

BOROUGH OF AVALON
CAPE MAY COUNTY
NEW JERSEY

ORDINANCE No. 782-2018

SUBJECT: AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7 (POLICE REGULATIONS), CHAPTER 8 (TRAFFIC) AND CHAPTER 20 (BUILDING AND CONSTRUCTION)

WHEREAS, Borough Council has determined that there is a need to regulate the hours and days of construction and construction-related activity within the Borough and such regulation will require various amendments and supplements to the Avalon Borough Code as hereinafter provided.

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL of the Borough of Avalon, in the County of Cape May and State of New Jersey as follows:

SECTION ONE

CHAPTER 7

Chapter 7 (police Regulations) Section 7-1.5 (Noise Prohibited) of the Code of the Borough of Avalon is hereby amended to read as follows:

7-1.5 Noises Prohibited.

Prohibited noises include, but are not limited to, the following:

- a. *Horns; Signaling Devices.* [No change]
- b. *Radios; Sound Reproduction Equipment.* [No change]
- c. *Loud Speakers; Amplifiers for Advertising.* [No change]
- d. *Yelling; Shouting.* [No change]
- e. *Animals; Birds.* [No change]
- f. *Exhaust.* [No change]
- g. *Defect in Vehicle.* [No change]
- h. *Loading; Unloading; Opening Boxes.* [No change]
- i. *Construction and Repairing of Buildings; Prohibited on Certain Sundays and Holidays; Demolition of Structures Seasonally Prohibited; Exceptions.*

1. All construction related noise including but not limited to the erection, including excavation, demolition(subject to the further restrictions of paragraph 2. below), alteration or repair of any building or other construction and any related noises including but not limited to discarding of materials in dumpsters, operating any tools and equipment, moving and operating of heavy equipment, moving or relocation of building or construction materials on site is permitted only within such time frames set forth below:

<u>ACTIVITY</u>	<u>OFF-SEASON</u>	<u>IN-SEASON</u>
Building and construction activity – inclusive of site work involving landscape construction <i>but excluding routine landscape maintenance (see Chapter 20)</i> (hereafter ‘Construction’)	[Monday after the Second Sunday in September through the Sunday before the third Monday in June]	[From the third Monday in June through and including the second Sunday in September]
Sunday	9:00 am to 5:00 pm	No construction activity
Monday through Friday	7:00 am to 7:00 pm	8:00 am to 5:00 pm
Saturday	8:00 am to 5:00 pm	8:00 am to 5:00 pm EXCEPT 8:00 am to 4:00 pm in July and August
Prohibited work on Saturday – July and August only	Not applicable	Prohibited work: Driving of piles or pilings; Rough framing; roofing; exterior siding & trim; cutting of masonry materials related to installation of a foundation for any structure, and any equipment related to the installation of cement or plaster materials related to the installation of a pool or spa. Other interior activity is permitted.

Holidays	Construction prohibited on: Easter Sunday Memorial Day* Thanksgiving Day only Christmas Day only	Construction prohibited on: July 4* Labor Day*
----------	--	--

*If this holiday falls on a Tuesday, Wednesday, or Thursday, construction is prohibited on the holiday only. If it falls on Friday, construction is prohibited from Friday through Sunday. If it falls on Monday, construction is prohibited Saturday through Monday.

LANDSCAPE CONTRACTORS		
Landscape Construction	Same as construction activity	Same as construction activity
Landscape Maintenance		
Daily – Sunday to Saturday	No restrictions apply.	No restrictions apply.

(Ord. No, 782-2018)

In case of urgent necessity in the interest of public health and safety, and then only with a permit from the Construction Official, an exception to the above restrictions may be made. Such permit shall be granted for a period not to exceed (3) days or less while the emergency continues and may be renewed for a period of three (3) days or less while the emergency continues. This paragraph shall not apply to limited projects of the Borough of Avalon.

2. Demolition of structures is prohibited between and inclusive of July 1st and Labor Day within any year. All such demolitions must be completed before July 1st and none may commence thereafter prior to the day after Labor Day within any year. Demolitions shall also be prohibited from and inclusive of the Friday before Memorial Day through and inclusive of Memorial Day in any year. The emergency provisions of paragraph 1. above shall apply only in the case of a structure that represents a clear and immediate danger to persons or property and then only for the minimum time necessary to eliminate such danger. This paragraph shall not apply to limited projects of the Borough of Avalon.

- j. *Noise Adjacent to Schools, Courts, Churches and Hospitals.* [No change]
- k. *Hawkers; Peddlers.* [No change]
- l. *Drums.* [No change]
- m. *Transportation of Metal Rails, Pillars, Columns and Construction Materials.* [No change]
- n. *Pile Drivers, Hammers.* [No change]
- o. *Blowers.* [No change]

(2000 Code § 7:2-5; Ord. No. 655-2012) (Ord. No. 782-2018)

- 7-1.6 Exceptions. [No change]
- 7-1.7 Sound Trucks; Permit Required. [No change]
- 7-1.8 Enhanced Penalties for Certain Violations. [No change]

SECTION TWO
CHAPTER 8

Chapter 8 (Traffic) Section 8-16.4 (Parking of Trailer-Type Vehicles Prohibited on Borough Streets During Certain times: Exception)) of the Code of the Borough of Avalon is hereby amended, restated and, in certain sections, renumbered to read as follows:

8-16.4 Parking of Trailer-Type Vehicles Prohibited on Borough Streets During Certain Times; Exception.

- a. Effective May 1, 2019 it shall be unlawful for any person or entity to park any trailer-type vehicle, as defined herein, on any Borough Street commencing at 12:01 a.m. on the third Monday in June through and including midnight of the second Sunday in September and including Memorial Day and the Saturday and Sunday immediately preceding Memorial Day. (Ord. No. 782-2018)
- b. *Exception.* The provisions contained in paragraph a. shall not apply to:
 - 1. Semitrailers, Construction Trailers, Storage Trailers; Trailer-Type Vehicles; and Construction Tool Trailers: Construction Machinery and Construction Equipment

IN SEASON: Under no circumstances may any semi-trailer or any trailer-type vehicle including Construction Tool Trailers, be parked on the public streets or public thoroughfares at any time during the in-season as defined in this chapter, provided however, that such trailers may be parked on the actual construction site or in the construction zone. If not parked or located in either of such areas the same must be removed from the street and may not return thereto until the time scheduled for the resumption of construction activity. Such trailers may, however, be parked at construction sites and in the immediate vicinity thereof that is, within 200 linear feet of the actual construction site during those hours and times that construction activity is permitted. Under no circumstances may the area of the public sidewalk or any part thereof be blocked. For purposes of this chapter the term “immediate vicinity” shall mean, within 200 linear feet of the actual construction site (Ord. No. 782-2018)

OFF-SEASON: Except when and where a Construction Zone has been established pursuant to this chapter, the in-season parking restrictions shall not apply. Whenever such a zone has been established in the off-season, the parking restriction applicable to in-season shall apply. (Ord. No. 782-2018)

2. Boat and water-craft trailers which shall not be parked on any Borough Street from 12:01 a.m. on June 1 through and inclusive of midnight on September 30 of each year.

