

ORDINANCE NO. 2019-01

**ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH,
NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 300,
“CONSTRUCTION CODES, UNIFORM,” CHAPTER 361, “FIRE PREVENTION
AND PROTECTION” AND CHAPTER 505 “PROPERTY MAINTENANCE”**

Councilwoman Horgan offered the following ordinance and moved its adoption:

WHEREAS, the Mayor and Council of the Borough of Red Bank desire to abolish the local Construction Board of Appeals and have all matters referred to the Monmouth County Construction Board of Appeals;

BE IT ORDAINED by the Governing Body of the Borough of Red Bank that the following sections of Chapter 300, “Construction Codes, Uniform;” Chapter 361, “Fire Prevention and Protection;” and Chapter 505 “Property Maintenance” of the Revised General Ordinances of the Borough of Red Bank, Monmouth County, are hereby amended and supplemented as follows:

SECTION ONE: Chapter 300, Construction Codes, Uniform, Subsection 300-2, "Board of Appeals established" is hereby amended and supplemented as follows (stricken text denotes deletions, underlined text denotes additions):

§300-2 Board of Appeals established. Appeals.

~~A. There is hereby established a Construction Board of Appeals to hear appeals from decisions by the Enforcing Agency. Such Board shall consist of five members. At least one Board member shall be a registered architect or licensed professional engineer of building construction experience, and at least one Board member shall be as qualified as a Plumbing Subcode Official, and one as qualified as an Electrical Subcode Official. No more than two Board members shall be selected from the same business or profession. Each Board member shall have had at least three years' experience in construction, design or supervision as a licensed engineer or registered architect; or, in the alternative, five years' experience in construction, design or supervision as an architect or engineer with a bachelors degree in architecture or engineering, respectively, from an accredited institution of higher education; or, as a further alternative, 10 years' experience in construction, design or supervision as a journeyman in a construction trade or as a construction contractor, subcontractor or inspector.~~

~~B. Appointment of members.~~

~~(1) The Mayor and Council shall appoint the Board members and any alternate members. For the members first appointed, the Mayor and Council shall designate the appointees' terms so that one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and two for a term of four years. At the expiration of such terms and thereafter, appointments shall be made for terms of four years. Vacancies shall be filled for the unexpired term.~~

~~(2) The Mayor and Council shall appoint such number of alternates, as may be appropriate, for terms not to exceed four years; or may in the alternative, appoint alternates on a case-by-case basis.~~

~~(3) No regular or alternate Board member may be a member of the enforcing agency, the decisions of which are subject to the review of the Board.~~

A. All appeals will be handled by the Monmouth County Construction Board of Appeals pursuant to N.J.A.C. 5:23A-1.2

SECTION TWO: Chapter 361, Fire Prevention and Protection, Subsection 361-7, "Board of Appeals" is hereby amended and supplemented as follows (stricken text denotes deletions, underlined text denotes additions):

§361-7 Board of Appeals.

Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by any order of the Office of Fire Marshal shall have the right to appeal to the Construction Board of Appeals of the ~~Borough of Red Bank~~, County of Monmouth, New Jersey.

SECTION THREE: Chapter 505, Property Maintenance, Subsections 505-3, "Amendments" is hereby amended and supplemented as follows (~~stricken~~ text denotes deletions, underlined text denotes additions):

§505-3 Amendments.

- A. [Unchanged]
- B. Deleted in its entirety.
- C. Deleted in its entirety.
- D. Deleted in its entirety.

SECTION FOUR: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

SECTION FIVE: If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION SIX: This Ordinance shall take effect immediately upon its passage and adoption according to law.

Seconded by Councilman Yassin and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Yassin	(X)	()	()	()
Councilwoman Triggiano	(X)	()	()	()
Councilman Ballard	(X)	()	()	()
Councilman Yngstrom	(X)	()	()	()
Councilman Zipprich	(X)	()	()	()
Councilwoman Horgan	(X)	()	()	()

First Reading/Introduction: January 23, 2019
Second Reading/Public Hearing: February 13, 2019
Adoption: February 13, 2019

Pamela Borghi, Municipal Clerk

Pasquale Menna, Mayor