

ORDINANCE NO. 2023-06

**AN ORDINANCE OF THE TOWNSHIP OF PLUMSTED,
COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING
AND SUPPLEMENTING CHAPTER 15 OF THE
GENERAL ORDINANCES OF THE TOWNSHIP OF PLUMSTED,
ENTITLED "ZONING" SO AS TO CREATE A NEW SECTION 15-
16, ENTITLED "BUILDING STANDARDS, COMMERCIAL"**

BE IT ORDAINED, by the Township Committee of the Township of Plumsted, County of Ocean, State of New Jersey as follows:

SECTION 1. Chapter 15, entitled "Zoning" of the General Ordinances of the Township of Plumsted is hereby amended and supplemented so as to create a new § 15-16, entitled "Building Standards, Commercial," which shall read in its entirety as follows:

§ 15-16. Building Standards, Commercial

A. Purpose.

The provisions of this chapter shall constitute the standards to guide the Building Inspector or his agents in determining the fitness of a building or occupancy and if the building or occupancy has lawfully existed.

B. Title.

The said code established and adopted by this chapter is described and commonly known as the "Commercial Building Standards of New Jersey."

C. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADMINISTRATIVE AUTHORITY

The department, branch or agency of this municipality which is authorized by the adopting ordinance to administer the provisions of this code.

BUILDING

A structure enclosed with exterior walls or fire walls, built, erected and framed of component structural parts, designed for the housing shelter, enclosure and support of individual, animals or property of any kind. When used herein, "building" and "structure" shall be interchangeable except where the context clearly indicates otherwise.

CERTIFICATE OF CONTINUED OCCUPANCY

Indicating that as a result of a general inspection of the visible parts of the exterior of the building, no violations have been determined to have occurred and no unsafe conditions violative of any construction code have been found, and that the existing use of the building has heretofore lawfully existed.

CHANGE OF USE

A change from one use to another use in a building or tenancy or portion thereof.

COMMERCIAL

Of or connected with commerce, made or done for sale or profit.

EQUIPMENT

Plumbing, heating, electrical, ventilating, air conditioning, refrigerating and fire prevention/suppression equipment, and elevators, dumbwaiters, escalators, boilers, pressure vessels and other mechanical facilities or installations which are related to building services.

GARBAGE

The animal and vegetable and other organic waste resulting from the handling, preparation, cooking and consumption of food.

INFESTATIONS

The presence, within or around a building, of any insects, rodents or other pests in violation of Ocean County Health Codes.

INSPECTION

To look at carefully; to examine or review officially.

INSPECTOR

One who inspects; official examiner.

MAINTENANCE

The replacement or mending of existing work with equivalent materials for the purpose of safety, healthfulness and upkeep of the structure and the adherence to such other standards of upkeep as are required in the interest of public safety, health and welfare.

OCCUPANT

Any person or persons in actual possession of and occupying a building, including the owner.

OWNER

Any person properly authorized to exercise powers of or for an owner of property for purposes of its purchase, sale, use, occupancy or maintenance.

PRIOR APPROVALS

The necessary certifications or approvals issued, which are conditions precedent to the issuance of a continuous certificate of occupancy, as the case may be. Prior approvals shall include, but not be limited to, the following:

- (1) Letter or lease from the property owner approving an occupancy.
- (2) Zoning.
- (3) Water certification.
- (4) Sewer certification.
- (5) Ocean County Health (retail activities).
- (6) State Health (wholesale activities).

RUBBISH

Includes all combustible and noncombustible waste material, except garbage.

STRUCTURE

A combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above, or below the surface of a parcel of land.

USE GROUP

The classification of an occupancy.

UTILITIES

Includes electric, gas, heating, water and sewerage services and equipment therefor.

VACATE

To make vacant.

D. Water supply.

Every commercial structure shall be provided with a safe supply of potable water meeting the standards as set forth in Potable Water Standards as published by the New Jersey State Department of Health. The source of such water supply shall be approved by the New Jersey Department of Health and/or the Ocean County Health Department and pursuant to the adopted National Standard Plumbing Code as referenced in Section 7.21.5, entitled "Substitution and Omission of Fixtures." The minimum rate of flow of hot or cold water issuing from a faucet or fixture shall be in compliance of the adopted code enforced by the Building Department.

