

**“GOD BLESS AMERICA”**

**REGULAR MEETING**

**FEBRUARY 18, 2014**

A regular meeting of the Mayor and Council of the Borough of Belmar held on the above date at 6:00 PM at the Belmar Municipal Building, 601 Main Street.

**PRESENT:** Mayor Doherty, Councilman Bean, Councilman Magovern, Councilwoman Nicolay, Councilwoman Keown-Blackburn, Borough Attorney Michael DuPont, Esq., Business Administrator Colleen Connolly, and Borough Clerk April Claudio

The Borough Clerk stated “Adequate notice of this meeting has been provided to The Coast Star, the official newspaper of the Borough of Belmar, and the Asbury Park Press on December 30, 2013 notice of this meeting was prominently posted on the bulletin board of the Municipal Building and filed with the Clerk of the Borough of Belmar.

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE:** Our troops and their families, Mario Pesapane and Joseph Hillman

**SPECIAL PRESENTATION:** February Employee of the Month

**WORKSHOP DISCUSSION:**

- Karl Kemm - revaluation
- Yard sale permits

**PETITIONS:**

**REPORTS OF MAYOR AND COUNCIL:**

**APPROVAL OF MINUTES:**

**PUBLIC SESSION:** Public Session on resolutions only on the Agenda. We will continue to have a Public Session at the end of this meeting.

**RESOLUTIONS:**

- **RESOLUTION AUTHORIZING PAYMENT OF BILLS LIST**
- **RESOLUTION PERMITTING SPECIAL PERMITS FOR SOCIAL AFFAIRS FOR THE FRIENDLY SONS OF THE SHILLELAGH**
- **RESOLUTION APPOINTING AND CONFIRMING AN ARCHITECTURAL DESIGN FIRM**
- **RESOLUTION AWARDING CONTRACT FOR CONSULTING SERVICES**

**CONSENT AGENDA:**

All matters listed in the Consent Agenda are considered to be routine by the Borough Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

**RESOLUTIONS BY CONSENT:**

- RESOLUTION AUTHORIZING REFUNDS
- RESOLUTION PERMITTING SPECIAL PERMITS FOR SOCIAL AFFAIRS FOR THE BELMAR FIRE DEPARTMENT
- RESOLUTION TEMPORARILY ALLOWING THE USE OF OUTDOOR EATING AREAS DURING THE BELMAR & LAKE COMO ST. PATRICK'S DAY PARADE FOR THE BOROUGH OF BELMAR, MONMOUTH COUNTY, NEW JERSEY
- RESOLUTION APPOINTING AND CONFIRMING MUNICIPAL AUDITOR
- RESOLUTION REJECTING ALL BIDS FOR THE FIFTH AND TENTH AVENUE BORDWALK PAVILIONS RECEIVED ON OCTOBER 11, 2013
- RESOLUTION AUTHORIZING THE MAYOR OF THE BOROUGH OF BELMAR TO EXECUTE AGREEMENTS WITH PBA LOCAL NO. 50, CWA LOCAL 1032, CWA 1075, AND SUPERVISORS UNION OF THE BOROUGH OF BELMAR
- RESOLUTION RELEASING PERFORMANCE GUARANTEE FOR WESTPORT OF BELMAR LLC
- RESOLUTION APPOINTING SPECIAL I POLICE OFFICERS FOR 2014
- RESOLUTION PERMITTING SPECIAL EVENTS
- RESOLUTION AUTHORIZING THE MAYOR OF THE BOROUGH OF BELMAR TO EXECUTE AN AGREEMENT WITH THE MONMOUTH COUNTY MOSQUITO EXTERMINATION COMMISSION

**ORDINANCES:**

*Second Reading & Public Hearing:*

**ORDINANCE 2014-01**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER IV, DEPARTMENT OF FINANCE, OF THE GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, PERTAINING TO SECTION 13, RECEIPT OF BIDS**

*First Reading & Introduction:*

**ORDINANCE 2014-02**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXVI HOUSING AND PROPERTY MAINTENANCE OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

**ORDINANCE 2014-03**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXVIII BUREAU OF FIRE PREVENTION OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

**ORDINANCE 2014-04**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER V DEPARTMENT OF PUBLIC SAFETY OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

**ORDINANCE 2014-05**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XL DEVELOPMENT REGULATIONS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY**

**JERSEY TO AMEND SECTION 7.24 SIGNS**

**SPECIAL IMPROVEMENT DISTRICT 2014 BUDGET:**

- Public Hearing

**PUBLIC SESSION:**

**MEETING ADJOURNED**

**RESOLUTION NO 2014-**

**RESOLUTION APPOINTING AND CONFIRMING MUNICIPAL AUDITOR**

**WHEREAS**, there exists a need for professional services for a municipal auditor.

**WHEREAS**, a contract for professional services pursuant to N.J.S. 40A:11-5(1)(a)(I) and N.J.S.19:44A-20.5 may be awarded without advertisement for bids or bidding in that the required services must be performed by persons authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which requires knowledge of an advanced and specialized type.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Belmar that the following be and are hereby appointed and confirmed to their respective positions as recommended by Mayor Doherty:

Borough Auditor- Charles J Fallon, CPA/RMA  
Fallon & Larsen LLP  
1390 Route 36  
Suite 102  
Hazlet, NJ 07730

Mayor Doherty offered the above resolution and moved its adoption.

Seconded by Council member Nicolay and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

**RESOLUTION 2014-**

**RESOLUTION PERMITTING SPECIAL PERMITS FOR SOCIAL AFFAIRS  
FOR THE BELMAR FIRE DEPARTMENT**

**WHEREAS**, the Belmar Fire Department has applied for the following Special Permit for Social Affairs (“One Day Liquor License”):

March 2, 2014 – 610 Seventh Avenue – St. Patrick’s Day Parade

**WHEREAS**, the applications require that the municipality indicate that it has no objection to the granting of said Special Permit;

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Clerk be and is hereby authorized and directed to sign the certification stating that the Borough of Belmar has no objection to the granting of the Special Permit for Social Affairs to be conducted by the Belmar Fire Department and that the issuance of said Permit is not contrary to any local ordinance, resolution, regulation or policy which would prohibit the same, and that not more than 25 Special Permits have been authorized for the applicant during 2014.

