

ORDINANCE NO. 2023-06

**AN ORDINANCE OF THE TOWNSHIP OF PLUMSTED,
COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING
AND SUPPLEMENTING CHAPTER 15 OF THE
GENERAL ORDINANCES OF THE TOWNSHIP OF PLUMSTED,
ENTITLED "ZONING" SO AS TO CREATE A NEW SECTION 15-
16, ENTITLED "BUILDING STANDARDS, COMMERCIAL"**

BE IT ORDAINED, by the Township Committee of the Township of Plumsted, County of Ocean, State of New Jersey as follows:

SECTION 1. Chapter 15, entitled "Zoning" of the General Ordinances of the Township of Plumsted is hereby amended and supplemented so as to create a new § 15-16, entitled "Building Standards, Commercial," which shall read in its entirety as follows:

§ 15-16. Building Standards, Commercial

A. Purpose.

The provisions of this chapter shall constitute the standards to guide the Building Inspector or his agents in determining the fitness of a building or occupancy and if the building or occupancy has lawfully existed.

B. Title.

The said code established and adopted by this chapter is described and commonly known as the "Commercial Building Standards of New Jersey."

C. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADMINISTRATIVE AUTHORITY

The department, branch or agency of this municipality which is authorized by the adopting ordinance to administer the provisions of this code.

BUILDING

A structure enclosed with exterior walls or fire walls, built, erected and framed of component structural parts, designed for the housing shelter, enclosure and support of individual, animals or property of any kind. When used herein, "building" and "structure" shall be interchangeable except where the context clearly indicates otherwise.

CERTIFICATE OF CONTINUED OCCUPANCY

Indicating that as a result of a general inspection of the visible parts of the building, no violations have been determined to have occurred and no unsafe conditions have been found, and that the existing use of the building has heretofore lawfully existed.

CHANGE OF USE

A change from one use to another use in a building or tenancy or portion thereof.

COMMERCIAL

Of or connected with commerce, made or done for sale or profit.

EQUIPMENT

Plumbing, heating, electrical, ventilating, air conditioning, refrigerating and fire prevention/suppression equipment, and elevators, dumbwaiters, escalators, boilers, pressure vessels and other mechanical facilities or installations which are related to building services.

GARBAGE

The animal and vegetable and other organic waste resulting from the handling, preparation, cooking and consumption of food.

INFESTATIONS

The presence, within or around a building, of any insects, rodents or other pests.

INSPECTION

To look at carefully; to examine or review officially.

INSPECTOR

One who inspects; official examiner.

MAINTENANCE

The replacement or mending of existing work with equivalent materials for the purpose of safety, healthfulness and upkeep of the structure and the adherence to such other standards of upkeep as are required in the interest of public safety, health and welfare.

OCCUPANT

Any person or persons in actual possession of and occupying a building, including the owner.

OWNER

Any person properly authorized to exercise powers of or for an owner of property for purposes of its purchase, sale, use, occupancy or maintenance.

PRIOR APPROVALS

The necessary certifications or approvals issued, which are conditions precedent to the issuance of a continuous certificate of occupancy, as the case may be. Prior approvals shall include, but not be limited to, the following:

- (1) Letter from the property owner approving an occupancy.
- (2) Zoning.
- (3) Water certification.
- (4) Sewer certification.
- (5) Ocean County Health (retail activities).
- (6) State Health (wholesale activities).

RUBBISH

Includes all combustible and noncombustible waste material, except garbage.

STRUCTURE

A combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above, or below the surface of a parcel of land.

USE GROUP

The classification of an occupancy.

UTILITIES

Includes electric, gas, heating, water and sewerage services and equipment therefor.

VACATE

To make vacant.

D. Water supply.

Every commercial structure shall be provided with a safe supply of potable water meeting the standards as set forth in Potable Water Standards as published by the New Jersey State Department of Health. The source of such water supply shall be approved by the New Jersey Department of Health and/or the Ocean County Health Department and pursuant to the adopted National Standard Plumbing Code as referenced in Section 7.21.5, entitled "Substitution and Omission of Fixtures." The minimum rate of flow of hot or cold water issuing from a faucet or fixture shall be in compliance of the adopted code enforced by the Building Department.