3. Trailer- type vehicles which are making deliveries or providing any service to any business or residence may be parked temporarily and only for brief time periods while engaged in such activity.

c. *Removal from Construction Sites.* [Deleted by Ord. No. 782-2018]

d. *Street Parking.* When parked on any street a construction tool trailer and all other trailer-type vehicles shall be parked so as to conform to the requirements of the New Jersey Motor Vehicle Code, N.J.S.A. 39:1-1 et seq. (Cross reference: Code subsection 20-7.9)

e. *Disputes.* Any dispute that arises as to whether a particular contractor, sub-contractor or other craftsman is actually and actively then currently engaged in the particular construction project shall be resolved by the Construction Official whose decision shall be final.(Ord. No. 746-2016 § 1)

8-16.5 Boat and Watercraft Trailers.

a. *Definitions.* As used in this subsection:

Boat Trailer and Watercraft Trailer shall mean any vehicle without mode of power that is required to be, or is capable of being pulled, towed, or drawn by another vehicle and which is designed or used for carrying, hauling or transporting power boats, sailboats, wave runners, jet skis or any other type of vehicle used in or on the water.

b. Boat and watercraft trailers when parked on the street must be parked so as to conform to the requirements of the New Jersey Motor Vehicle Code, N.J.S.A. 39:1-1 et seq.

c. *Parking of Boat Trailers and Watercraft Trailers Prohibited Between June 1 and September 30.* No person shall park, store, or permit the parking or storage of boat trailers or watercraft trailers (attached or detached) of any type or description, regardless of whether such trailer is licensed and/or registered, and regardless of whether a boat or other watercraft is currently located on the trailer, on any municipal, State or County roadway in the Borough of Avalon between June 1 and September 30 of each year inclusive of such dates.

d. *Parking of Boat Trailers and Watercraft Trailers between October 1 and May 31.* Between October 1 and May 31 the owner of a boat trailer or watercraft trailer (attached or detached) may park the trailer directly in front of, and immediately adjacent to, the curb or property line of any property owned by the trailer owner, or lessee or occupied by the trailer owner or lessee as a tenant under a written lease, with the owner of the property.

e. *Posting of Signs.* Signs shall be established at Avalon entrance points indicating that parking of boat and watercraft trailers on Borough streets is prohibited between June 1 and September 30 and is restricted as provided herein between October 1 and May 31.

(Ord. No. 621-2009; Ord. No. 746-2016 § 1)

ADD NEW SECTION AS FOLLOWS:

8-16.6 Construction Zone; Restricted Parking

Whenever a "construction zone" (as defined in Chapter 20, Article Two, Section 2.16) is in existence, only construction vehicles or construction equipment may be parked in such zone. Any other motor vehicles are prohibited from parking in such zone.

The use of such zone is restricted to licensed commercial motor vehicles which clearly display the contractor's name and business, the state contractor's license number issued by New Jersey or another State, and telephone contact information. Any vehicle failing to meet these criteria shall be prohibited from parking in said zone and subject to being towed in accordance with Section 8-3 of this Code.

Any unauthorized vehicle parked in a construction zone is subject to being towed at the owner's expense in accordance with Section 8-3 of this Code. (Ord. No. 782-2018)

8-16.7 TO 8-16.9 RESERVED

8-16.10 Violations; Penalty.
[Formerly Section 8-16.6]

a. *Boat Trailers and Watercraft Trailers.*

Penalty. The owner of any boat trailer or watercraft trailer who parks that trailer in violation of the provisions of this subsection shall be subject to the following:

1. A fine in the amount of two hundred (\$200.00) dollars for each violation. In addition, the Borough, at its option may arrange for the towing of the trailer off of the public street, with the cost of any towing or storage fee to be paid by the owner of the trailer.

2. If the trailer is incapable of being towed for any reason including, but not limited to the trailer being attached to a motor vehicle that prevents the trailer from being towed, the owner shall pay a fine in the amount of three hundred (\$300.00) dollars for violation.

3. Separate Violations. Each day, or part of a day, that a boat trailer or watercraft trailer is parked in violation of this subsection shall be considered a separate violation. It shall not be a violation of this subsection for a person to park, store, or permit the parking or storage of boat trailers or watercraft trailers on private property.

b. *Penalty for Other Violations.* The penalty for any other violation, that is, for which a specific penalty is not established in this Chapter shall be the general penalty imposed in the Code of the Borough of Avalon, Chapter 1 Section 1-5. (Ord. No. 621-2009; Ord. No. 746-2016 § 1) (Ord. No. 621-2009; Ord. No. 746-2016 § 1) (Ord. No. 782-2018)

8-17 RESERVED.

SECTION THREE

CHAPTER 20

Chapter 20 (Building and Construction) shall be divided into Six Articles and shall be amended, supplemented, renumbered and restated to read as follows:

ARTICLE ONE: STATE UNIFORM CONSTRUCTION CODE

20-1 STATE UNIFORM CONSTRUCTION CODE

20-1.1 Local Enforcement; Appointments

20-1.2 Official Positions; Qualifications

20-1.3 Local Office

20-1.4 CONSTRUCTION PERMIT FEE. [formerly §20-2]

20-1.5 Subcode Fees [formerly §20-2.1]

20-1.6 Annual Report to Bureau of Housing Inspection [formerly §20-2.2]

20-1.7 RESERVED [formerly §20-3]

20-1.8 RESERVED [formerly §20-4]

20-1.9 FIRE LIMITS

20-1.9.1 Established [formerly §20-5.1]

20-1.9.2 Biannual Report [formerly §20-5.2]

20-1.10 RESERVED [formerly §20-6]
(Ord. No. 782-2018)

ARTICLE TWO: CONSTRUCTION SITE STANDARDS [formerly §20-7]

20-2 CONSTRUCTION SITE STANDARDS. [formerly §20-7]

20-2.1 Title. [formerly §20-7.1]

This section shall be known as the "Construction Sites Standards Ordinance." (Ord. No. 746-2016 § 3) (Ord. No. 782-2018)

Cross reference: see Chapter 8 pertaining to the parking of construction and trailer-type vehicles at or near construction sites. See Chapter 7 regulating the permitted hours of construction activity.

20-2.2 Definitions. [formerly §20-7.2]

As used in this section:

Construction Activity shall mean

- any activity carried out on a “Construction Site” whether a construction permit is required or not;
- and which includes, but not limited to, the construction, repair, or alteration of a new or existing building or structure including the delivery to the construction site of building materials and supplies;
- the construction of the foundation, pilings, excavation, and including the construction, erection, framing, assembly of building materials including the use of power and/or hand tools and equipment, mechanized equipment of any type;
- and the completion of all exterior and interior work designed to lead to the issuance of a Certificate of Occupancy or a Certificate of Approval by the Borough Construction Official when either such certificate shall be required.

“Construction Activity” shall include all phases of the building, alteration, remodeling, demolition and reconstruction of property; it shall also include site construction such as landscaping construction, hard-scape, decorative pavers, paving and sidewalks. It shall also include “minor work” for which a construction permit is required and “ordinary maintenance” for which a construction permit is not required including all interior work such as painting and carpentry and as defined by the New Jersey Department of Community Affairs (See Appendix A of this Chapter).

“Construction Activity” shall not include routine landscape maintenance as defined herein. (Ord. No. 782-2018)

Construction Site shall mean that area, lot or parcel of ground on which any demolition, construction, reconstruction, alteration, renovation, or repair shall take place.

Construction Tool Trailer – See definition at subsection 8-16.3 of this Code.

Construction Zone – See Section 20-2.16 of this Chapter. (Ord. No. 782-2018)

Contractor shall mean the person or entity who is in actual charge and actually conducting any of the activities at the construction site including the agents, servants and employees of such person or entity. The term shall include any subcontractor or other craftsman working on the project. This term shall also include the Construction Manager or his/her designee. (Ord. No. 782-2018)

Dumpster shall mean a metal or steel container equipped with an attached or detachable cover to be utilized at a construction site for the accumulation of construction or demolition materials and debris and for other solid waste generated on the construction site.

Excavate or excavating or excavation or demolition means any operation in which earth, rock, or other material in the ground is moved, removed, or otherwise displaced by means of any tools, equipment, or explosive, and includes but is not limited to drilling, grading, boring, milling to a depth greater than six inches, trenching, tunneling, scraping, tree and root removal, cable or pipe plowing, fence post or pile driving, and wrecking, razing, rending, or removing any structure or mass material, but does not include routine residential property or right-of-way maintenance or landscaping activities performed with non-mechanized equipment, excavation within the flexible or rigid pavement box within the right-of-way, or the tilling of soil for agricultural purposes to a depth of 18 inches or less. . [Source: NJSA 48:2-75] [3-9-2016] (Ord. No. 782-2018)

IN-SEASON shall mean that time period commencing on the third Monday in June through and including the second Sunday in September and including Memorial Day and the immediately preceding Saturday and Sunday. (Ord. No. 782-2018)

Mechanized equipment means equipment powered by a motor, engine, or hydraulic, pneumatic or electrical device, including but not limited to hand tools of any type, trenchers, bulldozers, power shovels, augers, backhoes, scrapers, drills, cable and pipe plows, and other equipment used for plowing-in cable or pipe, but does not include tools manipulated solely by human power.

