unit shall hereafter be rented unless the rental unit is registered in accordance with this section. This registration does not constitute an approval for the use and occupancy of said unit. A Certificate of Occupancy is still required for each unit.

8-7.4 Registration Forms—Filing—Contents.

Every owner of a rental unit shall file with the Local Enforcing Agency of the Borough of Rumson a registration form for each unit contained within a building or structure which shall include the following information:

- a. The name and address of each record owner or owners of the premises and each record owner or owners of the rental business if not the same persons. In the case of a partnership, the names and addresses of all general partners shall be provided, together with the telephone numbers for each of such individuals, indicating where such individual may be reached both during the day and evening hours. If the record owner is a corporation, the names and addresses of the registered agent and all corporate officers of said corporation, together with the telephone numbers for each such individual, indicating where such individual may be reached both during the day and evening hours. If the record owner is a limited liability company, the name and address of the person(s) designated in the operating agreement, together with the telephone numbers for such individual(s), indicating where such individual(s) may be reached both during the day and evening hours.
- b. If the address of any record owner is not located in Rumson, the name and address of a person who resides in Monmouth County who is authorized to accept notices from a tenant or a Borough representative and to issue receipts therefor and to accept service of process on behalf of the record owner.
- c. The name and address and telephone numbers of the agent of the premises, indicating where such individual may be reached both during the day and evening hours.
- d. The name and address and telephone numbers, including the dwelling unit number, of the superintendent, janitor, custodian or other individual employed by the owner or agent to provide regular maintenance service, if any. For each such individual, a statement as to where such individual may be reached both during the day and evening hours.
- e. The name, address and telephone number of an individual representative of the owner or agent who may be reached or contacted at any time in the event of an emergency affecting the premises or any unit of dwelling space therein, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith.

- f. If fuel oil or natural gas is used to heat the building, and the landlord furnishes the heat in the building, the name and address of the fuel oil or natural gas dealer servicing the building.
- g. As to each rental unit, a specification of the exact number of sleeping rooms contained in the rental unit. In order to satisfy the requirement of this provision, an owner shall submit a floor plan outlining and identifying each room in the unit, including the dimensions and floor location of each room, which shall become part of the application and which shall be attached to the registration form filed with the Local Enforcing Agency. Such floor plan may be hand-drawn, but must include the information required in this subsection.
- h. Such other information as may be required by the Borough.
- i. All addresses must include the full accurate street address. P.O. box and like information does not satisfy this requirement.
- j. The name of every adult tenant of record as to each rental unit. The information contained in the registration form must set forth information for each rental unit within the rental property and must include all adult tenants in each rental unit. This information shall be available only to the Local Enforcing Agency and to emergency service personnel requesting the same in the event of an emergency. This information shall otherwise remain confidential and shall not be available to the public.

8-7.5 Registration Form—Indexing and Filing— Public Inspection Fee.

The Local Enforcing Agency shall file with the Borough Clerk a copy of the registration form, except for the information as to the names of the tenants of record and occupants, which information shall be kept in a confidential file in the office of the Local Enforcing Agency. The Borough Clerk shall index and file the registration forms. In doing so, the Borough Clerk or designee shall follow the mandates of N.J.S.A. 46:8-28.1 as amended and supplemented, so that the filing of the registration form will simultaneously satisfy the registration requirements of N.J.S.A. 46:8-28 to the extent that it applies to the property being registered and will also satisfy the registration requirements of this section.

8-7.6 Amended Registration Form.

Every person required to file a registration form pursuant to this section shall file an amended registration form within twenty (20) days after any change in the information required to be included thereon, unless there has been a change in occupancy, in which case the registration form shall be submitted with the request for a new Certificate of Occupancy.

8-7.7 Inspections.

- a. Rental units shall be inspected by persons or agencies duly authorized by the Borough for inspections. Such inspection(s) shall be for the purpose of determining zoning ordinance compliance and, to the extent applicable, to determine if the rental facility complies with all laws, including the Property Maintenance Code, Uniform Construction Code, Health Code, Housing Code and Fire Code.
- b. *Unsatisfactory Inspection.* In the event that the inspection(s) of a rental unit does not result in a satisfactory inspection under the Codes, the owner or agent shall cause all necessary repairs or corrections to be made within the time prescribed by the applicable code before a Certificate of Occupancy is issued and before any tenant takes occupancy; and, if not made within that time period, the owner shall be deemed in violation of this section, and every day that the violation continues shall constitute a separate and distinct violation subject to the penalty provisions of this section.

