

ORDINANCE NO. 2020-28

**TOWNSHIP OF HOLMDEL
COUNTY OF MONMOUTH**

**ORDINANCE APPROVING REVISIONS TO CHAPTER 10 AND
CHAPTER 20 OF THE REVISED GENERAL ORDINANCES OF
THE TOWNSHIP OF HOLMDEL**

WHEREAS, the Township of Holmdel maintains Chapter 10 of its Revised General Ordinances, titled “Building and Housing”; and

WHEREAS, the Township of Holmdel maintains Chapter 20 of its Revised General Ordinances, titled “Housing”; and

WHEREAS, the Township’s Acting Director of Community Development has recommended various modifications to Chapters 10 and 20, including certain substantive modifications, as well as updates to reconcile conflicting provisions and to ensure the Township’s standards comport with State law.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Holmdel in the County of Monmouth, State of New Jersey, as follows:

SECTION 1. Chapter 10 of the Revised General Ordinances of the Township of Holmdel is hereby amended as follows:

Chapter 10: BUILDING AND HOUSING CONSTRUCTION

§ 10-1. LOCAL ENFORCEMENT OF THE UNIFORM CONSTRUCTION CODE.

§ 10-1.1. Enforcing Agency. [NO CHANGES].

§ 10-1.1A. — ~~Interlocal Services Agreement for Uniform Construction Code Shared Services.~~ [DELETED IN ITS ENTIRETY].

§ 10-1.2. Board of Appeals. [NO CHANGES].

§ 10-1.3. Fees.

a. New Jersey State Permit Surcharge Fees. Amount: This fee shall be in the amount of \$0.00334 ~~71~~ per cubic foot volume of new buildings and additions. Volume shall be computed in accordance with N.J.A.C. 5:232.28 ~~5:23-2.28~~. The fee for all other construction shall be \$1.70 ~~90~~ per \$1,000 of value of construction. Minimum fee \$1. The above fee is subject to periodic change and exemptions established by the Department of Community Affairs and will be calculated in accordance with N.J.A.C. 5:23-4.19 hereafter and as applicable with the regulations.

b. [NO CHANGES].

1.-2. [NO CHANGES].

3. [DELETED IN ITS ENTIRETY].

4. 3. [NO CHANGES].

c. [NO CHANGES].

1. [NO CHANGES].

2. Fees for renovations, alterations and repairs or site construction associated with pre-engineered systems of commercial farm buildings, pre-manufactured construction, and the external utility connection for pre-manufactured construction shall be based upon the estimated cost of work. The fee for Use Group R-5 shall be in the amount of \$30 per \$1,000. From \$50,001 to and including \$100,000, the additional fee shall be in the amount of \$25 per \$1,000 of estimated cost above \$50,000. Above \$100,000, the additional fee shall be in the amount of \$20 per \$1,000 of estimated cost above \$100,000. The fee for all other use groups shall be in the amount of \$35 per \$1,000. From \$50,001 to and including \$100,000, the additional fee shall be in the amount of \$31 per \$1,000 of estimated cost above \$50,000. Above \$100,000, the additional fee shall be in the amount of \$29 per \$1,000 of estimated cost above \$100,000. For the purpose of determining estimated cost, the applicant shall submit to the Agency such cost data as may be available and produced by the architect or engineer of record, or by a recognized estimating firm, or by the contractor. A bonafide contractor's bid, or contract if available, shall be submitted upon request. Fee for additions shall be computed on the same basis as for new construction for the added portion. Fees for combination of renovations and additions shall be computed as the sum of the fees computed separately in accordance with the above stated provision. The ~~flat~~ fee for replacement type roof coverings shall be \$125 for R-5 type use group. The fee for all use groups other than R-5 shall be \$35 per \$1,000 of the estimated cost. In the event the work is of a minor nature and not a total replacement, the fee for R-5 type use groups may be calculated at the rate of \$30 per \$1,000 and a minimum fee of \$95.

3. The ~~flat~~ fee for replacement type vinyl siding and other exterior wall coverings shall be \$225 for R-5 type use groups. The fee for all use groups other than R-5 shall be \$35 per \$1,000 of the estimated cost. In the event the work is of a minor nature and not a total replacement, the fee for R-5 type use groups may be calculated at the rate of \$30 per \$1,000 and a minimum fee of \$95.

4. [NO CHANGES].
 5. The ~~flat~~ fee for replacement barriers surrounding and enclosing public or private swimming pools shall be \$75.
 6. The fee for storage sheds and similar structures exceeding 200 square feet in area shall be calculated in accordance with N.J.A.C. 5:23-2.28. The minimum fee for sheds and similar structures that are 200 feet or less in floor area and less than 10 feet in height shall be charged a ~~flat~~ fee of \$65 per unit. No permit fee shall be collected for such structures 100 square feet in area or less.
 - 7.-9. [NO CHANGES].
- d. [NO CHANGES].
- 1.-3. [NO CHANGES].
 4. The ~~flat~~ fee for replacement domestic water heaters (natural gas, oil or propane) installed in Use Group R-5 shall be \$95 per unit, \$50 per unit for multiple units and \$125 per unit for all other use groups.
 5. The ~~flat~~ fee for electric replacement domestic water heaters installed in Use Group R-5 shall be \$95 per unit, \$50 per unit for multiple units and \$155 per unit for all other use groups.
 6. The ~~flat~~ fee for replacement warm air furnaces installed in Use Group R-5 shall be \$155 per unit, \$80 per unit for multiple units and \$175 per unit for all other use groups. The fee for new warm air furnaces installed in Use Group R-5 shall be \$50 per unit and \$75 per unit in all other use groups.
 7. The flat fee for replacement water boilers installed in Use Group R-5 shall be \$95 per unit, \$50 per unit for multiple units and \$125 per unit for all other use groups. The fee for a new water boiler shall be \$50 for R-5 and \$75 for all other use groups per unit. There shall be no inspection fee charged for gas service entrances.
 8. When new gas piping is installed in conjunction with the replacement of water heaters, boilers, furnaces and similar devices the fee for the new gas piping shall be as noted above in paragraph 2 and in addition to the flat fee for the device installed. At the discretion of the Plumbing Subcode Official this fee may be waived in the case of minor gas pipe type alterations.
 - 9.-10. [NO CHANGES]

11. The ~~flat~~ fee for swimming pool bottom drain outlets and or atmospheric safety vacuum release systems and similar devices in Use Group R-5 shall be \$55 and \$125 for all other use groups.

e. [NO CHANGES].

