

TOWNSHIP OF MAPLEWOOD



ORDINANCE # 3128-24

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 93 OF THE CODE OF THE TOWNSHIP OF MAPLEWOOD ENTITLED BUILDING CONSTRUCTION WITH RESPECT TO PERMIT SUBMISSION REQUIREMENTS AND REQUIREMENTS DURING CONSTRUCTION

“Interpretive Statement”

This Ordinance will amend and supplement Chapter 93 (“Building Construction”) of the Township Code to add new sections detailing permit submission requirements and requirements for the maintenance of sites during construction.

WHEREAS, the Township Committee (the “Township Committee”) of the Township of Maplewood, New Jersey (the “Township”) seeks to maintain a strong quality of life in Maplewood’s neighborhoods; and

WHEREAS, as further described below, the Township believes that it is in the best interests of its residents to enact additional regulations regarding the information submitted during the permit process and regarding the maintenance of construction sites in a manner benefiting the health, safety, and welfare of Township residents,

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey, as follows:

1. **RECITALS**. The aforementioned recitals are incorporated herein as if set forth at length.
2. **AMENDMENT AND SUPPLEMENT OF PERMIT SUBMISSION REQUIREMENTS**. Section 93-4 of the Township Code entitled “(Reserved)” is hereby replaced in its entirety with the following:

§ 93-4A Submission Requirements for Demolition, Construction or Alternation of Buildings and Properties

A. Preamble

Pursuant to the Uniform Construction Code, adopted by the State of New Jersey and by these Ordinances, applications for demolition and construction require specific information, and inspections are required and made throughout the course of all construction projects in the Township of Maplewood. However, the Township has discerned the need to monitor more closely construction and construction processes to ensure compliance with the plans, specifications, requirements, Land Use Board Resolutions and developer agreements that serve as the basis for the issuance of zoning, construction and other permits. The goal of this section is to eliminate construction and construction techniques that result in the erection of nonconforming buildings and structures, and that interfere with the quiet enjoyment of residents of neighboring properties. Generally, this section is intended for the health, safety and welfare of Maplewood residents, to ensure adherence to our bulk requirements, and further, to preserve and protect the integrity of construction in new and existing residential, mixed-use, and commercial buildings.

B. Application Requirements

(1) Permit Application Documents

- (a) LLCs applying for permits must designate the responsible party and point of contact for all matters related to the permit application and subsequently-issued permits and submit a filed Certificate of Formation or a certificate of good standing for the applicant LLC.
- (b) Corporations applying for permits must designate the responsible party and point of contact for all matters related to the permit application and subsequently-issued permits, and submit the filed Articles of Incorporation or a certificate of good standing for the applicant Corporation.
- (c) All changes must be reported to the Construction Division. No request for permits will be processed unless the application is completed in all respects. No permits will be issued unless payment is made in full.

(2) Content of Plans

Upon submission of any plans (architectural, engineering, etc.) for construction projects that either create a new structure or that affects an alteration, modification, extension or other change to any existing structure or lot, the applicant for demolition or construction permits must file apply for zoning approval by filing with the Zoning Official a survey of the property that includes, but is not limited to, descriptions of the property boundaries, existing topographical conditions and measurements, existing structural features, and all other elements of existing conditions on the subject property so that the preconstruction circumstances of the subject property are fairly and accurately described and depicted.

(3) Required Surveys

- (a) Foundation location: a survey that shows the location of the foundation and the front, side, rear yard setbacks from the property line to the nearest point of the foundation. This survey will be submitted within 10 days following the request for the foundation inspection. Failure to submit the survey within the required timeframe will result in the zoning approval being revoked and the issuance of a stop work order from the Zoning Officer.
- (b) Ridge height: a survey that shows the height of the highest part of the ridge beam as measured from the average of the four corners of the foundation. The survey shall show the calculations used to verify the ridge height. This survey will be completed within 10 days following the request for the frame inspection. Failure to submit the survey within the required timeframe will result in the zoning approval being revoked and the issuance of a stop work order from the Zoning Officer.
- (c) Final as-built survey: A final survey shall be completed prior to the issuance of a Certificate of Occupancy.