8-7.8 Access for Inspections, Repairs, Complaints.

- a. All rental facilities and rental units subject to this section are subject to inspections to determine their condition in order to safeguard the health, safety and welfare of the occupants of such rental facilities and rental units and of the general public. At the time of such inspection, all rooms in the rental facilities and rental units shall be available and accessible for such inspections, and the owner, operator and occupant are required to provide the necessary arrangements to facilitate such inspections. Such inspections shall be made between 8:00 a.m. and 8:00 p.m., with the consent of the occupant, who is of legal age to grant such consent, or with an administrative warrant, unless there is reason to believe that a violation exists of a character which is an immediate threat to health or safety, requiring inspection and abatement without delay or where the time taken to apply for and secure the issuance of a warrant would render ineffective the immediate action necessary to abate the condition. Inspection officers shall make reasonable attempts to obtain consent of the occupant prior to application for an administrative warrant.

b. Every occupant shall give the owner of the rental facility and rental unit access to any part of such rental facility and rental unit in compliance with any prior arrangements for such action the tenant and owner established, including provision of any lease entered into by the parties. Should the parties not have a written lease, or prior agreement regarding such course of action or any written lease is silent regarding such measure, then the tenant shall provide access at all reasonable times for the purpose of making such repairs and alteration as are necessary to effect compliance with the provisions of this section, other Borough ordinances or any lawful order issued pursuant thereto.

c. Complaints. If a complaint alleging a violation of this section is received by the Borough, the inspecting officer shall use his diligent and best efforts to conduct an inspection as hereinabove provided within ten (10) days of the receipt of the complaint.

8-7.9 Inspection Officers—Identification and Conduct.

a. Inspection officers shall be supplied with official identification and shall exhibit such identification when entering any rental facility and rental unit or any part of any premises subject to this section. Inspectors shall conduct themselves so as to avoid intentional embarrassment or inconvenience to occupants.

b. “Inspection officers” shall include the Construction Official, any subcode official within the Construction Department, the Zoning Officer, the Housing Inspector, and any Rumson Police Officer.

8-7.10 Refusal of Entry for Inspection—Use of Search Warrants.

a. The inspection officer may, upon affidavit, apply to the Judge of the Municipal Court of the Borough for a search warrant, setting forth factually the actual conditions and circumstances that provide a reasonable basis for believing that a nuisance or violation of this section may exist on the premises, including one (1) or more of the following:

1. The premises require inspection according to the cycle established by the Borough for periodic inspections of premises of the type involved.
2. Observation of the external condition of the premises and its public areas has resulted in the belief that violations of this section exist.
3. Circumstances such as age of building, type of building, particular use of premises or other factors indicate that inspections of such building are desirable in the interest of public health and safety.

b. If the Judge of the Municipal Court of the Borough is satisfied as to the matter set forth in such affidavit, he shall authorize the issuance of a search warrant permitting access to an inspection of that part of the premises on which the nuisance or violation may exist. Warrant for access may be issued by the Judge of the Municipal Court upon affidavit of the inspections officer establishing reasonable grounds therefor.

c. Where the inspection officer or his agent in possession of an administrative warrant is refused entry or access or is otherwise impeded or prevented by the owner, occupant or operator from conducting an inspection of the premises, such person shall be in violation of this section and subject to the penalties hereunder.

8-7.11 Prohibitions on Occupancy.

No person shall hereafter occupy any rental unit, nor shall the owner permit occupancy of any rental unit within the Borough of Rumson, unless the rental unit is registered in accordance with this section.

8-7.12 Fees.

At the time of the filing of the registration form, the owner or agent of the owner must pay a registration fee of one hundred (\$100.00) dollars per unit for initial registration and pay a fee of fifty (\$50.00) dollars for any amended registration.

8-7.13 Providing Registration Form to Occupants and Tenants.

Every owner shall provide each occupant or tenant occupying a rental unit with a copy of the registration form required by this section.

8-7.14 Maximum Number of Occupants—Posting.

a. The maximum number of occupants shall be posted in a conspicuous area within each rental unit, on a form to be provided by the Borough, by the owner of each rental unit. It shall be unlawful for any person, including the owner, agent or tenant, to allow a greater number of

persons than the posted maximum number of occupants to sleep or occupy the rental unit. Any person violating this provision shall be subject to the penalty provisions of this section.

- b. Only those occupants whose names are on file with the Borough as required in this section may reside in the registered premises. It shall be unlawful for any other person to reside in said premises, and any person, including the owner, agent or the tenant, allowing a nonregistered party to reside in said premises shall be in violation of this subsection and shall be subject to the penalty provisions of this section.