1.-5. [NO CHANGES]

6. The fee charged in conjunction with the annual electrical inspection of swimming pools, spas or hot tubs shall be \$175 per application. The ~~flat~~ fee for a photovoltaic (PV) system installed in Use Group R-5 shall be \$125 and \$175 for all other use groups. The fee for other use groups shall be calculated in accordance with the number of arrays "communication points," devices, switches and subpanels. Stand-alone systems shall be charged as a "service" in addition to the above fees. For installations consisting of multimeter stacks, the fee shall be based on the ampere rating of the main bus and not upon the number of meters or rating of disconnects on the meter stack. Individual loadside panel boards shall be charged in accordance with the fees established above. There shall be no additional fee charged for the concurrent installation of individual feeder conductors.

7. [NO CHANGES]

8. The ~~flat~~ fee for service reconnect inspections in response to emergencies or utility request shall be \$75 in Use Group R-5 and \$125 in all other use groups.

9.-10. [NO CHANGES]

11. For light ~~standards~~ poles above 8-0 feet in height (includes first 150 lineal feet of trench), the fee shall be \$17 per fixture. Trenches over 150 lineal feet shall be \$40 for each additional 150 lineal feet.

12. The ~~flat~~ fee for hard wired signage mounted on a wall shall be \$75 for the first sign and \$25 for each additional sign installed on the same site. The fee for pylon type signage and similar freestanding structures shall be \$95 each and includes the first 150 lineal feet of trenching. Trenches over 150 lineal feet shall be \$40 for each additional 150 lineal feet.

13. [NO CHANGES]

f. [NO CHANGES]

1.-18. [NO CHANGES]

19. ~~Flat~~ Fee: A storage tank for a gasoline station or similar use, new or replacement, with a maximum of six fuel pumps and all associated piping shall be \$500. Each additional fuel tank or fuel pump and all associated piping, installed at the same

time, shall be \$200 per unit. Individual tanks or pumps, new or replacement, with all associated piping shall be \$200 per unit. Fuel pump suppression systems shall be \$75 per pump.

20. [NO CHANGES]

g.-h. [NO CHANGES]

i. [NO CHANGES]

1. The fee to be charged for an annual construction permit shall be charged annually. This fee shall be a flat fee based upon the number of maintenance workers who are employed by the facility, and who are primarily engaged in work that is governed by a subcode. Managers, engineers and clericals shall not be considered maintenance workers for the purpose of establishing the annual construction permit fee. Annual permits may be issued for building/fire protection, electrical and plumbing.

2. [NO CHANGES]

j.-k. [NO CHANGES]

10-1.4 (Reserved)

10-1.5 ~~Plumbing License~~ [DELETED IN ITS ENTIRETY]

10-2 ~~Buildings Unfit for Human Habitation~~ [DELETED IN ITS ENTIRETY]

10-3 (Reserved)

10-4 ~~Numbering of Buildings~~ [DELETED IN ITS ENTIRETY]

10-5 ~~Continued Certificate of Occupancy—Multiple Dwellings, Manufactured Housing Units and Commercial Buildings~~ [DELETED IN ITS ENTIRETY]

SECTION 2. Chapter 20 of the Revised General Ordinances of the Township of Holmdel is hereby repealed in its entirety and replaced as follows:

Chapter 20: Residential and Commercial Property Inspections, Landlord Registrations, Numbering of Buildings

20-1 Purpose.

To protect the health, safety and welfare of residential tenants and the general public by ensuring that both the interior and exterior of all buildings and properties are maintained in a safe and sanitary condition and that maximum occupancy limits are not exceeded in residential rental units; to protect the real estate values of properties located in close

proximity to rental housing by requiring the upkeep and maintenance of building exteriors and outside property areas; to protect the public health, safety and welfare by establishing minimum standards governing the maintenance, appearance and condition of commercial premises, shopping centers and multifamily dwellings; to establish minimum heating requirements for rental dwelling units where furnishing heat is the responsibility of the owner; to fix responsibilities and duties upon owners, operators and occupants; to authorize and establish procedures for the inspection of commercial premises, shopping centers and multifamily dwellings; to fix penalties for the violations of this code; and to provide for the right of access by the agents and employees of the Township to enforce compliance with the provisions hereof whenever necessary. This code is declared to be remedial and essential for the public interest, and it is intended that this code shall be liberally construed to effectuate the purposes as stated herein.

20-2 Enforcement Officers, Powers and Authority.

A. Officers

1. Enforcement Officer – The Township Committee shall designate an Enforcement Officer. The Enforcement Officer, or his or her designee, is hereby authorized and empowered to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter.
2. Housing Official – The Housing Official of the Township of Holmdel is hereby designated as the officer to exercise the powers prescribed by this chapter, and he shall serve in such capacity.
3. Housing Inspector – The Housing Inspector is hereby authorized and empowered to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:
 - a. To investigate the dwelling conditions in the Township of Holmdel in order to determine which dwellings therein are unfit for human habitation.
 - b. To administer oaths, affirmations, examine witnesses and receive evidence.
 - c. To enter upon premises for the purpose of making examination, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession.
 - d. To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter.

e. To delegate any of his functions and powers under this chapter to such officers and agents as he may designate.

4. Housing Code Clerk – The Housing Clerk of the Township of Holmdel is hereby designated as the officer to receive and process all applications, schedule all inspections, and maintain all files prescribed by this chapter and he shall serve in such capacity.

B. Powers to be supplemental to existing powers.

Nothing in this chapter shall be construed to abrogate or impair the power of the Township or any officer or department to enforce any provisions of its ordinances or regulations nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred upon the Township by any other law or ordinance.

C. Authority to promulgate regulations.

The Director of Community Development or his designee is hereby authorized and empowered to make and adopt such written rules and regulations as he may deem necessary for the proper enforcement of the provisions of this chapter; provided, however, that such rules and regulations shall not be in conflict with the provisions of this chapter nor in any way alter, amend or supersede any of the provisions thereof. A certified copy of all rules and regulations which he may adopt in his office and in the office of the Clerk of Holmdel Township.

D. Authority to make inspections.

1. The Director of Community Development or his designee is hereby authorized to make inspections to determine the condition of dwellings, dwelling units, rooming units and premises, including all interior and exterior spaces, located within the Township of Holmdel in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public. The Enforcement Officer shall not be accompanied by uniformed police officer during such inspection, unless there is a reasonable concern of unlawful conduct or violence at or during the inspection.