E. Facilities.

Every commercial building or occupancy shall provide the following facilities:

- (1) Every water closet and lavatory for each structure or occupancy shall be accessible from within the building without passing through any other structure or occupancy.
- (2) Every plumbing fixture shall be connected to water and sewer systems approved by the Ocean County Board of Health or the Plumsted Township Municipal Utilities Authority and shall be maintained in good working condition.
- (3) Every commercial structure or occupancy shall have water-heating facilities which are installed and maintained in good and safe working condition, connected with the hot- water lines required and capable of delivering water at a minimum temperature that is in compliance with the adopted code enforced by the Building Department.

F. Waste materials.

Garbage or other organic waste shall be stored in watertight receptacles of metal or other approved material. Such receptacles shall be provided with tight-fitting covers.

G. Lighting.

Every commercial building or occupancy shall have and shall have maintained the approved lighting approved at the time the certificate of occupancy was issued.

H. Ventilation.

Every commercial building or occupancy shall have maintained the approved ventilation approved at the time the certificate of occupancy was issued.

I. Heating equipment.

Every commercial building or occupancy shall have and shall have maintained the approved heating equipment approved at the time the certificate of occupancy was issued. Every heating appliance, except for electrical, shall be properly vented to a chimney or flue leading to the outdoors.

J. Egress.

Every commercial building or occupancy shall have and shall have maintained a safe and unobstructed means of egress. Such means of egress shall lead to a safe and open space at ground level accessible to a street or approved area.

K. Elevators.

Every commercial building or occupancy having an elevator, dumbwaiter, etc., shall have an annual certification performed by the authorized authority. Said certification shall be posted and a copy shall be made available at the time of the inspection.

L. Fire-protection equipment.

- (1) Every commercial building or occupancy having fire-protection equipment shall have an annual certification performed on its fire alarm, fire extinguishers and sprinkler system by a licensed agency. Said certification shall be posted, and a copy shall be provided at the time of the inspection.
- (2) Every commercial building or occupancy having a kitchen suppression system shall have a six-month certification performed by a licensed agency. Said certification shall be posted, and a copy shall be provided at the time of the inspection.

M. Maintenance standards.

Every commercial building or occupancy shall comply with the following maintenance standards, as appropriate:

- (1) Every foundation, floor, wall, ceiling, door, window, roof or other part of a building or occupancy shall be kept in good repair and capable of the use intended by its design, and any exterior part or parts thereof subject to corrosion or deterioration shall be kept well maintained.
- (2) Every inside and outside stairway and appurtenance thereto shall be maintained in a sound condition and in good repair for its intended use and capable of supporting the load that normal use may cause to be placed thereto. Every stairway having three or more steps shall be properly bannistered and safely balustraded as approved when issued a certificate of occupancy.
- (3) Every roof, wall, window, exterior door and hatchway shall be free from holes or leaks that would permit the entrance of water within a dwelling or be a cause of dampness.
- (4) Every foundation, floor and wall of a dwelling shall be free from chronic dampness.
- (5) Every commercial building or occupancy shall be free from rodents, vermin and insects. The Ocean County Board of Health may require rodent or vermin extermination and rodent-proofing and vermin-proofing.
- (6) All exterior wiring and lighting shall be in good and operating condition.
- (7) All egress and ingress walkways shall be in a safe condition.
- (8) All associated outbuildings shall be in a safe condition.
- (9) All common areas shall be inspected for safe and operable condition (which shall include but not be limited to, boiler rooms, furnace rooms, storage areas and laundry rooms).

N. Certificate of occupancy.

- (1) Each commercial building or occupancy shall have been approved and issued a certificate of occupancy by the Building Department prior to application for a continuous certificate of occupancy.
- (2) All terms of the original certificate of occupancy must be met, which includes the use group, occupant load and live load. If an application proposes any deviations from the original floor plan that impact the means of egress, occupant load, live load or dead load, the submission of a certification prepared by a licensed architect verifying the occupancy is required.
- (3) All prior approvals must be submitted with the application for a continuous certificate of occupancy

