ORDINANCE 2024-18

AN ORDINANCE AMENDING THE EMERGENCY SERVICES VOLUNTEER LENGTH OF SERVICE AWARDS PROGRAM (LOSAP) IN COLTS NECK TOWNSHIP

WHEREAS, for over 20 years Colts Neck Township has operated a Length of Service Awards Program (LOSAP) as a means of encouraging retention of existing volunteer members and to provide incentives for recruiting new volunteer fire fighters and first aid squad members; and

WHEREAS, the Colts Neck Township has determined that eligibility in its LOSAP should be amended to include members of the Township's Fire Police; and

WHEREAS, per N.J.S.A. 40A:14-187, municipal LOSAP programs may be amended by a two-thirds vote of the full membership of the governing body of the subject municipality.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of Colts Neck Township, in the County of Monmouth and State of New Jersey, as follows (additions to text indicated by bold underline; deletions to text indicated by bold strikeout):

SECTION 1. Chapter 36 of the Code of Colts Neck Township is hereby amended as follows:

§ 36-1 Program created. A Length of Service Awards Program (LOSAP) is herewith created in accordance with Chapter 338 of the Laws of 1997, to reward members of the Colts Neck Fire Department, **the Colts Neck Fire Police**, and **the** Colts Neck First Aid Squad for their loyal, diligent and devoted services to the residents of Colts Neck Township.

§ 36-2 Provisions. The LOSAP shall provide for fixed annual contributions to a deferred income account for each active volunteer fire fighter or first aid squad member that meets the criteria set forth below; that such contributions shall be made in accordance with a plan that will be established by Colts Neck Township pursuant to P.L. 1997, c.388 (N.J.S.A. 40A:14-183 et seq.); and that such plan shall be administered in accordance with the laws of the State of New Jersey, the U.S. Internal Revenue Code, and this Ordinance. The plan shall have the following minimum provisions:

a. Benefits will become fully vested upon the completion of five (5) years of active volunteer emergency service.

b. There shall be a forfeiture provision for a break of service of five (5) consecutive years prior to vesting.

c. Benefits shall be payable after fifteen (15) years of service, at age fifty-five (55), or upon another qualifying event pursuant to law.

d. As required by N.J.S.A. 40A:14-188, points will be awarded according to certain criteria. To qualify for an award for a calendar year under the plan, an active volunteer member shall be required to accrue a minimum of sixty (60) points in that calendar year.

§ 36-3 Criteria for eligibility. The LOSAP shall provide for annual contributions to each eligible active volunteer member that meets the criteria as follows:

a. The amount of the award for a year under the program shall be based upon the points accrued in a calendar year in accordance with Schedule A annexed hereto.

b. No person who is an active volunteer of ~~**both the First Aid Squad and Fire Department**~~ **more than one of the eligible services** shall be permitted to receive deferred compensation of more than $1,150.00 total compensation per year.

c. Persons serving as members of the ~~**Fire Police,**~~ Fire Cadets, Police Cadets,

First Aid Cadets, or Woman's Auxiliary shall not be eligible for this program.

§ 36-4 Township contributions. The Colts Neck Township LOSAP shall provide for annual contributions in the minimum amount of $400.00 and the maximum amount of $1,150.00, subject to periodic consumer price index increases pursuant to law.

§ 36-5 Estimated cost. The estimated cost of the Colts Neck Township LOSAP program has been calculated as follows:

a. For annual contributions to active volunteer Fire and First Aid members: $57,500.00 (50 eligible volunteers x's $1,150.00)

SECTION 2. If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the Courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION 3. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This Ordinance shall take effect upon passage, publication and as required by law.

I hereby certify the foregoing to be a true copy of an Ordinance by the Township Committee of Colts Neck Township adopted on the 10th day of July, 2024

Frank Rizzuto, Mayor

Trina Lindsey, Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	June 26, 2024					July 10, 2024				
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Rizzuto			X									
Deputy Mayor Buss		S	X									
Viola	M		X									
Bartolomeo			X									
Fitzpatrick			X									
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent												

ORDINANCE 2024-19

AN ORDINANCE OF COLTS NECK TOWNSHIP IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING ORDINANCE 2024-13 AN ORDINANCE SETTING THE SALARY AND WAGE RANGES FOR TOWNSHIP EMPLOYEES

BE IT ORDAINED by the Township Committee of Colts Neck Township, in the County of Monmouth, State of New Jersey that the purpose of this Ordinance is to set the salary and wage ranges paid within the Township as follows:

SECTION ONE: The minimum and maximum salary range for employees employed in the following positions within Colts Neck Township, in the County of Monmouth, are hereby fixed as follows:

Title	Department	Minimum	Maximum
Deputy Treasurer/Deputy Tax Collector	Finance	$45,000	$80,000

SECTION TWO: The Township reserves the right to pay a salary to any new employee at any figure between the minimum and maximum salary provided for such position and not necessarily the minimum salary.

