

ORDINANCE 2008 - 11

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

WHEREAS, the Borough of Belmar by Ordinance 2006-12 adopted on May 24, 2006 enacted regulations to ensure the proper maintenance of construction sites to protect the health, safety and welfare of the general public; and

WHEREAS, Ordinance 2006-12 provides that violations are to be issued to the property owner. The Borough Code Official has requested that the Ordinance be amended to permit violations to be issued to contractors and/or homeowners as in his experience the violations are usually caused by the contractor and not the property owner and that by issuing violation to the contractor that the violation will be remedied in a more timely and efficient manner. The Borough of Belmar now wishes to amend certain sections of that Ordinance to permit violations to be issued to contractors and/or homeowners.

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

SECTION I. Chapter XL Development Regulations, Article 13 and Sections 40-13 Miscellaneous Provisions, and, 40-13.1 Construction Site Maintenance Standards is hereby amended and supplemented as follows:

ARTICLE 13

40-13 MISCELLANEOUS PROVISIONS.

40-13.1 CONSTRUCTION SITE MAINTENANCE STANDARDS.

The following construction site maintenance standards shall be the responsibility of the property owner and/or contractor who shall maintain the entire site in a safe and orderly condition during construction, however, should the contractor fail to remedy the violation, the property owner shall bear the ultimate responsibility for compliance and/or fines imposed.

D. Should the property owner and/or contractor fail to maintain the Project in a safe and orderly condition, the Borough may, on two (2) days' written notice, or immediately in the case of hazard to life, health, or property, undertake whatever work may be necessary to return the Project to a safe and orderly condition. The cost thereof shall be charged against the performance guaranty, or if none has been posted, or if the guarantee is insufficient to cover the costs, the costs shall constitute a lien against the property.

E. Enforcement -Violations - Penalties.

(1) Enforcement. The provisions of this section shall be

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

enforced by the Department of Code Enforcement.

- (2) Violations & Penalties. Every person violating the provisions of this Section shall upon conviction thereof, be subject to a fine of Two Hundred-fifty dollars (\$250.00) plus costs. The property owner and/or contractor shall have ten (10) calendar days, from the date of issuance of a violation, to remedy the violation, if the violation is remedied in this time frame the property owner and/or contractor shall only be subject to a fine of Two Hundred-fifty dollars (\$250.00) plus costs. If the violation is not remedied in this time frame the property owner and/or contractor shall be subject to a fine of Two Hundred-fifty dollars (\$250.00) plus costs, plus an additional fine of \$50.00 per day, calculated from the date of the violation, and continuing until the violation is remedied.

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

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

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