E. Facilities.

Every commercial building or occupancy shall provide the following facilities:

- (1) Every water closet and lavatory for each structure or occupancy shall be accessible from within the building without passing through any other structure or occupancy.
- (2) Every plumbing fixture shall be connected to water and sewer systems approved by the Ocean County Board of Health or the Plumsted Township Municipal Utilities Authority and shall be maintained in good working condition.
- (3) Every commercial structure or occupancy shall have water-heating facilities connected with the hot-water lines required and capable of delivering water at a minimum temperature that is in compliance with the adopted code enforced by the Building Department.

F. Waste materials.

Garbage or other organic waste shall be stored in watertight receptacles of metal or other approved material. Such receptacles shall be provided with tight-fitting covers.

G. Lighting.

Every commercial building or occupancy shall have lighting in compliance with applicable electrical codes.

H. Ventilation.

Every commercial building or occupancy shall have maintained the approved ventilation approved at the time the certificate of occupancy was issued.

I. Egress.

Every commercial building or occupancy shall have and shall have maintained a safe and unobstructed means of egress. Such means of egress shall lead to a safe and open space at ground level accessible to a street or approved area.

J. Elevators.

Every commercial building or occupancy having an elevator, dumbwaiter, etc., shall have an annual certification performed by the authorized authority. Said

certification shall be posted and a copy shall be made available at the time of the inspection.

K. Fire-protection equipment.

This certifies that the property has been inspected under the Uniform Fire Safety and satisfies the requirements of the New Jersey Uniform Fire Code.

L. Maintenance standards.

Every commercial building or occupancy shall comply with the following maintenance standards, as appropriate:

- (1) Every inside and outside stairway and appurtenance thereto shall be maintained in a sound condition and in good repair for its intended use and capable of supporting the load that normal use may cause to be placed thereto. Every stairway having three or more steps shall be properly bannistered and safely balustraded as approved when issued a certificate of occupancy.
- (2) Every commercial building or occupancy shall be free from rodents, vermin and insects. The Ocean County Board of Health may require rodent or vermin extermination and rodent-proofing and vermin-proofing.
- (3) All exterior wiring and lighting shall be in good and operating condition.
- (4) All egress and ingress walkways shall be in a safe condition.
- (5) All associated outbuildings shall be in a safe condition.
- (6) All common areas shall be inspected for safe and operable condition (which shall include but not be limited to, boiler rooms, furnace rooms, storage areas and laundry rooms).

M. Certificate of occupancy.

- (1) Each commercial building or occupancy shall have been approved and issued a certificate of occupancy by the Building Department prior to application for a continuous certificate of occupancy.
- (2) All terms of the original certificate of occupancy must be met, which includes the use group, occupant load and live load. If an application proposes any deviations from the original floor plan that impact the means of egress, occupant load, live load or dead load, the submission of a certification prepared by a licensed architect verifying the occupancy is required.
- (3) All prior approvals must be submitted with the application for a continuous certificate of occupancy.

N. The owners and occupants of commercial structures shall have the following responsibilities and duties:

- (1) No owner or occupant shall cause any services, facilities, equipment or utilities which are required under this code to be removed from, shut off or disconnected in any occupied commercial structure, except for such temporary interruption as may be necessary while actual repairs or alterations are in the process or during temporary emergencies when discontinuance of service is authorized by the Construction Official and/or the Fire Official of the appropriate fire district.
- (2) The owner of a commercial structure located in an area found by the Inspector(s) to be infested by rats, insects or other vermin shall carry out such rat stoppage, vermin proofing or other means of preventing infestations of said structure as may be required by the Ocean County Board of Health.