8-7.15 Occupant(s) Standards.

- a. *Occupants.* Only those occupants whose names are on file with the Local Enforcing Agency as provided in the ordinance may reside in the registered premises. It shall be unlawful for any other person to reside in said premises, and this provision may be enforced against the landlord, tenant or other person residing in said premises.
- b. *Nuisance Prohibited.* No rental facility shall be conducted or maintained in a manner to constitute a nuisance.
- c. *Compliance With Other Laws.* The maintenance of all rental facilities and the conduct engaged in upon the premises by occupants and their guests shall at all times be in full compliance with all applicable ordinances and regulations of the Borough and with all applicable State and Federal laws, including, but not limited to, relocation assistance laws.
- d. *Penalties.* Any landlord, tenant or other person violating the provisions of this section shall be subject to the penalty provisions of this section.

8-7.16 Violations—Penalties.

- a. Any person who violates any provision of this section shall, upon conviction in the Municipal Court of the Borough of Rumson or such other court having jurisdiction be penalized as follows:
1. For a first offense: A fine of a minimum of two hundred fifty (\$250.00) dollars to a maximum of five hundred (\$500.00) dollars;
 2. For a second offense: A fine of a minimum of five hundred (\$500.00) dollars to a maximum of one thousand (\$1,000.00) dollars and revocation of the Certificate of Occupancy for a period of thirty (30) days;
 3. For a third or subsequent offense: A fine of one thousand five hundred (\$1,500.00) dollars and revocation of the Certificate of Occupancy for a period of ninety (90) days;
 4. For any offense: Any person found to have violated this section shall additionally be subject to imprisonment for a term not exceeding ninety (90) days or a period of community service not exceeding ninety (90) days. The imposition of a term of imprisonment or a period of community service shall be within the sole discretion of the Court.
- b. Each day that a violation occurs shall be deemed a separate and distinct violation subject to the penalty provisions of this section.
- c. Any person who is found to have violated this section after having been previously convicted of violating this section shall be sentenced by the Court to an additional fine as a repeat offender pursuant to Subsection 8-7.16a. above.

That Chapter IX, Sewer and Water, shall be amended to read as follows:

CHAPTER IX SEWER AND WATER

9-1 SEWER CONNECTIONS.

9-1.1 Definitions. through **9-1.10 Violations and Penalties.** No Change.

9-2 SEWER SERVICE CHARGES.

9-2.1 Schedule through **9-2.5 Interest.** No Change.

9-2.6 Fees and Guarantees.

a. Commencing January 1, 2009, the following fees and guarantees shall be paid prior to any inspection and issuance of any permit by the Borough:

1. Disconnect fee \$ 250.00

- | | |
|--------------------------------|---|
| 2. Reconnect fee | \$ 250.00 |
| 3. Existing tap connection fee | \$ 600.00 |
| 4. New construction connection | \$4,000.00 <u>\$5,200.00</u> |

That Chapter X, Parks and Recreation Areas, shall be amended to read as follows:

**CHAPTER X
PARKS AND RECREATION AREAS**

10-1 REGULATIONS FOR PARKS AND PUBLIC RECREATIONAL AREAS.

No Change.

~~10-2 FISHING PROBITED.~~

(Notation: The Existing Section Shall be Deleted in its Entirety and Replaced as Below.)

10-2 RESERVED

10-3 MUFFLERS ON MOTOR BOATS. through 10-4 WATER SCOOTERS AND JET SKIS.

**CHAPTER XI
SWIMMING POOLS**

through

**CHAPTER XII
CABLE TELEVISION**

No Change.

That Chapter XIII, Streets and Sanitation, shall be amended to read as follows:

**CHAPTER XIII
STREETS AND SANITATION**

13-1 REGULATIONS CONCERNING STREETS. through 13-6 MANDATORY RECYCLING PROGRAM.

No Change.

13-7 CLEAN COMMUNITIES PROGRAM.

13-7.1 Littering Prohibited. through 13-7.7 Uncovered Vehicles.

No Change.