(4) Safety Plan

- (a) For all exterior work, including demolitions, renovations, and construction, the permit applicant must submit a survey and a construction plan drawn to scale showing the full scope of the project. The Construction Official may require the applicant for a permit(s), the property owner, contractor or agent at any construction site, to submit a safety plan to secure the construction site as a prior approval to the issuance of any permit.
- (b) In determining whether the project requires an approved safety plan, the Construction Official shall consider the entirety of the proposed demolition, excavation and/or construction, and:
 - i. The size of the project and its location on the lot;

- ii. The project's impact on adjoining properties or public rights-of-way;
 - iii. Whether the project may impact the flow of groundwater onto the public right-of-way or adjoining properties;
 - iv. Whether there are other governmental entities with jurisdiction over the property.
- (c) The following minimum protections are required:

CONSTRUCTION HEIGHT	DISTANCE	
	CONSTRUCTION TO LOT LINE	PROTECTION REQUIRED
8 feet or less	Less than 5 feet	Construction railings
	5 feet or more	None
More than 8 feet	Less than 5 feet	Barrier and covered walkway
	5 feet or more - not more than one-fourth the height of construction	Barrier and covered walkway
	5 feet or more - between one-fourth and one-half the height of construction	Barrier
	5 feet or more - exceeding one-half the height of construction	None

(5) Maintenance of Pedestrian Walkways and Sidewalks

- (a) The applicants for permits must demonstrate the measures to be taken to safeguard adjoining properties or public rights of way, which shall be submitted with the permit application for review and approval by the construction official.
- (b) A sidewalk or walkway shall be maintained provided for pedestrian travel in front of every construction and demolition site. If the Construction Official authorizes the sidewalk to be fenced in or closed, a walkway shall be provided for pedestrian travel that leads from a building entrance or exit of an occupied structure to a public way. Walkways shall be of sufficient width to accommodate the pedestrian traffic, but shall be not fewer less than 4 feet in width. Walkways shall be provided with a durable walking surface.
- (c) Pedestrian protection shall be maintained in place and kept in good order for the entire length of construction time.

(6) Trees

- (a) Applicants for Zoning Permits involving exterior demolition, renovations, or additions of any size, must show the location of all trees on the lot by submitting a survey marking the location and caliper of each tree. This landscape survey will be subject to verification by the Township arborist, and compared to the plans submitted in support of the permit applications.
- (b) If the applicant intends to remove any trees in connection with the demolition, they must apply for permits for tree removal. If tree removal permits are issued, the applicant must submit a landscape plan showing the amended landscape survey showing the trees removed. This shall also be reviewed by the Township arborist.

(7) Certificate of Rodent Remediation

The applicant must show proof of vermin control and/or remediation.

(8) Penalties for Violations of this Section

Violations of this Section 93-4A may be enforced by the Zoning Official, the Health Department, and the Property Maintenance Division of the Township of Maplewood. Failure to fully comply with any of the requirements of this section constitutes a valid reason for the refusal of permits, or where permits are already issued, the issuance of a stop-work order, and may subject the responsible party to a fine of up to \$1,000 for each violation.

3. AMENDMENT AND SUPPLEMENT OF REQUIREMENTS DURING CONSTRUCTION.

Chapter 93 of the Township Code is hereby supplemented with the addition of the following Section 93-4B:

§ 93-4B Requirements During Construction

A. Preamble

The goal of this section is to eliminate construction techniques that interfere with the quiet enjoyment of residents of neighboring properties and is intended as general protection for the health, safety and welfare of Maplewood residents.

B. Construction Equipment

(1) No construction site shall be used for staging or storage of construction equipment, commercially registered vehicles, heavy equipment, storage containers, trailers, materials, dirt or debris, after the construction on that site is completed for more than ten days. Additional time may be considered by the Construction Official for good cause shown.

