

## 14-010 G

### AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER II, ADMINISTRATION, CHAPTER III, POLICE REGULATIONS, CHAPTER VI, ALCOHOLIC BEVERAGE CONTROL, CHAPTER VII, TRAFFIC, CHAPTER VIII, BUILDING AND HOUSING, CHAPTER X, PARKS AND RECREATION AND CHAPTER XVI, TREE PROTECTION

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, in the County of Monmouth and State of New Jersey that Chapter II (Administration), Chapter III (Police Regulations), Chapter VI (Alcoholic Beverage Control), Chapter VII (Traffic), Chapter VIII (Building and Housing), Chapter X (Parks and Recreation) and Chapter XVI (Tree Protection) of the General Ordinances of the Borough of Rumson are hereby amended or supplemented as follows:

#### PURPOSE

The purpose of this Ordinance is to Amend *Chapter II (Administration)*, to amend Section 2-12 and 2-13 to include Blue Light Permits and Section 2-20 to include the duties of the Recreation Commission to include setting fees and add Section 2-21 for First Aid Squad Blue Light Permits; *Chapter III (Police Regulations)* to amend Section 3-5 to include trailer parking restrictions; *Chapter VI (Alcoholic Beverage Control)*, to amend Section 6-3.4 to increase Annual Distribution License Fee; *Chapter VII (Traffic)*, to amend Section 7-3.4A to define the weight of commercial trucks; *Chapter VIII, Building and Housing*, to amend Sections 8-3.2, 8-3.4 and 8-3.5 for clarification of terms; *Chapter X (Parks and Recreation)*, to amend Sections 10-1.3 and 10-1.8 and 10-1.9 regarding registration fees and field permits, and *Chapter XVI (Tree Protection)* Sections 16-1.3, 16-1.4 and 16-1.9 to add street trees *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 II, Administration, shall be amended to as follows:

#### CHAPTER II ADMINISTRATION

##### 2-1 CHAPTER TITLE. through 2-11 POLICE DEPARTMENT.

No Change.

##### 2-12 FIRE DEPARTMENT.

##### 2-12.1 Fire District Establishment. through 2-12.20 Use of Fire Apparatus for Funeral Processions.

No Change.

##### 2-12.21 Speed Limits for Fire Apparatus and Volunteer Members; Blue Light Permits.

a. The speed limit for fire apparatus in the Borough shall be in accordance with the statutes of the State applicable thereto but in no case greater than fifty (50) miles per hour going to an alarm and thirty (30) miles per hour returning therefrom.

b. All volunteers driving to or returning from a fire alarm shall follow all State and Borough regulations and shall follow all posted speed limits at all times.

c. All applications for the New Jersey State Motor Vehicle Commission Blue Light Permits shall be signed off by the Chief of Police and the Fire Chief prior to the Mayor signing and forwarding the application to the State for processing.

##### 2-12.22 Number of Active Members. through 2-12.36. Violations and Penalties.

No Change.

##### 2-13 APPROVAL OF CLAIMS. through 2-19 FEE FOR RETURNED CHECKS.

No Change.

## **2-20 BOARD OF RECREATION COMMISSIONERS.**

### **2-20.1 Creation of Board. through 2-20.4 Appointment.**

No Change.

### **2-20.5 Powers and Duties; Funding.**

The Board of Recreation Commissioners shall have such powers and shall receive such financial aid from the municipality as shall be authorized by N.J.S.A. 40:12-1 et seq.

a. Program Registration and Late Fees. Program registration and late fees, where applicable, shall be set by the Recreation Commission.

b. After approval by the Recreation Commission and prior to the start of registration/collection of fees, the Recreation Director shall submit a letter to the Chief Financial Officer indicating the Commission approval date along with a list of all programs and the corresponding schedule of registration and late fees.

## **2-21 HISTORIC PRESERVATION COMMISSION. through 2-24 MUNICIPAL ALLIANCE TO PREVENT ALCOHOL AND DRUG ABUSE.**

No Change.

## **2-25 FIRST AID SQUAD—ALSO KNOWN AS RUMSON EMERGENCY SERVICES (EMS).**

### **2-25.1 Speed Limits for First Aid Apparatus and Volunteer Members; Blue Light Permits.**

a. The speed limit for first aid apparatus in the Borough shall be in accordance with the statutes of the State applicable thereto but in no case greater than fifty (50) miles per hour going to a first aid call and thirty (30) miles per hour returning therefrom.

b. All volunteers driving to or returning from a first aid call shall follow all State and Borough regulations and shall follow all posted speed limits at all times.

c. All applications for the New Jersey State Motor Vehicle Commission Blue Light Permits shall be signed off by the Chief of Police and the First Aid Squad Captain prior to the Mayor signing and forwarding the application to the State for processing.