O. The owners and occupants of commercial structures shall have the following responsibilities and duties:

- (1) No owner or occupant shall cause any services, facilities, equipment or utilities which are required under this code to be removed from, shut off or disconnected in any occupied commercial structure, except for such temporary interruption as may be necessary while actual repairs or alterations are in the process or during temporary emergencies when discontinuance of service is authorized by the Construction Official and/or the Fire Official of the appropriate fire district.
- (2) The owner of a commercial structure located in an area found by the Inspector(s) to be infested by rats, insects or other vermin shall carry out such rat stoppage, vermin proofing or other means of preventing infestations of said structure as may be required by the Ocean County Board of Health.
- (3) No owner shall occupy or lease to an occupant any vacant structure or part thereof unless it is clean and sanitary.
- (4) Every owner of a commercial structure shall be responsible for maintaining in a clean and sanitary condition the common areas of the structure or premises thereof.
- (5) It shall be the responsibility of the owner, unless otherwise provided for under lease agreement, to provide for the orderly maintenance of the premises. The storage of objects or materials not covered in Subsections 7 and 8 of this section or not otherwise prohibited by municipal ordinance shall be done in an orderly manner so as to not constitute a health, safety or fire hazard.
- (6) Every occupant of a commercial structure shall keep in a clean and sanitary condition that part of the structure which he occupies and controls.
- (7) Every occupant of a commercial structure shall dispose of all his/her garbage and any other organic waste which might provide food for rodents by placing it in the garbage disposal facilities or garbage storage receptacles required by Section F. of this chapter.
- (8) Every occupant of a commercial structure shall dispose of his/her rubbish in a clean, sanitary manner by placing it in the rubbish containers required by Section F. of this chapter.
- (9) Every occupant of a commercial structure shall be responsible, unless provided for otherwise under a lease agreement, for the periodic removal of all garbage and rubbish from the premises each week in accordance with such regulations of this municipality for the collection of garbage and rubbish.
- (10) Every occupant of a commercial structure shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- (11) In the absence of a contract or agreement to the contrary, the owner shall be obliged to provide heat wherever heating facilities are under the control of the owner or whenever two or more occupancies are heated by a common facility.
- (12) The owner shall be responsible for compliance with provisions of this chapter not specified as the responsibility of the occupants.
- (13) The owner or occupant shall verify that the proposed occupancy is not a change of use prior to taking occupancy. Verification shall be made either through consultation with a licensed architect or verification by the Construction Code Official or his designee.

P. Powers and duties of Building Inspector.

The Building Inspector is hereby authorized and empowered to exercise all powers as may be necessary to carry out and effectuate the purpose and provisions of this chapter, including the following, in addition to other powers herein granted:

- (1) To inspect commercial structures and/or occupancies of the Township to determine if a continuous certificate of occupancy should be issued.
- (2) To administer oaths, affirmations, examine witnesses and receive evidence.

- (3) To enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession.
- (4) If a notice of violation and orders to terminate have not been complied with, the Building Inspector, in addition to any other available remedies likely to bring about compliance, may request the legal counsel of the municipality, or of the joint enforcement agency, to institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation or to require the removal or termination of the unlawful use of the building or structure in violation of the provisions of this chapter or of the order or direction made pursuant thereto.
- (5) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purpose of this chapter.

Q. Search warrants.

The Building Inspector or his agents, upon affidavit, shall apply to the Judge of the Municipal Court of the Township for a search warrant setting forth factually the actual conditions and circumstances that provide a reasonable basis for believing that a nuisance or violation of this chapter exists on the premises, and if the Municipal Judge is satisfied as to the matter set forth in the affidavit, he/she may authorize the issuance of a search warrant permitting access to and inspection of that part of the premises on which the nuisance or violation may exist. A search warrant may also be issued for the routine, periodic inspection of all commercial structures in a given area based upon possible cause, such as passage of time since the last inspection, the nature of the buildings and structures involved, observation of deterioration of the general area and the like.

R. Continuous certificate of occupancy.

- (1) No person shall occupy as owner or occupant or rent to another for occupancy any commercial structure or unit, for the purposes of conducting business therein, which does not conform to the provisions of this chapter as the standard to be used in determining whether a commercial structure or occupancy is in compliance with its use group, safe, sanitary and fit for occupancy.

S. Service of notice.

Service of notice may be made by personal delivery or by leaving a copy at the structure or occupancy with a competent member of employment or at the usual place of abode of such person or by regular and certified mail.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. Since this ordinance is legislative in nature, there shall be the codification of same in the General Ordinance Book of the Township of Plumsted.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.