13-7.8 Construction Sites.

a. It shall be unlawful for any owner, agent, or contractor in charge of a construction or demolition site to permit the accumulation of litter before, during, or after completion of any construction or demolition project. It shall be the duty of the owner, agent or contractor in charge of a construction site to furnish containers adequate to accommodate flyable or non-flyable debris or trash at areas convenient to construction areas, and to maintain and empty the receptacles in such a manner and with such a frequency as to prevent spillage of refuse.

b. Any violation of section 13-7.8 shall be fined for each violation as follows:

<u>Offense</u>	<u>Fee</u>
<u>1st</u>	<u>\$ 250</u>
<u>2nd</u>	<u>\$ 500</u>
<u>3 or more violations</u>	<u>\$1,000 plus mandatory court appearance for each</u>

Fines are base on the calendar year and shall be assigned to the building permit holder/ contractor. Violations against contractors shall be cumulative, even if they occur on separate sites throughout the Borough.

**CHAPTER XIV
CANADA GEESE**

through

**CHAPTER XV
RESERVED**

No Change.

That Chapter XVI, Environmental Protection, be amended to read as follows:

**CHAPTER XVI
ENVIRONMENTAL PROTECTION**

16-1 TREE PROTECTION. through 16-5 PET WASTE.

No Change.

16-6 WILDLIFE FEEDING.

16-6.1 Purpose.

The purpose of this section is to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Borough of Rumson or on any other private property, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

16-6.2 Definitions.

For the purposes of this section, the following terms, phrases, words and their derivations shall have the meaning stated herein unless their use in the text of this section clearly demonstrates a different meaning. When not consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely direction.

Feed through *Person* No Change.

Wildlife shall mean all animals that are ~~neither human nor~~ not domesticated and shall include wild (feral) cats; wildlife shall exclude songbirds.

16-6.3 Prohibited Conduct.

a. No person shall feed, in any public park or on any other property owned or operated by the Borough of Rumson or on any other private property, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers).

16-6.4 Enforcement. through 16-6.5 Violations and Penalties.

No Change.

16-7 LITTER CONTROL. through 16-11 PRIVATE STORM DRAIN INLET RETROFITTING.

No Change.

**CHAPTER XVII
CONSTRUCTION IN FLOOD HAZARD AREAS**

through

**CHAPTER XIX
BOROUGH OWNED ISLANDS IN THE SHREWSBURY AND NAVESINK RIVERS**

No Change.

That Chapter XX, Fire Prevention, be amended to read as follows:

**CHAPTER XX
FIRE PREVENTION**

20-1 LOCAL ENFORCEMENT. through 20-7 TERM OF OFFICE.

No Change.

20-8 INSPECTIONS AND EMPLOYEES.

Such inspectors and other employees as may be necessary in the Bureau of Fire Prevention shall be appointed by the Mayor and Council of the Borough upon the combined recommendation of the Fire Official, and Construction Official, ~~and the Chief of the Fire Department.~~

20-9 REMOVAL FROM OFFICE.

Inspectors and other employees of the Bureau of Fire Prevention shall be subject to removal by the Mayor and Council for inefficiency and misconduct when such removal is recommended by ~~both the Fire Official, and Fire Chief.~~ Each inspector or employee to be so removed shall be afforded an opportunity to be heard by the appointing authority or a designated hearing officer.

20-10 BOARD OF APPEALS.

No Change.

20-11 ADDITIONAL REQUIRED INSPECTIONS AND FEES.

In addition to the inspections and fees required pursuant to the Act and the regulations of the Department of Community Affairs, the following additional inspections and fees shall be required for all commercial properties. :

- ~~a. Mercantile businesses;~~
- ~~b. Repair shops and service businesses;~~
- ~~c. Business offices (lawyers, doctors and other professional offices, barbershop and insurance offices);~~
- ~~d. All other types of structures and facilities not otherwise described or included in this Section 20-11.~~

All of the ~~above businesses and/or facilities~~ commercial properties shall be subject to an annual inspection with a fee of fifty (\$50.00) dollars per year per location.

20-12 PERMIT FEES.

The permit fees established by the Uniform Fire Code shall apply and are as follows:

Type 1 –	\$ 25.00	<u>\$ 50.00</u>
Type 2 –	\$ 100.00	<u>\$ 175.00</u>
Type 3 –	\$ 200.00	<u>\$ 350.00</u>
Type 4 –	\$ 300.00	<u>\$ 500.00</u>
Type 5 –	\$ 1,000.00	<u>\$ 1,000.00</u>

20-13 PERMITS REQUIRED. through 20-14 INSPECTIONS REQUIRED.

No Change.

**CHAPTER XXI
RESERVED**

SECTION 2

If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3

This ordinance shall take effect immediately upon final passage and publication according to law.

Introduced:

Passed and Approved:

I hereby approve of the
passing of this ordinance.

John E. Ekdahl
Mayor

Attest:

Thomas S. Rogers
Municipal Clerk/Administrator