[Source: NJSA 48:2-75] [3-9-2016] (Ord. No. 782-2018)

OFF-SEASON shall mean the time period commencing on the Monday after the second Sunday in September through the Sunday before the third Monday in June.
(Ord. No. 782-2018)

Owner shall mean the person or persons owning the real property wherein the construction activity is taking place. The term shall include partnerships of any type, corporations, limited liability companies, trusts and estates or any combination thereof.
(Ord. No. 782-2018)

Landscape Construction shall mean any work using mechanized equipment performed to implement an approved Landscape Plan, installation of sod, bushes, shrubs, flowers and other vegetation, installation of irrigation systems, decorative pavers, masonry work, the removing of trees or part thereof, shrubs and the removal or replacement of vegetation, and other activity of the same or similar nature It shall also mean the clearing of any lot.
(Ord. No. 782-2018)

Landscaping, routine landscaping or maintenance shall mean work performed on a periodic schedule and which can generally be completed within a reasonably short period of time. It shall include work such as grass cutting, weed control, trimming or pruning of bushes, shrubs or plants or other vegetation. It shall also include the mulching of beds for flowers or other vegetation. It may also include the removing of trees or part thereof, shrubs and the removal or replacement of vegetation provided that there is no use of mechanized equipment. Routine landscaping or maintenance shall not include those activities specified under "Landscape Construction". (Ord. No. 782-2018)

Semitrailer - See definition at subsection 8-16.3 of this Code.

Cross Reference subsection 8-16.3

Trailer – See definition at subsection 8-16.3 of this Code.

Trailer- Type Vehicle – See definition at Section 8-16 of this Code.

(Ord. No. 746-2016 § 3)

20-2.4 Compliance Required; Hours for Construction Activity [formerly §20-7.4]

- a. Each owner, contractor, subcontractor, craftsman and their agents, representatives, affiliates and employees shall be required to comply with the requirements and provisions of this chapter pertaining to construction site standards.) Each of the named individuals shall be jointly and severally liable and responsible for complying with all provisions of this chapter. (Ord. No. 746-2016 § 3 (Ord. No. 782-2018)
- b. Construction activity is permitted only during such hours and times specified in Chapter 7 Section 7-1.5 of this Code. Construction activity conducted at any other time shall constitute a violation of both Chapter 7 and this chapter. (Ord. No. 782-2018)
- c. A chart summarizing construction activity, specifying times, days and seasons for certain work, and other construction-related issues is set forth in Appendix B of this chapter and is hereby incorporated herein. (Ord. No. 782-2018)

20-2.5 Dumpsters; Permits Required under Certain Conditions; Fee;
[formerly §20-7.5]

- a. Every construction site shall be equipped with a dumpster and it shall be of sufficient size to accommodate all construction debris and trash and refuse accumulated at the construction site, unless it is cosmetic work or there is only ten (10%) percent or less of structural work being done, then the project is of such minimal impact and duration that it would be unreasonable to require the placement of a dumpster. The percentage will be measured from the total square footage of the dwelling. This provision shall in no way relieve the owner or contractor from the other requirements of this section or applicable codes and regulations. The dumpster shall be equipped with a cover and the dumpster shall remain covered at all times, except during construction activity so as to prevent any construction debris, trash or other refuse from escaping and becoming scattered throughout the general neighborhood or on the construction site. (Ord. No. 746-2016 § 3) (Ord. No. 782-2018)

During wind and rain events or other weather conditions the dumpster shall remain covered even during construction activity in order to prevent any construction debris, trash or other refuse from escaping and becoming scattered throughout the general neighborhood or on the construction site. (Ord. No. 782-2018)

- b. The covering for the dumpster must be of sufficient size to prevent the cover from blowing off due to wind or other elements. (Ord. No. 746-2016 § 3)
- c. To the extent possible, the dumpster must be located on the actual construction site. (Ord. No. 746-2016 § 3) (Ord. No. 782-2018)
- d. permit application provided by the Borough for permission to allow the dumpster to be located on the street. Such permit shall be accompanied by a fee of two hundred fifty (\$250.00) dollars. The dumpster shall be permitted to remain on the street only during the period of actual construction. The dumpster must be equipped with suitable reflectors, warning devices or it must be marked with no less than two (2) reflective cones located to the rear of the dumpster and two (2) in the front of the dumpster. (Ord. No. 746-2016 § 3 (Ord. No. 782-2018)
- e. The dumpster shall be emptied at periodic intervals so as to prevent overloading, escape of materials contained therein, and each such dumpster shall be regularly deodorized as necessary to prevent obnoxious odors or nuisances of any type during the period of construction. (Ord. No. 746-2016 § 3)

Cross reference: See Section 20-5.6 formerly 20-11.6 regarding installation of pools.

(Ord. No. 746-2016 § 3; Ord. No. 767-2018 § 8)

NEW SECTION TO BE ADDED AS FOLLOWS:

20-2.6 CONSTRUCTION FENCES REQUIRED

A temporary construction fence (sometimes known as a “silt fence”) shall be required at each construction site under the following circumstances:

- i. The construction of a new building or structure;
- ii. Construction of foundation and pilings;
- iii. The major renovation of an existing building or structure;
- iv. The installation of an in-ground swimming pool;
- v. Installation of a bulkhead or the replacement thereof;
- vi. Construction of an addition to an existing building or structure where such addition measures 250 square feet or more;
- vii. Any excavation to a depth of two (2) or more feet or other ground disturbance involving 20 percent or more of the total area of the lot on which such activity is taking place or proposed. (Ord. No. 782-2018)

20-2.7 CONSTRUCTION FENCE SPECIFICATION

- a. When required, a construction fence shall be constructed of plywood and measure two (2) feet in height measured from grade and installed around the entire perimeter of the construction site or area of disturbance provided, however, that one side of the construction site which fronts on a public street may remain open without a construction fence in order to allow ingress and egress by contractors and equipment.
- b. A construction fence shall be required during all phases of the construction of the principal structure or use and any accessory structures or use including any swimming pool. Only one such fence shall be required at each construction site for the duration of all construction activity. (Ord. No. 767-2018 § 8) (Ord. No. 782-2018)
- c. *EXCEPTION:*
 - 1) Wherever there is an existing solid fence or another structure such as a bulkhead on the construction site and which is made of wood or vinyl or some other similar material and which is in good repair, and would serve the purpose of a construction fence, and which measures two (2) or more feet measured from grade, such existing fence or other structure or bulkhead may be used as a substitute construction fence on one or more sides of the construction site provided that such fence or structure remains in place throughout the construction process as defined above. (Ord. No. 767-2018 § 8)
 - 2) For the installation, repair, or replacement of a bulkhead, a construction fence shall only be required on two (2) sides and the sides fronting on the street and the waterfront may be left open for access by contractors and equipment.

Cross reference: See Section 20-5.6 formerly 20-11.6 regarding installation of pools.

20-2.8 CONSTRUCTION FENCE NOT REQUIRED

A construction fence shall not be required under the following circumstances:

- i. The removal of an existing roof and installation of a new roof on an existing building or structure;
- ii. The removal of existing siding and installation of new siding or windows on an existing building or structure as distinguished from new construction. (10/23/18)
- iii. Exterior Painting of the principal building or structure including any accessory building or structure;
- iv. Installation of curbs, sidewalks, driveways including the installation of decorative pavers;
- v. Installation or replacement of landscaping;
- vi. Routine landscape construction or maintenance including the installation/replacement of sod or irrigation systems;
- vii. Ordinary maintenance work in the nature of minor repairs or ordinary maintenance. [See Appendix A of this Chapter describing "minor work" by the New Jersey Department of Community Affairs.]
- viii. Demolitions except when otherwise required by the Construction Official or Code Enforcement Official pursuant to this subsection. (Ord. No. 782-2018)

PROVIDED, HOWEVER, that the Construction Official or the Code Enforcement Official may, in the exercise of his judgment and discretion, require the installation of a construction fence, even after construction activity has begun, whenever it shall reasonably appear that the construction activity is producing, or likely to produce, dust, dirt, debris or other similar type material which will migrate from the construction site and impact neighboring property or

other property in the vicinity of the construction activity. This is especially needed in those areas which are known to be environmentally sensitive including, but not limited to wetlands, dunes, high dunes, beach areas where there is a recognized protected habitat for wildlife or fauna, and waterfront properties.