2. For the purpose of making such inspections, after receiving appropriate authority through consent or administrative search warrant, the Enforcement Officer is hereby authorized to enter, examine and survey, during reasonable hours, i.e., 8:00 a.m. through 9:00 p.m., the interior and exterior of all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling unit and rooming unit shall give the Enforcement Officer free access to the exterior and interior of such dwelling, dwelling unit or rooming unit and its premises at all reasonable times, i.e., 8:00 a.m. through 9:00 p.m., for the purpose of such inspection, examination and survey. Every occupant of a dwelling or

dwelling unit shall give the owner thereof or his agent or employee access to any part of such dwelling or dwelling unit or its premises, whether interior or exterior, at all reasonable times, i.e., 8:00 a.m. through 9:00 p.m. for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this chapter.

3. Inspections shall be made based on complaints and independent observations that indicate that a violation or violations of the housing standards, occupancy limits regulations, the Zoning Ordinance and/or the Uniform Construction Code has occurred.
4. Inspections shall not be based on any form of discrimination such as race, color, creed, national origin, sex, sexual orientation, etc.
5. Inspections may be conducted pursuant to consent from the owner or lessee of the property or a validly issued administrative search warrant.
6. If the Enforcement Officer does not have a warrant and requests consent to inspect the premises, he must inform the residents that they have a right to refuse to consent to the inspection and that if consent to the inspection is denied, refused or revoked, additional legal steps will be taken by the Township. Consent from the owner, lessee or consenting adult must be knowing and voluntary, and the consenting party should sign a form acknowledging the knowing and voluntary consent. The basis for belief that a violation has occurred and the reason consent is requested should be detailed in records or written notes regarding the inspection, which shall be maintained in an enforcement file. Enforcement Officers should be aware that consent to the inspection may be revoked at any time.
7. If consent is not obtained to conduct a search of the premises, the Enforcement Officer shall leave the premises and prepare a certification in support of a request for an administrative search warrant. The certification shall state the facts surrounding the request for inspection and the refusal and a request from the municipal court for an administrative search.
8. When conducting a search the Enforcement Officer shall knock on all doors before opening them. The Enforcement Officer may take notes or photographs of the premises or draw a floor plan of the residence.

E. Acceptance of standards.

Pursuant to the provisions of N.J.S.A. 40:49-5.1, the New Jersey State Housing Code contained at N.J.A.C. 5:28 and as may be amended, the most recently adopted International Property Maintenance Code (IPMC); and the ICC International Fire Code, New Jersey Edition, are hereby accepted, adopted and established as a standard to be

used as a guide in determining whether dwellings in this municipality are safe, sanitary and fit for human habitation and rental.

F. Acceptance of standards; copies on file.

Pursuant to the provisions of N.J.S.A. 40:49-5.1, the New Jersey State Housing Code contained at N.J.A.C. 5:28 and as may be amended is hereby accepted, adopted and established as a standard to be used as a guide in determining the fitness of a building for human habitation or occupancy or use. Three copies of the New Jersey State Housing Code have been placed on file in the office of the Clerk of the Township of Holmdel and are available to all persons desiring to use and/or examine same.

G. Construal.

This Chapter establishes minimum standards for property maintenance, and the provisions of this article shall not be construed to prevent the enforcement of other ordinances or regulations which may be more stringent.

20-3 Definitions

Unless otherwise expressly stated, the following terms, wherever used herein, shall have the following meanings, unless a different meaning clearly appears from the context and shall be defined as follows:

COMMERCIAL PREMISES

A building or buildings or any part thereof and the lot or tract of land upon which the building or buildings are situated, where commercial activity of any kind takes place. Commercial activity shall include, but is not limited to, gasoline service stations; stores for retail sales; liquor stores, taverns and inns; restaurants, including, but not limited to, drive-in restaurants, snack bars, hot dog, hamburger or ice-cream stands; professional activities, including, but not limited to, medical, dental, legal, architectural, accounting; personal services, including, but not limited to, real estate, insurance, barbershops, hairdressers; repair shops of all kinds; and amusements, including, but not limited to, movies, skating rinks, bowling alleys; whether part of a shopping area or not. Commercial activity shall not include the sale of agricultural products produced on the premises.

CERTIFICATE OF CONTINUED OCCUPANCY (CCO)

Inspection for the continuation of the Certificate provided for in N.J.A.C. 5:23-2, indicating that as a result of a general inspection of the visible parts of the building, no violations of N.J.A.C. 5:23-2.14 have been determined to have occurred, no unsafe conditions violative of N.J.A.C. 5:23-2.32 have been found, no violation of applicable codes have been found, including, but not limited to the New Jersey Uniform Fire Code, International Property Maintenance Code, International Fire Code-New Jersey Edition,

and the New Jersey Hotel & Multiple Dwelling regulations, and that the existing use of the building has heretofore lawfully existed. It also includes a review for conformance to the approved site plan.

LANDLORD

The person or persons who own, or purport to own, or exercise control of any building or project in which there is rented or offered for rent housing space for living or dwelling purposes under either a written or oral lease.

MULTIFAMILY DWELLING

Any building or structure and any land appurtenant thereto, and any portion thereof, in which three or more dwelling units are occupied or intended to be occupied by three or more persons living independently of each other, and any group of ten or more buildings on a single parcel of land or on contiguous parcels under common ownership, in each of which two dwelling units are occupied or intended to be occupied by two persons or households living independently of each other, and any land appurtenant thereto, and any portion thereof, but not any buildings and structures that are excluded in the definition contained at N.J.S.A. 55:13A-3(k).

MANUFACTURED HOUSING UNIT

Any manufactured housing unit as defined in Section 1.2.14 of the National Fire Protection Association Standard No. 501.

OCCUPANT

Any person having actual possession of the premises or any part thereof.

OPERATOR

Any person having charge, care or control of the premises or any part thereof, whether with or without the consent of the owner.

OWNER

Any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without accompanying actual possession thereof, or shall have charge, care or control of any premises as owner or agent of the owner or as fiduciary, including, but not limited to, executor, executrix, administrator, administratrix, trustee, receiver or guardian of the estate, or as mortgagee in possession regardless of how such possession was obtained. Any person who is a lessee subletting or reassigning any part or all of any premises shall be deemed to be a co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by said lessee.

RENTAL HOUSING

This definition shall include single-family, two-family, and owner-occupied two-family premises which are rented by a landlord, as well as any multiple dwelling subject to the Hotel and Multiple Dwelling Law, P.L. 1967, c. 76 (N.J.S.A. 55:13A-1 et seq.).

SHOPPING CENTER

One or more buildings or parts thereof designed or existing as a unit, occupied or to be occupied by one or more businesses for the conduct of retail sales, with parking space(s).

