

ORDINANCE #1010

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING CHAPTER 295 OF THE CODE OF THE BOROUGH OF OCEANPORT, ENTITLED "PROPERTY MAINTENANCE" PASSED AND APPROVED ON OCTOBER 3, 2013, AS LAST REVISED AND PASSED ON MARCH 21, 2019

SECTION 1. BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport that the following amendments be made to Chapter 295 entitled Property Maintenance:

NOTE: Additions are underlined and deletions are marked by strike through.

295-2. Revisions The following sections of the International Property Maintenance Code are hereby revised:

E. Section 113, Certificate of Occupancy, is hereby added as a new section to read as follows:

113.1. Certificate of occupancy required for rental/resale and transfer of title; forms; fees; conditional approval: No owner, owner of rental properties, agent of owner, real estate agent or broker, firm, company, partnership, corporation or person or persons shall sell, rent, transfer, grant, lease, let or mortgage with right of occupancy or otherwise dispose of the ownership or occupancy thereof, whether or not for a consideration and whether such disposal of ownership or occupancy be temporary or permanent, any dwelling unit, hotel, motel, rooming unit, boardinghouse or premises on which a building is located and is used for human occupancy unless a certificate of occupancy certifying that the building and premises are in compliance with all other ordinances of the Borough of Oceanport. Such certificate of occupancy shall be granted or denied within 21 days from the date of the application for same. All applications are subject to review for open-permits or outstanding violations which shall be satisfactorily addressed prior to any inspection by the Housing Inspector being scheduled.

1. The Housing Inspector shall cause to be prepared appropriate application forms, including a copy of the lease between owner and tenant, for such certificate of occupancy, which forms shall be available in the Building Department. The Housing Inspector shall also cause to be prepared appropriate forms of such certificate of occupancy.

2. A charge of \$50 65 for rentals and ~~\$50 for~~ transfers of ownership, to cover the cost of inspection in connection with such applications, shall be paid to the Building Department at the time the application is filed and shall not be refundable. A charge of ~~\$25~~ 50 for each re-inspection related to temporary certificate or non-occupancy certificate shall be paid to the Building Department prior to issuance of a final ~~the~~ certificate of occupancy. A charge of \$125 will apply to any request for applications eligible for an expedited certificate.

3. Whenever the Housing Inspector shall have made an inspection of any property as herein provided in connection with a proposed sale of such property and upon determining that one or more violations of this code exist, the Housing Inspector shall, upon request of the owner of such property, distinguish between those violations that may endanger the public health or safety and those which do not. All public health and safety violations shall be corrected immediately. Upon receipt of a letter signed by any prospective purchaser of such property acknowledging the existence of those violations which do not endanger the public health or safety and accepting responsibility for the corrections of such violations, the Housing Inspector may issue a conditional certificate of occupancy enumerating the violations remaining to be corrected and specifying the time within which such violations should be corrected, which time shall be commensurate with the nature of the violations to be corrected.

113.2. Short Term Rental Property Prohibited Uses: Notwithstanding anything to the contrary

contained in the Borough Code, it shall be unlawful for an Owner, lessor, sub-lessor, any other person(s) or entity(ies) with possessory or use right(s) in a Dwelling Unit, their principals, partner or shareholders, or their agents, employees, representative and other person(s) or entity(ies), acting in concert or a combination thereof, to receive or obtain actual or anticipated consideration for soliciting, advertising, offering, and/or permitting, allowing, or failing to discontinue the use of occupancy of any Dwelling Unit, as defined herein, for a period of ninety (90) days or less. Nothing in this Ordinance will prevent formation of an otherwise lawful occupancy of a Dwelling Unit for a rental period of more than ninety (90) days.

113.3. Sublease of any Rental Property: Any conditions pertaining to subleasing of rental property will require a new certificate of occupancy and full disclosure from the property owner.

113.4. Violations and penalties.

Any person or organization that shall violate any provision of this article shall be subject to a penalty as set forth below:

Unless another penalty is expressly provided by New Jersey statute, any person, firm or corporation in violation of this chapter may be subject to a penalty of \$500.

A second offense of this chapter may be subject to a fine of \$1,000.

A third offense of this chapter may be subject to a fine of \$2,000.