When directed by the Construction Official or the Code Enforcement Official to install a construction fence, then such fence shall be installed prior to the start of the construction activity or, if such activity has already commenced, such activity shall cease and desist immediately and shall not resume until the construction fence has been installed. (Ord. No. 782-2018)

20-2.9 Portable Toilets. [formerly §20-7.6]
(Ord. No. 746-2016 § 3)

20-2.10 Building Materials; Landscaping Materials; Permit for Placement in Street; Damage to Street [formerly §20-7.7]

a. All building supplies and building materials as well as any landscaping materials or supplies when delivered to the construction site shall be deposited on the actual construction site except as otherwise permitted in this section. (Ord. No. 782-2018)

b. In extenuating circumstances, and only during the period of construction of a new principal structure, or the alteration or renovation of an existing structure, and landscape construction in conjunction therewith, certain building materials and supplies including dirt, mulch, stone, lumber, and cement block, may be placed temporarily in the area of the construction zone for a time not to exceed 24 hours, that is until the next calendar day, Saturday, Sunday, and holidays included, following which such materials must be removed from the street and located on the actual construction site. Any placement of such materials on the street shall first require notification to and the permission of the Code Enforcement Official. Before placing any such materials on the street, the contractor must take suitable precautions, subject to the approval of the Code Enforcement Official and the Director of Public Works and Utilities to protect the street surface from damage (11-30-2018) In all other cases that involve Landscape Construction or Landscape Maintenance, any materials associated with such activity must not be placed in the street, even temporarily, but must be located on the actual work site. (Ord. No. 782-2018)

c. Whenever the street is damaged at any construction site as a result of any construction activity, or as a result of the parking or placement of construction vehicles, machinery, equipment, building materials, or otherwise, the owner and contractor shall be jointly and severally liable for the repair of any such damage and all required repairs shall be completed in accordance with Borough standards and under the direction of the Borough Engineer and Director of the Borough Department of Public Works and Utilities. (Ord. No. 782-2018)

20-2.11 Semitrailers, Construction Trailers, Storage Trailers; Trailer-Type Vehicles; Parking Restrictions [formerly §20-7.8]

a. Semitrailers and all trailer-type vehicles which are used for any purpose in the construction process including use for storage purposes must be parked as follows:

IN SEASON: Under no circumstances may any semi-trailer or any trailer-type vehicle including Construction Tool Trailers, be parked on the public streets or public thoroughfares at any time during the in-season as defined in this chapter, provided however, that such trailers may be parked on the actual construction site or in the construction zone. If not parked or located in either of such areas the same must be removed from the street and may not return thereto until the time scheduled for the resumption of construction activity. Such trailers may, however, be parked at construction sites and in the immediate vicinity thereof during those hours and times that construction activity is permitted. Under no circumstances may the area

of the public sidewalk or any part thereof be blocked. For purposes of this chapter the term “immediate vicinity” shall mean within a distance of 200 linear feet from the construction site. (Ord. No. 782-2018)

OFF-SEASON: Except when and where a Construction Zone has been established pursuant to this chapter, the in-season parking restrictions shall not apply. (Ord. No. 746-2016 § 3) (Ord. No. 782-2018)

20-2.12 Construction Tool Trailers [formerly §20-7.9]

Trailers commonly known as construction tool trailers as defined in Chapter 8 of this Code may be parked at construction sites as hereinafter provided. (Ord. No. 746-2016 § 3)

IN-SEASON:

During the in-season and before and after the hours when construction activity is permitted, construction tool trailers must be parked on the actual construction site or in the construction zone. In no event shall any such trailer(s) block the area of the sidewalk or any portion thereof. If such trailers cannot be located therein then such trailers shall be removed from the street until such time as construction activity is permitted to resume. (Ord. No. 782-2018)

During the hours when construction activity is permitted, such trailers may be parked either (1) on the actual construction site; or (2) in the construction zone; and (3) on the street in the immediate vicinity of the construction site, that is, within 200 linear feet of the construction site. (Ord. No. 782-2018)

These parking restrictions shall not apply to the off-season, except in those situations where a construction zone has been established in accordance with Section 2-15 herein. (Ord. No. 782-2018)

20-2.13 Compliance with Solid Waste Disposal and Recycling Provisions. [formerly §20-7.10]

Nothing contained within this section shall be interpreted or construed as relieving any person or entity from the obligation of complying with all other Borough ordinances regulating the disposal of solid waste and recyclable materials. The requirements of this section shall be in addition to all such other requirements and is not intended in place thereof. (Ord. No. 746-2016 § 3)

NEW SECTION AS FOLLOWS:

20-2.14 General requirements applicable to all construction sites

The following provisions shall apply to each construction site in the Borough of Avalon:

- a. The Owner and General Contractor and Project Manager, if there be one, shall jointly and severally be responsible to maintain the construction site under their control in such a manner as to minimize any negative impact, inconvenience or nuisance upon neighboring residents and to comply with all of the provisions of this chapter. This requirement shall extend to and apply to all subcontractors and other persons or entities working on the construction site.
- b. Traffic: All construction vehicles must obey all traffic laws as specified in Title 39 of the New Jersey Statutes.
- c. Tools: To the extent that tools and equipment are available commercially that reduce noise, dust, and pollution of any kind, such tools shall be utilized by all persons and

entities working on the construction site. If an attachment is available for such equipment to eliminate or reduce dust and pollution, such an attachment shall be utilized. If such attachment is available and not used the construction project may be subject to the Stop Work provisions of this Chapter.

- d. Litter & debris: All litter, trash, debris, waste, and construction materials intended to be discarded shall be deposited into a dumpster at the end the work day and adequately secured. Any such materials likely to blow away and go onto adjoining properties must be deposited into the dumpster throughout the day in order to prevent any such occurrence.
- e. Personal conduct: Language that is crude, vulgar, obscene, and otherwise inappropriate should not be used so as to avoid causing annoyance or embarrassment to surrounding neighbors. Radios and similar devices shall never be used prior to or after the designated hours for construction activity. At all other times such devices shall be modulated so that the same are not audible off the subject property.
- f. Trespassing: To the extent that use of a neighboring property is necessary to gain access to portions of the construction site such as to use equipment to install a swimming pool or any other accessory use and the setbacks do not provide sufficient access, a construction permit shall not be issued by the Construction Official unless and until the permit applicant provides the Borough with a Construction Easement from the neighboring property owner granting permission for the temporary use of their property for construction purposes on the construction site.
- g. Damage to adjoining property: Any construction activity that results in, or is likely to result in, damage or injury to an adjoining property shall require the Owner/Contractor to take precautions to shield the adjoining property or properties from any such damage or injury. To the extent that such precautions do not appropriately shield or protect the adjoining property, then the Owner/Contractor shall be responsible to immediately remedy the situation by whatever means necessary to restore the adjoining property to its condition prior to the damage or injury.
- h. Certain Information to be permanently displayed: All construction sites with exterior construction only shall be required to display on a sign which shall conform to the requirements of Chapter 27 (Zoning) and shall measure not more than four (4) square feet, shall be non-illuminated, and shall be placed on the construction site or on the structure provided that it shall be visible from the street. This sign shall display the BLOCK/LOT, PHYSICAL ADDRESS, CONTRACTOR'S NAME, EMERGENCY PHONE NUMBER AND EMAIL ADDRESS, AND CONSTRUCTION MANAGER'S NAME, EMERGENCY PHONE NUMBER AND EMAIL ADDRESS.
- i. STOP WORK ORDERS: In the event of continuing, repetitive or recurring violations of the Uniform Construction Code or any other applicable code or the Code of the Borough of Avalon or any of the Rules and Regulations promulgated pursuant thereto, the Borough shall have the power to stop all construction on the site through the issuance of a STOP WORK ORDER as hereafter specified. (Ord. No. 782-2018)

20-2.15 STOP WORK ORDERS

The Borough shall have the power to issue Stop Work Orders applicable to any construction site in the Borough. The Stop Work Order shall be issued through the Division of Code Enforcement or the Construction Official.