NAME	CUOZZO	GRILLETTO	HAMMERSTONE	MARINARI	BOWEN
AYES	6/1/23		6/1/23	6/1/23	6/1/23
ABSTAIN					
NAYS		6/1/23			
ABSENT					

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Plumsted held on the 4TH day of **MAY, 2023** and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the 1ST day of **JUNE, 2023** at 7:00 PM, at the Municipal Building, 121 Evergreen Road, New Egypt, NJ 08533, at which time and place any person desiring to be heard upon the same will be given the opportunity to be so heard.

Pursuant to N.J.S.A. 40:49-2, as amended, further notice is hereby given that the purpose of the forgoing ordinance is to provide regulations for commercial building standards within the Township of Plumsted.

Members of the general public may obtain a copy of the ordinance without cost during normal business hours from the Municipal Clerk's Office, 121 Evergreen Road, New Egypt, New Jersey.



JENNIFER WITHAM, RMC, CMR
Municipal Clerk

ORDINANCE NO. 2023-08

AN ORDINANCE OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 15, ARTICLE OF THE TOWNSHIP CODE, PREVIOUSLY ENTITLED "IMPROPER DISPOSAL OF WASTE."

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Township of Plumsted, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Township Code of the Township of Plumsted is hereby amended and supplemented so as to amend¹ Chapter 15, previously entitled "Improper Disposal of Waste", so as to read as follows:

§ 15-5.22. Improper Disposal of Waste; Salt and De-Icing Storage. [Added 12-1-2022 by Ord. No. 2022-09]

- a. Purpose. An ordinance to prohibit the spilling, dumping, or disposal of materials, **including stored salt and other solid de-icing materials**, other than stormwater to the municipal separate storm sewer system (MS4) operated by the Township of Plumsted so as to protect health, safety and welfare, and to prescribe penalties for the failure to comply.
- b. Definitions. For the purpose of this subsection, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future; words used in the plural number include the singular number; and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

DE-ICING MATERIALS – Any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.

IMPERVIOUS SURFACE - A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the Township of Plumsted or other public body, and is designed and used for collecting and conveying stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport

¹ Additions shall be denoted in **bold underline**. Removed portions shall be denoted in ~~strikethrough~~.

stormwater from streets and other sources.

PERMANENT STRUCTURE - A permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall). A fabric frame structure shall be considered a permanent structure as defined within this chapter if it meets all of the following specifications:

- 1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;**
- 2. The design prevents stormwater run-on and run through.**
- 3. The structure is erected on an impermeable slab.**
- 4. The structure is not open sided; and**
- 5. The structure shall have a roll up door or other means of completely sealing the access way from rainfall.**

PERSON — Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

STORMWATER — Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

- c. Prohibited Conduct. The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Township of Plumsted is prohibited. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.
- d. Exceptions to Prohibition.
 1. Water line flushing or discharges from potable water sources.
 2. Uncontaminated groundwater (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising groundwaters).
 3. Air-conditioning condensate (excluding contact and noncontact cooling water).
 4. Irrigation water (including landscape and lawn watering runoff).
 5. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows.
 6. Residential car-washing water, and residential swimming pool discharges.

7. Sidewalk, driveway and street wash water.

8. Flows from firefighting activities.

9. Rinsing of Equipment.

(a) Flows from rinsing of the following equipment with clean water:

(1) Beach maintenance equipment immediately following their use for their intended purposes; and

(2) Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using drying cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded.

(b) Rinsing of equipment, as noted in the above situation, is limited to exterior, undercarriage, and exposed parts and does not apply to the engines or other enclosed machinery.

