ORDINANCE #2023-01

ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 12 "BUILDING AND HOUSING", ARTICLE 2 "HOUSING CODE", SECTION 3 "AMENDMENTS" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT

WHEREAS, the Borough of Keyport (the "**Borough**") is a public body corporate and politic of the State of New Jersey; and

WHEREAS, pursuant *N.J.S.A.* 40:48-1 *et seq.* the Mayor and Council of the Borough have the power to adopt, amend, repeal, and enforce ordinances for the public health, safety and welfare of the Borough and its inhabitants; and

WHEREAS, the Mayor and Borough Council declare that in order to promote public health, safety and welfare it is imperative that the Borough update the occupancy limitations provided for in the Borough's Housing Code in accordance with habitability standards established by the New Jersey State Housing Code, N.J.A.C. 5:28-1.1, *et seq.*; and

WHEREAS, the Mayor and Borough Council hereby desire to amend Chapter 12, "Building and Housing", Article 2 "Housing Code", Section 3 "Amendments" to reflect revisions to the occupancy limitations in the Borough's Housing Code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Keyport, County of Monmouth, New Jersey that:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Chapter 12, Article 2, Section 3 entitled "Amendments" is hereby amended as follows (additions are <u>underlined</u>):

… [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] …

§ 12-2.3 **Amendments.**

Except as further provided by subsection 12-4.3, the following provisions of the BOCA National Property Maintenance Code of 1996 are hereby modified, amended, deleted or changed to read as follows, identified thereof being by section number as appearing therein as follows:

<u>e. Section PM-405.3 is hereby revised to read as follows:</u>

<u>**Section PM-405.3 Minimal Usable Habitable Space:** In all dwelling units other than rooming units, there shall be a minimum usable habitable space, other than sleeping space, for the initial occupant of 150 square feet and 100 square feet additional space for each additional occupant provided, however, that children under the age of two shall not be considered additional occupants.</u>

<u>f. Section PM-405.3.1 is hereby added to Section PM- 405.3, and is to read as follows:</u>

<u>**Section PM-405.3.1 Area for Sleeping Purposes:** Every room designated by the Code Enforcement Officer as a room designed for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied and designated by the Code Enforcement Officer for sleeping purposes by more than one person shall contain at least 50 square feet of floor area for each occupant thereof., however, that children under the age of two shall not be considered additional occupants. The following occupancies limitations for sleeping purposes only, in all dwelling units located in the Borough of Keyport shall be as followed:</u>

Efficiency unit:	1 person maximum
One Bedroom:	2 persons, minimum of 120 sqft. per room
Two Bedroom:	4 persons
Three Bedroom:	6 persons

In dwelling units with greater than three (3) bedrooms, designed for sleeping purposes the Code Enforcement Officer will set the occupancy of no greater than two (2) persons per bedroom.

g. Section PM-405.7 is hereby revised to read as follows:

Section PM-405.7 Prohibited Occupancy: In all rentals the following areas within a structure are prohibited to be used or occupied for sleeping purposes: Kitchen, bathrooms, dining rooms, dens, living rooms, hallway, closets, or any other space not designed for sleeping space or designated by the Code Enforcement Officer.

Section 3. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed.

Section 4. Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

Section 5. Except as amended by this ordinance, all other provision of the Borough's Revised General Ordinances shall remain in full force and effect.

Section 6. The Borough Clerk is hereby directed, upon adoption of the ordinance after public hearing thereon, to publish notice of the passage thereof.

Section 7. This ordinance shall be in full force and effect from and after its adoption and any publication according to law.

Introduced: February 3, 2023
Public Hearing: February 21, 2023
Adopted: February 21, 2023

Michele Clark, RMC
Borough Clerk

Rose P. Araneo, Mayor
Borough of Keyport