By the Construction Official:

The Construction Official shall issue a Stop Work Order whenever any construction activity is taking place that is a violation of the State Uniform Construction Code, any violation of the Avalon Borough Code or whenever there is an imminent threat to the public health, safety or welfare. Once issued, such Stop Work Order shall remain in effect until corrective action is taken or a corrective action plan is filed as hereinafter required.

By the Code Enforcement Official:

A Stop Work Order shall be issued applicable to a particular construction site under any of the following circumstances:

In the event of continuing, repetitive or recurring violations of Chapter 20, Chapter 7 (regulating the hours and days of construction activity), and Chapter 8 (parking of construction related vehicles) of the Avalon Borough Code or any other applicable chapter thereof applicable to a particular construction site.

In the event of continuing, repetitive or recurring violations which, individually or collectively, constitute a public nuisance.

In the event of any occurrence posing a threat to the public health and safety.

Procedure for Issuance:

A Stop Work Order shall be issued immediately when an event or occurrence is observed that poses an immediate, imminent threat to public safety or health.

In all other cases, a Last and Final Written Warning shall be issued to the Owner and Contractor and the person or entity actually in charge of the construction site directing that the offending conduct or circumstances be remedied or corrected forthwith. If corrective action is not implemented immediately, that is, within 24 hours or the next business day, a Stop Work Order shall be issued by the Borough.

Such Stop Work Order shall apply to all construction activity at a construction site and shall not be limited in its application to only the offending contractor(s) or subcontractor(s).

Procedure following the issuance of a Stop Work Order:

The Stop Work Order shall state a date and time for the OWNER and CONTRACTOR and Project Manager to submit a written plan for the immediate correction of the observed conditions.

1. Such plan of remediation shall be submitted, in writing, to the appropriate Borough Officer so designated in the Stop Work Order. Such written plan shall be submitted in person by the Owner/Contractor and the Project Manager at a meeting, the date and time of which is stated in the Stop Work Order. The return date of such meeting shall not be sooner than 2 business days following the issuance of the Stop Work Order nor later than 3 business days following issuance.
2. If the Borough Officer is satisfied that the remedial plan of action will bring the construction site into compliance with all Borough requirements, or remedy any damage to neighboring properties and otherwise abate any nuisance created by the construction activity, then the Stop Work Order shall be vacated immediately. If the Borough Officer is not satisfied that the plan of remedial action is sufficient, the reasons shall be stated, in writing, and the Stop Work Order shall remain in full force and effect pending the submission of a new remedial action plan.
3. Before accepting or rejecting any remedial plan, the Borough Officer may consult with the Borough Solicitor, Borough Environmental Counsel, The Borough Engineer or any other appropriate person to assist the Borough Officer in evaluating the sufficiency of

the remedial plan. Any such consultation must be completed promptly so as not to cause any undue or unreasonable delay in resuming the construction activity.

A Stop Work Order shall be in addition to any other remedy or penalty specified in this Chapter and shall not be deemed an exclusive remedy. Any other penalty or prosecution available under Chapter 20 may be pursued contemporaneously with the issuance of a Stop Work Order. (Ord. No. 782-2018)

20-2.16 CONSTRUCTION ZONE

- a. Each construction site shall have a designated “construction zone” which shall be defined as the area immediately curbside of the construction site and comprising the area designated for parked vehicles generally a distance of 10 feet perpendicular from the curb line and shall extend parallel to the construction site for the front width of the lot or parcel comprising the construction site.
- b. For corner lots, the construction zone may be located on both the side street and the through street to allow for the parking prohibition of 25 feet from the intersection as set forth in section 8-14.2 of this code.
- c. Such construction zone shall be marked and identified with reflective cones or other similar type markings consistent with the Manual on Uniform Traffic Control Devices.
- d. Such construction zone shall only be in effect during the in-season as defined in this Chapter, provided, however, that the Code Enforcement Official, in consultation with the Construction Official and the Chief of Police, may establish a “construction zone” during the off-season whenever such action shall be required in order to preserve and protect or advance the public health, safety and welfare or to minimize inconvenience to immediately adjacent property owners or those located within the block where such construction is on-going, or to eliminate or minimize what would otherwise be a public nuisance. Such a construction zone shall be established in the off-season whenever there are occupied homes immediately adjacent to or directly across the street from an active construction site, and the Code Enforcement Official in consultation with the Chief of Police and the Construction Official deem it necessary to do so. Once a construction zone has been established the rules, regulations, and parking restrictions set forth in this section shall apply to the same extent as during the in-season.
- e. From the third Monday in June through and including the second Sunday in September) and including Memorial Day and the Saturday and Sunday of that weekend, the following shall apply:
 - 1) Only construction vehicles, trailers, and equipment, including dumpsters, belonging to contractors and subcontractors who are then engaged in some part of the construction activity shall be permitted to park or place equipment within such Construction Zone. No other motor vehicles of any type shall be permitted to park in such area and violators shall be subject to being towed.
 - 2) Before and after the designated hours for construction activity, the contractor and subcontractors shall be required to park any vehicles, trailers, or equipment, including construction tool trailers within the designated construction zone or on the actual construction site only. Any vehicles or equipment being left at the construction site which cannot be parked within that construction zone or on the construction site proper, must be removed from the street and returned when construction activity is permitted to resume. By “removed” means the vehicles and equipment must not be relocated to any other location within the Borough. Under no circumstances may the area of the public sidewalk or any part thereof be blocked.
 - 3) During those hours when construction activity is permitted, contractors and subcontractors who are then actively engaged in the construction process may park licensed and registered motor vehicles at other locations on the street in the

immediate vicinity, that is, within 200 linear feet of the actual construction site as space is available. Such vehicles must be parked strictly in accordance with the requirements of Title 39 (Motor Vehicles) of the State of New Jersey.

- 4) All trailer type vehicles, including construction tool trailers, shall be subject to the same parking restrictions and prohibitions applicable to all other trailers as set forth in Chapter 8 of this Code.

f. SPECIAL PROVISIONS FOR CERTAIN CONTRACTORS, SUBCONTRACTORS AND OTHER CRAFTSMEN.

- 1) During the in-season, any contractor, subcontractor or other craftsman performing any work at any property which does not meet the definition of a “construction site” and which work is confined to certain type of exterior work or primarily interior work including, but not limited to, painting, plumbing, roofing, and interior renovation, and who seeks to park vehicles and equipment in the area designated as a “construction zone” must first apply to the Code Enforcement Official for the issuance of a special permit which shall designate each vehicle and other piece of equipment to be parked in said zone. Said permit shall be issued without fee to the applicant. Upon issuance of the permit a construction zone shall be established at the project site in accordance with the requirements of this Section and suitably marked and identified.
- 2) This subsection shall not apply to any construction site as defined in Chapter 20 Article Two whereon there is “construction activity” taking place.

g. LIMITATION ON CREATION OF CONSTRUCTION ZONE

A Construction Zone shall not be established or permitted in any area or location where the stopping, standing or parking of motor vehicles is otherwise prohibited. (Ord. No. 782-2018)

20-2.17 Enforcement [formerly §20-7.11]

This section shall be enforced by any one or more of the following Borough Officials:

- a. The Construction Official.
- b. The Code Enforcement Official and Code Enforcement Officers.
- c. Any member of the Avalon Police Department.