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

**RESOLUTION 2014-**

**RESOLUTION PERMITTING SPECIAL PERMITS FOR SOCIAL AFFAIRS  
FOR THE FRIENDLY SONS OF THE SHILLELAGH**

**WHEREAS**, the Friendly Sons of the Shillelagh has applied for the following Special Permit for Social Affairs (“One Day Liquor License”):

March 2, 2014 – 815 16<sup>th</sup> Avenue – St. Patrick’s Day Parade

**WHEREAS**, the applications require that the municipality indicate that it has no objection to the granting of said Special Permit;

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Clerk be and is hereby authorized and directed to sign the certification stating that the Borough of Belmar has no objection to the granting of the Special Permit for Social Affair to be conducted by the Friendly Sons of the Shillelagh and that the issuance of said Permit is not contrary to any local ordinance, resolution, regulation or policy which would prohibit the same, and that not more than 25 Special Permits have been authorized for the applicant during 2014.

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

**RESOLUTION 2014-**

**RESOLUTION TEMPORARILY ALLOWING THE USE OF OUTDOOR EATING AREAS  
DURING THE BELMAR & LAKE COMO ST. PATRICK'S DAY PARADE  
FOR THE BOROUGH OF BELMAR, MONMOUTH COUNTY, NEW JERSEY**

**WHEREAS**, businesses in the Borough of Belmar may obtain approval from the Planning Board or Zoning Board of Adjustment (“Board”) for an Outdoor Eating Area, Outdoor Dining Area, or Sidewalk Dining Area (“Outdoor Eating Areas”) pursuant to Ordinance Section 40-7.8(h) of the Belmar Development Regulations, and, if approval is granted, the Outdoor Eating Areas may only be utilized from April 1 to November 1 of each year, per 40-7.8(h)(11); and,

**WHEREAS**, businesses in the Borough of Belmar experience an exceptional demand for space during the Belmar & Lake Como St. Patrick's Day Parade (“Parade”), and have requested to use their approved Outdoor Eating Areas temporarily for the day of the Parade which, this year, is on Sunday, March 2, 2014; and,

**WHEREAS**, the Mayor and Council have allowed the use of approved Outdoor Eating Areas for the day of the Parade on an informal basis in the past and wish to allow the use of these areas this year by a written Resolution, to create uniform conditions and by the use of a written Resolution to ensure the businesses know what the conditions are; and

**WHEREAS**, the Mayor and Council wish to temporarily allow businesses to use approved Outdoor Eating Areas for the day of the Parade only under the conditions set forth below.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Belmar, County of Monmouth, New Jersey, that businesses may temporarily use approved Outdoor Eating Areas for the day of the Parade only under the following conditions:

1. The Outdoor Eating Area, Outdoor Dining Area, or Sidewalk Dining Area (“Outdoor Eating Areas”) must have received the appropriate approvals from the Belmar Planning Board or Zoning Board of Adjustment (“Board”).
2. The business must comply with all Board conditions on the use of the Outdoor Eating Area.
3. The business may not set-up their Outdoor Eating Areas before noon on Saturday, February 22, 2014 and the Outdoor Eating Areas shall be closed down and cleaned up not later than noon on Monday, March 3, 2014.
4. Businesses without a Liquor License shall not permit the consumption of alcoholic beverages by individuals bringing their own alcoholic beverages, known as “BYOB,” in the Outdoor Eating Area. These businesses shall provide sufficient staff to ensure no violations of this condition occurs, violations will result in the issuance of summonses.
5. Businesses with a current, valid Liquor License shall not permit the service or consumption of alcoholic beverages in the Outdoor Eating Areas. These businesses shall provide sufficient staff to ensure no violations of this condition occurs, violations will result in the issuance of summonses and/or Alcoholic Beverage Control charges.
6. Any business which violates these conditions and/or Board conditions on the use of the Outdoor Eating Area during the Parade, may upon Order of the Chief of Police or his designee, have their Outdoor Eating Area immediately shut down, and all persons shall vacate the Outdoor Eating Area.

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSENT	ABSTAIN
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

**RESOLUTION NO 2014-**

**RESOLUTION APPOINTING AND CONFIRMING AN ARCHITECTURAL DESIGN FIRM**

**WHEREAS**, there exists a need for professional services for a municipal an architectural design firm; and

**WHEREAS**, a contract for professional services pursuant to N.J.S. 40A:11-5(1)(a)(I) and N.J.S.19:44A-20.5 may be awarded without advertisement for bids or bidding in that the required services must be performed by persons authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which requires knowledge of an advanced and specialized type.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Belmar that the following architectural design firm be hereby appointed as recommended by Mayor Doherty effective November 1, 2012:

Melillo & Bauer Associates  
200 Union Avenue  
Brielle, NJ 08730

offered the above resolution and moved its adoption.

Seconded by Council member and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

**RESOLUTION NO. 2014**

**RESOLUTION APPOINTING SPECIAL I POLICE OFFICERS FOR 2014**

Therefore, be it resolved, by the Mayor and Borough Council of the Borough of Belmar that the following persons are hereby appointed and confirmed as a Class I Special Police Officer for the year 2014 effective February 18, 2014:

ADAM LIOTTA

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

**RESOLUTION NO. 2014-**

**RESOLUTION AUTHORIZING THE MAYOR OF THE BOROUGH  
OF BELMAR TO EXECUTE AN AGREEMENT WITH THE  
MONMOUTH COUNTY MOSQUITO EXTERMINATION COMMISSION**

**WHEREAS**, an agreement has been entered into by and between the Borough of Belmar and the Monmouth County Mosquito Extermination Commission; and

**WHEREAS**, this agreement permits the Monmouth County Mosquito Extermination Commission to resume their aerial surveillance and treatment program from April 1, 2014 to November 30, 2014; and

**WHEREAS**, this agreement must be approved and ratified by the Mayor and Council of the Borough of Belmar.

**NOW, THEREFORE, BE IT RESOLVED** that Mayor Matthew Doherty is hereby authorized to execute the said Agreement.

offered the above resolution and moved its adoption. Seconded by and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mrs. Nicolay				
Mr. Bean				
Mayor Doherty				

Adopted:

**RESOLUTION NO. 2014-**

**RESOLUTION AUTHORIZING THE MAYOR OF THE BOROUGH  
OF BELMAR TO EXECUTE AGREEMENTS WITH  
PBA LOCAL NO. 50, CWA LOCAL 1032, CWA 1075, AND  
SUPERVISORS UNION OF THE BOROUGH OF BELMAR**

**WHEREAS**, Agreements have been entered into by and between the Borough of Belmar and PBA Local No. 50, CWA Local 1033 and CWA Local 1075, and the Supervisors of the Borough of Belmar; and

**WHEREAS**, these contracts has been approved and ratified by the Mayor and Council of the Borough of Belmar.

**NOW, THEREFORE, BE IT RESOLVED** that Mayor Matthew J. Doherty and/or Administrator Colleen Connolly are hereby authorized to execute the said Agreements.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution is forwarded to Department of Personnel and filed in the Borough Clerk's office.