SINGLE FAMILY DWELLING UNIT

A single-family dwelling unit, which includes Manufactured Housing Units, is a unit which may only be occupied by a single housekeeping unit, i.e., a group of people, regardless of familial relation, wherein all members have access rights to all common areas of the single-family dwelling unit and all common appliances, including the main kitchen, the main refrigerator, the cooking range, washing machines, the garage, the family room, the living room, and the dining room. The essence of the single-family dwelling unit is that all members thereof, i.e., the single housekeeping unit, shall be the equivalent of a family, without blood relation, and shall constitute a single, economic entity, characterized by stability, permanency and functionality of such single housekeeping unit, by maintaining the single-family dwelling unit in common.

20-4 Required CCO Inspections and Requirements

A. CCO Inspections Required.

1. At the time of the CCO inspection, all parts of the premises must be available and accessible for inspection, and the owner, operator and occupant are required to provide the necessary arrangements to facilitate access to all parts of the premises. Such inspections shall be made during daylight hours or during normal business hours.
2. No person, agency, corporation, partnership, firm, company, owner, real estate agent, broker or any other individual shall rent, lease, sell, occupy, transfer title of any dwelling, dwelling unit, commercial building or space, or property without first obtaining a CCO Certificate from the Enforcement Officer.
3. A real estate agent licensee who is involved in the sale of any property must obtain or ensure that the seller obtains a CCO certificate from the Department of Community Development prior to the sale, transfer of ownership or occupancy.
4. It shall be unlawful for any seller of any property as described herein or real estate licensee involved in a sale of any property to knowingly transfer or assist in the transfer of ownership in violation of this section. In addition to the applicable penalties provided in this chapter, the Township may, in its discretion, report any real estate licensee found to have violated the requirements of this section to the New Jersey Real Estate Commission.

B. Inspections.

1. The Enforcement Officer, his designee, or the applicable Township department is authorized to enter any structure and/or premises at any reasonable time for the purpose of performing inspections under this article, provided that the Enforcement Officer, his designee, or the applicable inspecting party will attempt to secure permission to inspect the structure and/or premises from the owner, operator or occupant of the said structure and/or premises. When attempting to secure such permission, the Enforcement Officer, his designee, or the applicable inspecting party shall advise the owner, operator or occupant of the said structure and/or premises of their right to refuse to grant such permission to inspect. Should the owner, operator or occupant grant the right to inspect all parts of the structure and/or premises must be available and accessible for such inspections, and the owner, operator and occupant are required to provide the necessary arrangements to facilitate such inspections.

2. Residential properties. In the event there is no person available to give permission to inspect at a residential property or permission to inspect is denied, the Enforcement Officer, his designee, or the applicable inspecting party shall have the authority to enter onto the subject premises to the front and side of any structures on the premises up to the rear line of the primary structure; provided, however, that under no circumstances shall there be any entry onto any section of the premises which is fenced in or any entry into the structure without the consent or appropriate search warrant issued by a court of competent jurisdiction. Such inspections of residential properties shall be made during daylight hours commencing no later than 30 minutes before sunset or during hours when the structure and/or premises are open to the public, unless there is reason to believe that a violation exists of such a character that is deemed to be an immediate threat to the health, safety and welfare of the citizens of the Township of Holmdel requiring inspection and abatement without delay.

3. Commercial properties. In the event there is no person is available to give permission to inspect at a commercial property or permission to inspect is denied, the Enforcement Officer, his designee, or the applicable inspecting party shall have the authority to enter onto the subject premises to the front, side and rear of any structures on the premises and shall have the authority to inspect up to the rear line of the property itself; provided, however, that under no circumstances shall there be any entry onto any section of the premises which is fenced in or any entry into the structure without consent or the appropriate search warrant issued by a court of competent jurisdiction.

4. Inspection of premises. Inspections of premises and the issuing of orders in connection therewith under the provision of this article shall be the exclusive responsibility of the Enforcement Officer, as defined herein, or his designee. Whenever, in the opinion of the Enforcement Officer, or his designee, it shall become necessary or desirable to have inspections of any condition performed by another Township department, the Enforcement Officer, or his designee, shall arrange for such inspections to be performed. Orders for the correction of any

violations under this article may be issued by the department head of the applicable inspecting department without the need for the express approval of the Enforcement Officer, although the Enforcement Officer shall be notified of the issuance of any such order for correction of any violations under this article by such other Township department.

5. Application for search warrant. In the event that permission to inspect is denied, upon request, the Enforcement Officer, his designee, or the applicable inspecting party is hereby authorized and empowered to apply to any court of competent jurisdiction for a search warrant for any structure and/or premises subject to this article whenever necessary to inspect such structure and/or premises

C. CCO Application and Inspection Process.

1. The CCO inspection application form shall be available at the Community Development Office.

2. The applicant shall submit a completed application and all required fees to the Community Development Office no less than ten (10) business days prior to the date that a new occupant, tenant, or owner is anticipated to occupy the dwelling or space. Inspections can be requested up to 30 days before the desired inspection date and shall be scheduled by the Enforcement Officer in the order that requests are received.

3. The Enforcement Officer or his designee shall inspect the building interior, exterior and outside premises to make sure that the premises complies with the standards incorporated in this chapter as applicable to the type of unit being inspected.

4. Within ten (10) business days of receipt of a complete application, the Enforcement Officer or his designee shall issue either a CCO certificate or a CCO certificate denial.

5. If a prospective occupant, tenant, or owner needs to move into an uninspected unit within a time frame which does not allow for the required five-day notification, the Enforcement Officer or his designee shall conduct an inspection within 24 hours.

6. If a denial CCO certificate is issued, the applicant shall perform the required work and obtain all necessary inspections prior to requesting a reinspection. The reinspection and issuance of a subsequent CCO certificate or denial shall occur within three business days of receipt of a request for reinspection.

A. Standards and Maximum Occupancy of Rental of Residential Dwellings and Dwelling Units.

1. Maximum Occupancy.

No person shall rent to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not conform to the provisions of the New Jersey State Housing Code regarding occupancy requirements and square footage requirements which are adopted as the standards for the Township of Holmdel.

2. Standards.

All rented or leased dwellings or dwelling units shall comply with the following codes and regulations, which are hereby accepted, adopted and established as standards to be used as a guide in determining whether dwellings in this municipality are safe, sanitary and fit for human habitation and rental and incorporated herein by reference and made a part of this chapter:

a. The most recently adopted International Property Maintenance Code (IPMC) as amended as follows:

1. Section 101.1, Insert: Township of Holmdel
2. Section 102.3, Change: "International Existing Building Code" to Subchapter 6 of the New Jersey Uniform Construction Code
3. Section 102.3, Change: "International Zoning Code" to Holmdel Township Zoning Code
4. Section 103.5 (page 2) is hereby deleted in its entirety
5. Section 304.14, Insert: May 1 and November 1
6. Section 602.3, Insert: October 1 and June 1
7. Section 602.4, Insert: October 1 and June 1

b. N.J.A.C. 5:10, Maintenance of Hotels and Multiple Dwellings Regulations.

c. N.J.A.C. 5:70, New Jersey State Uniform Fire Code, including but not limited to requirements for smoke detectors on each level of a home with living space, including basements where applicable; carbon monoxide detectors within 10 feet of every sleeping area; and an ABC-

style fire extinguisher placed within the kitchen(s) or within 10 feet of all kitchens but not necessarily mounted.

