

TOWNSHIP OF NEPTUNE
NOTICE OF FINAL ADOPTION OF ORDINANCE
ORDINANCE NO. 16-39

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING RESIDENT HANDICAPPED ON-STREET PARKING ZONES ON WEBB AVENUE, LAWRENCE AVENUE AND ATLANTIC AVENUE AND REMOVING A HANDICAPPED PARKING ZONE ON MAIN AVENUE

Approved on First Reading: October 24, 2016

Approved, passed and adopted on final reading: November 28, 2016

NOTICE
ORDINANCE NO. 16-40
Township of Neptune
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 28th day of November, 2016, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 12th day of December, 2016, at the Neptune Municipal Complex, Township Committee Meeting Room – 2nd Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at www.neptunetownship.org.

ORDINANCE NO. 16-40

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XII, OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY AMENDING SECTION 12-5.2, ENTITLED, "DEFINITIONS RELATIVE TO ABANDONED PROPERTY, ACTIONS CONCERNING REPAIR, CLOSING OR DEMOLITION, AND RELATING TO THIS ORDINANCE" AND SECTION 12-5.8, ENTITLED, "REQUIREMENTS OF OWNERS AND IN SOME CASES LIENHOLDERS OF VACANT PROPERTY" AND SECTION 12-5.9, ENTITLED, "ADMINISTRATION AND SECTION 12-5.12, ENTITLED, "EFFECT ON UNIFORM CONSTRUCTION CODE"

BE IT ORDAINED by the Township Committee of the Township of Neptune that Volume I, Chapter XII of Code of the Township of Neptune entitled, "Vacant and Abandoned Properties"

be and is hereby amended with regard to the Definition Section 12-5.2 and Section 12-5.8 as follows:

12-5 VACANT AND ABANDONED PROPERTIES

12-5.2 - Definitions Relative to Vacant and Abandoned Property, Actions Concerning Repair and Closing and relating to this Ordinance

A) As used herein;

6) "Owner" shall mean the holder or holders of title to a vacant and/or abandoned property.

12) "Vacant Property" shall mean any building to be used as a residence or for commercial or industrial purposes, which is not legally occupied or used for its accustomed and ordinary purpose for a period of six months or more. In the case of the use of residential property, "used for its accustomed and ordinary purpose" means as a place of abode. (Black's Law Dictionary) Property which is used for the summer season (seasonal basis) as defined below, shall not be deemed vacant for purposes of this Ordinance. Property determined to be "abandoned" under this Ordinance must be determined to be "vacant" for purposes of this Ordinance. The date that the Public Officer reports as the date he or she determines vacancy shall be the commencement date for the six month vacancy period.

13) "Summer Season" shall mean for purpose of this Ordinance, May 15th through September 15th of each year.

12-5.8 - Requirements of Owners and in Some Cases Lienholders of Vacant Property.

A) The owner and in some cases the lienholder of any building that has become vacant property, and any person maintaining, operating or collecting rent for any such building that has become vacant, shall within 30 days;

1) Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Municipal Code and per the direction of the Public Officer.

4) Ensure that the vacant property is inspected on a monthly basis by the owners authorized and prepare inspection reports, which shall be forwarded to the Public Officer not later than the end of each month.

6) The owner or agent and in some cases the lienholder of any vacant property shall acquire and otherwise maintain liability insurance, in an amount of not less than \$300,000.00 for the building, designed primarily for residential use and not less than \$1,000,000.00 for any other building, including but not limited to buildings designed for manufacturing, industrial, storage or commercial uses, covering any damage to any person or any property caused by the physical condition of or in the building or property subject to the provisions of this Article. Any insurance policy acquired or renewed after the building has become vacant shall provide for a written notice to the Township of Neptune's Public Officer within 30 days of any lapse, cancellation or change in coverage. The owner, or in some cases the lienholder, shall attach evidence of the insurance to

the owner's registration statement. Any registration statement submitted that does not include such evidence shall be deemed to be an invalid registration.

12-5.9 - Administration.

The Public Officer may issue rules and regulations for the administration of the provisions of this article.

12-5.12 - Effect on Uniform Construction Code.

- A) No provision hereof shall be construed as restricting or otherwise abrogating the enforcement and other powers of the Township's Public Officer or Construction Official under the New Jersey Uniform Construction Code, including, without limitation, N.J.S.A. 52:27D-123 et seq. and N.J.A.C. 5:23-1.1 et seq. (collectively, the Code). The provision herein shall be construed as consistent with the enforcement and other powers of the Township's Public Officer and Construction Official under the Code.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final adoption and publication of the notice of the adoption as required by law; and

BE IT FURTHER ORDAINED, that all Ordinances or parts of Ordinances that are inconsistent herewith are repealed, but only to the extent of such inconsistency.