F. Chapter 2 DEFINITIONS

Section 202 General Definitions

ADVERTISE OR ADVERTISING - Any form of solicitation, promotion and communication for marketing, used to solicit, encourage, persuade or manipulate viewers, readers or listeners into contracting for goods and/or services in violation of this Ordinance, as same may be viewed through various media including but not limited to, newspapers, magazines, flyers, handbills, pamphlets, commercials, radio, direct mail, internet websites, or text or other electronic messages for the purpose of establishing occupancies or uses of rental property, for consideration, which are prohibited by this Ordinance.

CODE OFFICIAL - The official who is charged with the administration and enforcement of this code, or any duly authorized representative. The duly authorized representative for certificates of occupancy for rentals and transfers of title shall be known as the "Housing Inspector."

CONSIDERATION - Soliciting, charging, demanding, receiving or accepting any legally recognized form of consideration including a promise or benefit, a quid-pro-quo, rent, fees, other form of payment or thing of value.

DWELLING UNIT - Any structure, or portion thereof, whether furnished or unfurnished, which is occupied in whole or in part, or intended, arranged or designed to be occupied, for sleeping, dwelling, cooking, gathering and/or entertaining, as a residential occupancy, by one or more persons. This definition includes an apartment, condominium, building, co-operative, converted space or portions thereof, that is offered to use, made available for use, or is used for accommodations, lodging, cooking, sleeping, gathering and/or entertaining of occupants and/or guest(s), for consideration for a period of ninety (90) days or less.

HOUSEKEEPING UNIT - Constitutes a family-type situation, involving one or more persons, living together that exhibit the kind of stability, permanency and functional lifestyles equivalent to that of a traditional family unit, as further described in the applicable reported and unreported decisions of the

New Jersey Superior Court.

MUNICIPAL SEPARATE STORM SEWER SYSTEM - A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the Borough or other public body and is designed and used for collecting and conveying stormwater.

OCCUPANT - Any individual using, inhabiting, living, gathering, entertaining, being entertained as a guest, or sleeping in a Dwelling Unit, or portion thereof, or having other permission or possessor right(s) within a Dwelling Unit.

OWNER - Any person(s) or entity(ies), association, limited liability company, corporation or partnership or any combination who legally use, possess, own, lease, sub-lease or license (including an operator, principal, shareholder, director, agent or employee, individual or collectively) that has charge, care, control or participates in the expenses and/or profit of a Dwelling Unit pursuant to a written or unwritten agreement, rental, lease, license, use, occupancy agreement or any other agreement.

PERSON - An individual, firm, corporation, association, partnership, limited liability company, association, entity and any person(s) and/or entity(ies) acting in concert or any combination therewith.

RESIDENTIAL OCCUPANCY - The use of a Dwelling Unit by an Occupant(s).

SEEPAGE PIT - A chamber or tank constructed below grade for the purpose of recharging water into the ground. The chamber may be preformed of composite materials or built to suit. The chamber shall hold at least 50 gallons and shall have perforated bottom and sides.

GROUNDWATER - Water that is found underground in the cracks and spaces in soil, sand and rock.

STORMWATER - Water resulting from precipitation (including rain and snow) that runs off the surface of the land, is transmitted to the subsurface, and is captured by storm sewers or other drainage facilities.

SUMP PIT - A space into which a sump pump is installed, designed to provide sufficient depth and volume for proper performance of the pump.

SUMP PUMP DISCHARGE - The end of the pipe from the sump pump where water becomes unconfined and reverts to gravity flow.

SUMP PUMP - A pump, with related valves, pipe and fittings, installed for the purpose of evacuating water, usually from a basement area.

SECTION 2. All ordinances and resolutions or parts of ordinances and resolutions, inconsistent with this amending ordinance be and the same are hereby repealed, but only, however to the extent of such conflict or inconsistency, it being the legislative intent that all other ordinances or parts of ordinances now existing and in effect, unless the same be in conflict or inconsistent with any of the provisions of this ordinance, shall remain in full force and effect.

SECTION 3. This amending ordinance shall become effective upon due passage and publication according to law.

APPROVED ON FIRST READING

DATED: September 19, 2019

JEANNE SMITH

Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED: October 17, 2019

JEANNE SMITH

Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____.

JOHN F. COFFEY, II

Mayor