(Ord. No. 557-2005; Ord. No. 746-2016 § 3)

ADD NEW SECTION AS FOLLOWS:

20-2.18 Power to adopt Rules and Regulations

The Construction Official, the Code Enforcement Official, AND the Director of Public Works and Utilities are hereby empowered to adopt rules and regulations which are or may be necessary to implement the provisions of Chapter 20, Article Two, Sections 20 -2 et seq. Such Rules and Regulations shall be subject to the approval of the Business Administrator and shall become effective when approved by Borough Council in accordance with the procedures established in Chapter 1 of this Code. (Ord. No. 782-2018)

20-2.19 to 20-2.23 RESERVED

20-2.24 ~~20-7.12~~ Violations and Penalties [formerly §20-7.12]
ARTICLE THREE. FOUNDATIONS AND BULKHEADS (Ord. No. 782-2018)

20-3.1 PILING FOUNDATION [formerly §20-8]

- 20-3.2 BULKHEADS [formerly §20-9]
- 20-3.2.1 Permit Required [formerly §20-9.1]
- 20-3.2.2 Location of Bulkheads [formerly §20-9.2]
- 20-3.2.3 Minimum Specifications [formerly §20-9.3]
- 20-3.2.4 Maintenance and Repair of Bulkheads; Failure to Comply with Notice [formerly §20-9.4]

ARTICLE FOUR. NUMBERING OF LOTS AND BUILDINGS (Ord. No. 782-2018)

- 20-4.1 Lot Numbers; Building Numbers [formerly §20-10.1]
- 20-4.2 System of Numbering [formerly §20-10.2]
- 20-4.3 Property Owner to Display Numbers [formerly §20-10.3]
- 20-4.4 Buildings Occupying More than One Lot [formerly §20-10.4]

ARTICLE FIVE. SWIMMING POOLS (Ord. No. 782-2018)

- 20-5.1 Policy Statement [formerly §20-11.1]
- 20-5.2 Definitions [formerly §20-11.2]
- 20-5.3 Required Permits [formerly 20-11.3]
- 20-5.4 Application for Permits; Procedure [formerly §20-11.4]
- 20-5.5 Dewatering Activities; Permit Required; Limitations [formerly §20-11.5]
- 20-5.6 Construction Site Requirements [formerly §20-11.6]
- 20-5.7 Pool Maintenance; Discharges; Permit Required. [formerly §20-11.8]
- 20-5.8 Other Prohibited Actions [formerly §20-11.8]
- 20-5.9 Stop Work Order; Grounds for Issue [formerly §20-11.9]
- 20-5.10 Enforcement [formerly §20-11.10]
- 20-5.11 to 20-5.13 RESERVED [formerly §§20-11.11 to 20-11.13]
- 20-5.14 Administrative Penalties and Assessment [formerly §20-11.14]
- 20-5.15 Violations and Penalty [formerly §20-11.15]
- 20-5.16 Violations Occurring Within One Year [formerly §20-11.16]

ARTICLE SIX. VIOLATIONS AND PENALTIES – general (Ord. No. 782-2018)

- 20-6.1 Violations and Penalties [formerly §20-16]

SECTION FOUR - OTHER ORDINANCES

The following Ordinances are hereby amended to the extent necessary to conform to the provisions of Sections 1, 2. And 3 hereof:

621-2009; 655-2012; 746-2016; and 767-2018

To the extent that any of these foregoing ordinances are in conflict with the provisions of Sections 1, 2, and 3 hereof, then, in such event the same are hereby repealed in accordance with the provisions of Section 5 hereof.

SECTION FIVE - REPEALER

All Ordinances or parts of Ordinances which are in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency or conflict only.

SECTION SIX - SEVERABILITY

If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION SEVEN - EFFECTIVE DATE

This Ordinance shall take effect on May 1, 2019 following final adoption and publication as required by law.

NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was introduced and passed on first reading of the Municipal Council of the Borough of Avalon on December 12, 2018. It will be further considered for second reading, public hearing and final adoption at a meeting of said Council to be held on the 23rd day of January, 2019 in the Meeting Room of the Municipal Building, Avalon, New Jersey at 4:15 p.m. and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in said Municipal Building to the members of the general public who shall request the same.

MARIE J. HOOD, Borough Clerk

CHAPTER 20

ARTICLE 2

APPENDIX A

NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS

SIGNIFICANT CHANGES TO MINOR WORK AND ORDINARY MAINTENANCE

[Includes Pages 25 through 31]

Pursuant to adoption in the March 5, 2018 New Jersey Register, the requirements for minor work and ordinary maintenance have changed. This document is meant to be an aid to local officials as an easy reference on the types of work that are ordinary maintenance and minor work beginning on March 5, 2018. The Document is divided into two parts. The first part lists the types of work that are ordinary maintenance, the second part lists types of work that are minor work. The items that are new or different have been bolded so that the changes may more easily be identified.

ORDINARY MAINTENANCE

The following items are types of work that may be performed without a permit pursuant to the Uniform Construction Code. The classification of work as ordinary maintenance is not a waiver from code compliance; all work is required to meet code requirements. However, no permit is required and there are no inspections of the work. The list has been arranged by the building type and discipline for ease of use.

For other than dwellings, the following has been designated as ordinary maintenance:

BUILDING

- Finishes – Painting (interior/exterior), wall papering, trim/molding (interior/exterior) and flooring material repair, replacement or installation.
- Siding – For other than polypropylene siding, existing siding may be repaired or replacement with like material not exceeding 25 percent of the total building exterior wall. The installation of any amount of polypropylene siding requires a permit.
- Windows/Doors or Glass may be replaced in any window or door. The replacement glass must be of a type and quality that complies with the code;
- Windows and doors (including garage doors) may be replaced in the same rough opening without altering the dimensions or framing; this includes means of egress elements (such as emergency escape openings) when dimensions and framing are not altered, and the height, width or net clear opening is maintained.
- Screens may be repaired, replaced or installed.
- Cabinets – Non-structural elements such as a cabinet may be repaired, replaced or installed.
- Decks – Any part of a deck, porch or stoop that does not provide structural support for any roof or portion of a building may be repaired or replaced.
- Insulation – The installation of insulation when installed adjacent to or not more than one and a half inches from an interior finish, except that the installation of foam plastic insulation requires a permit (Note: ordinary maintenance used to be limited to roll or batt insulation, now any insulation other than foam plastic is allowed as ordinary maintenance).
- Gutters – Exterior gutters and leaders may be repaired, replaced or installed.
- Spas/Hot Tubs – Storable spas and hot tubs may be installed when provided with a lockable safety cover that complies with ASTM F1346.

PLUMBING

- Fixtures and fixture parts – Fixtures may be replaced with a similar fixture provided that there no change in the piping arrangement (Note: the replacement of fixtures was previously limited to single family dwellings, now fixtures may be replaced in all uses as ordinary maintenance); faucets and working parts of faucets may be replaced; existing fixtures may be refinished (relining fixtures is not ordinary maintenance).

- Valves – Hose bib valves may be replaced provided that an approved atmospheric vacuum breaker is provided (Note: the replacement of hose bibs used to be limited to single family dwellings, now they may be replaced in all uses as ordinary maintenance); valves and work parts of valves may be replaced including shower or combination bath/shower valves (Note: the replacement of shower valves used to be limited to single family dwellings now they may be replaced in all uses as ordinary maintenance).
- Ball Cocks – Ball cocks may be replaced provided that an approved anti-siphon type is used.
- Piping repair/replacement – Piping may be replaced to repair a leak (Note: the repair of leaks used to be limited to replacement of piping between any two adjacent joints, that is no longer the case).
- Appliance Replacements – Domestic clothes washers and domestic dishwashers may be replaced.
- Traps – Traps including traps on culinary sinks may be replaced. • Drain cleaning – Stoppages may be removed.

