

ORDINANCE NO. 2020-35

**ORDINANCE OF THE BOROUGH OF BELMAR AMENDING THE REVISED
GENERAL ORDINANCE CHAPTER 31 ENVIRONMENT & NATURAL RESOURCES
ADDING SECTION 7 INVASIVE PLANTS**

BE IT ORDAINED by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey, that Chapter 31 Environment & Natural Resources of the Borough's Revised General Ordinances is hereby amended to include the following sections:

31-7 INVASIVE PLANTS

31-7.1 Purpose and Intent.

It is determined that certain types of the Invasive Species Plants are invasive, often difficult to control, and can cause significant damage to property. The purpose of this section is to preserve and protect public and private property in the Borough from the damaging spread of Invasive Species Plants, to protect indigenous and other plant materials from the invasive spread of Invasive Species Plants, and to maintain the general welfare of the residents of the Borough.

31-7.2 Definitions.

- a. **INVASIVE PLANTS** - shall mean all native and non-native vines and vegetation that, by their nature: (i) grow beyond the borders of the property of initial planting or cultivation; (ii) are competitive, persistent, and pernicious; and (iii) cause a neighboring property owner or the Borough potential hardship due to the vegetation being overly competitive, poisonous, allergenic, illegal by State statute, or hazardous to the neighboring property's trees, vegetation, structures and facilities. Examples of Invasive Plants shall include but are not limited to the following plant genera: Bamboo (clumping, spreading or running type), Ragweed (ambrosia), Poison ivy (Rhus radicans), Poison oak (Toxicodendron vernix), Tree of heaven (Ailanthus altissima), Garlic mustard (Alliaria petiolate), Japanese knotweed (Polygonum caspidatum), Mile-a-minute (Polygonum perfoliatum), Multi flora rose (Rosa multiflora), Kudzu (Pueraria montana), and Porcelain berry (Ampelopsis brevipedunculata), and shall include the plant, and any cutting, flower, seed, root, other plant part, or cultivar therefrom.
- b. **BOROUGH** — Shall mean the Borough of Belmar Monmouth County, New Jersey.
- c. **NOTICE** — Shall mean any written notice by, from or on behalf of the Borough, notifying the Property Owner(s) that they are in violation of this section and directing them to cure or fix the violation. Such Notice shall be sent by certified mail, return receipt requested, addressed to the owner(s) listed on the current tax address on file with the Borough. A copy may also be posted on the property in question.
- d. **RECEIPT OF NOTICE** — Shall mean receipt of the Notice required herein shall be the date of mailing said Notice, or, if applicable, posting of the Notice on the property in question, whichever is earlier.

31-7.3 Control of Growth.

All property owners must control the growth of invasive plants on their property. Failure to control the significant spread of such vegetation beyond the boundaries of any property within the Borough is a violation of this section.

Spread is significant when the plant's roots grow beyond the boundaries of a property owner's yard or take over or invade a neighbor's fencing, plants or other landscaping.

31-7.4 Inspection.

All places and premises in the Borough of Belmar shall be subject to inspection by the Code Enforcement Officer or his designee to determine compliance with this section.

31-7.5 Plantings of Invasive Plants Prohibited.

All new in-ground plantings of invasive plants are strictly prohibited. All existing plantings must be contained by appropriate physical barriers to prevent growth or spread of existing invasive species beyond the boundaries of a resident's property.

31-76. Removal or abatement.

- a. In the event Invasive Species Plant(s) are present on any plot of land, or any other premises or place in the Borough and a complaint is received by the Borough regarding an encroachment of any Invasive Species Plant and the Borough Code Enforcement Inspector, after observation and/or inspection, determines that there is an encroachment or invasion of an Invasive Species Plant on any adjoining/neighborhood private or public property or public right-of-way, the Borough shall serve notice to the Invasive Species Plant property owner, in writing, to remove or abate the violation within such time as shall be specified in such notice.
- b. The cost of abatement shall be borne by the Invasive Species Plant property owner.
- c. If the owner fails to comply with such notice within the time period specified herein, the Borough may remove or otherwise control the invasive plant species and the Borough may thereafter recover the cost of such removal from the property owner and place a lien on the property to recover the cost of said removal.

31-7.7 Violations, Abatement and Penalties.

- a. Whenever an invasive species as defined by this section is found planted in the ground ~~[WU1]~~ on any plot of land, lot or any other premises or place, a notice of violation shall be given to the Property Owner, in writing, giving said owner ~~10~~ [DA(2)] days to remove or abate the same.
- b. The cost of the abatement shall be borne by the Property Owner.
- c. If the Property Owner fails to comply with such notice within the time period specified, the Borough may remove or otherwise control the invasive plant species and the Borough may thereafter recover the cost of such removal from the Property Owner and place a lien on the property to recover the cost of the removal.
- d. In the absence of reasonable cause, any person violating any of the provisions of this section who fails to abate the violation after notice shall be subject to the following penalties:
 - 1. A fine, not to exceed \$1,000, plus the costs of prosecution, for each day on which a violation has occurred, and for which the property owner has been found guilty.
 - 2. Each day on which the violation occurs shall constitute a separate offense under this section.