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

**RESOLUTION NO. 2014-**

**RESOLUTION AWARDING CONTRACT FOR  
CONSULTING SERVICES**

**WHEREAS**, the Mayor and Council have a desire to hire a consultant to assist the Business Administrator with various duties, and;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council on this 18<sup>th</sup> day of February 2014 that:

1. Contract is awarded to Megan Downing in the amount of \$4,000.00 per month for a term not to exceed six (6) months.

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**CERTIFICATION AS TO AVAILABILITY OF FUNDS**

I herewith certify that, as of February 18, 2014 that there are adequate funds available for the proposed contract noted above.

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Robbin D. Kirk  
Chief Financial Officer

**RESOLUTION NO 2014-**

**RESOLUTION AUTHORIZING REFUNDS**

**BE IT RESOLVED**, by the Mayor and Borough Council on this 18<sup>th</sup> day of February 2014 that the following refunds are hereby authorized upon certification by the Chief Financial Officer to the following:

<u>Name</u>	<u>Type</u>	<u>Amount</u>
Robert Bakerian 10 Fairway Drive Whitehouse Station, NJ 08889	Taxes Block 61 Lot 5	\$2,486.52

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSENT	ABSTAIN
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

**RESOLUTION NO. 2014-**

**RESOLUTION REJECTING ALL BIDS FOR THE FIFTH AND TENTH AVENUE  
BORDWALK PAVILIONS**

**WHEREAS**, on October 11, 2013 the Borough of Belmar received bids for the construction of the Fifth and Tenth Avenue pavilions at the Belmar boardwalk; and

**WHEREAS**, the Business Administrator has recommended the bids be rejected because the Borough has decided to revise the plans for the buildings and put it out for re-bid as per NJSA 40A:11-13-2(d).

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council on this 18<sup>th</sup> day of February 2014 that the bids received on October 11, 2013 are rejected and the bidders will be notified.

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

**RESOLUTION NO. 2014-**

**RESOLUTION RELEASING PERFORMANCE GUARANTEE FOR WESTPORT  
OF BELMAR LLC**

**WHEREAS**, Westport of Belmar LLC has requested a release of their performance guarantees in the amount of \$65,681.53; and

**WHEREAS**, the request was submitted to the Borough Engineer for his inspection and recommendation, and

**WHEREAS**, in response Maser Consulting has forwarded their letter to the governing body indicating that “All required items of work have been completed in substantial compliance with the approved plans and are acceptable”; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Belmar that, in accordance with the recommendation of Maser Consulting the performance guarantees in the amount of \$65,681.53 be released upon posting a two-year maintenance bond in the amount of \$104,874.75 and the posting of an inspection escrow fee of \$1,000.

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote on roll call:

	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

**RESOLUTION NO. 2014-**

**RESOLUTION PERMITTING SPECIAL EVENTS**

**WHEREAS**, applications have been received by the Special Events Committee as per Ordinance 16-14.4 “Permits and Special Event Permits;” and

**WHEREAS**, said applications have been reviewed by the Special Events Committee and by the Borough Council; and

**WHEREAS**, the following events are recommended for approval with conditions if applicable:

Mama Mare Breast Cancer Foundation 5K: Saturday, March 22<sup>nd</sup>, 2014. Set-up 5:30 am, event 9:30 am-11:30 am. All necessary barricades must be supplied by Lake Como. Organization must supply names and contact information for 25 volunteers. Organization must also inform all Belmar Residents impacted by the road closing through a mailing or door to door poster drop. Cost for the event is \$2000.00, check payable to Borough of Belmar due and payable March 7<sup>th</sup> 2014.

St. Rose GS, 1<sup>st</sup> Annual Community Walk for Education: Saturday, May 17<sup>th</sup>, 2014. Set-up 8.30am, event 8.30am-3.00pm. No additional borough resources are necessary.

Jersey Shore Running Club/Special Olympics NJ, Jersey Shore Relay on Belmar Boardwalk: Saturday, April 26<sup>th</sup> 2014. Event will take place from 7.00am-11.30am. No additional borough resources are necessary.

Endless Sup Ocean Paddleboard Race & Charity Demo Day: Saturday & Sunday ,June 7<sup>th</sup> & 8<sup>th</sup> 2014. Setup 7.00am, breakdown 4.00pm on each day. Water rescue, First Aid and Garbage services will be supplied. 4 parking spaces will be dedicated to the event in McClearie Park on Saturday June 7<sup>th</sup>; all participants in the event must use the McClearie side of the beach as their access point. No parking on the Marina side of L St. beach will be allowed. Organizer will be responsible to inform all participants of parking plans. Sunday June 8<sup>th</sup>, all tents on the beach must be in a line against the boardwalk in a North South direction, no tents may reach out on the beach in an East West direction, no food vendors are allowed on the beach, a complete list of Vendors/sponsors must be submitted at least 10 days before the event. All participants in the event must have beach badges and comply with all beach regulations. Cost for the event is \$3000.00, check payable to Borough of Belmar due and payable March 28<sup>th</sup> 2014. Profit from the event will be donated to the Belmar First Aid/Autism.

Belmar /Lake Como Little League Parade: Saturday, April 12<sup>th</sup> 2014. Set-up 8.45am, event time 9.15am, Main Street Belmar to Lake Como Baseball Field. No additional borough resources are necessary.

Belmar Lake Como St. Patrick’s Day Parade, Sunday, March 1<sup>st</sup>, 2014, from 11.00am-4.30pm A green line will be painted down Main Street. DPW and Belmar PD will assist the Parade Committee. All vendors must have a clearly displayed permit, and food vendors must be inspected by the Fire Marshal and the Monmouth County Board of Health. A \$500.00 donation must be made to the Police Explorers.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Belmar that permission is granted for the special events as noted above with conditions if cited.

