

**BOROUGH OF FREEHOLD  
COUNTY OF MONMOUTH  
NO. 2018/15**

**ORDINANCE OF THE BOROUGH OF FREEHOLD ADOPTING THE 2015 EDITION  
OF THE *INTERNATIONAL PROPERTY MAINTENANCE CODE*  
AND DELETING CHAPTERS 8.44 AND 15.12 OF THE REVISED GENERAL  
ORDINANCE OF THE BOROUGH OF FREEHOLD**

**WHEREAS**, the current property maintenance code is based upon the “Basic Property Maintenance Code, Second Edition, 1981” as published by the Building Officials and Code Administrators (BOCA) International, Inc.; and

**WHEREAS**, the governing body and the code official recognize the need for a modern, up-to-date property maintenance code governing the maintenance of existing buildings; and

**WHEREAS**, the Construction Official has recommended the adoption of the 2015 Internal Property Maintenance Code as published by the International Code Council, Inc.; and

**WHEREAS**, this code is founded on principles intended to establish provisions consistent with the scope of a property maintenance code that adequately protects public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provisions that do not restrict the use of new materials, products or methods of construction; and provisions that do not give preferential treatment to particular types or classes of materials, products or methods of construction.

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Council of the Borough of Freehold as follows:

**SECTION I**

**Chapter 8.40 Property Maintenance Code** is hereby amended and supplemented as follows:

**Chapter 8.40 Property Maintenance Code**

**8.40.010 Adoption of International Property Maintenance Code**

All references to the the “Basic Property Maintenance Code, Second Edition, 1981” as published by the Building Officials and Code Administrators (BOCA) International, Inc. shall be deleted.

That a certain document, three (3) copies of which are on file in the office of the Clerk of the Borough of Freehold, being marked and designated as the *International Property*

*Maintenance Code*, 2015 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Freehold, in the State of New Jersey for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Borough of Freehold are hereby referred to, adopted and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

#### **8.40.020 Sections of Code Not Adopted**

IPMC Section 102.3 shall be amended to delete the last sentence which reads as follows: “Nothing in this code shall be construed to cancel, modify or set aside any provision of the *International Zoning Code*.”

IPMC Section 103 shall be deleted in its entirety from the IPMC adopted by this chapter.

IPMC Section 105 shall be deleted in its entirety from the IPMC adopted by this chapter.

IPMC Section 107.2 (5) & (6) shall be deleted in its entirety from the IPMC adopted by this chapter.

IPMC Section 110, DEMOLITION, shall be deleted in its entirety from the IPMC adopted by this chapter.

IPMC Section 111 MEANS OF APPEAL shall be deleted in its entirety from the IPMC adopted by this chapter.

IPMC Section 112 STOP WORK ORDER shall be deleted in its entirety from the IPMC adopted by this chapter.

IPMC Section 306 COMPONENT SERVICEABILITY shall be deleted in its entirety from the IPMC adopted by this chapter.

#### **8.40.030 Code Amendments**

The following sections are hereby revised:

IPMC Section 101.1 is amended to add *International Property Maintenance Code of the Borough of Freehold*.

- Section 103.5 Certificate of Occupancy — Apartment/Multiple Dwelling Unit: \$75.00 per unit
- Certificate of Occupancy — One & Two Family Dwelling: \$100.00
- Certificate of Occupancy — Commercial Space less than 500 sq. ft.: \$75.00
- Commercial Space between 501-999 sq. ft.: \$150
- Commercial Space between 1000-1499 sq. ft.: \$200
- Commercial Space 1500sq. ft. and above: \$250
- 1st Re-Inspection Fee no charge
- Subsequent re-inspections \$150 for each re-inspection
- Expedited inspection 3 days or less from application (pending availability): additional \$100.

**Section 108.1** is amended to read as follows: When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such shall be referred to the Construction Official for further action.