(2) One commercially-registered vehicle not exceeding a manufacturer's gross vehicle weight of 10,000 pounds may be stored, parked or remain overnight on the exterior premises of any construction site within a residential zone, with prior notice to the Maplewood Police Department and the Construction Official.

C. Construction Materials

Topsoil and fill necessary for backfill and final grade and nonhazardous materials, dirt and debris resulting from or used for the construction activities occurring on the site, may remain at the site until needed but must be stored so as not to pose a danger to the public or be kept in an unsightly condition or create soil erosion. Where the construction site is bounded by a perimeter fence as required by the Construction Official, all construction-related materials must be kept with the fence.

D. Portable Toilets

Where no permanent operable toilet exists on the construction site, portable toilets must be placed within the temporary fencing, if fencing is required as part of the approved safety plan, or when possible or if there is no fence, as close to the home or project as possible. Portable toilets may not be placed at or on the curb of the property. Portable toilets must be cleaned and sanitized at least once a week. Portable toilets must be removed within five days of the issuance of a certificate of occupancy or approval.

E. Dumpsters and Garbage Containers

(1) All dumpsters and garbage containers must be placed within the confines of the temporary construction fence. They must be emptied within two days of capacity. Capacity is measured by the height of the dumpster sides. All dumpsters and garbage containers shall be maintained along with areas surrounding them.

(2) Any paper, cloths or applicators of solvent or chemical products, and bags and containers containing wood dust and any construction by-product, must be removed daily.

F. Pedestrian Protection

Pedestrians shall be protected during construction, remodeling and demolition activities with construction railings and barriers as required by the New Jersey Edition of the International Building Code.

(1) Owner/contractors or their agents who undertake construction, rehabilitation, or demolition work at their properties shall protect adjoining properties and public rights of way from damage or hazardous conditions caused by the work.

(2) If it is necessary for the owner/contractors or their agents doing construction to access adjoining property to provide such protection, they must request written permission to enter the adjoining properties to assess the measures that must be taken to safeguard the properties from damage. Thereafter, they must provide a copy of the proposed measures to the owners of adjoining properties and obtain written consent to implement them prior to the commencement of the work.

G. Penalties for Violations of this Section

Violations of this Section 93-4B may be enforced by the Construction Official or Zoning Official, the Health Department, and the Property Maintenance Division of the Township of Maplewood. Failure to fully comply with any of the requirements of this section constitutes a valid reason for the refusal of permits, or where permits are already issued, the issuance of a stop-work order, and may subject the responsible party to a fine of up to \$1,000 for each violation.

4. **ALL SECTIONS NOT EXPRESSLY AMENDED REMAIN UNCHANGED.** All other portions of Chapter 93 not expressly amended herein shall remain unchanged.

5. **AVAILABILITY OF THE ORDINANCE.** A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

6. **SEVERABILITY.** If any section, paragraph, sub-paragraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

7. **REPEAL OF PRIOR ORDINANCES.** Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any such inconsistencies.

8. **EFFECTIVE DATE.** This Ordinance shall take effect after final passage and publication as provided by law.

PUBLIC NOTICE is hereby given that the foregoing proposed Ordinance was introduced and read by title at a meeting of the Township Committee of the Township of Maplewood, held on August 6, 2024 and that the

Township Committee will meet again on September 3, 2024, at 7:30 p.m. at the Municipal Building, 574 Valley Street, Maplewood, New Jersey, at which time and place the Township Committee will hold a hearing and proceed to consider the said Ordinance on final reading and final passage.

MOTION: Dafis **SECOND:** Adams
YES: Dafis, De Luca, Engel, Adams
NO: None
ABSTAIN: None
ABSENT: Cripe

Introduction: August 6, 2024
Adoption: September 3, 2024



ATTEST Elizabeth J. Fritzen, Township Clerk