

ORDINANCE 1238

AN ORDINANCE AMENDING CHAPTER XIII OF "REVISED GENERAL ORDINANCES OF THE BOROUGH OF DEAL, 1982", Buildings and Housing

**THE BOARD OF COMMISSIONERS OF THE BOROUGH OF DEAL
HEREBY ORDAIN:**

Section 1. That Chapter XIII, Building and Housing, of the "Revised General Ordinance of the Borough of Deal, 1982" be and it hereby is amended in the following particulars:

Section 2. Subsection 13-5 **Temporary Structures** is added as follows:

13-5.1 Definitions

TEMPORARY STRUCTURES - Structures utilized on a short-term or intermittent basis, such as tents, canopies or similar structures without a permanent foundation and not classified as a premanufactured garden-type utility shed in accordance with the New Jersey Uniform Construction Code located on the properties of one (1) and two (2) family residents. Structures under 100 square feet or structures commonly known as Sukkah's are excluded from the requirements of this chapter.

FUEL TANKS – Any fueled tank utilized for cooking, heating or similar uses. Residential grade gas grills commonly used for cooking or heating are excluded from the requirements of this chapter.

13-5.2 Permit Application

Prior to the issuance of a permit, the applicant shall file an application with the Code Official providing the following information. For any temporary structure which requires a construction permit or Uniform Fire Code permit; the applicant shall also be required to make an application for and obtain the required permits from the appropriate enforcing agency.

- A. The name, address and telephone number of the applicant seeking the permit.
- B. The name, address and telephone number of the property owner where the temporary structure is to be erected, constructed or placed.

- C. A plot plan of where the proposed temporary structure is to be erected, constructed or placed on the property. A plan for means of egress from within the temporary structure.
- D. The need for the temporary structure and the period of time the proposed structure will be present on the property.
- E. A description, including the dimensions and the materials to be utilized for the construction of the temporary structure which is to be erected, constructed, or placed upon the property.
- F. A certificate of flammability from the manufacturer.

13-5.3 Time Limitations

Upon approval of the Zoning Official, the Code Official and payment of the permit fee, the Code Official shall issue a permit to the applicant. The permit shall be issued for a maximum period of 30 days or upon approval to extend the time limit from the Zoning and Code Officials.

13-5.4 Permit Fee

The permit fee shall be the following:

Temporary Structure: \$50 each tent when application is received 7 days prior to the inspection. An additional \$50 late fee shall be required if the application is received within 7 days of the required inspections.

Fuel Tanks: \$50 when application is received 7 days prior to the inspection. An additional \$50 late fee shall be required if the application is received within 7 days of the required inspection

13.5.5 Certificate of Inspection and Provisions

- A. A certificate of inspection is required on all temporary structures or use of fueled tanks.
- B. Cooking under an occupied temporary structure is strictly prohibited. Temporary Structures where cooking is performed must be separated from other tents by a minimum of 20 feet.
- C. A fire extinguisher (minimum 8 lb. ABC) shall be placed at each egress. A fire (minimum 8lb. ABC-k) shall be placed in each cooking temporary structure.

- D. Fueled tanks used for cooking or heating shall be kept outside the temporary structure and secured to prevent damage and tipping.

13-5.6 Enforcement; Violations and Penalties.

- A. The provisions of this Ordinance shall be enforced by the Sub-Code or Code Official, as their jurisdiction may arise, including legal counsel for the Borough or other persons designated by the Board of Commissioners, to issue municipal civil infractions directing alleged violators of this Ordinance and/or to appear in court or file civil complaints.
- B. A violation of this Ordinance is hereby declared to be a public nuisance, a nuisance per se, and is hereby further found and declared to be offensive to the public health, safety and welfare.
- C. Any person found to have violated any provision of this Ordinance, without regard to intent or knowledge, shall be liable for the maximum civil penalty, upon adjudicated violation or admission, of a fine not exceeding \$1,250. Each day of such violation shall be a new and separate violation of this Ordinance.

SECTION 3. 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.

SECTION 4. Any Ordinance or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed and superseded.

SECTION 5. This Ordinance shall take effect upon final passage and publication in accordance with Law.

Introduced by Commissioner Ades on April 7, 2021
Seconded by Commissioner Simhon
Roll Call: Ayes 3; Cohen, Ades & Simhon

Motion to Adopt by Commissioner Simhon on May 5, 2021
Seconded by Commissioner Ades
Roll Call: Ayes 3; Cohen, Ades & Simhon