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Ms. Keown-Blackburn				
Mr. Magovern				
Mr. Bean				
Mrs. Nicolay				
Mayor Doherty				

Adopted:

## ORDINANCE 2014-01

### AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER IV, DEPARTMENT OF FINANCE, OF THE GENERAL ORDINANCES OF THE BOROUGH OF BELMAR PERTAINING TO SECTION 13, RECEIPT OF BIDS

**WHEREAS**, the Borough of Belmar finds that it is in its best interest to define the term “responsible” as contained in competitive bidding statutes governing its purchases of construction goods and services;

**WHEREAS**, the Borough of Belmar wishes to ensure that contracts are awarded in an atmosphere that invites competition and guards against favoritism, improvidence, arbitrary conduct, extravagance, fraud and corruption so as to secure the best work or supplies at the lowest cost practicable;

**WHEREAS**, the Borough of Belmar possesses great discretion in determining the “lowest responsible bidder” and is entitled to specify the terms of the contract when it solicits bids and the criteria that bidders must meet in order to be considered a “responsible” bidder in the exercise of its proprietary duties and responsibilities;

**WHEREAS**, the contracting authority of the Borough of Belmar is entrusted with the power to determine whether a respective bidder is the “lowest responsible bidder”; and,

**WHEREAS**, the Borough of Belmar solicits bids and/or proposals on many different types of construction contracts with varying factors affecting each purchasing decision, and therefore must take into account reasonable benefits to the community’s welfare arising from each bid and in the exercise of its proprietary functions.

**WHEREAS**, the Borough of Belmar seeks to add a section to the General Ordinances to amend the ordinance section 4-13 pertaining to Receipt of Bids ;

**NOW, THEREFORE BE IT ORDAINED** by the Borough of Belmar, County of Monmouth, New Jersey that Chapter IV, Department of Finance, of the Borough of Belmar, Revised General Ordinance is amended and supplemented as follows:

**SECTION I.** Chapter IV, Section 13, Receipt of Bids, shall have the following section added in its entirety:

#### c. Responsible Bidders

1. The Borough of Belmar, through its contracting authority, shall require an entity that bids on a public contract produce satisfactory evidence that the business entity is properly registered and authorized to conduct the type of work to be performed, including evidence that demonstrates that the entity possesses or complies with requirements of the Internal Revenue Service, New Jersey Departments of Treasury and/or Labor, as well as complying with the general business license requirements of the State of New Jersey prior to the award and during the term of the contract.
  - (a) The provision of satisfactory evidence by the bidding entity, is that it provides or participates in an apprenticeship and training program approved and registered with the U.S. Department of Labor’s Bureau of Apprenticeship & Training, as well as benefit configuration being no less than required under the New Jersey Prevailing Wage Act is minimally required to demonstrate that a bidding entity is “responsible”.
2. The contracting authority, in order to make its determination as to whether the bidding entity is responsible, shall confirm and substantiate that the contract awardee can reasonably be expected to complete and perform under the contract specifications, and the contracting authority may require the successful bidder to post a bid, performance, wage/fringe benefit and/or material bond(s). The contracting authority shall also determine if the successful bidder can reasonably be expected to complete the project within the time constraints as delineated in the request for bids and/or proposals. The contracting authority shall also determine if the bidding entity maintains a satisfactory level of past performance and integrity as well as possesses the financial, supervisory, personnel, material, equipment and

other resources and expertise to satisfactorily meet its contractual responsibilities and obligations.

3. The contracting authority may factor in its determination of whether a bidder is “responsible” such factors as bidder’s record of conformity with environmental, labor and health & safety laws including compliance with the requirements of the U.S. Department of Labor’s Occupational Safety & Health Administration.
4. All bidders shall be required to provide a certificate of insurance, designating the Borough of Belmar as an Additional Insured under all pertinent policies, specifying all required coverages, including general liability, workers’ compensation, completed operations, automobile, hazardous occupation, product liability and professional liability at such time as the contracting authority deems appropriate to protect the interests of the Borough of Belmar.

**SECTION II.** If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION III.** All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

**SECTION IV.** This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.

**ORDINANCE 2014-02**

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER XXVI HOUSING AND PROPERTY MAINTENANCE  
OF THE REVISED GENERAL ORDINANCES OF  
THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH,  
NEW JERSEY**

WHEREAS, the Borough of Belmar now desires to amend and supplement specific provisions with regard to Fire Safety Requirements and updating to the current property maintenance code in Section 26-1.6 of the Borough of Belmar Revised General Ordinances.

WHEREAS, the Mayor and Council of the Borough of Belmar with recommendations from the Code Enforcement office, have determined that these changes are necessary and proper to allow the Borough to more efficiently apply and enforce provisions of the Borough's Ordinances and Property Maintenance Code.

NOW, THEREFORE, BE IT ORDAINED by the Borough of Belmar, County of Monmouth, New Jersey, that Chapter XXVI Housing and Property Maintenances of the Borough of Belmar Revised General Ordinances are hereby amended and supplemented as follows:

**SECTION I.** The following sections of **26-1.2, Adoption of The New Jersey State Housing Code and the BOCA National Property Maintenance Code**, shall be amended as follows:

a. *Incorporation by Reference.*

1. The Borough of Belmar in the County of Monmouth and State of New Jersey hereby adopts by incorporation the following codes:
  - (a) The New Jersey Housing Code; and
  - (b) The BOCA National Property Maintenance Code of 1993, 1996
2. Pursuant to the provisions of N.J.S.A. 40:49-5.1, "The New Jersey State Housing Code" as approved by the Department of Health, Conservation and Economic Development and filed in the Office of the Secretary of State on January 31, 1962, and as amended and readopted by the Department of Community Affairs pursuant to the authority of N.J.S.A. 2A:42-76, and to be in compliance with N.J.A.C. 5:28-1 et seq. and N.J.A.C. 8:51, and The BOCA National Property Maintenance Code, Fifth Fourth Edition, 1993 1996 as published by the Building Officials and Code Administrators International, Inc. are hereby accepted, adopted, established and each and all of the regulations, provisions, penalties, conditions, and terms of the same are hereby referred to, adopted, and made part hereof, as if fully set out in this section with the additions, insertions, deletions, and changes, if any, prescribed in subsection 26-1.5, in and for the Borough of Belmar in the County of Monmouth and State of New Jersey, as the standards governing supplied utilities and facilities and other physical things and conditions essential to make dwellings safe, sanitary, and fit for human habitation or occupancy or use and governing the condition of dwellings. The "New Jersey State Housing Code" and "The BOCA National Property Maintenance Code, Fifth Fourth Edition, 1996 1993" are incorporated as if fully set forth at length herein, and three (3) copies of the same have been placed on file in the office of the Clerk of the Borough of Belmar in the County of Monmouth and State of New Jersey and shall remain on file for the use and examination by the public.

**26-1.3 Title.**

This Chapter 26, together with the New Jersey State Housing Code and The BOCA National Property Maintenance Code of 1996 1993 shall be known as the Housing and Property Maintenance Code of the Borough of Belmar, in the County of Monmouth and the State of New Jersey and shall be hereinafter referred to as the Code

Additions are indicated by underline; and, deletions by ~~strikeout~~.