SECTION THREE: The adoption of this Ordinance shall not operate to either increase or decrease the present pay of any employee of Colts Neck Township, and the salaries and compensations provided by existing ordinances shall remain in full force and effect until such time as the Township Committee may grant and approve such additional increments of salary as may be deemed advisable pursuant to the terms of this Ordinance.

SECTION FOUR: A resolution of the Township Committee establishing specific salaries or wages may be made retroactive to January 1st of the year in which the resolution is adopted or may establish a date on which the salary shall take effect.

SECTION FIVE: All ordinances or parts of ordinances, which may be inconsistent with the terms of this ordinance, are to the extent of such inconsistency hereby repealed.

BE IT FURTHER ORDAINED, this Ordinance shall take effect immediately upon passage, publication and filing according to law.

I hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of Colts Neck Township on the 10th day of July 2024. A public hearing will be held on August 14, 2024, 7:00 p.m. Town Hall, 1 Veterans Way.

Frank Rizzuto, Mayor

Trina Lindsey, Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	July 10, 2024					August 14, 2024				
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Rizzuto												
Deputy Mayor Buss												
Viola												
Bartolomeo												
Fitzpatrick												

M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent

ORDINANCE NO. 2024-20

ORDINANCE AMENDING CHAPTER 93 "CERTIFICATES OF CONTINUED OCCUPANCY" OF THE CODE OF COLTS NECK TOWNSHIP, COUNTY OF MONMOUTH

WHEREAS, Chapter 93 of the Township Code currently uses the term "certificate of continued occupancy" to refer to a number of different certificates that the Township requires for residential rentals, commercial sales, and commercial rentals within the Township; and

WHEREAS, the term "certificate of continued occupancy" is a defined term under the Uniform Commercial Code; and

WHEREAS, in order to clarify the provisions of the Township Code and to avoid any inconsistencies between the Township Code and the Uniform Commercial Code, the Township Committee has determined that it is necessary to amend Chapter 93 of the Township Code in order to eliminate the use of the term "certificate of continued occupancy" and to replace it with other descriptive terms as described more fully herein.

NOW THEREFORE BE IT ORDAINED, by the Council of Colts Neck Township, County of Monmouth, and State of New Jersey, as follows (additions to text indicated by underline; deletions to text indicated by strikeout):

SECTION I: That the Code of Colts Neck Township be amended and supplemented to revise Chapter 93 entitled "Certificates of Inspection ~~Continued Occupancy~~" as follows:

Chapter 93
CERTIFICATES OF INSPECTION ~~CONTINUED OCCUPANCY~~

§ 93-1. Purpose.

A certificate of inspection ~~continued occupancy~~ is a document certifying that a general inspection of the visible parts of a building has been made and that there are no apparent violations of the International Property Maintenance Code and when a certificate of inspection is issued for residential rentals, it shall be known as a "residential certificate of inspection," when a certificate of inspection is issued for a commercial building sale or commercial building rental, it shall be known as a "commercial certificate of inspection". The issuance of a certificate of inspection does not represent that all improvements to the building comply with the New Jersey Uniform Construction Code (N.J.A.C. 5:23 et. seq.) nor that the building and premises are in compliance with the Colts Neck Development Regulations (Chapter 102).

§93-2. Enforcing Authority

The administration and enforcing authority for the provisions of this Chapter shall be the Construction Official.

§ 93-3. Inspections.

The Construction Official or his/her agents or employees shall be responsible to make inspections to determine the condition of rental residential dwelling units, commercial establishments and premises located in the Township in accordance with this chapter.

§ 93-4. Issuance of certificates of inspection ~~continued occupancy~~

From and after the effective date of this chapter no person, firm, corporation or other entity shall occupy or reoccupy any commercial property after the sale, rental or the transfer of such property, and no person, firm, corporation or other entity shall rent a residential dwelling unit unless a certificate of inspection ~~continued occupancy~~ shall have been issued by the Constructional Official certifying that such property is in compliance with all of the standards of this chapter. For purposes of this chapter, a "commercial property" shall be any structure or portion thereof, occupied or intended for occupancy for any retail, office, personal service, industrial use or property accessory thereto or any use other than a residential or agricultural use. A rental residential dwelling unit shall be a building or portion thereof occupied or intended to be occupied for residential purposes by one family that is not owner occupied.

§ 93-5. Application; fees.

A. Application forms for certificates of inspection ~~continued occupancy~~ may be obtained from the Construction Official. The property owner or tenant shall file a completed application for a certificate of inspection ~~continued occupancy~~ and specify whether the application is for a residential certificate of inspection, or commercial certificate of inspection. For commercial properties a description of operations on the owner's or tenant's letterhead must be submitted and shall include the days and hours of operation, number of employees, proposed number of shifts to be worked and the maximum number of employees per shift; for medical uses the number of exam rooms; for food establishments the number of seats/chairs; the size, types and frequency of delivery vehicles; a detail description of a "day in the life" of the business and a listing of all required licenses and certifications required. If distinct and separate activities occur, the description must include each activity.