BE IT FURTHER ORDAINED that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

BE IT FURTHER ORDAINED that this ordinance shall be in full force and take effect twenty (20) days after final passage and publication, as required by law.

ORDINANCE NO. 2020-38

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTERS XI PERSONNE & CHAPTER II ADMINISTRATION OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, IN THE COUNTY OF
MONMOUTH, NEW JERSEY**

WHEREAS, the Borough of Belmar Mayor and Council wish to amend Chapters II and XI as follows:

**SECTION I. CHAPTER 2 ADMINISTRATION - ARTICLE III DEPARTMENTS & OFFICES
2-11 Establishment**

There is hereby established and/or continued the following departments and offices in the Borough of Belmar under the direction and supervision of the Mayor as chief executive:

- a. Department of Administration.
- b. Department of Finance.
- c. Department of Public Safety.
- d. Department of Code Enforcement.
- e. Department of Public Works.
- f. Department of ~~Parks and~~ Recreation.
- g. Public Library
- h. Purchasing
- i. Human Resources
- j. Marina
- k. Beach Utility
- l. Special Operations (see Section 11-16)
- m. Buildings & Grounds
- o. Municipal Clerk
- p. Water/Sewer Utility
- q. Information Technology

SECTION II 3-1 ESTABLISHMENT; ADMINISTRATOR IN CHARGE.

There is hereby established the Department of Administration, the head of which shall be the Borough Administrator, in whose absence or by virtue of no appointment having been made the Mayor shall perform the duties, and he or she shall assist the Mayor in supervising and directing all departments of the Borough and shall specifically oversee the following offices and divisions, as well as provide support services for the Mayor and Borough Council:

- ~~a. Office of Personnel.~~
- a. ~~b.~~ Office of Borough Attorney.
- b. ~~e.~~ Office of Borough Engineer.
- ~~d. Office of Public Assistance.~~
- ce. Municipal Court.

~~f. Free Public Library.~~

g. The following agencies, boards, commissions and committees (for administration and coordination purposes); Board of Adjustment, Municipal Coordinators on Aging, Senior Citizen Information and Referral Program Coordinators, Community Development Program Representative, Environmental Commission, Local Assistance Board, Planning Board, Shade Tree Committee, representatives to the South Monmouth Regional Sewerage Authority, the Belmar Housing Authority, and similar agencies, boards, commissions and committees.

~~3-4 OFFICE OF PUBLIC ASSISTANCE.~~

~~Within the Department of Administration there shall be an office of Public Assistance, the head of which shall be the Local Assistance Board of five members appointed by the Borough Council. One member of the Board shall serve for a term of one year, and such member may be a member of the Borough Council. At least one of the five members of the Board shall be a woman. Four members shall serve for terms of four years, each for staggered terms. Members of the Local Assistance Board shall serve without compensation. The Local Assistance Board shall have such powers and perform such duties as are prescribed by general law and ordinance and shall appoint a Director of Welfare pursuant to state law.~~

SECTION III. 6-2 DEPARTMENT OF CODE ENFORCEMENT; OFFICES THEREOF.

There is hereby established within the Department of Code Enforcement and Administration the following offices:

- a. Office of Construction. Within the Department of Code Enforcement there shall be a construction office, headed by ~~the Building Official, who shall serve as~~ the Borough's Construction Code Official. He/she shall be responsible for the administration and enforcement of the ~~Construction~~Building Code, and shall have all of the powers, functions and duties prescribed by general law and ordinance for ~~Building and~~ Construction Code officials.
- b. Office of Land Use. (Refer to Chapter ~~4032~~, Development.)
- c. Office of Fire Protection. (Refer to Chapter 28, Fire Protection and Prevention.)
- d. Office of Housing headed by the Director of Code Enforcement.

SECTION IV. 7-2 DEPARTMENT OF PUBLIC WORKS; DIVISION THEREOF.

There is hereby established within the Department of Public Works, the following divisions:

- a. Division of Streets, ~~Parks and Public Building Maintenance.~~
- b. Division of Sanitation.
- c. Division of Recycling
- d. Division of Vehicle Maintenance
- ~~c. Division of Water and Sewer.~~
- ~~d. Division of Marine Operations.~~

SECTION V. CHAPTER 8. DEPARTMENT OF ~~PARKS AND RECREATION~~

8-2 DEPARTMENT OF ~~PARKS AND RECREATION~~; DIVISIONS THEREOF.

There is hereby established within the Department of ~~Parks and~~ Recreation, the following divisions:

- a. Division of ~~Parks and~~ Recreation.
- ~~b. Division of Beaches.~~

SECTION VI. 11-14 APPOINTED POSITIONS.