Richard J. Cuttrel,
Municipal Clerk

NOTICE
ORDINANCE NO. 16-41
Township of Neptune
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 28th day of November, 2016, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 12th day of December, 2016, at the Neptune Municipal Complex, Township Committee Meeting Room – 2nd Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at www.neptunetownship.org.

ORDINANCE NO. 16-41

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII, SECTION 7-7.3 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY AMENDING THE SNOW EMERGENCY SIDE OF CERTAIN STREETS

BE IT ORDAINED, by the Township Committee of the Township of Neptune that Volume I, Chapter VII, Section 7.7 of the Code of the Township of Neptune is hereby amended as follows:

SECTION 1

Volume I, Chapter VII, Section 7-7.3 – Temporary Parking Prohibition for Snow Plowing and Removal is hereby amended as follows:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Central Avenue	a. West b. East	North of Broadway South of Broadway
Fletcher Lake Drive	South	Entire length
Ocean Avenue	East	Entire length

SECTION 2

This ordinance shall become effective immediately upon its adoption and publication according to law.

Richard J. Cuttrell,
Municipal Clerk

NOTICE
ORDINANCE NO. 16-43
Township of Neptune
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 28th day of November, 2016, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 12th day of December, 2016, at the Neptune Municipal Complex, Township Committee Meeting Room – 2nd Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at www.neptunetownship.org.

ORDINANCE NO. 16-43

AN ORDINANCE TO AMEND VOLUME I, CHAPTER IV, SECTION
4-30.4 OF THE CODE OF THE TOWNSHIP OF NEPTUNE

CREATING RENT CONTROL, PROTECTIVE TENANCY AND RENT LEVELING BOARD

WHEREAS, the governing body of the Township of Neptune adopted a general Rent Control Ordinance on August 12, 2013, with the definition section amended in September, 2013, and as a result of a Settlement Agreement in the Superior Court of New Jersey case of Third Garden Park, Ltd. Partnership and Metpark II, LLC v. Township of Neptune, Docket No. L-3730-13, a second amendment was adopted in compliance with the aforesaid Order in 2014; and

WHEREAS, there is a need to further amend the Rent Control Ordinance to better specify the requirements of Hardship Applications under Section 4-30.4.

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that Chapter IV of the General Ordinances of the Township of Neptune creating Rent Control, Protective Tenancy and Rent Leveling Board is hereby amended with regard to Section 4-30.4, entitled, "Appeal by Landlord" to add the following provisions:

4-30 RENT CONTROL

4-30.4 Appeal by Landlord.

d. As used in this section:

1. Fair Net Operating Income shall mean the amount determined by subtracting reasonable and necessary operating expenses from gross annual income which amount should not be less than forty (40%) percent of the gross annual income.
2. Gross Annual Income shall mean all income resulting directly or indirectly from the operation of a property or building, such as all rent received or collectable, including any rent from a less than arms-length transaction, the landlord's share of interest on security deposits, all earnings from commission, vending machines, late fees, pet fees, parking fees, pool fees, key charges, finder's fees, amount received from successful tax appeals, income from rebates, tax surcharges, capital improvement surcharges, computed in accordance with the provisions and limitations of this section.
3. Reasonable and Necessary Operating Expenses includes all expenses incurred and paid by a landlord necessary to the operation and maintenance of the residential rental property during the period reflected in the income computed in this section, excluding mortgage, principal or interest payments, depreciation or amortization, computed with these limitations:
 - (a) Taxes shall be limited to amounts actually paid, including those in escrow for appeal;
 - (b) Repairs and maintenance shall be limited to arms-length transactions and shall be reasonable and necessary. Cost of service contracts shall be prorated over the period covered. Painting shall be prorated at a period of three (3) years for the interior of dwelling units or five (5) years for the exterior and common areas;