ELECTRICAL

- Receptacles, switches and outlets – Receptacles, switches, or lighting fixtures that do not contain emergency battery packs, may be replaced with a similar item. However, receptacles in locations where ground-fault circuit interrupter protection, damp/wet, or tamper-resistant must comply with Section 406.4(D) of the electrical subcode (Note: The limitation on 20 amps or less has been removed).
- Equipment – Repairing any installed electrically operated equipment such as doorbells, communication systems, and any motor-operated device (In the event of a fire protection system being interrupted for repairs, the fire official is to be notified in accordance with the building subcode).
- Communications Wiring – Communications wiring may be installed (i.e. Ch. 8 and data circuits between computers/information technology equipment from Article 725 of the electrical subcode) in a Class 3 structure (see N.J.A.C. 5:23-4.3A), provided that the rearrangement does not involve penetration of a fire-rated assembly and is not in a hazardous location (see Ch. 5 of the electrical subcode).
- Appliances – Domestic dishwashers may be replaced.

FIRE

- The replacement of sprinkler or smoke detector, smoke alarm, or heat detector heads with a like device.
- The repair or replacement of any component of a fire alarm or smoke and heat detection equipment (other than the replacement of a fire alarm control panel) may be repaired or replaced.
- The installation of battery-powered smoke alarms and the installation of battery-powered or plug in carbon monoxide alarms.

MECHANICAL

- Motors, pumps and fans – Motors pumps and fans of the same capacity may be replaced.
- Heating, supply and return piping and radiation elements – The repair or replacement of heating supply and return piping and radiation elements where there is no rearrangement of the piping system. • Duct work – Duct work may be repaired or replaced.
- Air Conditioning Equipment – Repair of air conditioning equipment and systems along with the repair or replacement of control devices for heating and air conditioning equipment.
- Liquid applied chimney lining – The application of liquid applied lining material inside an existing chimney.

Ordinary maintenance: For all dwellings, any work listed above is applicable to residential uses plus the following:

ELECTRICAL/MECHANICAL

- Kitchen range hoods – Kitchen range hoods may be replaced provided that the replacement hood exhaust rate does not exceed the exhaust rate of the existing hood or the exhaust rate of the replacement hood does not exceed 400 cfm.
- Replacement of domestic appliances – Domestic clothes dryers may be replaced provided that no change in fuel type, pipe size, or location or electrical characteristics is required.
- Domestic stoves and domestic ovens may be replaced provided no change in fuel type, pipe size, or location or electrical characteristics is required.
- Exhaust fans – Bathroom exhaust fans may be replaced.

Ordinary maintenance in one and two-family dwellings: Any work listed in the two categories above applicable to residential uses plus the following:

BUILDING

- Finishes – Installation, repair or replacement of interior finishes of less than 25 percent of the wall area of the dwelling. This shall include plastering and drywall installation. (1) Vinyl wall covering of any amount is ordinary maintenance; (2) Paneling is not ordinary maintenance.
- Non-structural components – The repair or replacement of any non-structural component, such as a partition.
- Roofing – The repair or replacement (including total replacement) of any amount of existing roof covering on detached one- or two-family dwellings. Siding – The repair or replacement of any amount of existing siding. Exception: The repair or replacement of polypropylene siding is not ordinary maintenance.

ELECTRICAL

- Alarm systems – The installation of a burglar alarm, security system.
- Doorbells – Doorbells may be installed, repaired or replaced.
- Landscape irrigation systems – Plug-in landscape irrigation unit under 30 volts may be installed.

MINOR WORK

Like ordinary maintenance, minor work is a category of work that requires less oversight than do construction projects that require plan review, a full permit, and inspections. Minor work requires a construction permit, but allows work to begin before the permit has been issued once notice of the work has been given to the local code enforcement agency. The notice may be oral, written, or email.

It is important to note that with the March 5 changes, minor work permits may be issued regardless of whether there are prior approvals. Those prior approvals do not need to be checked by the code official prior to issuing the permit. The applicant is responsible for ensuring that the prior approvals are satisfied. Also, minor work permits no longer operate with a final inspection within 30 calendar days; when requested, up to three business days are allotted to perform the inspection.

For other than dwellings, the following has been designated as minor work:

BUILDING

- Porches – The construction or total replacement of any porch or stoop that does not provide structural support for any roof or portion of a building.
- Repair and/or renovation work – Repair and/or renovation work in a Group B, Group F, Group M, or Group S occupancy performed in accordance with N.J.A.C. 5:23-6, not including work categorized as ordinary maintenance pursuant to N.J.A.C. 5:23-2.7.

- Radon – The installation of a radon mitigation system provided no new electrical work is required. (Note: this used to be limited to one- and two-family dwellings. Now the installation of radon mitigation systems is minor work in all buildings, provided no new electrical work is required).
- Elevators – Minor work on elevator devices shall also mean and include work as outlined in N.J.A.C. 5:23-12.8(b) and not involving any structural modification to a building.
- Partitions – Repair or replacement with no reconfiguration of space or of any non-structural component such as a partition in structures other than one- and two-family dwellings (see ordinary maintenance one- and two-family dwellings).

PLUMBING

- Piping – Replacement of existing plumbing piping with new and approved material of like capacity.
- Drinking fountains – The installation of drinking fountains and condensate drains in existing structures.
- Water Heaters – The replacement of existing water heaters with new ones of like capacity.
- HVAC Equipment – The replacement of existing boilers, warm air furnaces, air conditioning units and air conditioning condensing units with new appliances of like capacity.

ELECTRICAL

- Communication wiring – The installation of communications wiring in any Class 1 or Class 2 structure or any Class 3 structure involving the penetration of a fire-resistance rated assembly. Note: Communications wiring is any wiring covered by Chapter 8 of the electrical subcode, “including data circuits between computers/information technology equipment, which may be classified as communications circuits in accordance with Article 725 of the electrical subcode.”
- Alarm systems – The installation of a burglar alarm, security system, or doorbell in structures other than one- and two-family dwellings (see ordinary maintenance for one- and two-family dwellings). Exception: controlled, delayed, or sensor released egress doors.

FIRE

- Alarm Systems – Any change of an existing transmission means from a digital alarm communicator transmitter to a fire alarm supervising station. (1) For the purposes of applying this provision, transmission means shall mean the existing phone line(s) that transmit fire alarm signals from a digital alarm communicator transmitter to the supervising station. A certified fire alarm service company, licensed fire alarm company or licensed electrical contractor shall submit Form F-391 signed by the contractor to provide a verification statement in writing to the fire subcode official within 24 hours that all required signals remain operational after the new transmission means is installed.

Minor work in all dwellings: Any of the work above applicable to residential uses plus the following: PLUMBING

- Fixture installation – The new installation of fixtures in an existing space where the new installation of additional fixtures may be accommodated with no increase in the size of the water distribution system, water service, or house drain (Note: this used to be limited to one- and two-family dwellings, now the installation of additional fixtures in existing space is minor work in all dwellings).

Minor work in one- and two-family dwellings: All the work in the two categories above applicable to residential uses plus the following:

BUILDING

- Renovations or Alterations – Renovation or alteration work provided that no primary structural members are altered in any way, and further provided that the work does not constitute reconstruction.

ELECTRICAL

- Appliances – Minor work shall also mean and include new electrical work incidental to the installation of air conditioning, equipment, clothes dryers, and ranges or oven.
- Outlets – The installation of five or fewer outlets where existing circuits and/or available space for circuits and service are adequate to support the load. Fishing is considered minor work regardless of the number of fixtures / receptacles. (Note: the limitation that the devices/outlets are limited to 125 or 250 volt has been eliminated; fishing was previously limited to 5 receptacles).
- Rewiring – The replacement of existing wiring with new wiring of the same capacity provided that the new wiring shall be of a type approved for the use by the code.

FIRE

- Detection/Suppression – The installation of a fire detection or suppression device.

Finally, though not ordinary maintenance or minor work, the permitting requirements for garden type utility sheds also changed. No permit is required for a garden type utility shed that is 200 square feet or under provided it does not have electric, water, gas, oil or sewer connections.