10. Township-approved events.

- e. **De-Icing Material Storage Requirements. De-icing materials should be stored in a permanent structure, if available. De-icing materials may be stored in a permanent structure year round. The property owner shall notify the Township of a designated person(s) responsible for operations at the site where these materials are stored, and who shall document that weekly inspections are conducted to ensure full compliance with this ordinance.**

Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th through April 15th, but cannot exceed thirty (30) calendar days total without prior written approval from the New Jersey Department of Environmental Protection:

1. **Materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;**
2. **Materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, and/or ditches or other stormwater conveyance channels;**
3. **Materials shall be formed in a cone-shaped storage pile;**
4. **All storage piles shall be covered as follows:**
 - (a) **The cover shall be waterproof, impermeable, and flexible;**
 - (b) **The cover shall extend to the base of any and all piles;**
 - (c) **The cover shall be free from all holes and tears;**

- (d) The cover shall be secured and weighed down around the perimeter to prevent removal by wind;
 - (e) Weight shall be placed on all covers to minimize potential of exposure as materials shift and runoff flows down to the base of the pile. Sandbags lashed together with rope or cable, placed uniformly over the flexible cover; or poly-cord nets provide a suitable alternate method. Items that can potentially hold water, including but not limited to tires, shall not be used.
5. All temporary storage sites shall be free of de-icing materials from April 16th until October 14th with no exceptions.
- f. Exceptions to De-Icing Storage Provision. Section (e) does not apply to facilities where the stormwater discharges from salt storage activities are regulated under another NJPDES permit.
 - g. Enforcement. This subsection shall be enforced by the Code Enforcement Officer or the Police Department of the Township of Plumsted.
 - h. Penalties. Any person(s) who continues to be in violation of the provisions of this subsection, after being duly notified, shall be subject to a fine of not less than \$100 nor more than \$1,000 per day.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

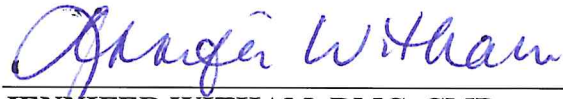
NAME	CUOZZO	GRILLETTO	HAMMERSTONE	MARINARI	BOWEN
AYES	4/23	4/1/23	4/1/23	4/1/23	4/1/23
ABSTAIN					
NAYS					
ABSENT					

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Plumsted held on the 1st day of June, 2023, and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the 6th day of July, 2023 at 7:00 P.M., at the Municipal Courtroom, located at 21 Evergreen Road, New Egypt, New Jersey at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Pursuant to N.J.S.A. 40:49-2, as amended, further notice is hereby given that the purpose of the forgoing ordinance is to provide regulations for salt and de-icing storage as required by the NJ Department of Environmental Protection.

Members of the general public may obtain a copy of the ordinance without cost during normal business hours from the Municipal Clerk's Office, 121 Evergreen Road, New Egypt, New Jersey.



JENNIFER WITHAM, RMC, CMR
Municipal Clerk

ORDINANCE NO. 2023-09

AN ORDINANCE OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 45, ARTICLE OF THE TOWNSHIP CODE, ENTITLED “CANVASSING AND ‘NO KNOCK’ REGISTRY.”

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Township of Plumsted, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Township Code of the Township of Plumsted is hereby amended and supplemented so as to amend¹ Chapter 45, entitled “Peddling and Soliciting and ‘No Knock’ Registry”, Sections 45-3 “Exceptions”; 45-15 “Time, place and manner restrictions”; 45-16 “Plumsted Township ‘No Knock’ Registry”; and 45-21 “Exemptions” so as to read as follows:

Article I

§ 45-3. Exceptions.

This chapter is intended to particularly exclude fees for wholesalers who are either licensed by the State of New Jersey or who have been issued a sales tax exemption permit from the State of New Jersey due to their status as wholesalers, holders of special privileges and all of the persons exempted by operation of law such as a veteran who holds such state permit. Charitable, **political** and religious organizations shall **be exempted from all permit requirements**. Vendors participating in Township-sponsored events shall be exempt from permit fees. ~~An application shall be submitted in accordance with § 45-4, Permit application, without fees.~~

Article II

Canvassing and “No Knock Registry”

§ 45-15. Time, place, and manner restrictions.

No individual that has been given a permit to canvass or solicit may operate beyond the timeframe outlined below:

- A. 10:00 a.m. — 6:00 p.m. Monday through Saturday.
- B. 12:00 noon — 2:00 p.m. on Sunday.
- C. ~~No canvassing shall occur on any Federal or State holiday.~~

¹ Additions shall be denoted in **bold underline**. Removed portions shall be denoted in ~~striketrough~~.

Further, no individual or group of individuals may knowingly enter private property that has displayed a "no knock" sticker or is on the "No Knock" Registry set forth in § 45-16.

