

ORDINANCE 2019-06

ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 183 OF THE BOROUGH CODE OF THE BOROUGH OF BAY HEAD ENTITLED “PROPERTY MAINTENANCE” SO AS TO ADOPT THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE BOROUGH OF BAY HEAD; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES AND REPEALING ALL OTHER ORDINANCES OR PARTS OF LAW IN CONFLICT THEREWITH.

BE IT ORDAINED, by the governing body of the Borough of Bay Head, County of Ocean, State of New Jersey, as follows:

SECTION 1. Chapter 183 of the Borough Code of the Borough of Bay Head entitled “Property Maintenance” is hereby amended and supplemented to adopt the 2018 International Property Maintenance Code as the enforceable regulation governing existing structures and premises. Chapter 183 is hereby amended to read in its entirety as follows:

§ 183-01 Adoption of Standards by Reference.

That a certain document, three (3) copies of which are on file in the office of the Municipal Clerk of the Borough of Bay Head, being marked and designated as the International Property Maintenance Code, 2018 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Bay Head, in the State of New Jersey for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Borough of Bay Head are hereby referred to, adopted, and made a part hereof, as if

fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section §183-2.

§183-2. Additions, insertions and changes.

The following sections are hereby revised:

- A. Section 101.1. Title. These regulations shall be known as the International Property Maintenance Code of the Borough of Bay Head, hereinafter referred to as “this code.”
- B. Section 103.5. Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the schedule of fees as provided per Chapter 114 entitled “Fees”.
- C. Section 111.2 is amended to read as follows:

Section 111.2 Appeals Board: In order to protect existing structures in the jurisdiction by vigorous enforcement of the provisions of this Code, there shall be and is hereby created a Code Appeals Board, hereinafter referred to as the "board," consisting of the Mayor and Borough Council of Bay Head. Each member shall serve during his or her term of elected office. The code official shall be an ex-officio member but shall not vote on any matter before the board.
- D. Section 111.2.1, Alternate member, is hereby deleted.
- E. Section 111.2.2, Chairman, is hereby deleted.
- F. Section 111.2.4 Secretary. The municipal clerk is designated to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the Mayor.
- G. Section 111.2.5 Compensation of members, is hereby deleted.
- H. Section 112.4. Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than: \$50 or no more than \$1,000.
- I. Section 302.4. Insert: “six inches”
- J. Section 304.3 Premises identification, is hereby deleted.
- K. Section 304.14. Insert: “April 15th to October 15th.”

L. Section 602.3. Insert: "October 15th to April 15."

M. Section 602.4. Insert: "October 15th to April 15th."

SECTION 2. That Ordinance No. 2010-15 of the Borough of Bay Head entitled Property Maintenance and all other ordinances or parts of laws in conflict herewith are hereby repealed.

SECTION 3. That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Mayor and Council hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 4. That nothing in this legislation or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

SECTION 5. That the Municipal Clerk is hereby ordered and directed to cause this legislation to be published in accordance with the law.

SECTION 6. That this law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect upon final publication from and after the date of its final passage and adoption.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting of the Borough Council of the Borough of Bay Head held on the 1st day of April, 2019, and will be considered for second reading and final passage at a regular meeting of the Borough Council to be held on the 6th day of May, 2019, at 7:00 pm., at the Bay Head Municipal Building, located at 83 Bridge Avenue, Bay Head, New Jersey, at which time and place any persons to be heard upon the same will be given the opportunity to be heard.

Patricia M. Applegate, RMC

Borough Clerk, BOROUGH OF BAY HEAD