BALANCE OF THIS PAGE INTENTIONALLY BLANK

APPENDIX B

IN-SEASON

[From the third Monday in June through and including the second Sunday in September]

Holidays	Construction prohibited on: Easter Sunday Memorial Day* Thanksgiving Day only Christmas Day only	Construction prohibited on: July 4* Labor Day*
----------	--	--

*If this holiday falls on a Tuesday, Wednesday, or Thursday, construction is prohibited on the holiday only. If it falls on Friday, construction is prohibited from Friday through Sunday. If it falls on Monday, construction is prohibited Saturday through Monday.

ACTIVITYOFF-SEASONIN-SEASON

[Monday after the Second
Sunday in September through
The Sunday before the third
Monday in June]

[From the third Monday in
June through and including
the second Sunday in
September]

LANDSCAPE CONTRACTORS		
Landscape Construction	Same as construction activity	Same as construction activity
Landscape Maintenance		
Daily – Sunday to Saturday	No restrictions apply.	No restrictions apply.
PARKING OF CONSTRUCTION VEHICLES, TRAILERS, TOOL-TRAILERS, EQUIPMENT		
Trucks, Trailers, Tool-Trailers, & Equipment	May be parked at construction sites or in the vicinity thereof – including over-night - while owner/lessee is actively involved in the construction process. If Borough establishes a “Construction Zone” in the off-season, then parking of construction vehicles/trailers shall conform to Construction Zone Parking Requirements. (See requirements for IN-SEASON.)	No Parking before or after permitted construction hours EXCEPT in Construction Zone or on Construction Site proper. If unable to be confined to the Construction Zone or Construction Site MUST be removed until construction activity may be resumed. May be parked at construction sites or in the vicinity thereof during allowed construction hours but only while owner/lessee is actively involved in the construction process.
Dumpsters	Only in Construction Zone (with Borough issued permit) or on Construction Site	Only in Construction Zone (with Borough issued permit) or on Construction Site

ACTIVITYOFF-SEASONIN-SEASON

[Monday after the Second
Sunday in September through
The Sunday before the third
Monday in June]

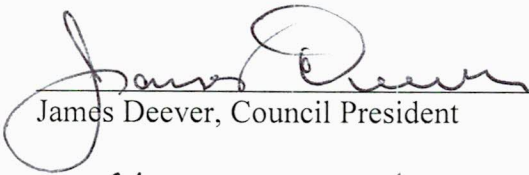
[From the third Monday in
June through and including
the second Sunday in
September]

CONSTRUCTION MATERIALS & SUPPLIES		
Construction materials, supplies and landscaping materials such as dirt, stones, mulch, and other similar products, material and supplies: <u>Active Building Construction</u>	<hr/> <u>No. 1</u> <u>Dirt, mulch & stone; and Building materials (such as lumber, cement block)</u> may, under certain conditions, be placed temporarily in the street in the area of construction zone for a time NOT TO EXCEED 24 hours with adequate protection for the street surface to prevent damage. (Requires PRIOR notification to and permission of Code Enforcement Official)	<hr/> <u>No. 1</u> <u>Dirt, mulch & stone; and Building materials (such as lumber, cement block)</u> <u>Same as off-season</u>
<u>LANDSCAPE CONSTRUCTION:</u> With New Construction or alterations	<hr/> <u>No. 2</u> Same as No. 1 above.	<hr/> <u>No. 2</u> Same as No.1 above
— No new construction or alterations And <u>LANDSCAPE MAINTENANCE</u>	<hr/> <u>No. 3</u> Must be placed on the property in the area of the driveway or elsewhere on the property. If no driveway, then prior permission of the Borough shall be required as in No. 1 above —	<hr/> <u>No. 3</u> Same as off-season —
PORTABLE TOILETS	Must be confined to actual construction site and may not be placed in the sidewalk or right-of-way.	Same restriction and prohibition as Off-Season.
CONSTRUCTION FENCES	Required for all construction sites with limited exceptions. See Sections 20-2.6 to 20- 2.8.	Same requirements as Off- Season.

GENERAL REQUIREMENTS – ALL CONSTRUCTION SITES	There are general requirements for all construction sites. See Section 20-2.14.	There are general requirements for all construction sites. See Section 20-2.14.
STOP WORK ORDERS	The Borough may issue a STOP WORK ORDER whenever there is an immediate threat to public health and safety. Such an ORDER may be issued for other violations. See Section 20-2.15	The Borough may issue a STOP WORK ORDER whenever there is an immediate threat to public health and safety. Such an ORDER may be issued for other violations. See Section 20-2.15
CONSTRUCTION ZONE	Construction Zone MAY be established under certain conditions during the off-season. This will impose certain parking requirements and restrictions. See Section 20-2.16.	Construction Zone WILL be established for ALL construction sites during the in-season. This will impose certain parking requirements and restrictions. See Section 20-2.16.

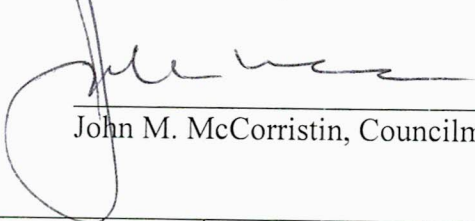
ABSENT

Charles P. Covington, Council Vice President


James Deever, Council President


Nancy M. Hudanich, Councilwoman

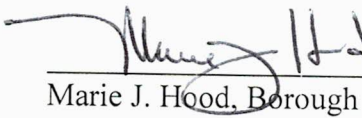

Barbara Juzaitis, Councilwoman


John M. McCorristin, Councilman

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Covington						✓
Deever		✓	✓			
Hudanich	✓		✓			
Juzaitis			✓			
McCorristin			✓			

Ordinance Adoption Date: January 23, 2019

I HEREBY CERTIFY THAT the foregoing Ordinance was duly adopted by the Borough Council of the Borough of Avalon, New Jersey at the Regular Meeting held on Wednesday, January 23, 2019, with the voting record as indicated above.


Marie J. Hood, Borough Clerk

NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was introduced and passed on first reading of the Municipal Council of the Borough of Avalon on December 12, 2018. It will be further considered for second reading, public hearing and final adoption at a meeting of said Council to be held on the 23rd day of January, 2019 in the Meeting Room of the Municipal Building, Avalon, New Jersey at 4:15 p.m. and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in said Municipal Building to the members of the general public who shall request the same.

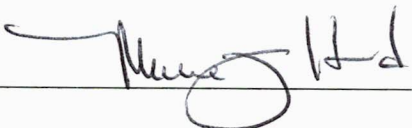
MARIE J. HOOD
Borough Clerk


=====

ORDINANCE NO. 782-2018

Passed by Council of the Borough of Avalon, New Jersey

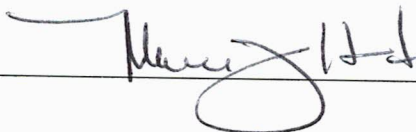
January 23, 2019

Attest:  Borough Clerk

Attest:  President of Council

Presented by me to the Mayor of the Borough of Avalon,

New Jersey January 23, 2019

 Borough Clerk

Approved and signed by me January 23, 2019

 Mayor

=====

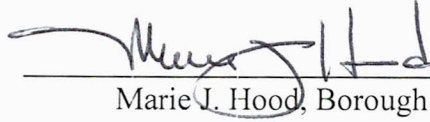
BOROUGH OF AVALON
CAPE MAY COUNTY
NEW JERSEY

ORDINANCE NO. 782-2018

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7
(POLICE REGULATIONS), CHAPTER 8 (TRAFFIC) AND CHAPTER 20
(BUILDING AND CONSTRUCTION)

NOTICE OF ADOPTION

The aforementioned ordinance was duly passed by the Borough Council of the Borough of Avalon, Avalon, New Jersey, on first reading at a meeting of said Council held on the 12th day of December, 2018 and was taken up for second reading, final passage and adopted at a meeting of said Council held on the 23rd day of January, 2019 in the Meeting Room of the Municipal Building, Avalon, New Jersey at 4:15 p.m. Said ordinance was approved by the Mayor on January 23, 2019.

A handwritten signature in black ink, appearing to read "Marie J. Hood", is written over a horizontal line.

Marie J. Hood, Borough Clerk