## **SECTION 2**

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

### **CHAPTER III POLICE REGULATIONS**

## **3-1 PENALTY. through 3-4 OBNOXIOUS GROWTHS, TRASH AND DEBRIS.**

No Change.

## **3-5 INOPERABLE MOTOR VEHICLES AND TRAILERS.**

### **3-5.1 Preamble. through 3-5.2 Abandoned Vehicles on Public Lands, Except for Emergencies.**

No Change.

### **3-5.3 Storage on Private Land; Time Limited.**

a. No person shall park, leave, store or maintain any unregistered or inoperable motor vehicle or trailer for a period of more than thirty (30) days upon any private lands or premises.

b. Construction trailers must be parked in the existing or proposed driveway. Trailers must be parked with the short side toward the street and be located behind the front of the existing or

proposed structure. When not practical, the Code Official or Construction Official shall work with the contractor to position the trailer to meet the intent of the Ordinance as outlined above.

**3-5.4 Owner Shall Not Permit Abandoned Vehicles; Time Limited. through 3-5.6 Violations.**

No Change.

**3-6 BICYCLES. through 3-16 CONSTRUCTION AND PROPERTY MAINTENANCE ACTIVITY—HOURS OF OPERATION.**

No Change.

**SECTION 3**

That Chapter VI, Alcoholic Beverage Control, shall be amended to 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:

<i>Class of License</i>	<i>Annual License Fee</i>	<i>Number of Licenses</i>
Plenary Retail Consumption License	\$2,500.00	9
Plenary Retail Distribution License	<del>\$1,693.00</del> <u>\$2,031.00</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 Term. through 6-3.6 Requirement of Obtaining Liquor License Renewal.**

No Change.

**6-4 REGULATION OF LICENSES. through 6-7 REVOCATION OF LICENSES.**

No Change.

**SECTION 4**

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

**CHAPTER VII  
TRAFFIC**

**7-1 WORDS AND PHRASES. through 7-2 OFFICIAL TIME STANDARD.**

No Change.

**7-3 PARKING.**

**7-3.1 Regulations Not Exclusive. through 7-3.4 Parking Prohibited During Certain Hours on Certain Streets and Municipal Lots.**

No Change.

**7-3.4A Commercial Truck, Tractor or Trailer Parking Prohibited During Certain Hours on Certain Streets.**

No person shall park a commercial truck, tractor or trailer between the hours specified in Schedule IIA of any day upon any of the streets or parts of streets described in Schedule IIA attached to and made a part of this chapter. Commercial truck shall be any truck weighing over 17,500 lbs.

**7-3.5 Stopping or Standing Prohibited during Certain Hours on Certain Streets. through 7-3.10 Parking Violations and Penalties.**

No Change.

**7-4 LIMITING THE USE OF STREETS TO CERTAIN CLASS OF VEHICLES. through 7-12 VIOLATIONS AND PENALTIES.**

No Change.

**SCHEDULE I NO PARKING through SCHEDULE XVI SPEED LIMITS**

No Change.

**SECTION 5**

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

**CHAPTER VIII  
BUILDING AND HOUSING**

**8-1 STATE UNIFORM CONSTRUCTION CODE. through 8-2 UNFIT BUILDINGS.**

No Change.

**8-3 RESIDENTIAL CERTIFICATES OF OCCUPANCY.**

**8-3.1 Short Title.** No Change.

**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.** No Change.

**8-3.4 Definitions.**

As used in this section:

*Apartment* No Change.

*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 and notwithstanding whether the dwelling be designated for residence, for office, or the operation of any industry or business, or for any other type of independent use.

*Family through Inspector* No Change.

**8-3.5 Certificate of Occupancy.**

a. *Required* through b. *Change of Occupancy Without Certificate of Occupancy; Penalty.*

No Change.

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~~ occupant, or complaints concerning the premises or unit have been received by the Borough, in which case, if a reinspection 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.* through g. A Certificate of Occupancy requirement checklist is on file in the Building Department for review prior to an inspection being scheduled.

No Change.

**8-3.6 Application for Certificate of Occupancy.** through **8-3.12 Violations and Penalties.**

No Change.

**8-4 STREET NUMBERS.** through **8-7 RENTAL PROPERTY—REGISTRATION REQUIRED.**

No Change.

