

**“GOD BLESS AMERICA”**

**REGULAR MEETING**

**MARCH 4, 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

**PROCLAMATIONS:**

- Irish Heritage Month
- Arc Awareness Month
- Women’s History Month

**WORKSHOP DISCUSSION:**

- La Dolce Vita liquor license expansion
- Beachfront 2014

**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**

**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 APPROVING THE CALENDAR YEAR 2014 SPECIAL IMPROVEMENT DISTRICT BUDGET AND ASSESSMENT ROLL**
- **RESOLUTION CERTIFYING TO THE LOCAL FINANCE BOARD THAT ALL MEMBERS OF THE BOROUGH COUNCIL HAVE REVIEWED, AS A**

**MINIMUM, THE SECTION OF THE ANNUAL AUDIT ENTITLED:  
COMMENTS-RECOMMENDATIONS**

- **RESOLUTION INDICATING CORRECTIVE ACTION  
PLAN/STATUS REGARDING THE 2012 MUNICIPAL AUDIT REPORT**
- **RESOLUTION MAKING FINDINGS AND DETERMINATIONS ON  
LEGALIZED GAMES OF CHANCE APPLICATION NUMBER 2014-1,2**
- **RESOLUTION GRANTING TAXICAB OWNERS & DRIVERS LICENSES  
FOR THE YEAR 2014**
- **RESOLUTION AUTHORIZING THE ADVERTISING FOR SEALED BIDS  
FOR BOARDWALK TRAILERS**
- **RESOLUTION AUTHORIZING THE CLERK OF THE BOROUGH OF  
BELMAR TO ADVERTISE FOR BIDS AND NOTICE TO BIDDERS FOR  
LEASES FOR TWO CONCESSIONS ON THE BELMAR BOARDWALK**
- **RESOLUTION AUTHORIZING VACATION OF EASEMENT BETWEEN  
BOROUGH OF BELMAR AND HJB ASSOCIATES**

**ORDINANCES:**

*Second Reading & Public Hearing:*

**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**

*First Reading & Introduction*

**ORDINANCE 2014-06**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XX LICENSES-  
GENERAL OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF  
BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, SECTION 20-13  
YARD SALES**

**PUBLIC SESSION:**

**MEETING ADJOURNED**

## **DEVELOPMENT DISABILITIES MONTH**

**WHEREAS**, intellectual and developmental disabilities are conditions which affect more than 7 million Americans and their families;

**WHEREAS**, public awareness and education enhance a community's understanding of the issues affecting people with intellectual and developmental disabilities;

**WHEREAS**, people with intellectual and developmental disabilities can be vital and vibrant members of our communities, improving the quality of life for all of us;

**WHEREAS**, the month of March has been designated Development Disabilities Month by the state of New Jersey with 20 chapters of The Arc undertaking public awareness, educational and fundraising initiatives;

**WHEREAS**, The Arc of Monmouth serves over 1400 individuals with intellectual disabilities throughout Monmouth County and advocates for and with people with intellectual and developmental disabilities and their families;

**WHEREAS**, The Arc of Monmouth is celebrating 65 years of service to families and individuals throughout Monmouth County;

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough of Belmar, do hereby proclaim March, 2014 as Development Disabilities Month in the Borough of Belmar, County of Monmouth, State of New Jersey and urges that the citizens of Belmar, New Jersey give full support to efforts towards enabling people with intellectual and developmental disabilities to live full and productive lives of inclusion in our communities.

## **IRISH-AMERICAN HERITAGE MONTH**

**WHEREAS**, throughout American History, millions of Irish immigrants have travelled to the United States of America in search of freedom, justice, and opportunity; and

**WHEREAS**, fleeing religious, social and political discrimination as well as starvation and disease, these immigrants depended on the strong spirit and character of their Irish heritage to succeed in a new land; and

**WHEREAS**, Americans of Irish descent have played a vital role in shaping our history and culture and exploring our frontiers and fortifying our democracy through their military and public service; and

**WHEREAS**, organizations such as the Ancient Order of Hibernians and the Friendly Sons of Shillelaghs, to name a few, have allowed Irish-Americans to gather with each other and honor their Irish heritage; and

**WHEREAS**, Irish-American Heritage Month celebrates the contributions of these talented and industrious people and recognizes their rich legacy;

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough of Belmar, do hereby proclaim March, 2014 as “Irish-American Heritage Month” in the Borough of Belmar, County of Monmouth, State of New Jersey and urge the citizens of Belmar celebrate the contributions of Irish-Americans.