B. Standards for Single-Family Dwellings and Townhomes.

1. All single-family dwellings and townhomes and associated property shall be in compliance with the requirements of the following:

- a. The adopted building codes at the time of original construction.
- b. The most recent ICC International Property Maintenance Code.
- c. N.J.A.C. 5:70, New Jersey State Uniform Fire Code.
- d. Holmdel Township Ordinances, Chapter XI, Property Maintenance.

C. Conditions rendering dwellings unfit.

1. For the purpose of this chapter, the Housing Inspector of the Township of Holmdel may determine that a dwelling is unfit for human habitation if he finds that conditions exist in such dwelling which are dangerous or injurious to the health or safety of the occupants of such dwelling or the occupants of neighboring dwellings or other residents of the Township of Holmdel; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects or uncleanness.

2. If the Housing Inspector determines that the dwelling under consideration is unfit for human habitation he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof and parties in interest an order requiring:

- a. The repair, alteration or improvement of the said building to be made by the owner within a reasonable time, which time shall be set forth in the order, or, at the option of the owner, to vacate or to have said building vacated and closed within the time set forth in the order.
- b. If the building is in such a condition as to make it dangerous to the health and safety of persons on or near the premises and the owner fails to repair, alter or improve the said building within the time specified in the order, that the owner remove or demolish the said building within a reasonable time as specified in said order of removal.

c. That, if the owner fails to comply with an order to repair, alter or improve, or, at the option of the owner, to vacate and close the building, the Housing Inspector may cause such building to be repaired, altered or improved or to be vacated and closed, and that the Housing Inspector may cause to be posted on the main entrance of any building so closed, a placard with the following words: "This building is unfit for human habitation or occupancy or use; the use or occupation of this building is prohibited and unlawful."

d. That, if the owner fails to comply with an order to removal or demolish the building, the Housing Inspector may cause such building to be removed or demolished or may contract for the removal or demolition thereof after advertisement for and receipt of bids therefor.

e. That the amount of the cost of the filing of legal papers, expert witnesses' fees, search fees and advertising charges incurred in the course of any proceeding taken under this chapter determined in favor of the municipality, and such cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition, if any, or the amount of the balance thereof remaining after deduction of the sum, if any, realized from the sale of materials derived from such building or from any contract for removal or demolition thereof, shall be a municipal lien against the real property upon which such cost was incurred.

20-6 Rental housing landlord registration requirements.

A. Registration Required

1. Every landlord of any dwelling or dwelling unit constituting rental housing shall file with the Department of Community Development a written registration statement. The registration statement shall contain the following information on a form to be provided by the Township of Holmdel:

a. The names and addresses of the owners in title of the property.

b. If the record landlord is a corporation, the name of the registered agent that will accept all legal notices on behalf of the corporation.

c. If the landlord is an entity other than an individual (i.e., a corporation, company, trade name, partnership, trust, condominium association, LLC, LLP, or other legal entity), the name and address of each partner and/or owner or person having a beneficiary interest; in the case of a corporation, the names and addresses of each stockholder if the total number of stockholders is 20 or fewer. In any event, with regard to corporate ownership, the registry shall disclose the name and address of

any stockholder who owns, either directly or beneficially, 10% of the stock of the corporation.

d. The name, address and telephone number of the managing agent of the premises, if any.

e. The name, address and telephone number, including the dwelling unit, apartment or room number, of the superintendent, janitor, custodial or other individual employed by the record owner or managing agent to provide regular maintenance service, if applicable.

f. The name, address and telephone number of an individual representative of the landlord or managing agent who may be reached or contacted at any time in the event of an emergency affecting the premises or property, or any unit or dwelling or commercial space therein, and who has the authority to make emergency decisions concerning the building or property and any repair thereto or expenditure in connection therewith.

g. The number of dwelling units by unit type.

2. Penalty for not registering; emergency inspection.

a. A landlord who is determined to be renting a dwelling not previously or currently registered shall be required to pay a penalty fee as follows:

i. A penalty fee of \$250 for the first offense; and

ii. A penalty fee of \$500 for a second or subsequent offense, all such fees to be cumulative. A summons and complaint may be issued to the owner for appearance in Municipal Court for a second or subsequent offense, all such offenses to be cumulative.

b. In addition to the remedies set forth herein, any unpaid fees and penalties pursuant to this section shall also be deemed a violation of this chapter and subject to the penalties therein.

c. The affected dwelling shall immediately be subject to an inspection and the landlord shall be required to pay the applicable penalty and the inspection fee.

4. If there is any change in any of the information on the landlord registration statement, an amended registration statement must be filed within 30 days and the amended statement posted and distributed to tenants within seven days of filing. Failure to file such amended registration statement shall result in the following administrative penalties:

- a. A penalty fee of \$150 for failure to register within 30 days;
- b. A penalty fee of \$250 for failure to register within 60 days; and
- c. A penalty fee of \$500 for failure to register within or after 120 days, such fees to be cumulative.

5. The certificate of registration shall be posted in an inconspicuous area to be designated by the landlord, but observable by the tenant.

6. The initial registration for all buildings shall also be accompanied by a floor plan and the square footage for each unit type to be used by the Township in establishing maximum occupancy limits for each unit type.

7. Any unpaid fees or penalties required shall be charged against the owner of the said premises, and the amount thereof shall become a lien upon such lands and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes and shall be collected and enforced by the same officers in the same manner as taxes. The Township shall have the right to bring a summary action for collection of such costs incurred in the Superior Court of New Jersey, Law Division, Monmouth County.

B. Information required to be distributed to tenants.

1. The following information shall be provided to each tenant by the landlord or the landlord's agent:

a. A truth-in-renting statement prepared by the Department of Community Affairs in accordance with the Truth-in-Renting Act (N.J.S.A. 46:8-43 et seq.) shall be distributed to all tenants living in buildings with more than two dwelling units.

b. A copy of the registration statement filed with the Township Clerk and/or New Jersey Bureau of Housing Inspection.

c. A copy of the New Tenant Notification Form provided by the Township of Holmdel. Said form shall be signed by the tenant and maintained by the owner during the term of the tenancy. For buildings with more than four units, the form shall be maintained in a log at the rental office.