- (3) Every owner of a commercial structure shall be responsible for maintaining in a clean and sanitary condition the common areas of the structure or premises thereof.
- (4) It shall be the responsibility of the owner, unless otherwise provided for under lease agreement, to provide for the orderly maintenance of the premises. The storage of objects or materials not covered in Subsections 7 and 8 of this section or not otherwise prohibited by municipal ordinance shall be done in an orderly manner so as to not constitute a health, safety or fire hazard.
- (5) Every occupant of a commercial structure shall keep in a ~~clean and~~ sanitary condition that part of the structure which he occupies and controls.
- (6) Every occupant of a commercial structure shall dispose of all his/her garbage and any other organic waste which might provide food for rodents by placing it in the garbage disposal facilities or garbage storage receptacles required by Section F. of this chapter.
- (7) Every occupant of a commercial structure shall dispose of his/her rubbish in a clean, sanitary manner by placing it in the rubbish containers required by Section F. of this chapter.
- (8) Every occupant of a commercial structure shall be responsible, unless provided for otherwise under a lease agreement, for the periodic removal of all garbage and rubbish from the premises each week in accordance with such regulations of this municipality for the collection of garbage and rubbish.
- (9) In the absence of a contract or agreement to the contrary, the owner shall take all reasonable steps to provide heat wherever heating facilities are under the control of the owner or whenever two or more occupancies are heated by a common facility.
- (10) The owner shall be responsible for compliance with provisions of this chapter not specified as the responsibility of the occupants.
- (11) The owner or occupant shall verify that the proposed occupancy is not a change of use prior to taking occupancy. Verification shall be made either through consultation with a licensed architect or verification by the Construction Code Official or his designee.

O. Powers and duties of Building Inspector.

The Building Inspector is hereby authorized and empowered to exercise all powers as may be necessary to carry out and effectuate the purpose and provisions of this chapter, including the following, in addition to other powers herein granted:

- (1) To inspect commercial structures and/or occupancies of the Township to determine if a continuous certificate of occupancy should be issued.
- (2) To administer oaths, affirmations, examine witnesses and receive evidence.
- (3) To enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession.
- (4) If a notice of violation and orders to terminate have not been complied with, the Building Inspector, in addition to any other available remedies likely to bring about compliance, may request the legal counsel of the municipality, or of the joint enforcement agency, to institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation or to require the removal or termination of the unlawful use of the building or structure in violation of the provisions of this chapter or of the order or direction made pursuant thereto.
- (5) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purpose of this chapter.

P. Search warrants.

The Building Inspector or his agents, upon affidavit, shall apply to the Judge of the Municipal Court of the Township for a search warrant setting forth factually the actual conditions and circumstances that provide a reasonable basis for believing that a

nuisance or violation of this chapter exists on the premises, and if the Municipal Judge is satisfied as to the matter set forth in the affidavit, he/she may authorize the issuance of a search warrant permitting access to and inspection of that part of the premises on which the nuisance or violation may exist.

Q. Continuous certificate of occupancy.

(1) No person shall occupy as owner or occupant or rent to another for occupancy any commercial structure or unit, for the purposes of conducting business therein, which does not conform to the provisions of this chapter as the standard to be used in determining whether a commercial structure or occupancy is in compliance with its use group, safe, sanitary and fit for occupancy.

R. Service of notice.

Service of notice may be made by personal delivery or by leaving a copy at the structure or occupancy with a competent member of employment or at the usual place of abode of such person or by regular and certified mail.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. Since this ordinance is legislative in nature, there shall be the codification of same in the General Ordinance Book of the Township of Plumsted.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

NAME	CUOZZO	GRILLETTO	HAMMERSTONE	MARINARI	BOWEN
AYES	7/6/23 10/5/23	7/6/23 10/5/23	7/6/23 10/5/23	10/5/23	10/5/23
ABSTAIN					
NAYS				7/6/23	7/6/23
ABSENT					

NOTICE

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 Plumsted held on the **6TH** day of **JULY, 2023** and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the **2nd** day of **OCTOBER, 2023** at 7:00 PM, at the Municipal Building, 121 Evergreen Road, New Egypt, NJ 08533, at which time and place any person desiring to be heard upon the same will be given the opportunity to be so heard.

Pursuant to N.J.S.A. 40:49-2, as amended, further notice is hereby given that the purpose of the forgoing ordinance is to provide regulations for commercial building standards within the Township of Plumsted.

Members of the general public may obtain a copy of the ordinance without cost during normal business hours from the Municipal Clerk's Office, 121 Evergreen Road, New Egypt, New Jersey.



JENNIFER WITHAM, RMC, CMR
Municipal Clerk