

## ORDINANCE 2011- 12

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ENACTING CHAPTER 350, "PROPERTY MAINTENANCE AND HOUSING STANDARDS", SECTIONS ONE THROUGH FOUR; AND DELETING CHAPTER 147 "BUILDINGS, UNFIT" IN ITS ENTIRETY AND DELETING CHAPTER 262 "HOUSING STANDARDS" IN ITS ENTIRETY.**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Bradley Beach that Chapter 350, Property Maintenance and Housing Standards Sections One through Four shall be hereby adopted and enacted as part of, and incorporated into, the Revised General Ordinances of the Borough of Bradley Beach as follows:

**Section 350-1, Adoption of Standards, Availability of copies.** Pursuant to *N.J.S.A. 40:49-5.1* the International Property Management Code, 2009, published by the International Code Counsel is hereby accepted, adopted and established as the standard and guide in determining whether dwellings and properties in this municipality are properly maintained in accordance with and in the interest of promoting the health, safety and welfare of the public. A copy of the International Property Maintenance Code (IPMC) is annexed hereto and three copies have been placed on file in the office of the Borough Clerk and are available to all persons desiring to use and examine the same.

**Section 350-2. Amendments to the Code adopted.** The International Property Maintenance Code as identified above shall be hereby amended and supplemented to read as follows:

**(a) IPMC Sec. 101.1 Title.** These regulations shall be known as the "International Property Maintenance Code of Borough of Bradley Beach", hereinafter referred to as "this code."

**(b) IPMC Sec. 102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the New Jersey Uniform Construction Code. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Borough of Bradley Beach Zoning Code. Any reference to the "International Building Code", "National Electric Code" or the "International Plumbing Code" as found in the International Property Maintenance Code adopted herein shall be construed to mean and be read in accordance with the New Jersey Uniform Construction Code. Any

reference to the “International Fire Code” as found in International Property Maintenance Code adopted herein shall be construed to mean and be read in accordance with the New Jersey International Fire Code.

**(c) IPMC Sec. 103.** This Section, including all subparts, is deleted in its entirety.

**(d) IPMC Sec. 106.4 Violation penalties.** Unless otherwise provided in this Code, Any person, persons, other entities, or their agents, who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws and upon conviction thereof, and be subject to the penalties set forth in Boroughs Ordinance, Chapter 1, Article II, General Penalty. Each day that a violation continues after due notice has been served shall be deemed a separate offense. All summons issued in connection with the enforcement of this code, or any rule or regulation adopted pursuant thereof, shall be heard before the Municipal Court of the Borough of Bradley Beach in accordance with the rules of the Municipal Court, as adopted by the Supreme Court.

**(e) IPMC Sec. IPMC 107.7 No notice necessary.** No notice of violation need be given to any person or entity prior to the issuance of a summons for the violations of any standards or provisions herein adopted and all requirements as to notice shall be read as being discretionary and permissive only.

**(f) IPMC Sec. 111.** This Section, including all subparts, is deleted in its entirety.

**(g) IPMC Sec. 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 subject to a fine of not less than \$200.00 dollars or more than \$2,000.00 dollars.

**(h) IPMC Sec. 302.3.1 Snow Removal Sidewalks and Parking Lots.** Snow and ice shall be removed from sidewalks and private parking lots within 24 hours after cessation of precipitation.

**(i) IPMC Sec. 302.4 Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of six (6”) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided, however, this term shall not include cultivated flowers and gardens. Upon failure of the owner, the owner’s agent, or other person having charge of a property to cut and destroy weeds after service of a notice of violation, said person shall be subject to prosecution in accordance with Section 106.3 and as otherwise prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the cost of such removal shall be paid by the owner or agent responsible for the property.

**(j) IPMC Sec. 302.7 Accessory Structures.** All accessory structures, including but not limited to, detached garages, sheds, outside showers, fences and walls, shall be maintained in structurally sound and in good repair.

**(k) IPMC Sec. 302.10 Depositing of snow or ice prohibited.** No person or other entity shall throw, place or deposit any snow or ice into or on any street in the Borough, and no owner, tenant or occupant shall cause or allow such throwing, placing or depositing to occur, or cause or permit said throwing, placing or depositing of any snow or ice to remain in the street, it being the intent and purpose of this provision to prohibit all such persons and entities from throwing, placing or depositing snow or ice which accumulated on the private property or adjoining sidewalks into the streets of the Borough.

**(l) IPMC Sec. 304.1.1.** This section shall be amended to delete any Reference to International Existing Building Code.

**(m) IPMC Sec. 304.3.1 Premises identification.** Commercial Buildings with rear doors shall have the name of any businesses, address number and unit identification, if applicable, on the outside of said rear doors. Numbers and letters shall be a minimum of 3 inches high with a minimum width of 0.5 inches.

**(n) IPMC Sec. 304.6.1 Exterior walls.** All exterior walls, including masonry walls, shall be free of chipping, staining and deterioration of paint and all such walls shall be restored to a clean good appearance.

**(o) IPMC Sec 304.14 Insect screens.** Every door, window and other outside opening required for ventilation of habitable rooms, food preparation area, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing devise in good working condition.

**Exception:** Screens shall not be required where other approved means, such as air curtains or insect repellent fans are employed.

**(p) IPMC Sec. 308.3.1 Garbage facilities.** The owner of every dwelling shall supply an approved leakproof, covered, outside garbage container, and no option to this requirement shall be permitted.

**(q) IPMC Sec. 404.4.1 Room area.** Every living room shall contain at least 120 square feet (11.2 m<sup>2</sup>) and every bedroom shall contain at least 70 square feet (6.5 m<sup>2</sup>) for the first person and 50 square feet for each additional person.

**(r) IPMC Sec. 602.3 Heat Supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to May 15 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

**Exceptions:**

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in National Standard Plumbing Code currently adopted by the NJ-UCC.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

**(s) IPMC Sec. 602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 15 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

**Exceptions:**

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

**Section 350-3. Language of ordinance controlling.** The specific provisions and wording of this ordinance, whether amendments, additions or otherwise, shall take precedence over and supersede any provisions and wording as may be found in the IPMC hereby adopted and said specific provisions and wording shall be controlling.

**Section 350-4. Elimination of prefacing information.** All prefacing information as may be provided with the IPMC including but not limited to the sections as to Introduction, development, Adoption, Maintenance, Letter designations, Marginal Markings, Italicized words, and otherwise, shall not be considered to be part of this ordinance.

**BE IT FURTHER ORDAINED** by the Mayor and Council of the Borough of Bradley Beach that Chapter 147 entitle “Buildings, Unfit” be and is hereby deleted from the Revised General Ordinances of the Borough of Bradley Beach in its entirety.

**BE IT FURTHER ORDAINED** by the Mayor and Council of the Borough of Bradley Beach that Chapter 262 entitled “Housing Standards” be and is hereby deleted from the Revised General Ordinances of the Borough of Bradley Beach in its entirety.

**THIS ORDINANCE** shall become effective upon final passage and publication according to law.

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MARY ANN SOLINSKI  
Borough Clerk

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JULIE SCHRECK  
Mayor

Introduced: May 24, 2011

Date of Hearing and Adoption: June 14, 2011

Date of Publication: \_\_\_\_\_