



NOTICE OF HEARING

PLEASE TAKE NOTICE that the Governing Body of the Borough of Atlantic Highlands introduced Ordinance 11-2012, at their Meeting held on September 26, 2012. This Ordinance is scheduled to have a Second Reading and Public Hearing on October 10, 2012 at 7:00 PM at Borough Hall, 100 First Avenue, Atlantic Highlands, NJ, in the Public Meeting Room. Anyone interested shall be given the opportunity to be heard concerning this ordinance. Immediately following the Public Hearing, final Adoption will be considered. This Ordinance is available for public inspection at Borough Hall in the Municipal Clerk's office during regular business hours, 8:30 AM to 4:30 PM, Monday through Friday.

Dwayne M. Harris
Municipal Clerk

ORDINANCE 11-2012

ORDINANCE AMENDING THE CODE OF THE BOROUGH OF ATLANTIC HIGHLANDS

WHEREAS, Chapter 168, Article II of the Code of the Borough establishes a Fee Schedule for various services or functions provided by the Borough for which a fee is appropriate, and

WHEREAS, those fees and the amount of those fees are periodically reviewed by the Borough staff to determine as to changes being deemed appropriate, and

WHEREAS, based upon that review various changes to the Borough Fee Schedule in Chapter 168 have been recommended, and the Borough Governing Body has determined that the following changes or revisions to Chapter 168, Article II are appropriate, said revisions and increases to be implemented and effective as of January 1, 2013, and

NOW THEREFORE BE IT ORDAINED by the Governing Body of the Borough of Atlantic Highlands that the Code of the Borough of Atlantic Highlands, Chapter 168, Article II is hereby amended and revised in the following particulars (all changes or additions to the current Code are underlined, all portions of the existing Code/Fee Schedule in Article II not referenced herein remain as currently in place and effect):

A. Fees for services by the office of the Municipal Clerk. Fees shall be charged as follows:

~~RETAIL FOOD ESTABLISHMENT LICENSE, ANNUAL INSPECTION FEE \$30.00~~

LIQUOR LICENSE FEE:

Plenary Distribution - ~~\$750.00~~ **\$900.00**

Plenary Retail Consumption/Broad Package - ~~\$750.00~~ **\$900.00**

Plenary Retail Consumption - ~~\$750.00~~ **\$900.00**

Unincorporated Club - ~~\$150.00~~ **\$180.00**

REDEMPTION OF SEIZED DOGS as provided by N.J.S.A. 4:19-15,16 - **If an animal taken into custody and impounded which has a collar or harness with identification of the name and address of any person, or has a registration tag, or has a microchip with an identification number that can be traced to the owner or person charged with the care of the animal, or the owner or the person charged with the care of the animal is otherwise known, the certified animal control officer shall ascertain the name and address of the owner or the person charged with the care of the animal, and serve to the identified person as soon as practicable, a notice in writing that the animal has been seized and the owner or the person charged with the care of the animal will be liable for all fees incurred, by the municipality, from a licensed kennel, shelter or pound. Any owner or person charged with the care of the animal who refuses or neglects to pay forthwith the costs and charges incident thereto, shall be deemed to have violated the provisions of this article and shall be subject to a notice of violation from the Code Enforcement Officer, Municipal Clerk, Court Administrator or any other individual, corporation or entity that the municipality shall contract with for the responsibility of enforcing this article, upon conviction thereof, shall pay a fine of not less than \$100 nor more than is provided in Chapter 1, Article II, General Penalty, of this Code.**

~~MASSAGE/BODYWORK THERAPY ESTABLISHMENT LICENSE (annual)~~

Establishment License- ~~\$100.00~~ **&50.00**
Therapist License ~~\$100.00~~ **\$50.00**

STREET EXCAVATIONS:

(a) ~~Permit application fee, based on a percentage of the repair deposit required in Subsection A(2)(b). In no case shall a permit fee charged be less than \$90. \$105.00.~~

Street Excavation Permit Fees

Repair Deposit	Percent
\$75.00 to \$999.00	15%
\$1,000.00 to \$1,999.00	13.5%
\$2,000.00 to \$2,999.00	12%
\$3,000.00 to \$3,999.00	10.5%
\$4,000.00 to \$4,999.00	9%
\$5,000.00	7.5%

~~(D) CONSTRUCTION DEPARTMENT--~~ **Fees charged by the Construction Department:**

The minimum fee for a basic construction permit covering any and all of the technical subcodes shall be ~~\$50~~ \$60.00.