20-7 Commercial Properties

A. Commercial and Multi-family Properties.

1. Scope and application.

All commercial premises, shopping centers and multifamily dwellings and any buildings situated thereon in the Township of Holmdel shall comply with the provisions of this chapter, whether or not such building shall have been constructed, altered or repaired before or after the enactment of this code. This chapter establishes minimum standards for the initial and continued occupancy and use of all such buildings and premises and does not replace or modify standards otherwise established for the construction, repair, alteration or use of such buildings or premises contained therein. Where there is a mixed occupancy with commercial and other uses on the same premises, all such uses shall be nevertheless regulated by and subject to the provisions of this chapter.

2. Conflict with other laws.

In any case where the provisions of this chapter impose a higher standard than is set forth in any other ordinance of the Township of Holmdel or under the laws of the State of New Jersey, then the standards as set forth herein shall prevail, but if the provisions of this chapter impose a lower standard than any other ordinances of the Township of Holmdel or the laws of the State of New Jersey, then the higher standard contained in any such other ordinance or law shall prevail.

3. Owner's liability.

Owners and operators shall have all the duties and responsibilities prescribed in this chapter, and no owner or operator shall be relieved from any such duty and responsibility nor be entitled to defend against any charge of violation thereof by reason of the fact that the occupant is also responsible therefor and in violation thereof.

4. Occupant's liability.

Occupants shall have all the duties and responsibilities as prescribed in this chapter, and the occupant shall not be relieved from any such duty and responsibility nor be entitled to defend against any charge of violation thereof by reason of the fact that the owner or operator is also responsible therefor and in violation thereof.

5. Duty of occupant to report.

Upon discovery by an occupant of any condition of the premises which constitutes a violation of this chapter by the owner or operator, the occupant shall report same to the Housing Official, who shall be responsible for enforcement of the provisions of this chapter.

6. Responsibility for maintenance.

Depending upon the nature of the violation, the owner and/or tenant of the premises shall be responsible for maintaining the property in compliance with this article.

B. Applicable Codes, Standards, and Approvals

1. The most recent site plan approval approved by the Holmdel Planning Board and/or the Holmdel Zoning Board.
2. The most recent edition of the International Property Maintenance Code (IPMC).
3. The recent adoption of the ICC International Fire Code, New Jersey Edition.
4. N.J.A.C. 5:70, New Jersey State Uniform Fire Code.

C. Additional Inspections

1. Engineering Inspection. The request for a new or continued certificate of occupancy for a commercial building which was the subject of a site plan approval shall cause a reinspection of the site to insure the site's adherence to the original approved site plan and any subsequent amendments. This inspection shall be done by the Township Engineer's Office.
2. Items to be included in the inspection include but are not limited to landscaping and turf areas, paving condition, curbs, sidewalks, garbage enclosures, lighting, drainage structures, detention basins, streams and creeks.
3. Said inspection and report shall be completed within 15 days of the applicant's request.

20-8 NUMBERING OF BUILDINGS.

A. Purpose

The purpose of this section is to require the clear display of authorized and assigned house or building numbers on every building fronting on any street in the Township in order to assist the general public and emergency services, public and private, in identifying any property in case of emergency or otherwise.

B. Applicability

All dwelling houses, stores or other principal buildings erected or to be erected within the Township shall display house numbers assigned by the Construction Code Official as provided for herein and in conformity with the specifications provided for herein.

C. Placing of Numbers Required

The owner, occupant or lessee of each and every house, store or other building which now fronts or which may hereafter front upon any public or private street within the Township shall, at his own expense, within three months after the adoption and publication of this section cause the authorized and assigned number of such house or building to be permanently and conspicuously placed in accordance with the specifications set forth herein.

D. Specifications

House or building numbers shall be:

1. In Arabic numerals.
2. A minimum height of three inches.
3. Mounted in a secure fashion to the front wall or porch of the building or other fixed appurtenance in the front of the building so as to be clearly visible from the street.
4. Sufficiently legible as to contrasting background, arrangement, spacing and uniformity so as to be clearly visible from the street.
5. At least 30 inches above ground level and so placed that trees, shrubs and other obstructions do not block the line of sight of the numbers from the street upon which the building fronts.

E. Visibility of Numbers on Buildings Which Are Set Back

If the house or building has such a setback location that the provisions of subsection 20-8(D)(4) cannot be complied with, then the owner, occupant or lessee shall provide a post, rod or other type of fixture of a substantial nature, including a mailbox with the number affixed thereon and so located on the premises that the number shall be conspicuous and visible from the street upon which the building fronts.

F. Assignment of Numbers

House numbers shall be affixed based upon the numerical street address and/or apartment number of the house that is commonly known and utilized by the occupant for the receipt of mail using the United States Postal Service. In the absence of such a numerical street

address and/or apartment number, a house number shall be assigned by the Construction Code Official. Every owner, occupant or lessee of a building to be constructed in the Township shall apply to the Construction Code Official for an authorized number in accordance with this section and applicable provisions of the Subdivision Ordinance of the Township of Holmdel.

G. Affixing of Numbers by Township; Costs

The Enforcement Officer shall notify the owner, occupant or lessee of any building which does not currently display an authorized number that the owner/occupant has 14 days to comply with the provisions of this section. Upon the failure of an owner, occupant or lessee to ascertain and affix upon any building to which this section applies the assigned and authorized number, it shall be lawful for the Township Committee to cause to be affixed to such building or appurtenance provided for herein the assigned and authorized number by an authorized agent of the Township. Such agent shall execute a return to the Township Committee of the cost of so affixing the number, and the Collector of Taxes, upon certification, shall charge the same to the owner of the building and collect the cost in the same manner as all taxes are collected, and such cost shall be a lien upon the land.

H. Violations and Penalties

1. Any person who violates the provisions of this section, upon conviction thereof, shall be punished by a fine not exceeding \$200.
2. The imposition and collection of the penalty imposed by paragraph a of this section shall not bar the right of the Township to collect the costs described in subsection 20-8(G).