**SECTION II.** Section 26-1.6 **Additions, Insertions, Deletions and Other Changes** shall be amended to reflect existing section **PM 304.0 Exterior Structure** shall be deleted in its entirety and replaced with the following:

**PM-304.1 General:**

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

**PM-304.2 Exterior painting:**

All wood and metal surfaces, including but not limited to, window frames, doors, door frames, cornices, porches and trim shall be maintained in good condition. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

**PM-304.3 Street numbers:**

Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. All numbers shall be in arabic numerals at least 3 inches (76 mm) high and 1/2-inch (13 mm) stroke.

**PM-304.4 Structural members:**

All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

**PM-304.5 Foundation walls:**

All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rats.

**PM-304.6 Exterior walls:**

All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

**PM-304.7 Roofs and drainage:**

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a *public nuisance*.

**PM-304.8 Decorative features:**

All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

**PM-304.9 Overhang extensions:**

All canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**PM-304.10 Stair and walking surfaces:**

Every stair, ramp, balcony, porch, deck or other walking surface shall comply with the provisions of Section PM-702.9.

**PM-304.11 Stairways, decks, porches and balconies:**

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

**PM-304.12 Chimneys and towers:**

All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**PM-304.13 Handrails and guards:**

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

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Additions are indicated by underline; and, deletions by ~~strikeout~~.

**PM-304.14 Window and door frames:**

Every window, door and frame shall be kept in sound condition, good repair and weather tight.

**PM-304.14.1 Glazing:**

All glazing materials shall be maintained free from cracks and holes.

**PM-304.14.2 Openable windows:**

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

**PM-304.15 Insect screens:**

During the period from [DATE] to [DATE], every door, window and other outside opening utilized or required for *ventilation* purposes serving any structure containing *habitable* rooms, food preparation areas, 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 and every swinging door shall have a self-closing device in good working condition.

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

**PM-304.16 Doors:**

All exterior doors and hardware shall be maintained in good condition. Locks at all entrances to *dwelling units*, *rooming units* and guestrooms shall tightly secure the door.

**PM-304.17 Basement hatchways:**

Every *basement* hatchway shall be maintained to prevent the entrance of rats, rain and surface drainage water.

**PM-304.18 Guards for basement windows:**

Every *basement* window that is openable shall be supplied with ratproof shields, storm windows or other approved protection against the entry of rats.

**SECTION II.** Section **26-1.6 Additions, Insertions, Deletions and Other Changes** shall have the following amendments:

~~PM 305.6 Handrails and guards: Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.~~

**PM-305.6 Stairs and walking surfaces:**

Every stair, ramp, balcony, porch, deck or other walking surface shall comply with the provisions of Section PM-702.9.

**PM-305.7 Handrails and guards:**

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

**PM-306.3.1 Garbage facilities:**

The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each *dwelling unit*; an approved incinerator unit in the structure available to the *occupants* in each *dwelling unit*; or an approved leakproof, covered, outside *garbage* container.

PM-306.3.2~~1~~-Containers: The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, leakproof approved containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

~~PM 502.1 Plumbing: The practice, materials and fixtures utilized in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances within the scope of the plumbing code or ordinances adopted by the Borough of Belmar.~~

**PM-502.1 General:**

The following words and terms shall, for the purposes of this chapter and as stated elsewhere in this code, have the meanings shown herein.

**Bathroom:**

A room containing *plumbing fixtures* including a bathtub or shower.

Additions are indicated by underline; and, deletions by ~~strikeout~~.

**Plumbing:**

The practice, materials and fixtures utilized in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances within the scope of the plumbing code listed in Chapter 8.

**Plumbing fixture:**

A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom; or discharges waste water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises.

**Toilet room:**

A room containing a water closet or urinal but not a bathtub or shower.

Sections 503.1-503.4.1, 504, 505, 506, 507 and 508 shall be deleted in its entirety.

**SECTION III.** Section **26-1.6 Additions, Insertions, Deletions and Other Changes** shall be amended to reflect existing section **PM 603.0 Mechanical Equipment** shall be deleted in its entirety and replaced with the following:

**SECTION PM-603.0 MECHANICAL EQUIPMENT**

**PM-603.1 Mechanical equipment:**

All mechanical equipment, fireplaces and solid fuel-burning appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

**PM-603.2 Equipment access:**

Access to outdoor mechanical equipment shall be maintained under all weather conditions.

**PM-603.3 Cooking and heating equipment:**

All cooking and heating equipment, components and accessories in every heating, cooking and water-heating device shall be maintained free from leaks and obstructions.

**PM-603.4 Flue:**

All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

**Exception:** Fuel-burning equipment and appliances which are labeled for unvented operation.

**PM-603.5 Clearances:**

All required clearances to combustible materials shall be maintained.

**PM-603.6 Safety controls:**

All safety controls for fuel-burning equipment shall be maintained in effective operation.

**PM-603.7 Combustion air:**

A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided for the fuel-burning equipment.

**PM-603.8 Energy conservation devices:**

Devices purporting to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

PM-605.2 Receptacles: Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded type receptacle. Every bathroom shall contain at least one receptacle. Per the National Electrical Code 2008 Edition a ground fault circuit interrupter protection is required in dwelling units to be located in: bathrooms, kitchens (within six feet of a sink), laundry rooms (near utility sink), boathouses, garages, outdoors, and crawl spaces at or below grade.

**SECTION IV.** Chapter 7, **Fire Safety Requirements**, shall be added to **26-1.6 Additions, Insertions, Deletions and Other Changes** in its entirety:

**SECTION PM-701.0 GENERAL**

**PM-701.1 Scope:**

The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

Additions are indicated by underline; and, deletions by ~~strikeout~~.

**PM-701.2 Responsibility:**

The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

**SECTION PM-702.0 MEANS OF EGRESS**

**PM-702.1 General:**

A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to a public way.

**PM-702.2 Exit capacity:**

The capacity of the exits serving a floor shall be sufficient for the occupant load thereof as determined by the building code listed in Chapter 8.

**PM-702.3 Number of exits:**

In nonresidential buildings, every occupied story more than six stories above grade shall be provided with not less than two independent exits. In residential buildings, every story exceeding two stories above grade shall be provided with not less than two independent exits. In stories where more than one exit is required, all occupants shall have access to at least two exits. Every occupied story which is both totally below grade and greater than 2,000 square feet (186 m<sup>2</sup>) shall be provided with not less than two independent exits.