## SECTION 6

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

### CHAPTER X PARKS AND RECREATION

**10-1 REGULATIONS FOR PARKS AND PUBLIC RECREATIONAL AREAS.**

**10-1.1 Compliance with Regulations Required.** through **10-1.2 Regulations Stated.**

No Change.

**10-1.3 Registration Required.**

Each ~~and every person~~ group, organization or professional individual, prior to making any use of the playing fields in any of the Borough parks shall, ~~before doing so~~, register with a duly authorized agent of the Borough and obtain a permit at the municipal building on River Road in the Borough of Rumson during business hours on Monday through Friday.

**10-1.4 Regulations Posted.** through **10-1.7 Bingham Hall Community Center.**

No Change.

**10-1.8 Field Permits Required.**

a. *Permit.* Use of all playing fields and courts at ~~Meadow Ridge, Piping Rock and Riverside Parks~~ any of the Borough parks requires the group, organization or professional individual to obtain a field permit at Borough Hall during regular business hours or from the Borough website. Use of the playing field is arranged by the ~~Superintendent of Parks and Recreation~~ Director and subject to the rules and regulations as stated on the permit application.

b. *Field Usage Fees.* For use by a recreation commission approved camp or clinic run by an independent group, organization or professional individual, a fee of two hundred fifty (\$250.00) dollars per camp or clinic or ~~five ten~~ (\$5.00 \$10.00) dollars per camper, whichever is greater, shall be required.

**10-1.9 Criminal History Record Background Checks for Recreation Program Employees and Volunteers.**

No Change.

**10-2 RESERVED. through 10-4 WATER SCOOTERS AND JET SKIS.**

No Change.

**SECTION 7**

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

**16-1 TREE PROTECTION.**

**16-1.1 Title. through 16-1.2 Purpose.**

No Change.

**16-1.3 Definitions and Word Usage.**

For the purpose of this section, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

*Applicant* through *Tree, ornamental* No Change.

*Tree, street shall mean any deciduous hardwood shade tree located within the Borough or County right-of-way.*

**16-1.4 Prohibited Activity.**

The activities described in this subsection and any substantially similar activity are prohibited activities:

a. Removing, causing or permitting the removal of any significant specimen tree as defined in subsection 16-1.3 above without first obtaining variance relief.

1. Removing, causing or permitting the removal of any tree having a trunk diameter of six (6) inches DBH or larger without first obtaining a tree removal permit.

2. Removing, causing or permitting the removal of any ornamental tree having a size as follows:

(a) One (1) inch DBH or larger for any Dogwood (*Cornus Florida*) or American Holly (*Illex Opaca*);

~~(b) Three (3) inches or larger root crown diameter for any Native Laurel (*Kalmia Latisolia*);~~

~~(c)~~ (b) Two and one-half (2 ½) inches DBH or larger for any other ornamental tree.

3. Clear cutting or the removal of more than twenty (20%) percent of the total number of trees, six (6) inches in caliper or greater of any size or type of trees within an area on a lot and located outside of the necessary footprint as defined in subsection 16-1.3 or removal of twenty (20%) percent of the trees on slopes steeper than fifteen (15%) percent.

b. Undertaking, causing or permitting any activities including occupancy, demolition or construction on, or adjacent to, any lot which may damage; or otherwise causing or permitting any damage, injury or disfigurement to any tree or ornamental tree described in paragraph a. above.

c. Removing or damaging any street tree without authorization from the Borough of Rumson.

**16-1.5 Permit Required. through 16-1.8 Tree Mitigation Requirements.**

No Change.

**16-1.9 Protection of Existing Trees and Street Trees.**

In connection with any construction, subsequent to tree clearing but prior to the start of other construction, snow fencing or other protective barrier acceptable to the Construction Official and/or Tree Conservation Officer, shall be placed around trees and street trees that are not to be removed. The protective barrier shall be placed at the drip line (or canopy line) of any tree and shall remain in place until all construction activity is terminated. No equipment, chemicals, soil deposits or construction material shall be placed within any areas so protected by barriers. Any landscaping or utility activities subsequent to the removal of the barriers shall be accomplished with light machinery or hand labor. Tree protection measures shall be in place prior to the issuance of any tree removal permit or building permit.

**16-1.10 Emergency Action. through 16-1.12 Violations and Penalties.**

**SECTION 8**

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 9**

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

Introduced: October 28, 2014.

Passed and Approved:

I hereby approve of the  
passing of this ordinance.

\_\_\_\_\_  
John E. Ekdahl  
Mayor

Attest:

\_\_\_\_\_  
Thomas S. Rogers  
Municipal Clerk/Administrator