20-9 Fees

- A. The fee for an inspection shall be paid before the inspection is scheduled.
- B. The fees shall be:

1. Sale of a Single Family Home, Condominium, or Townhouse
 - a. Initial Inspection: \$125.00
 - b. First Reinspection: No Charge
 - c. Second and subsequent reinspections (each): \$50.00
2. Rental of a Single Family Home, Condominium, or Townhouse
 - a. Initial Inspection: \$250.00
 - b. First Reinspection: No Charge

- c. Second and subsequent reinspections (each): \$50.00
- 3. Rental of an Apartment
 - a. Initial Inspection: \$150.00
 - b. First Reinspection: No Charge
 - c. Second and subsequent reinspections (each): \$25.00
- 4. Occupancy of a Commercial building or space
 - a. Building or space less than 5,000 square feet: \$80.00
 - b. Building or space more than 5,000 but less than 12,000 square feet: \$120.00
 - c. Building or space greater than 12,000 square feet: \$160.00
- 5. Engineering Inspection: \$750.00
- 6. Rental Registration Fee: No Charge
- 20-10 Reserved.
- 20-11 Enforcement.

A. Whenever the Enforcement Officer determines that there is or has been a violation of any provision of this section, he may give a violation notice of such violation to the person, persons or entities responsible therefor. Such violation notice shall be in writing and shall include a concise statement of the reasons for its issuance. Such violation notice shall be deemed to be properly and sufficiently served if:

- 1. A copy thereof is sent by certified mail and regular mail to the last known address of the person or entity upon which the same is served, as shown by the most recent tax records of the municipality; or
 - 2. A copy thereof is handed to said person or persons; or
 - 3. A copy thereof is left at the usual place of abode or office of said persons or entities. A violation notice shall be given as aforesaid within or without the municipality.
- B. The violation notice shall also state that, unless the violation is abated, cured, prevented or desisted within the compliance period designated in the violation notice,

exclusive of the date of service, the Township may issue a summons for the violation. The Enforcement Officer may extend the period for compliance with the requirements of this section in regard to the violation stated in the violation notice for a period in excess of the compliance period if, in his judgment, the abatement, removal, prevention, cessation or cure of the condition violated cannot reasonably be effected within the compliance period, and in such cases, the Enforcement Officer shall state such reasonably required extended period in the notice, which shall then be applicable instead of the aforesaid compliance period.

20-12 Violations, Penalties, and Summonses

A. Violations and Penalties.

1. Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be punishable by a minimum mandatory fine of \$500 up to a maximum mandatory fine of \$1,250, provided that the owner of the subject property shall be afforded a thirty-day period to cure or abate such condition and shall also be afforded an opportunity for a hearing before the Municipal Court for an independent determination concerning said violation. Subsequent to the expiration of the thirty-day cure period, a fine greater than \$1,250, but not greater than \$2,000, may be imposed if the Municipal Court has determined or, upon reinspection of the subject property, it is determined that the abatement or cure of the condition has not been substantially completed. Notwithstanding the above to the contrary, solely in cases of illegal occupancy, overcrowding and conditions constituting unsafe ingress and egress in violation of the requirements of the Uniform Construction Code, there shall be a minimum fine of not less than \$1,000.

2. Any person violating or failing to comply with any of the provisions of this article shall, upon conviction thereof, be punishable by a fine of not more than \$2,000 or by imprisonment for a term not to exceed 90 days, or by both such fine and imprisonment, in the discretion of the Judge. The continuation of such violation on each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

3. Any person or entity who shall violate any of the provisions of this article or any order promulgated hereunder shall, after a summons is issued under the terms hereof; be punished as follows:

- a. For a first offense, by a fine of not less than \$100 and not to exceed \$250.
- b. For a second offense within two years of any prior conviction under this chapter, by a fine not less than \$250 and not to exceed \$500.

c. For a third offense or any subsequent offenses within 10 years of any prior conviction under this chapter, by a fine of not less than \$500 and not to exceed \$1,250 or by imprisonment in the county jail for a period not to exceed 90 days, or both fine and imprisonment. Each violation of any of the provisions of this article and each day that each such violation shall continue shall be deemed to be a separate and distinct offense.

4. Whenever the Enforcement Officer determines that there is or has been a violation of any provision of this chapter, he may give a violation notice of such violation to the person, persons or entities responsible therefor. Such violation notice shall be in writing and shall include a concise statement of the reasons for its issuance. Such violation notice shall be deemed to be properly and sufficiently served if:

a. A copy thereof is sent by certified mail and regular mail to the last known address of the person or entity upon which the same is served, as shown by the most recent tax records of the municipality; or

b. A copy thereof is handed to said person or persons; or

c. A copy thereof is left at the usual place of abode or office of said persons or entities. A violation notice shall be given as aforesaid within or without the municipality.

5. The violation notice shall also state that, unless the violation is abated, cured, prevented or desisted within the compliance period designated in the violation notice, exclusive of the date of service, the Township may issue a summons for the violation. The Enforcement Officer may extend the period for compliance with the requirements of this chapter in regard to the violation stated in the violation notice for a period in excess of the compliance period if, in his judgment, the abatement, removal, prevention, cessation or cure of the condition violated cannot reasonably be effected within the compliance period, and in such cases, the Enforcement Officer shall state such reasonably required extended period in the notice, which shall then be applicable instead of the aforesaid compliance period.

6. Notices and/or orders issued by the Housing Inspector pursuant to this chapter shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by said Housing Inspector in the exercise of reasonable diligence, and the said Housing Inspector shall make an affidavit to that effect, then serving of such complaint or order upon such persons may be made by publishing the same once each week for two successive weeks in a newspaper printed and published in the County of Monmouth.

B. Summonses.

1. Initial violation. Whenever the Enforcement Officer determines that there is or has been a violation of any provision of this chapter which, after notice of violation has been issued, has not been abated, cured, prevented or desisted within the compliance period designated in the original violation notice, the Enforcement Officer may issue a summons of such violation to the person, persons or entities responsible therefor. Such summons shall be deemed to be properly and sufficiently served if:

- a. A copy thereof is sent by certified mail to the last known address of the person or entity upon which the same is served, as shown by the most recent tax records of the municipality, or
- b. A copy thereof is handed to said person or persons, or
- c. A copy thereof is left at the usual place of abode or office of said persons or entities. The summons shall be served as aforesaid within or without the municipality.

2. Repeat violations. Whenever any violation reoccurs within one year from the prior violation, or said person, persons, or entities violate a similar provision under this chapter, the Enforcement Officer may issue additional summonses without the necessity of an additional violation notice and cure period, such summons to be in writing and to include a concise statement of the reasons for its issuance. Such summons shall be deemed to be properly and sufficiently served if

- a. a copy thereof is sent by certified mail to the last known address of the person or entity upon which the same is served, as shown by the most recent tax records of the municipality; or
- b. a copy thereof is handed to said person or persons; or
- c. a copy thereof is left at the usual place of abode or office of said persons or entities. The summons shall be served as aforesaid within or without the municipality.

3. Continued violations. At the discretion of the Enforcement Officer, additional summonses may be served each and every day that the violation continues. Service of such summonses shall be in accordance with the provisions set forth hereinabove.