- (c) Purchase of new equipment shall be reflected and prorated over the useful life of the item;
- (d) Legal and auditing expenses shall be limited to reasonable and necessary costs of the operation of the property;
- (e) Management fees shall be limited to actual services performed, such as the resident manager's salary, telephone expenses, postage, office supplies, stationery, and the value of the apartment provided if included in income. In no event shall management fees exceed five (5%) percent of the first \$50,000.00 of gross maximized annual income; 4 and one half (4 ½%) percent of the next \$25,000.00; four (4%) percent of the next \$100,000.00; three and one half (3 ½%) of the next \$100,000.00 and three (3%) percent of any amount over \$275,000.00;
- (f) Salaries not included in management fees shall be limited to actual services performed and reasonable for similar position in the area, including rental value, if included in income and expenses and wages and benefits paid;
- (g) Advertising shall be actual costs that are reasonable to insure occupancy only;
- (h) Utilities such as gas, electric, water and oil, shall derive from arms-length transactions and the landlord shall demonstrate that all reasonable efforts to conserve energy and fuels have been used;
- (i) Insurance costs shall derive from all arms-length transactions prorated over item of policies;
- (j) The history of the income and expense shall be consistent with the application or fully documented as to any changes.

e. In any such application for a hardship increase, the landlord shall specifically submit adequate proof to demonstrate:

1. He/she is an efficient operator of the residential rental property;
2. The residential rental property is in a safe and sanitary condition and in substantial compliance with State Health Codes and the Property Maintenance Code;
3. If, during consideration of a hardship increase, the Rent Leveling Board shall determine that the landlord is not in substantial compliance with any or all of the above, the Board may temporarily withhold further consideration of the Hardship Increase Application until the landlord has corrected any such deficiency.

f. If, after a full hearing, the Rent Leveling Board shall determine that the landlord is in full compliance with the provisions of this section, it may permit a rental increase sufficient to reestablish the sixty (60%) percent relation of reasonable and necessary operating expenses to the forty (40%) percent fair net operating income. Any increase shall be equally prorated to all of the affected units within the structure or on the property, upon thirty (30) days notification after the Board has approved of the hardship increase.

g. In determining the rent increases under this section, the Rent Leveling Board shall consider whether the rent increase permitted by this section provides the landlord with a just and reasonable rate of return. The Rent Leveling Board shall be guided in its determination by whether the rental increase will result in a rate of return which is sufficiently high so as to:

1. Encourage good management, including adequate maintenance of services;
2. Furnish reasonable reward for efficiency to the landlord;

3. Enable landlords to maintain and support their credit.

h. If the Rent Leveling Board determines that the rental increase does not provide the landlord with a fair and reasonable rate of return under Paragraphs 1, 2 and 3, the Rent Leveling Board shall have the authority to appropriately adjust the rental increase to provide the landlord with a fair and reasonable rate of return.

All Ordinances or parts of Ordinances, which are inconsistent herewith, are repealed, but only to the extent of such inconsistency.

The amended Ordinance shall become effective immediately upon its final passage and publication as required by law.

Richard J. Cuttrell,
Municipal Clerk

NOTICE
ORDINANCE NO. 16-44
Township of Neptune
County of Monmouth

NOTICE is hereby given that at a regular meeting of the Township Committee of the Township of Neptune on the 28th day of November, 2016, the following Ordinance was introduced and passed on first reading.

Said Township Committee will meet on Monday, the 12th day of December, 2016, at the Neptune Municipal Complex, Township Committee Meeting Room – 2nd Floor, 25 Neptune Blvd. Neptune, New Jersey at 7:00 p.m. to further consider this ordinance for final passage and to give all interested persons an opportunity to be heard concerning this ordinance. Copies of the full text of the ordinance published herewith are available for inspection by the members of the general public who shall request same at the office of the Township Clerk located at the above address. The ordinance is also posted on the Township web site at www.neptunetownship.org.

ORDINANCE NO. 16-44

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE
CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING RESIDENT
HANDICAPPED ON-STREET PARKING ZONES ON PITMAN
AVENUE AND 7TH AVENUE

BE IT ORDAINED, by the Township Committee of the Township of Neptune that the Code of the Township of Neptune is hereby amended as follows:

SECTION 1

Volume I, Chapter VII, Section 7-21.7 – Resident Handicapped On-Street Parking, is hereby amended by adding the following:

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Pitman Avenue	1	South side of Pitman Avenue beginning 25 feet east of the southwest intersection of Pitman Avenue and Pilgrim Pathway (adjacent to 48 Pitman Avenue)
7th Avenue	1	North side of 7th Avenue beginning 50 feet east of the northeast intersection of 7 th Avenue and State Highway 35 (adjacent to 1323 7 th Avenue)

SECTION 2

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

Richard J. Cuttrel,
Municipal Clerk