Residents of the Borough of Belmar shall be given preference upon initial hiring to all competitive ~~classified~~ positions, except as otherwise provided by law. Any bona fide resident for the purpose of this section is a person having a permanent domicile within the Borough.

In the event that there are no qualified residents to initially fill positions of employment within the Borough, then preference shall be given in the following order:

- a. Other residents of Monmouth County.
- b. Other residents of counties contiguous to Monmouth County.
- c. The residents of the State.
- d. All other applicants.

SECTION VII. CREATION OF CHAPTER 4A – PURCHASING

Chapter 4, Article V in entirety is hereby renumbered as Code Chapter 4A , Article I and the within sections and subsections renumbered accordingly and shall include the following amendment:

PURCHASING AGENT

Shall mean the Purchasing Agent or Qualified Purchasing Agent ~~Director of Finance~~ or his or her representative in his or her function of administrator of purchasing, or a person designated and authorized by the Borough Administrator, subject to approval of the Borough Council, and shall be referred to in the detailed procedure as the "buyer."

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

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

ORDINANCE 2020-39

ORDINANCE OF THE BOROUGH OF BELMAR, AMENDING CHAPTER 28 OF THE REVISED GENERAL ORDINANCES TO ADD SECTION 28-1.13.7 OPEN BURNING

WHEREAS, the Borough of Belmar wishes to amend various chapters of the Revised General Ordinances by adding the following sections:

SECTION I.

28-1.13.7 Open Burning

Open air burning is prohibited within the Borough of Belmar unless in conformance with the standards established herein. Except as provided herein, it shall be unlawful for any person to permit kindling, igniting or maintaining any bonfire, brush fire or to burn off grass, leaves, debris, branches, wood, refuse, garbage, waste, or rubbish on any lot or field or to authorize any such fire to be kindled or maintained on any street, alley lot, lands or public grounds or upon any private lots or fields unless a written permit to do so shall be first obtained from the Construction Code Official and Fire Official.

A. Open Burning Regulations

1. Outdoor fires utilized for cooking are permitted without a permit either when contained in a manufactured metal grill or other similar device intended for such use or a campfire.
2. Outdoor fires utilized for any other recreational purpose are permitted when either contained in a manufactured device designed for such purpose and utilized strictly in accordance with the manufacturer's requirements or, alternatively, in a proper noncombustible stone, cement, brick, tile or metal assembled fire pit materials and shall not be more than three feet in diameter.
3. For all existing pre-made or assembled fire pit within the Borough, should the Fire Chief, Fire Marshal, Construction Code Official or his authorized designee determine that a fire pit is unsafe, he may order that said fire pit not be used until he or his designee deems said fire pit safe.
4. No open air burn may occur on a residential property within 15 feet of any main or accessory structure on the property, including, but not limited to, any dwelling, garage or shed.
5. A fully functioning fire extinguisher must be available for fire extinguishment purposes whenever any fire is ongoing.
6. Permitted fuel. Only firewood and untreated lumber are permitted to be burned. Burning of any and all other materials, including but not limited to garbage, rubber, plastics, and yard waste, at any location within the Borough is prohibited. No green wood, leaves or other materials which cause excessive smoke may be burned indoors or outdoors at any time. Any smoke or odor from any indoor or outdoor fire must be kept to a minimum.
7. Flames may not exceed two feet in height at any time, and should the prevailing winds cause the sustained smoke from said fire to blow into a neighboring dwelling or property, said fire must be extinguished immediately. The Fire Chief, Fire Marshal, Construction Code Official or his designee are authorized to require that any residential outdoor fire be immediately extinguished if he determines that said fire constitutes a hazardous condition. In addition, the Belmar Fire Department and/or the Belmar Police Department are authorized to require that any residential outdoor fire pit be immediately extinguished if sustained smoke emissions are found to be

offensive to occupants of surrounding properties. Failure to comply with Fire or Police Department orders shall constitute a violation of this chapter in addition to any and all criminal and regulatory violations which may be cited against the property owner and those individuals responsible for maintenance of the hazardous or offensive condition.

8. Indoor and outdoor fires must be attended at all times by a competent adult owner or legal resident of the property from the time said fire is commenced through the time said fire is completely extinguished.
9. Permitted locations. Open burning shall be permitted only on residential properties and/or properties used for agricultural purposes, except in the event that a school, church, or other nonprofit organization conducts a bonfire which has obtained the necessary permit from the Fire Marshal to conduct said activity.
10. Setbacks. Permitted open air burning devices shall be set back not less than 10 feet from the nearest lot line.

B. Violations & Penalties

Each and every person failing to comply with any of the provisions in this chapter shall, upon conviction thereof, be punished by a fine of up to \$2,500 per offense, a term of imprisonment of up to 90 days and/or be required to perform community service for up to 90 days. Each day a violation exists shall constitute a new and separate offense subject to prosecution. If the device is found to be the fault of a fire that causes property damage the property owner may be subject to reimbursement for fire department suppression costs.

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.

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

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