### **Resolution Designating the Month of March as “Women’s History Month”**

**Whereas**, New Jersey women of every race, class, and ethnic background have made historic contributions to the growth and strength of our State in countless recorded and unrecorded ways;

**Whereas**, New Jersey women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the State by constituting a significant portion of the labor force working inside and outside of the home;

**Whereas**, New Jersey women have played a unique role throughout the history of the State by providing the majority of the volunteer labor force of the State;

**Whereas**, New Jersey women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our State;

**Whereas** New Jersey women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement;

**Whereas**, New Jersey women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

**Whereas**, despite these contributions, the role of women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history

**Whereas**, the Department of Community Affairs, specifically the Division on Women’s goals are to remember and celebrate New Jersey women and to: Ensure that NJ women are offered equal opportunities in education, the workforce and healthcare regardless of age, sexual orientation, income, ethnicity, race or religion. Identify, implement, measure and coordinate programs that address the needs of NJ women. Engage in continuous study and research on issues affecting NJ women and their families, develop policy papers and legislative recommendations

**Now, therefore, be it resolved** by the Governing Body in the Borough of Belmar, State of New Jersey, that March 2014 is designated as "Women's History Month" under the National Women History Project’s 2014 theme: *Celebrating Women of Character, Courage, and Commitment*

**RESOLUTION NO. 2014-**

**RESOLUTION AUTHORIZING THE ADVERTISING FOR SEALED BIDS FOR BOARDWALK TRAILERS**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey, that the Borough Clerk be and is hereby authorized to advertise for sealed bids for boardwalk office and bathroom trailers. Bids will be returnable before the Business Administrator in accordance with the terms, conditions and specification of the Notice to Bidders and Standard Proposal Form.

**BE IT FURTHER RESOLVED** that the Administrator report, in writing, as to the detail of the bidding to the Borough Council at its first meeting held after the receipt of bids.

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 CLERK OF THE BOROUGH OF BELMAR TO  
ADVERTISE FOR BIDS AND NOTICE TO BIDDERS FOR LEASES FOR  
TWO CONCESSIONS ON THE BELMAR BOARDWALK**

**WHEREAS**, the Borough of Belmar, County of Monmouth, in the State of New Jersey, (hereinafter referred to as the "Borough") has determined that pursuant to the Local Lands and Building Law, N.J.S.A. 40A:12-1 et seq., that property commonly known as Unit C on the 10<sup>th</sup> Avenue Boardwalk and the 13<sup>th</sup> Avenue Boardwalk (hereinafter referred to as the "Property") are not presently needed for public use and that, subject to the terms and conditions in the Lease Agreement, that the leasing of these properties is not presently of such a character as to be a detriment to the building and/or area, or the use of the building and/or area, or the use of the unleased parts of the building and/or area; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Belmar that the Borough Clerk be and is hereby authorized and directed to advertise for bids to lease said Properties upon the following terms and conditions:

10<sup>th</sup> Avenue Unit C Concession is a space on the 10<sup>th</sup> Avenue boardwalk of approximately 1000 square feet. The minimum bid for this lease is \$1500.00 per a month.

13<sup>th</sup> Avenue Concession is a space on the 13<sup>th</sup> Avenue boardwalk of approximately 1000 square feet. The minimum bid for this lease is \$1500.00 per a month.

Each lease is for a term of five (5) months from the execution of the lease.

For each lease a bid deposit of \$500 must be submitted no later than the beginning of the public auction in the form of cash, certified check or money order payable to the Borough of Belmar is required. Each lease shall be made to the highest bidder by open public bidding at auction.

The Mayor and Borough Council reserve the right to in any event reject the highest bid, and if the highest bid is rejected to reject all bids.

The successful bidder shall be required to execute the form of lease available from the Borough Clerk during Borough business hours, the terms and conditions of said lease being incorporated in this Resolution and Notice to Bidders as if set forth fully herein.

**BE IT FURTHER RESOLVED**, that the advertisement for bids shall conform to the requirements of N.J.S.A. 40A:12-14(a) by the insertion of the Notice to Bidders in the Asbury Park Press for publication on March 17, 2014 and March 24, 2014; and

**BE IT FURTHER RESOLVED**, that the bidding at auction shall take place on Tuesday, April 1, 2014 at the Municipal Complex, Council Chambers, 601 Main Street, Belmar, New Jersey, at 6:00 p.m.; and

**BE IT FURTHER RESOLVED**, that the Borough Council shall accept or reject the bid or bids no later than the next regular meeting of the Borough Council scheduled for Tuesday, April 15, 2014 otherwise said bids shall be deemed to have been rejected.

offered the above resolution and moved its adoption.