B. The application fee for a certificate of inspection ~~continued occupancy~~ shall be $100 made payable to Colts Neck Township. An additional fee in the amount of $25.00 shall be payable to the Township for each reinspection which may be undertaken after the initial inspection by the Construction Official or his or her designee in connection with any such application.

§ 93-6. Temporary certificates of inspection ~~occupancy~~.

The Construction Official may, in his or her discretion, issue a temporary certificate of inspection ~~occupancy~~ upon written application by the owner or proposed occupant of such use. The Construction Official may issue a temporary certificate of inspection ~~occupancy~~ only in those circumstances where any deficiency established under the standards of this article is minor in nature and does not impair the habitability of the structure. Any temporary certificate of inspection ~~occupancy~~ issued pursuant to the terms of this article shall expire within 90 days of the date of issuance thereof and shall not be renewable.

§ 93-7. Standards.

The visual inspection contemplated herein shall include but not be limited to the following:

For commercial properties and rental residential dwelling units the Construction Official shall issue a certificate of inspection ~~continued occupancy~~ if there are no noticeable violations to the latest edition of the International Property Maintenance Code published by the International Code Council which is hereby adopted.

§ 93-8. No certificate of inspection ~~continued occupancy~~ shall be issued until the Zoning Officer certifies that the proposed use is a permitted use in the zone, the use is in accordance with all off-street parking requirements and the request meets the definition of "site plan, exempted".

§ 93-9. No certificate of inspection ~~continued occupancy~~ shall be issued until the Health Officer approves the following:

A. Receipt of a septic inspection report conducted not more than one year prior to the application from a reputable septic system inspection service company performed in accordance with NJDEP manual entitled "Technical Guidance for Inspections of Onsite Wastewater Treatment and Disposal Systems" dated July 2003 as amended and supplemented confirming that the system(s) is not malfunctioning pursuant to N.J.S.A. 7:9A-3.4(b). Holders of an NJDEP Treatment Works Permit whom are under the jurisdiction of the NJDEP are exempt from this requirement. For a change or intensification in use, an Engineer's Report may be required to demonstrate the septic system is in compliance with the Standards for Individual Subsurface Sewerage Disposal Systems (N.J.A.C. 7:9A).

B. Receipt that the water test in accordance with and meeting the parameters specified in the NJ Private Well Act (N.J.S.A. 7:9 et. seq.) from a state certified laboratory.

§ 93-10. No certificate of inspection ~~continued occupancy~~ shall be issued for a rental residential dwelling unit until the Construction Official receives a "Certificate of Smoke Detector, Carbon Monoxide Detector and Residential Fire Extinguisher Compliance from the Fire Marshall.

§ 93-11. When a certificate of inspection ~~continued occupancy~~ is required by this chapter, no mercantile license shall be issued until such certificate is obtained.

§ 93-12. When a certificate of inspection ~~continued occupancy~~ is required by this chapter, no landlord identity registration shall be accepted until such certificate is obtained.

§93-13. Time limitations for approval.

A. All certificates of inspection ~~continued occupancy~~ shall be issued or denied within 21 days of the filing of the application. A certificate of inspection ~~continuing occupancy~~ issued hereunder shall be valid for a period not to exceed 90 calendar days from the date of issuance or until the change in occupancy, whichever occurs first. If a certificate of inspection ~~occupancy~~ is denied, the Construction Official shall state in detail the reasons for the denial.

B. An appeal of denial must be filed within 15 calendar days of receipt of the denial. If the basis of the denial involves a violation of the Uniform Construction Code, the appeal shall be taken to the Monmouth County Construction Board of Appeals. If the basis of denial involves a violation of the Health Code, the appeal shall be filed with the Board of Health. If the basis of the denial involves a zoning violation, the appeal shall be filed with the Zoning Board of Adjustment.

§93-14. Violations and penalties.

A violation of any provision of this chapter shall be punishable as provided in § 1-9 of this Code.

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

SECTION III Repealer. The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this ordinance shall remain in full force and effect.

SECTION IV Inconsistent ordinance. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION V This ordinance shall take effect immediately upon passage, publication and filing according to law.

I hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of Colts Neck Township on the 10th day of July 2024. A public hearing will be held on August 14, 2024, 7:00 p.m. Town Hall, 1 Veterans Way.

Frank Rizzuto, Mayor

Trina Lindsey, Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	July 10, 2024					August 14, 2024				
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Rizzuto												
Deputy Mayor Buss												
Viola												
Bartolomeo												
Fitzpatrick												
M - Moved S - Seconded	X - indicates vote				NV - Not Voting			Ab - Absent				