**Section 302.4** is amended to read as follows: **3.02.4 A.** Premises and exterior property shall be maintained free from weeds or plant growth in excess of six inches. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided, however, this term shall not include cultivated flowers and gardens. All areas should be kept free from weeds or plant growth which is noxious or detrimental to the public health and welfare including, but not limited to, dead or diseased trees or any portion thereof in danger of injuring the property occupants or adjoining property owners or pedestrians. All trees shall be maintained so as not to present a danger of injuring the property occupants or adjoining property owners or pedestrians.

**3.02.4 B. Invasive Plants. (a).** Invasive plants are defined as all native and non-native vines and vegetation that grow out of place and are competitive, persistent and pernicious. These plants may damage trees, vegetation or structures and may invade neighboring properties. Examples include but are not limited to bamboo(spreading or running type), ragweed, kudzu vine, poison ivy or oak.

**(b).** Whenever an invasive plant is found on any plot of land. Lot or other premises or place and is found to lack appropriate physical barriers to prevent the growth or spread of the species, or is found to have spread beyond the boundaries of a property, same shall be a violation of this chapter. In such case, in addition to a notice of violation, the owner may be compelled to remove or abate same.

(c). All new in-ground plantings of invasive plants are strictly prohibited. All existing plantings must be contained by appropriate physical barriers to prevent the growth or spread of existing invasive species beyond the boundaries of a resident's property.

**Section 304.1.1 Unsafe Conditions** is amended to read as follows: The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *NJ Uniform Construction Code*: ...

**Section 304.14** shall be amended as follows: "During the period from April to November, every door, window and other outside opening..."

**Section 305.1.1 Unsafe Conditions** is amended to read as follows: The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *NJ Uniform Construction Code*: ...

**Section 307 Handrails and Guardrails** shall be amended to read as follows:

**307.1 General.** "Every exterior and interior flight of stairs having four or more risers shall be provided with a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches above the floor or grade below shall have guards. "Handrails shall be not less than 30 inches in height or more than 38 inches in height measured vertically above the nosing of the tread" "Guards shall be not less than 36 inches in height above the floor of the landing, balcony, porch, deck, ramp or other walking surface."

**Section 308 Rubbish and Garbage** shall be amended as follows:

**308.3.1 Garbage facilities.** The owner of every dwelling shall supply an approved leakproof, covered, outside garbage container.

**Section 404.4 Bedroom and living room requirements** shall be amended to read as follows: Every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5 provided, however that every dwelling unit shall contain a minimum gross floor area of not less than 150 square feet for the first occupant, and 100 square feet for each additional occupant. The floor area shall be calculated on the basis of all habitable rooms.

**Section 602.2 Residential occupancies** shall be amended to delete the following language; "based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code."

**Section 602.3** shall be amended to insert the dates October 1<sup>st</sup> to May 1<sup>st</sup>.

**Section 602.4** shall be amended to insert the dates October 1<sup>st</sup> to May 1<sup>st</sup>.

**Section 704 FIRE PROTECTION SYSTEMS** shall be amended to add Section 704.3 Carbon Monoxide Alarms. Systems, devices and equipment to detect carbon monoxide shall be

provided and maintained in compliance with the requirements of N.J.A.C 5:70-4.19 and the NJ Uniform Construction Code.

## **SECTION II**

**Chapter 8.44 SWIMMING POOLS** shall be deleted. Swimming pools, spas and hot tubs shall be governed by IPMCSection 303.

## **SECTION III**

**Chapter 15.12 HOUSE NUMBERING** shall be deleted. Premises identification shall be governed by IPMC Section 304.3

## **SECTION IV**

If any part of this Ordinance shall be deemed invalid such part shall be deemed severable and the invalidity thereof shall not affect the remaining part of this Ordinance.

## **SECTIONV**

Any Ordinance or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed and superseded.

## **SECTION VI**

This Ordinance shall take effect upon final passage and publication in accordance with Law.

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THE BOROUGH OF FREEHOLD**

**NOTICE IS HEREBY GIVEN** that the forgoing Ordinance was approved for final adoption by the Mayor and Council of the Borough of Freehold at a meeting held on December 3, 2018.



**TRACI L. DI BENEDETTO  
BOROUGH CLERK**