**Exception:** A single exit is acceptable under any one of the following conditions:

1. Where the building is equipped throughout with an automatic sprinkler system and an automatic fire detection system with smoke detectors located in all corridors, lobbies and common areas.
2. Where the building is equipped throughout with an automatic fire detection system and the exit is an approved smokeproof enclosure or pressurized stairway.
3. Where an existing fire escape conforming to the building code listed in Chapter 8 is provided in addition to the single exit.
4. Where permitted by the building code listed in Chapter 8.

**PM-702.4 Arrangement:**

Exits from dwelling units, rooming units, guestrooms and dormitory units shall not lead through other such units, or through toilet rooms or bathrooms.

**PM-702.5 Exit signs:**

All means of egress shall be indicated with approved "Exit" signs where required by the building code listed in Chapter 8. All "Exit" signs shall be maintained visible and all illuminated "Exit" signs shall be illuminated at all times that the building is occupied.

**PM-702.6 Corridor enclosure:**

All corridors serving an occupant load greater than 30 and the openings therein shall provide an effective barrier to resist the movement of smoke. All transoms, louvers, doors and other openings shall be closed or shall be self-closing.

**Exceptions**

1. Corridors in occupancies in other than Use Group H which are equipped throughout with an automatic sprinkler system.
2. Patient room doors in corridors in occupancies in Use Group I-2 where smoke barriers are provided in accordance with the fire prevention code listed in Chapter 8, are not required to be self-closing.
3. Corridors in occupancies in Use Group E where each room that is occupied for instruction or assembly purposes has at least one-half of the required means of egress doors opening directly to the exterior of the building at ground level.
4. Corridors that are in compliance with the building code listed in Chapter 8.

**PM-702.7 Dead-end travel distance:**

All corridors that serve more than one exit shall provide direct connection to such exits. The length of a

dead-end corridor shall not exceed 35 feet (10668 mm) where the building is not equipped throughout with an automatic sprinkler system. The dead-end travel distance limitation shall be increased to 70 feet (21336 mm) where the building is equipped throughout with an automatic sprinkler system.

**PM-702.8 Aisles:**

Arrangements of chairs or tables and chairs shall provide for ready access by aisle accessways and aisles to each egress door. The minimum clear width of each aisle in *occupancies* in Use Groups A, E and I-2 shall be maintained in accordance with the requirements of the *building code* listed in Chapter 8. In all other *occupancies*, aisles shall have a minimum required clear width of 44 inches (1118 mm) where serving an occupant load greater than 50, and 36 inches (914 mm) where serving an occupant load of 50 or less. The clear width of aisles shall not be obstructed by chairs, tables or other objects.

**PM-702.9 Stairways, handrails and guards:**

Every exterior and interior flight of stairs having more than four risers, and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) nor more than 42 inches (1067 mm) high, measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, ramp or other walking surface.

**PM-702.10 Information signs:**

A sign shall be provided at each floor landing in all interior stairways more than three stories above grade, designating the floor level above the floor of discharge. All elevator lobby call stations on all floor levels shall be identified by approved signs in accordance with the requirements for new buildings in the *building code* listed in Chapter 8.

**Exception:** The emergency sign shall not be required for elevators that are part of an accessible means of egress complying with the *building code* listed in Chapter 8.

**PM-702.11 Locked doors:**

All means of egress doors shall be readily *openable* from the side from which egress is to be made without the need for keys, special knowledge or effort, except as provided for in Section PM-702.11.1.

**PM-702.11.1 Locks permitted:**

Locks or fasteners shall not be installed on egress doors except in accordance with the following conditions:

1. In mental, penal or other institutions where the security of inmates is necessary, in which case properly trained supervisory personnel shall be continuously on duty and approved provisions are made to remove *occupants* safely in case of fire or other emergency.
2. In problem security areas, special-purpose door alarms or locking devices shall be approved prior to installation. Manually operated edge or surface-molded flush bolts are prohibited.
3. Where the door hardware conforms to that permitted by the *building code* listed in Chapter 8.

**PM-702.12 Emergency escape:**

Every sleeping room located in a *basement* in an *occupancy* in Use Group I-1 or R shall have at least one openable window or exterior door approved for emergency egress or rescue; or shall have access to not less than two approved independent exits.

**Exception:** Buildings equipped throughout with an automatic fire suppression system.

**PM-702.12.1 Security:**

Bars, grilles or screens placed over emergency escape windows shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the window.

**SECTION PM-703.0 ACCUMULATIONS AND STORAGE**

**PM-703.1 Accumulations:**

*Rubbish, garbage* or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.

**PM-703.2 Hazardous material:**

Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible *rubbish*, such as wastepaper, boxes and rags, shall not be accumulated or stored

unless such storage complies with the applicable requirements of the *building code* and the fire prevention code listed in Chapter 8.

## **SECTION PM-704.0 FIRERESISTANCE RATINGS**

### **PM-704.1 General:**

The fireresistance rating of floors, walls, ceilings, and other elements and components shall be maintained.

### **PM-704.2 Maintenance:**

All required fire doors and smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. Fire doors shall not be held open by door stops, wedges and other unapproved hold-open devices.

## **SECTION PM-705.0 FIRE PROTECTION SYSTEMS**

### **PM-705.1 General:**

All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be properly maintained.

### **PM-705.2 Fire suppression system:**

Fire suppression systems shall be in proper operating condition at all times.

#### **PM-705.2.1 Valves:**

Control valves shall be in the fully open position.

#### **PM-705.2.2 Sprinklers:**

Sprinklers shall be clean and free from corrosion, paint and damage. Stock shall be at least 18 inches (457 mm) below sprinkler deflectors.

#### **PM-705.2.3 Piping:**

Piping shall be properly supported and shall not support any other loads.

### **PM-705.3 Standpipe systems:**

Standpipe systems shall be in proper operating condition at all times.

#### **PM-705.3.1 Valves:**

Water supply control valves shall be in the fully open position.

#### **PM-705.3.2 Hose connections:**

Hose connections shall be identified and have ready access thereto.

#### **PM-705.3.3 Hose:**

Where provided, the hose shall be properly packed, dry and free from deterioration.

### **PM-705.4 Fire extinguishers:**

All portable fire extinguishers shall be visible, provided with ready access thereto, and maintained in an efficient and safe operating condition. Extinguishers shall be of an approved type.

Added by the Borough of Belmar: per state code requires a fire extinguisher rated for residential use consisting of an ABC type; no larger than 10 pound rated, and mounted within 10 feet of the kitchen area, unless otherwise permitted by the enforcing agency.