Seconded by Council member and adopted by the following vote:

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

Adopted:



**RESOLUTION NO. 2014-**

**RESOLUTION APPROVING THE CALENDAR YEAR 2014  
SPECIAL IMPROVEMENT DISTRICT BUDGET  
AND ASSESSMENT ROLL**

**WHEREAS**, the Borough of Belmar, pursuant to N.J.S.A. 40:56-65 et seq. has established a Special Improvement District by Ordinance 2010-06 adopted on May 19, 2010 which created Belmar Code Sections 30-1 et seq.; and,

**WHEREAS**, Ordinance 2010-06 by Code Section 30-6 also designated a District Management Corporation which is the Belmar Business Partnership, Inc. whose responsibilities include the preparation and submission to the Borough Council of a yearly budget and a report which explains how the budget contributes to the goals and objectives of the Special Improvement District; and,

**WHEREAS**, pursuant to Belmar Code Section 30-8 (b) the Borough Council is in receipt of the 2014 yearly budget and pursuant to Belmar Code Section 30-8 (c) the Borough Council is in receipt of the report which explains how the budget contributes to the goals and objectives of the Special Improvement District, both of which are attached hereto; and

**WHEREAS**, pursuant to Belmar Code Sections 30-8(d), (e), (f), (g) and (h) the Borough Council has fixed the time and place for the holding of a public hearing upon the budget with the notice of the hearing and copy of the budget having been published at least 10 days prior to the date fixed therefore in the official newspaper of the Borough and having been posted in the municipal building; and

**WHEREAS**, pursuant to Belmar Code Section 30-5(b) the proposed 2014 assessment roll is also on file with the Borough Clerk; and

**WHEREAS**, pursuant to Belmar Code Section 30-8(l) the Borough Council shall introduce and approve the yearly budget by a Resolution passed by not less than a majority of the full membership of the Borough Council.

**IT IS HEREBY RESOLVED**, by the Borough Council of the Borough of Belmar that:

1. The attached 2014 Special Improvement District budget is hereby approved and adopted.
2. The attached 2014 assessment roll is hereby approved and adopted.
3. The Borough Clerk shall forthwith certify a copy of the attached 2014 assessment roll and forward a copy to the Monmouth County Board of Taxation as required by N.J.S.A. 40:56-80(c) and Belmar Code Section 30-5(b).

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 CERTIFYING TO THE LOCAL FINANCE BOARD  
THAT ALL MEMBERS OF THE BOROUGH COUNCIL HAVE  
REVIEWED, AS A MINIMUM, THE SECTION OF THE ANNUAL  
AUDIT ENTITLED: COMMENTS-RECOMMENDATIONS**

**WHEREAS**, N.J.S.A. 40A:5-4 required the governing body of every local unit to have made an annual audit of its books accounts and financial transaction, and

**WHEREAS**, the Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

**WHEREAS**, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled:

General Comments  
Recommendations

and,

**WHEREAS**, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments  
Recommendations

as evidenced by the group affidavit form of the governing body, and

**WHEREAS**, such resolution of certification shall be adopted by the governing body no later than forty-five days after receipt of the annual audit, as per the regulations of the Local Finance Board, and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit as provided by the Local Finance Board, and

**WHEREAS**, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of The Director (Director Of Local Government Services) Under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body of the Borough of Belmar, hereby states that is has complied with the promulgation of the Local Finance Board of State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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 2014-**

**RESOLUTION AUTHORIZING VACATION OF EASEMENT BETWEEN BOROUGH OF BELMAR AND HJB ASSOCIATES**

**WHEREAS**, the Borough of Belmar and HJB Associates wish to vacate the easement between the Borough of Belmar and 803 F Street Corporation, which was recorded in Monmouth County on December 20, 1966.

**NOW, THEREFORE, BE IT RESOLVED**, By the Mayor and Council of the Borough of Belmar that the Mayor and/or Business Administrator are authorized to sign the termination of easement deed and record it with the Monmouth County Clerk's Office.

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote:

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

Adopted:

**RESOLUTION 2014-**

**RESOLUTION INDICATING CORRECTIVE ACTION PLAN/STATUS  
REGARDING THE 2012 MUNICIPAL AUDIT REPORT**

**BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Belmar on this 4<sup>th</sup> day of March, 2014 that the following is the corrective action plan/status developed to address the recommendations as noted in the 2012 Audit Report which are attached:

2012-1 The Purchasing Agent and CMFO have reviewed all statutory purchasing requirements with the Department Heads, with regards to the requirements of quotations for purchases, as well as the need for a Purchase Order to be issued before a purchase is made.