The Township encourages any exempt group and/or person that solicits and/or canvasses within the Township to adhere to the above-referenced time, place and manner restrictions if at all possible.

§ 45-16. Plumsted Township "No Knock" Registry.

- A. The Township Clerk shall prepare and maintain a list of addresses of those premises where the owner and/or occupant has notified the Clerk that canvassing, peddling, itinerant vending, and door-to-door sales enterprises are not permitted on the premises (hereinafter referred to as the Plumsted Township "No Knock" Registry). Notification shall be completion of a form available at the Township Clerk's office during normal business hours.
- B. Any owner and/or occupant who has requested enlistment on the Plumsted Township "No Knock" Registry pursuant to Subsection A herein shall be able to procure from the Clerk's office a sticker for display at his/ her/its premises indicating enlistment on the Plumsted Township "No Knock" Registry. The first sticker shall be provided free of charge and may be picked up in person during regular business hours. If a replacement sticker is required, a fee of one dollar (\$1) will be charged to any individual requesting such replacement and which shall be payable to the Township Clerk.
- C. The Township Clerk shall distribute the current Plumsted Township "No Knock" Registry to a canvasser at the time of issuance of a license to canvass pursuant to the provisions of this chapter. The licensee shall not canvass or conduct door-to-door sales at any premises identified on the then-current Plumsted Township "No Knock" Registry. **The Township encourages all exempt groups and/or persons soliciting and/or canvassing within the Township to request a "No Knock" Registry and to respect the wishes of those on the "No Knock" Registry to not be disturbed, if at all possible.**

- D. Although the most current list of registrants on the Plumsted Township "No Knock" Registry shall be provided by the Township Clerk, it is the responsibility of the canvasser, or solicitor to have the most up-to- date list prior to performing their business.

§ 45-21. Exemptions.

This article does not apply to real estate that is publicly advertised by sale or to "open houses," sponsored by the owner or listed by licensed real estate agents for a specific home on a specific date and time. **This article shall not apply to solicitations on behalf of members of any charitable organizations, religious purposes, or on behalf of a political candidate or activity.**

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

NAME	CUOZZO	GRILLETTO	HAMMERSTONE	MARINARI	BOWEN
AYES	6/1/23	6/1/23	6/1/23	6/1/23	6/1/23
ABSTAIN					
NAYS					
ABSENT					

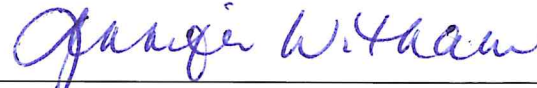
NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Plumsted held on the 1st day of **June, 2023**, and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the 6th day of **July, 2023** at 7:00 P.M., at the Municipal Courtroom, located at 21 Evergreen Road, New Egypt, New Jersey at

which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Pursuant to N.J.S.A. 40:49-2, as amended, further notice is hereby given that the purpose of the forgoing ordinance is to amend canvassing regulations regarding charitable organizations, religious purposes or on behalf of a political candidate or activity within the Township of Plumsted.

Members of the general public may obtain a copy of the ordinance without cost during normal business hours from the Municipal Clerk's Office, 121 Evergreen Road, New Egypt, New Jersey.



JENNIFER WITHAM, RMC, CMR
Municipal Clerk

ORDINANCE NO. 2023-10

**AN ORDINANCE OF THE TOWNSHIP OF PLUMSTED,
COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING
AND SUPPLEMENTING CHAPTER 39 OF THE TOWNSHIP
CODE OF THE TOWNSHIP OF PLUMSTED ENTITLED
“NUISANCES” SO AS TO CREATE ARTICLE III ENTITLED, “NOISE”**

BE IT ORDAINED, by the Township Council of the Township of Plumsted, County of Ocean, State of New Jersey, as follows:

SECTION 1. §39-3 of the Township Code of the Township of Plumsted, entitled "Nuisances." is hereby amended and supplemented so as to create Article III, entitled, “Noise,” which shall read in its entirety as follows:

ARTICLE III NOISE

§39 – 8. Noise.

Whereas it is found that excessive sound and vibration are a serious hazard to the public, health, safety, and welfare and the quality of life ; and technology exists by which excessive sound and vibration may be substantially abated; and whereas the people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health, safety or welfare or degrade the quality of life; it is hereby declared the policy of the Township to prevent excessive sound and vibration which may jeopardize the health, safety and welfare of its citizens and degrade the quality of life.