### **PM-705.5 Smoke detectors:**

A minimum of one approved single-station or multiple-station smoke detector shall be installed in each guestroom, suite or sleeping area in occupancies in Use Groups R-1 and I-1, and in dwelling units in the immediate vicinity of the bedrooms in occupancies in Use Groups R-2 and R-3. In all residential occupancies, smoke detectors shall be required on every story of the dwelling unit, including basements. In dwelling units with split levels and without an intervening door between the adjacent levels, a smoke detector installed on the upper level shall suffice for the adjacent lower level, provided that the lower level is less than one full story below the upper level.

#### **PM-705.5.1 Installation:**

All detectors shall be installed in accordance with the *building code* listed in Chapter 8. When actuated, the smoke detectors shall provide an alarm suitable to warn the *occupants* within the individual room or *dwelling unit*.

**PM-705.5.2 Power source:**

The power source for smoke detectors shall be either an AC primary power source or a monitored battery primary power source.

**PM-705.5.3 Tampering:**

Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this code.

**PM-705.6 Fire alarm systems:**

Fire alarm systems shall be in proper operating condition at all times.

**PM-705.6.1 Control panel:**

The “power on” indicator shall be lit. Alarm or trouble indicators shall not be illuminated.

**PM-705.6.2 Manual fire alarm boxes:**

All manual fire alarm boxes shall be operational and unobstructed.

**PM-705.6.3 Automatic fire detectors:**

All automatic fire detectors shall be operational and free from any obstructions that prevent proper operation, including smoke entry.

**PM-705.7 Records:**

A complete written record of all tests and inspections of fire protection systems shall be maintained on the premises by the owner or occupant in charge of said premises.

**SECTION PM-706.0 ELEVATOR RECALL**

**PM-706.1 Required:**

All elevators having a travel distance of 25 feet (7620 mm) or more above or below the primary level of elevator access for emergency fire-fighting or rescue personnel shall conform to the requirements of Rule 211.3 of ASME A17.1 listed in Chapter 8.

**SECTION PM-707.0 MECHANICAL EQUIPMENT CONTROL**

**PM-707.1 Smoke and heat detection:**

Approved smoke or heat detectors shall be installed in return air ducts or plenums in each recirculating air system with a capacity of more than 2,000 cfm (0.94 m<sup>3</sup>/sec) and serving more than one floor in buildings that exceed six stories in height in accordance with the mechanical code listed in Chapter 8. Actuation of the detector shall stop the fan(s) automatically and shall be of the manual-reset type. Automatic fan shutdown is not required where the system is part of an approved smoke control system.

**SECTION V.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudicated and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION VI.** All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency

**ORDINANCE 2014-03**

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER XXVIII BUREAU OF FIRE PREVENTION OF THE REVISED  
GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF  
MONMOUTH, NEW JERSEY**

WHEREAS, the Borough of Belmar now desires to amend and supplement specific provisions with regard to fire safety of the Borough of Belmar Revised General Ordinances.

WHEREAS, the Mayor and Council of the Borough of Belmar with recommendations from the Code Enforcement office, have determined that these changes are necessary and proper to allow the Borough to more efficiently apply and enforce provisions of the Borough's Ordinances and Property Maintenance Code.

NOW, THEREFORE, BE IT ORDAINED by the Borough of Belmar, County of Monmouth, New Jersey, that Chapter XXVIII Bureau of Fire Prevention of the Borough of Belmar Revised General Ordinances are hereby amended and supplemented as follows:

**SECTION I. The following sections of 28-1.13 Regulations, shall be amended as follows:**

**28-1.13.2 REQUIREMENT OF SMOKE DETECORS AND CARBON MONOXIDE DETECORS**

a. Smoke detectors capable of sensing visible and invisible particles of combustion shall be required on each floor and the basement area in all principal structures on a lot. The smoke detectors shall be approved, listed and labeled by Underwriter's Laboratories Inc. and shall be installed in a manner and location consistent with the requirements of the New Jersey Uniform Construction Code and approved by the Municipal Fire Subcode Official. The smoke detector shall provide an alarm suitable to warn the occupant of the structure when actuated by the presence of smoke therein. Smoke detectors shall be installed as required by the provisions of N.J.S.A. 52:27D-198.1

b. Carbon monoxide detectors shall be required in all principal structures which contain fuel-burning appliances or have an attached garage. Standard NFPA-720 requires only one (1) detector per sleeping area. Carbon monoxide detectors shall be approved, listed and labeled by Underwriter's Laboratories Inc., and shall be installed in a manner and location consistent with the New Jersey Uniform Fire Code. The carbon monoxide detector shall provide an alarm suitable to warn the occupant of the structure when actuated by the presence of carbon monoxide therein.

**SECTION II.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudicated and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION III.** All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency

**ORDINANCE 2014-04**

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER V DEPARTMENT OF PUBLIC SAFETY OF THE REVISED  
GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF  
MONMOUTH, NEW JERSEY**

WHEREAS, the Borough of Belmar now desires to amend and supplement specific provisions with regard to hiring of off duty police personnel of the Borough of Belmar Revised General Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Borough of Belmar, County of Monmouth, New Jersey, that Chapter V Department of Public Safety of the Borough of Belmar Revised General Ordinances are hereby amended and supplemented as follows:

**SECTION I. The following sections of 5-2.6, shall be amended as follows:**

**5-2.6 Private Employment of Off-Duty Police Personnel.**

- a. *Policy.* Members of the Police Department shall be permitted to accept employment as safety or security personnel for private employers only during off-duty hours and at such times as will not interfere with the efficient performance of regularly scheduled or emergency duty for the Borough.

Any person or entity wishing to employ off-duty police shall first obtain the approval of the Chief of Police, which approval shall be granted, if such employment would not be inconsistent with the efficient functioning and good reputation of the Police Department, in the opinion of the Chief, and would not unreasonably endanger or threaten the safety or health of the officer or officers who are to perform the work.

- b. *Payment.* Private employers shall pay directly to the Chief Financial Officer, the hourly sum of sixty five (\$65.00) ~~thirty five (\$35.00)~~ dollars per officer for the work to be performed or fifty (\$50.00) dollars per officer for the work to be performed if work performed is for the schools or the Borough of Belmar. This established rate shall provide sixty one (\$61.) or forty six (\$46.00) ~~thirty one (\$31.00)~~ dollars per hour to the employee and four (\$4.00) dollars per hour as administrative costs, to be retained by the municipality.