CERTIFICATE OF OCCUPANCY PROPERTY SALE OR TENANCY CHANGE:

Single family (<u>includes 1 inspection</u>)	No charge <u>\$75.00</u>
Multifamily/ <u>Condo/Apartments</u> (<u>includes 1 inspection</u>)	No charge <u>\$75.00</u>
Commercial (<u>includes 1 inspection</u>)	No charge <u>\$125.00</u>
Each additional re-inspection	\$25

Certificate of Occupancy

Multifamily (includes 1 re inspection)	\$45	Ch. <u>136</u>
Each additional re inspection	\$25	Ch. <u>136</u>
Residential (includes 1 re inspection)	\$60	Ch. <u>136</u>
Each additional re inspection	\$25	Ch. <u>136</u>
Commercial (includes 1 re inspection)	\$110	Ch. <u>136</u>
Each additional re inspection	\$35	Ch. <u>136</u>

BE IT FURTHER ORDAINED by the Governing Body of the Borough of Atlantic Highlands that Chapter 168 of the Borough Code; Fees, Article II – “Fee Schedule” is hereby amended to include as follows:

A. Fees for services by the office of the Municipal Clerk. Fees shall be charged as follows:

RESIDENTIAL LANDLORD REGISTRATIONS - \$25.00

(D) Fees charged by the Construction Department:

TREE REMOVAL / TREE PERMITS:

1-3 Trees - \$30.00

4-7 Trees - \$50.00

8-11 Trees - \$75.00

12+Trees - \$100.00

DUMPSTER PERMITS - \$25.00

POD PERMITS - \$25.00

RESIDENTIAL LANDLORD REGISTRATIONS - \$25.00

MERCANTILE LICENSE FEE- \$50.00 per annum

K. Fees charged by the Planning Board. Fees shall be charged as follows:

Zoning Application Fee \$30.00

BE IT FURTHER ORDAINED by the Governing Body of the Borough of Atlantic Highlands that Chapter 272 of the Borough Code; Rental Property Registration is hereby amended to include §272-1A as follows:

RESIDENTIAL LANDLORD IDENTITY REGISTRATION FORM

- (a) **Pursuant to N.J.S.A. 46:8-28 and 46:8-29, Every landlord shall, within 30 days following the creation of the first tenancy, in any newly constructed or reconstructed residential building, file with the clerk of the municipality, or with such other municipal official as is designated by the clerk, in the case of a one-family dwelling rental or a two family-dwelling rental which is a non-owner occupied premise, a certificate of registration on forms prescribed by the Commissioner of Community Affairs. Every landlord required to file a certificate of registration shall file an amended certificate within 20 days after any change in the information required to be included therein. No fee shall be required for the filing of an amendment except where the ownership of the premises has changed.**
- (b) **Every landlord shall, within 30 days following the creation of the first tenancy, in any newly constructed or reconstructed residential "multiple dwelling," as defined in section 3 of P.L.1967, c.76 (C.55:13A-3), shall file with the Bureau of Housing Inspection in the Department of Community Affairs a certificate of registration on forms prescribed by the Commissioner of Community Affairs.**
- (c) **Within 30 days following the creation of a new tenancy, every landlord shall provide each occupant or tenant in his building a copy of the certificate of registration required by sections (a) and (b). If an amended certificate is filed the landlord shall furnish each occupant or tenant with a copy of the amended certificate within seven days after the amended certificate is filed with the municipal clerk, or with such other municipal official as is designated by the clerk, in the case of a tenant occupied one family dwelling or a non-owner occupied two family dwelling and within seven days of receipt of a validated certificate from the Bureau of Housing Inspection in the case of a building or project subject to the "Hotel and Multiple dwelling" multiple dwelling," as defined in section 3 of P.L.1967, c.76 (C.55:13A-3)**

BE IT FURTHER ORDAINED by the Governing Body of the Borough of Atlantic Highlands that Chapter 211 of the Borough Code” Licensing” Article 1 “Food Establishments” is hereby repealed and replaced as follows:

Article I Mercantile License

- (A) License required. It shall be unlawful for any person or body corporate to conduct any commercial, retail or mercantile establishment without first having procured a license from the **clerk of the municipality, or from such other municipal official as is designated by the clerk.**
- (B) Prior to the issuance of any license under this article, the applicant shall be required to pay an annual license fee as provided in Chapter **168**, Article **II**, to cover costs incurred by the Borough in the issuance of the license and any inspections incidental thereto. No fee shall be charged to a nonprofit organization which shall make an application for a license under this article, provided that an appropriate person or officer of the organization shall file with the Municipal Clerk a statement, signed under oath, indicating that the organization applying for said license is, in fact, a duly qualified nonprofit organization under the laws of the State of New Jersey.
- (C) Interstate commerce not affected. No provision of this article shall be applied so as to impose any unlawful burden on either interstate commerce or any activity of the Borough, County of Monmouth, State of New Jersey, or the federal government.
- (D) No Mercantile License will be issued to any retail food establishment as defined in and governed by N.J.A.C. 8:24-1.1 et seq. (Sanitation in Retail food Establishments and food and Beverage Vending Machines) without first having procured a license from the local Board of Health or without complying with any or all of the provisions concerning operation and maintenance of the same as contained in the aforementioned N.J.A.C. 8:24-1.1 et seq. (Sanitation in Retail Food Establishments and Food and Beverage Vending Machines).
- (E) EXEMPTIONS: Home base businesses or professions as outlined in Article IV §150-46, and any person or body corporate that is a tenant of the Atlantic Highlands Harbor Commission..
- (F) Any person violating any of the provisions of this article shall be subject to penalties as provided in Chapter **I**, Article **II**, General Penalty.

BE IT FURTHER ORDAINED that:

- A. The effective date of these changes and revisions shall be January 1, 2013.
- B. That the provisions of this Ordinance are severable, and that if any portion of this Ordinance is declared invalid, the remaining provision shall remain valid and in effect.