§39 – 9. Certain Noise Prohibited.

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the Township.

§39 – 10. Unlawful Acts.

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A. The following acts are hereby declared to be examples unlawful noise that annoy, disturb, injure, or endanger the comfort repose health peace safety of others and are in violation of this chapter:

(1) Radios; televisions; phonographs. The using, operating or permitting to be played, used or operated any radio receiving set, television, musical instrument, phonograph or other machine or device for the producing or reproducing of sound at any time, in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants (including neighboring inhabitants in attached residential units sharing a common wall(s)) or with louder volume than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 8:00 a.m. in such manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this chapter.

(2) Yelling; shouting. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling, hotel, motel or other type of residence or of any persons in the vicinity.

(3) Animals; birds. The keeping of any animals or birds which, by causing frequent or long-continued noise, disturbs the comfort or repose of any person in the vicinity.

(4) Horns. The sounding of any horn or warning device on any automobile, motorcycle, bus or other vehicle except when required by law or when necessary to give timely warning of the approach of the vehicle or as a warning of

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impending danger to persons driving other vehicles or to persons upon the street. No person shall sound any horn or warning device on any automobile, motorcycle, bus or other vehicle which emits an unreasonably loud or harsh sound or for any unnecessary or unreasonable period of time.

(5) Exhaust. The discharge into the open air of the exhaust / engine noise of any engine, stationary internal-combustion engine or motor vehicle, motorcycle except through a muffler or other device which effectively prevents loud or explosive noises there from.

(6) The operating of landscape machinery including any noise-creating blower or power fan or any internal-combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is adequately muffled and such engine is equipped with a muffler device sufficient to deaden such noises. In no event shall such landscaping equipment or machines be operated except between the hours of 8:00 am through 8:00 pm Monday through Friday; and between the hours of 9:00 am through 8:00 pm on Saturday, Sunday or any state or federal holiday.

(7) Defect / Modification in vehicle or load. The use of any automobile, motorcycle or vehicle so out of repair, so loaded or specifically modified in such manner as to create loud and unnecessary grating, grinding, rattling, combustion or other noise.

(8) Schools; courts; churches. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in use, or which unreasonably interferes with the working of such institution, provided that conspicuous signs are displayed in such street indicating that the same is a school, hospital or court street.

B. The above enumeration is intended to give typical illustrations of prohibited

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noise and shall not be construed as exclusive.

§39 – 11. Exceptions.

A) The following are exempt from the noise regulations contained herein.

(1) Sounds from any municipality-sponsored or -approved celebrations or events.

(2) Sounds from any police, fire, ambulance, or other emergency vehicles in the discharge of their official duties, garbage trucks or such other vehicles used for the removal of residential or commercial garbage, together with the removal of snow and ice from Township and county roadways and from residential, commercial and office properties located within the Township.

(3) Sounds emanating from the performance of any municipal, County or state construction or improvements project(s)

(4) Sound from bells and chimes when a part of religious observance or service.

§ 39 -12. Violations and penalties.

Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not more than one thousand dollars (\$1,000.) or by imprisonment for a term not to exceed ninety (90) days, or by both such fine and imprisonment, in the discretion of the Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

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SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

NAME	CUOZZO	GRILLETTO	HAMMERSTONE	MARINARI	BOWEN
AYES	6/1/23	6/1/23	6/1/23	6/1/23	6/1/23
ABSTAIN					
NAYS					
ABSENT					

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Plumsted held on the 1st day June, 2023 and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the 6th day of July, 2023 at 7:00 PM, at the Municipal Building, 121 Evergreen Road, New Egypt, NJ 08533, at which time and place any person desiring to be heard upon the same will be given the opportunity to be so heard.

Pursuant to N.J.S.A. 40:49-2, as amended, further notice is hereby given that the purpose of the forgoing ordinance is to adopt restrictions on excessive noises as part of the Code provisions on Nuisances.

Members of the general public may obtain a copy of the ordinance without cost during normal business hours from the Municipal Clerk's Office, 121 Evergreen Road, New Egypt, New Jersey.


JENNIFER WITHAM, RMC, CMR
MUNICIPAL CLERK

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