Continued review and written policy will be distributed to all Department Heads with regards to the same.

**BE IT FURTHER RESOLVED**, that the Borough Clerk be and is hereby directed to file said resolution with the Director of the Division of Local Finance.

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote:

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

Adopted:

**RESOLUTION NO 2014-**

**RESOLUTION MAKING FINDINGS AND DETERMINATIONS ON  
LEGALIZED GAMES OF CHANCE APPLICATION NUMBER  
2014-2014-01, 02**

**WHEREAS**, the Borough Council has received from the Chief of Police a written report for the following named applicant for Legalized Games of Chance.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Belmar that it is their Findings and Determinations that the following has qualified for the Raffle License:

<u>APPLICANT</u>	<u>NUMBER</u>	<u>PREMISES</u>	<u>DATE</u>	<u>TIME</u>
<b>Jersey Shore Dream Center</b>	<b>2014-01 02</b>	<b>Waterview</b>	<b>5/3/14</b>	<b>7 – 11 pm</b>

**BE IT FURTHER RESOLVED** that said licenses are granted and the Clerk of the Borough of Belmar is authorized to issue said licenses upon the payment of required fee, and the Borough Clerk is authorized to file Findings and Determinations Form LGCC5A with the Legalized Games of Chance Commission as the verifying official.

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 REFUNDS**

**BE IT RESOLVED**, by the Mayor and Borough Council on this 4<sup>th</sup> day of March 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>
Hani Fares 1 Rue Matisse Somerset, NJ 08843	Animal House Bond 118 18 <sup>th</sup> Avenue	\$1,000
Keith Kleissler 1504 Heritage Court Wall, NJ 07753	Animal House Bond 207 12 <sup>th</sup> Avenue	\$1,000
James Groome 202 13 <sup>th</sup> Avenue Belmar, NJ 07719	Animal House Bond 202 13 <sup>th</sup> Avenue	\$1,000

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 GRANTING TAXICAB OWNERS & DRIVERS  
LICENSES FOR THE YEAR 2014**

**WHEREAS**, applications have been received for 2014 Taxicab Owner's and Driver's Licenses for the person listed below under the provisions of Chapter XXI of the Revised General Ordinances of the Borough of Belmar for Taxi Driver's Licenses; and

**WHEREAS**, said applications appear to conform to the regulations as set forth in Borough Ordinances; and

**WHEREAS**, said applications have been reviewed by the Police Department as required by Borough ordinance and no objections have been received.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Belmar that the following persons have applied for Taxicab Owner's and Driver's Licenses and have been approved by the Police Dept.

HOSSAM BOGHDADY  
WILLIAM BUCHEAR

DOREEN MORRIS  
PETER GAGEN

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote:

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

Adopted:

**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 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 2014-06**

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER XX LICENSES- GENERAL OF THE REVISED GENERAL ORDINANCES  
OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW  
JERSEY, SECTION 20-13 YARD SALES**

WHEREAS, the Borough of Belmar now desires to amend and supplement specific provisions with regards to yard sales 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.

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

**SECTION I. The following shall be amended as follows:**

**20-13 YARD SALES.**

1. By way of exception to the foregoing licensing requirements, any person may conduct not more than four (4) sales, commonly known as "yard, garage, porch, attic, basement, tag or lawn sales," on his or her premises in any one (1) calendar year, exclusive of days that are designated by the Mayor and Council to be town-wide yard sales. The sale shall generally be known as a "yard sale," which is defined as a public sale of used personal property in a residential area of the municipality, commencing not earlier than 9:00 a.m., terminating by sundown and extending no more than a three (3) day period. Yard sales shall offer only used items and personal property owned by the resident of the property where the sale is held. No new merchandise shall be offered for sale nor may merchandise from sources other than homes be brought in and offered for sale. All signage promoting said sales shall be removed within 48 hours of completion of the sale.

2. PERMIT. A permit will be required prior to holding any sale. Each permit issued under this section must be prominently displayed on the premises upon which the sale is conducted throughout the entire period of the sale.

3. VIOLATION. Any person found to be in violation of this section of the Ordinance shall be subject o fines and/or penalties of a minimum of \$50 to a maximum of \$500.

**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