20-13 Abatement of violations.

A. Whenever any nuisance or any unsanitary or unhealthy condition in violation of this article is found on any premises within the Township of Holmdel, the Housing Official or Health Officer shall order the owner, operator or occupant to correct the

violation or to remove and abate the nuisance or condition by notice in writing, which shall be served on the owner, occupant or operator in the following manner:

1. Where the owner resides in the township, or in the case of an operator or occupant, written notice shall be served by delivering a copy to him personally, or by leaving a copy thereof at his dwelling house or usual place of abode with some competent member of his family of the age of 14 years or over then residing therein, or by delivering a copy thereof to a person authorized by appointment or by law to receive service of process on his behalf.
 2. Where the owner resides outside the township or where the resident owner or the operator or occupant cannot be served as set forth above, written notice shall be mailed to the owner, operator or occupant by certified mail at his last known address.
 3. Where the owner, operator or occupant cannot be served as set forth above, it shall be sufficient to post a copy of the notice in a conspicuous place on the premises. Such notice shall be in writing, directing the removal of the unsanitary or unhealthy condition or the abatement of the nuisance at the owner's expense, and shall call for a hearing before the Board of Health of the Township of Holmdel.
- B. Whenever any nuisance is not removed and abated or any unsanitary or unhealthy condition in violation of this article is not corrected after notice and hearing before the Board of Health, the Housing Inspector, the Building Inspector or Health Officer shall abate and remove such nuisance or correct such unsanitary or unhealthy condition on direction of the said Board of Health.
- C. Abatement of violations by Township. Whenever any violation or nuisance, as defined under this chapter, is not removed and abated and/or any unsanitary or unhealthy condition in violation of this chapter is not corrected after notice, summons and hearing before the Municipal Court or Board of Health or other appropriate tribunal, as applicable, the Township may, either with Township equipment and labor or by contract with third parties, undertake to abate and cure such violation, nuisance and/or correct any such unsanitary or unhealthy condition or to generally put the premises in proper condition so as to comply with the requirements of this chapter. The remuneration of the Township's expenditure for such abatement, cure and/or removal shall be in accordance with the provisions of § 20-12D herein below.
- D. Assessment for Township's cost of removal; lien. Where abatement of any nuisance or correction of any unsanitary or unhealthy condition requires expenditure of the Township of Holmdel moneys therefor, in addition to other remedies provided by law, the Building Inspector or Health Officer may, in accordance with the provisions of N.J.S.A. 40:48-2.12f, arrange for the cost of said abatement to be charged against the premises, and the amount thereof shall become a lien upon such lands and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands,

the same to bear interest at the same rate as taxes and shall be collected and enforced by the same officers in the same manner as taxes. The governing body may then approve the expenses and costs, whereupon they shall become a lien against the commercial premises, collectible as provided by law. A copy of the resolution approving the said expense shall be certified to the Township Clerk and filed with the Tax Collector of the Township of Holmdel, who shall be responsible for the collection thereof, and a copy of the report and resolution shall be sent by certified mail, return receipt requested, to the owner of the commercial premises. The Township shall have the right to bring a summary action for collection of such costs incurred in the Superior Court of New Jersey, Law Division, Monmouth County.

E. If the building is removed or demolished, any salvageable materials of such building shall be sold and the funds credited against the cost of the removal or demolition thereof the proceeds of any sale of such materials or any sum derived from any contract for the removal or demolition of the building. If there are no such credits or if the sum of the total of such costs exceeds the total of such credits, a detailed statement of the aforesaid costs and the amount so due shall be filed with the Municipal Tax Assessor or other custodian of the records of tax liens and a copy thereof shall be forthwith forwarded to the owner by registered mail. If the total of the credits exceeds such costs, the balance remaining shall be deposited in the Superior Court by the Housing Inspector, shall be secured in such manner as may be directed by such Court and shall be disbursed according to the order or judgment of the Court to the persons found to be entitled thereto by final order or judgment of such Court; provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. Any owner or party in interest may, within 60 days from the date of the filing of the lien certificate, proceed in a summary manner in the Superior Court to contest the reasonableness of the amount or the accuracy of the costs set forth in the municipal lien certificate.

20-14 Emergencies

A. Whenever the Enforcement Officer finds that an emergency condition in violation of this section exists which requires immediate action to protect the public health or safety, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, if such emergency exists, such order shall be effective immediately and any person to whom such order is directed shall comply therewith immediately. Failure to abate the emergency condition immediately may result in the municipality exercising its powers. Depending upon his findings as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with, the Enforcement Officer shall continue such order in effect, or modify it or revoke it.

20-15 Notice for evictions due to overcrowding violations.

A. Any evictions by landlord/owners of property that are required as a result of violations of housing standards, occupancy limits and overcrowding as set forth under N.J.S.A. 2A:18-61.1(g) shall be made in accordance with N.J.A.C. 5:11-2.3, which requires that when a landlord is cited for a violation pursuant to illegal occupancy which could potentially result in an eviction of this tenants, the following must be included by the landlord/owner as an insert sent with the violation notice:

"If, in seeking to correct the illegal occupancy for which you have been cited, it is necessary for you to evict one or more tenants to comply, you must notify those tenants of their potential eligibility for relocation assistance."

SECTION 3. Severability.

If any section, subsection or paragraph of this ordinance be declared unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such chapter, section subchapter or paragraph shall to the extent that is not held unconstitutional, invalid or inoperative remain in full force and effect and shall not affect the remainder of this ordinance.

SECTION 4. Repealer.

All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

SECTION 5. Effective Date.

This ordinance shall take effect upon final adoption and publication in accordance with law.

LEGAL NOTICE

Publication by Summary Pursuant to N.J.S.A.40:49-2

This Ordinance establishes modifications to Chapter 10 and Chapter 20 of the Revised General Ordinances.

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Holmdel held on November 24, 2020. It is scheduled to be considered for second reading and final passage at a regular meeting of the Township Committee to be held on December 8, 2020 at 7:30 PM, at which time persons desiring to be heard upon the same will be given the opportunity to be so heard. The meeting is scheduled to take place at the Holmdel Municipal Building located at 4 Crawfords Corner Road, Holmdel, New Jersey. Notwithstanding the foregoing, the Township of Holmdel reserves the right to conduct this meeting on an electronic basis, pursuant to P.L. 2020, c. 11, in

which case login information will be provided at www.holmdeltownship.com and the public hearing will be conducted electronically while affording full public participation.

Gregory Buontempo, Mayor

Attest:
Wendy L Patrovich, RMC/CMR
Township Clerk