**SECTION II.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudicated and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION III.** All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency

**ORDINANCE 2014-05**

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER XL DEVELOPMENT REGULATIONS OF THE REVISED GENERAL  
ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF  
MONMOUTH, NEW JERSEY TO AMEND SECTION 7.24 SIGNS**

WHEREAS, the Borough of Belmar now desires to amend and supplement specific provisions with regard to fire safety of the Borough of Belmar Revised General Ordinances.

WHEREAS, the Mayor and Council of the Borough of Belmar with recommendations from the Zoning Office and the Belmar Business Partnership, have determined that these changes are necessary and proper to allow the Borough to more efficiently apply and enforce provisions of the Borough's Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Borough of Belmar, County of Monmouth, New Jersey, that Chapter XL , Development Regulations, of the Borough of Belmar Revised General Ordinances are hereby amended and supplemented as follows:

**SECTION I.** The following sections of **40-7.24 – Signs** shall be amended and/or supplemented as follows:

4. Illumination.

(c) All wiring for permanent illuminated signs shall be installed and maintained so that it is not within public view. The running of wiring or conduit along the exterior wall of a building to access a sign is specifically prohibited except that the Construction Official may permit exterior conduit if in the ~~judgement~~judgment of the Official there is no practical way to run the conduit so that it is not within public view.

6. Obstruction of Glass Surface. For light, safety and health reasons, no sign shall project over, occupy or obstruct more than twenty (20%) percent of any glass window surface, unless approved by the borough-

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10. Signs Affixed to Certain Structures. With the exception of allowable signage on slanted roofs and fences enclosing a property. ~~No~~ sign shall be affixed to any roof, tree, fence, utility pole, or other similar structure nor placed upon motor vehicles which are continually or repeatedly parked in a conspicuous location to serve as a sign, however, nothing is intended to prohibit the placement of signs not exceeding three (3') feet in any dimension, directing traffic or identifying various parking locations within a lot on light poles and utility poles erected therein. Signs painted on pavement surfaces shall be restricted to traffic control markings only.

13. Painted Signs. No sign may be painted directly on the surface of any building, wall, fence or similar structure, unless approved by the borough.-

17. Graphic Content Coverage. The maximum coverage of any sign face by graphic contents shall not exceed sixty (~~60~~80) percent.

18. Awning Signs. Awnings or canopies containing graphic content shall be deemed to be "Wall Signs" and shall meet the requirements of this section, Schedule 40-7-1 and the zone

district requirements. Graphic content is allowable on multiple awnings but shall not exceed eights (80%) percent; the logo of the business/organization shall not count toward the overall graphic content.

19. Construction, Limitations, and Erection of Property Signs.

(e) Projecting Signs shall be limited in area to six-eight (68) square feet for each side.

d. *Permitted Signs.*

(b) Nameplate Signs; provided that such signs are limited to no more than one (1) wall or ground sign per entrance to the building occupancy; are no more than seventy-five (75) square inches in area; are non-illuminated, or externally illuminated; and, if a ground sign are no more than three (3') feet in height.

(e) Temporary Glass Surface Signs; provided the area of glass surface signs displayed does not exceed either twenty (20%) percent of the area of the glass surface in which they are shown or five (5%) percent of the aggregate area of all glass surfaces in the building façadefaçade, unless approved by the borough.-

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(h) On-site Informational Signs; provided that each sign is limited to a wall, window or ground sign of not more than two (2) square feet in area and not more than seven (7') feet in height above grade. The sign may include a business name or logo but shall not include any advertising message. In locations where more than one (1) business share a common vehicular access, signs marking entrances and exits shall contain only the name of the shopping or business center and may list the individual businesses upon approval by the borough. Multiple signs identifying each tenant or use are specifically prohibited.

(j) Commercial Sale and/or Event Signs; provided that such signs are no more than twenty eightsix (628) square feet in area and professionally lettered; are located entirely on the premises where such sale (e.g. "President's Day Sale") or event (e.g. "Grand Opening") is to be conducted or on other private property pursuant to the owner's consent; are clearly marked with the name, address and telephone number of the person responsible for the removal of such sign; are erected not more than thirty-sixforty eight (3648) hours in advance of such sale and removed within forty eight (48) hours following such sale; or forty-five thirty (4530) days in advance of such event and removed on the day following within 30 days of the conclusion of such sale or event.- No more than four (4) signs may be placed on any business property nor more than one (1) on any residential property. "For Sale" signs on vehicles, boats, trailers or other items in any residential zone are specifically prohibited.

(v) Portable "Sandwich Board" signs for display on sidewalks directly in front of the business advertised by the sign; provided there is no more than one (1) such sign per business; it is no more than four (4) feet high, does not occupy a ground area of more than six (6) square feet and does not impede the passage of pedestrians or create a traffic safety hazard. All other portable signs are specifically prohibited.

(w) Unused/obsolete signs, stanchions, pylons and other sign supports and components thereof, not in use and/or conforming to the requirements of this chapter shall be removed.

2. Exempt Sign(s) Limitations.

~~(a) Signs permitted by subsections 40-7.24d.1, (e), (f) and (j) may be displayed thirty (30) days before and three (3) days after the sale, event or activity.~~

~~(b) Signs permitted by subsections 40-7.24.d.1, (e), (f) and (j) may be displayed no more than three (3) times during any calendar year.~~

ea. Unless approved by the Municipal Agency, no building may display a total of more than twelve (12) exempt signs, and no individual occupancy may display a total of more than six (6) signs permitted by subsections 40-7.24d, 1,(e), (f), (h), (j), (k), (n), (t), and (u).

**SCHEDULE 40-7-1 SCHEDULE OF SIGN REGULATIONS**

SIGN TYPE	NUMBER PERMITTED	MAXIMUM SIGN AREA	MAXIMUM GRAPHIC CONTENT COVERAGE	SIGN HEIGHT	METHOD OF SUPPORT PERMITTED		SIGN SETBACKS		PERMITTED METHOD OF ILLUMINATION	
				MAXIMUM PERMITTED HEIGHT	ON GROUND	POLE MOUNTED	MINIMUM FRONT SETBACK	MINIMUM SIDE SETBACK	INTERNAL	EXTERNAL
Ground	(See Notes A, C & D)	16 s.f.	80% <del>60%</del>	8' (B)	Yes	No	10'	10'	Yes	Yes
Wall	(See Note A)	10% of signable area; 30 s.f. max.	60% <del>80%</del>	---	---	---	---	---	Yes	Yes
Window	(See Note A)	15% of the window area	---	---	---	---	---	---	No	Yes

**SECTION II.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudicated and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION III.** All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency