

CITY OF ABSECON

ORDINANCE 04-2026

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF ABSECON,
ADDING CHAPTER 168 – BUILDINGS, MOVING OF**

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ABSECON CITY, NEW JERSEY that Chapter 168 – Buildings, Moving of; is hereby added to the Code of the City of Absecon as follows:

§ 168-1 Definitions

BUILDING

A structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes, including but not limited to modular homes. A structure shall not be deemed a building if it is less than eight feet wide in any horizontal dimension, does not exceed eight feet in height, does not interfere with overhead power lines and weighs less than 2,500 pounds.

PERSON

Any person, firm, partnership, association, corporation, company or organization of any kind.

CITY

The City of Absecon, County of Atlantic, State of New Jersey.

ZONING OFFICER

The Zoning Officer of the City of Absecon.

§ 168-2 Permit required

No person shall move any building over, along or across any highway, street or alley in the **City of Absecon** without first obtaining a permit from the Zoning Officer, in addition to any permits required by **Atlantic County** and the New Jersey Department of Transportation.

§ 168-2.1 Permit required for temporary relocation

Property owners in the **City of Absecon** may be granted a permit to temporarily relocate a building on a public City-owned or City-managed street subject to the requirements of § 168-10.

§ 168-3 Permit application

A person seeking issuance of a permit hereunder shall file an application for such permit with the Zoning Officer.

A. Form. The application shall be made in writing upon forms provided by the Zoning Officer and shall be filed in the office of the Zoning Officer.

B. Contents. The application shall set forth:

(1) A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms and condition of exterior and interior.

- (2) A legal description of the lot from which the building is to be moved, giving the lot and block number if located in the City.
- (3) A legal description of the lot to which it is proposed such building be removed, giving the lot and block number if located in the City.
- (4) The portion of the lot to be occupied by the building when moved.
- (5) The proposed moving date and hour.
- (6) Complete names and addresses of all persons involved in such moving, which shall include the contractor moving the structure, and a complete list of all telephone numbers where all such persons can be contacted 24 hours of the day for the entire period of the moving in the City of Absecon.
- (7) Any additional information which the Zoning Officer shall find necessary to a fair determination of whether a permit should issue.
- (8) An indication of issuance of all permits for utilities and shall provide evidence that utilities are on the site to which the building is being moved.

C. Accompanying papers.

- (1) Tax certificate. The owner of the building to be moved shall file with the application sufficient evidence that all taxes and any City charges against the same are paid in full.
- (2) Certificate of ownership and entitlement. The applicant, if other than the owner, shall file with the application a written statement or bill of sale signed by the owner or other sufficient evidence that he is entitled to move the building.
- (3) Disconnecting utilities. The applicant shall submit evidence that all utility services, including water, gas, electricity and sewer, have been disconnected.
- (4) A footing and foundation permit is required if the building is to be located in City of Absecon.
- (5) A plot plan and grading plan showing the location of the new building.
- (6) A letter of estimated damage to City of Absecon property from the Department of Public Works.
- (7) A deposit covering the amount of estimated damage as set forth in the letter from the Department of Public Works.
- (8) A map of designated streets on which the building will travel with approvals from the Chief of Police, Fire Chief, Superintendent of Public Works, Chief of EMS and City Administrator.
- (9) State, county and City Road permits.
- (10) Proof of payment of all fees for construction permits payable to City of Absecon.

D. Fees. The application shall be accompanied by a permit fee in the amount of 1,000. A standby fee in the amount of \$2,500 shall be required and payable to the City of Absecon Volunteer Fire Company.

§ 168-4 Deposit

Upon receipt of an application, it shall be the duty of the Zoning Officer to procure from the City Department of Public Works an estimate of the expense that will be incurred in removing and replacing any electric wires, street lamps, sewer lines, or pole lines belonging to the City or any other property of the City, the removal and replacement of which will be required by reason of the moving of the building through the City, together with the cost of materials necessary to be used in making such removals and replacements. Prior to issuance of the permit, the Zoning Officer shall require of the applicant a deposit of a sum of money equal to the amount of the estimated expense.

§ 168-5 Insurance

An application hereunder shall be accompanied by an insurance policy issued by an insurance company authorized to do business in the State of New Jersey, and in form approved by the City Attorney, providing personal and property liability coverage in the respective amounts of \$500,000 per person and \$50,000 per accident on property. Said policy shall name the City of Absecon as a coinsured along with the applicant and provide indemnification of the City against any claim, alleged or otherwise, of damages to persons or private property arising out of, caused by or incidental to the moving of any building over, across or along any street of the City.

§ 168-6 Duties of Zoning Officer

A. Fees and deposits.

(1) Deposit. The Zoning Officer shall deposit all fees and deposits with the City Treasurer.

(2) Return upon allowance for expense. After the building has been removed, the Zoning Officer shall furnish the Mayor and Council with a written statement of all expenses incurred in removing and replacing all property belonging to the City and of all material used in the making of the removal and replacement, together with a statement of all damage caused to or inflicted upon property belonging to the City. The Mayor and Council shall authorize the Zoning Officer to return to the applicant all deposits after the City Treasurer deducts the sum sufficient to pay for all the costs and expenses and for all damage done to property of the City by reason of the removal of the building. Permit fees deposited with the application shall not be returned.

B. Designate streets for removal.

The Zoning Officer shall procure from the City Department of Public Works a list of designated streets over which the building may be moved. The Zoning Officer shall have the list approved by the Chief of Police and Fire Chief and shall reproduce the list upon the permit in writing. In making their determinations, the City Department of Public Works, the Chief of Police and the Fire Chief shall act to assure maximum safety to persons and property in the City and to minimize congestion and traffic hazards on public streets.

C. Trees and damage to the City.

Upon completion of the application to the Zoning Officer, he will, with the Superintendent of Public Works and a qualified tree surgeon, inspect the route as designated to ascertain the extent of the damage, if any, to the trees or any other public damage to property along said route, and if the Zoning Officer, in his discretion, finds that there will be or could be an excessive or undue amount of damage, he is hereby empowered to deny the application. The applicant may then take the matter to the City Council of the City of Absecon for further consideration. If there are parts of a tree to be removed or any damage occurs to any tree, then the removal must be done by a qualified tree surgeon, and any damage must be corrected and properly treated by a qualified tree surgeon. The cost of said tree surgeon for the inspection, removal and treatment must be paid for by the applicant.

D. The Zoning Officer shall determine that the placement site is complete and ready for human habitation within one year from the date of the issuance of the permit.

§ 168-7 Duties of permittee

Every permittee under this chapter shall:

- A. Use designated streets. Move a building only over streets designated for such use in the written permit.

- B. Notification of revised moving time. Notify the Zoning Officer in writing of a desired change in moving date and hours as proposed in the application.
- C. Notification of damage. Notify the Zoning Officer in writing of any and all damage done to property belonging to the City, within 24 hours after the damage or injury has occurred.
- D. Display lights. Cause red lights to be displayed during the nighttime on every side of the building while standing on a street, in such a manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such a manner as to protect the public from damage or injury by reason of the removal of the building; and, before a building shall be permitted to stand on any street, approval of the location shall be secured from the Chiefs of the Police and Fire Departments of the City. However, no building shall remain on any street in the City of Absecon unless and until it has the specific approval to so remain by the Chief of Police and Fire Chief, and the applicant must be notified and receive the approval by said Chiefs on or before 2:00 p.m. of the night on which the applicant is going to leave the building standing on the street. Should permission not be granted, in writing, from said Chiefs and the applicant does leave said building on the streets, then the City shall have the right to immediately take the necessary steps to remove the building, and all costs, charges and fees incurred thereby shall be chargeable to the applicant.
- E. Street occupancy period. Remove the building from the City streets after two days of such occupancy, unless an extension is granted by the City Council.
- F. Compliance with governing law. Comply with the Zoning Ordinance^[1] and all other applicable ordinances and laws upon relocating the building in the City, provided that the building relocated must, within one year, be made to comply with all current BOCA regulations and requirements as if such relocated building were a new structure.
[1]Editor's Note: See Ch. 224, Zoning.
- G. Clearing old premises. Remove all rubbish and materials and fill all excavations to existing grade at the original building site so that the premises are left in a safe and sanitary condition; provided, however, before the excavation is filled, the cellar bottom shall be removed, and all cesspools, septic tanks and cisterns shall be properly filled.
- H. All buildings which are moved within the City of Absecon or to the City of Absecon shall be placed upon a permanent foundation within six months of the date of the issuance of the permit for the moving of said building under § 168-2
- I. A foundation as-built and final as-built will be required to be submitted prior to the issuance of a certificate of occupancy if the building is to be located within the City.
- J. The permittee must obtain a certificate of occupancy within one year of the date of the permit if the building is to be located within the City.
- K. Ensure access of one lane or for one fire truck to gain access to and from the location of the move.
- L. Notify all property owners along the permitted route within the City by certified mail two weeks prior to the move. The Tax Assessor will provide the notification list of all property owners to be noticed. The notification letter shall provide the date, time, estimated time of move, anticipated loss of utility services during the move, and contact information of the person responsible for the move.

§ 168-8 Enforcement

A. Enforcing officers. The Zoning Officer and the Police Department shall enforce and carry out all the requirements of this chapter.

B. Permittee liable for expense above deposit. The permittee shall be liable for any expense, damages or costs in excess of deposited amounts or securities, and the City Attorney shall prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such excessive amounts.

C. Original premises left unsafe. The City shall proceed to do the work necessary to leave the original premises in a safe and sanitary condition, where permittee does not comply with the requirements of this chapter, and the cost thereof shall be charged against the cash deposit.

§ 168-9 Violations

A. 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 less than \$100 nor more than \$1,000, by imprisonment for a term not to exceed 90 days or by community service of not more than 90 days, or any combination of fine, imprisonment and community service as determined by the Municipal Court 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.

B. The violation of any provision of this chapter shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

§ 168-10 Temporary relocation of building

A. Permit required.

- (1) Permits shall only be issued to a property owner in the City of Absecon who is proposing to elevate or relocate a building on the same lot and is utilizing the public roadway temporarily in order to prepare the building's new foundation.
- (2) Formal application, on a form provided by the City of Absecon, shall be made to the Community Development Department/Zoning Officer of the City at least 15 business days prior to the contractor desiring to commence work to relocate the building.
- (3) The application must be approved by the Zoning Officer, Police Traffic Safety Officer and Construction Code Official. Applications may be rescinded if the safety of the public cannot be adequately maintained as determined solely by City officials.
- (4) Any permit issued by the City shall provide that the permittee will have a maximum use of the roadway for location of the building for no more than 10 calendar days, weather permitting.
- (5) The permit may be extended if inclement weather delays the efforts of the contractors engaged to elevate or relocate the building for any period during the ten-day period. The permit will be extended upon written notice to the Zoning Officer. The extension shall only be for a period of time equal to the work time lost due to inclement weather.
- (6) If, due to unforeseen circumstances beyond the control of the owner of the building or the contractor elevating and/or relocating the building, the project is delayed beyond the initial ten-day permit period, the Zoning Officer may, upon application of the permittee, extend the ten-day period for a reasonable time if the Zoning Officer determines the unforeseen circumstances justify such an extension.

- (7) Any permit issued shall provide that the owner must maintain a minimum of 15 feet of unobstructed roadway for safe passage of vehicular traffic and emergency vehicles.
- (8) Prior to the issuance of any permit under this chapter, the owner of the property or his/her agent shall post a cash bond or letter of credit in the amount of \$5,000 with the City of Absecon to ensure the minimum passable roadway of 15 feet is maintained, proper safety requirements are in place, and appropriate repairs are made at the completion of the project.
- (9) Any work to relocate the building to or from the public roadway shall take place between the hours of 7:00 a.m. to 6:00 p.m. on weekdays and between the hours of 9:00 a.m. to 6:00 p.m. on weekends and holidays.
- (10) No work shall be permitted between June 15 and September 15.

B. Duties of permittee. Once a permittee has received a permit to temporarily relocate a structure to a public roadway, the permittee shall ensure that the following safety requirements are put into place immediately once the structure is relocated:

- (1) Notice to adjoining property owners, as well as owners of properties impacted by the no-parking restriction, must be sent by the applicant at least five days prior to the relocation, with copies provided to the Zoning Officer.
- (2) The day the structure is being relocated into the public roadway, the permittee or his/her agent shall notify the Zoning Officer so that appropriate notifications can be made to the City Police Department Traffic Safety Unit and Fire, EMS and Public Works.
- (3) A minimum of 15 feet of passable roadway shall be maintained at all times. The fifteen-foot clearance is measured from the edge of the traffic cones that are required to be placed three feet off the edge of the structure to the opposite side of the street as illustrated in the attached diagram.^[1]

[1]Editor's Note: Said diagram is **included as an attachment to this chapter.**

- (4) All traffic controls utilized around the structure shall comply with the requirements of the Manual on Uniform Traffic Control Devices.
- (5) Traffic cones shall utilize a safety taper consisting of no less than six cones on both sides of the structure. The safety taper shall not be greater than 40 feet in length nor less than 10 feet in length depending on roadway occupancy.
- (6) Traffic cones shall be a minimum of 28 inches in height and shall contain reflective taping for nighttime visibility.
- (7) Traffic cones shall not be placed more than three feet from the outermost portion of the structure and shall not be spaced greater than five feet apart as illustrated in the attached diagram.^[2]

[2]Editor's Note: Said diagram is **included as an attachment to this chapter.**

- (8) Temporary no-parking signs shall be placed across from the structure so as to maintain a minimum travel roadway of 15 feet. Sign placement shall be as illustrated in the attached diagram.
- (9) Fencing must be placed around the structure and secured so as not to create an attractive nuisance and to prevent access to the underside of the structure. Orange plastic contractor fencing is suggested for this purpose.

C. Failure to obtain a permit provided for in Subsection **A** above or allowing a structure to occupy a public street for more than the time period permitted above shall be punishable by a fine not exceeding \$2,000 or a jail term not to exceed 90 days, or both.

D. Each day or portion thereof that a structure occupies a portion of a public roadway without first having obtained a permit or beyond the period specified in the permit shall constitute a separate offense, and upon conviction of any such separate summons, the penalties imposed pursuant to Subsection **C** above shall, in the discretion of the court, be imposed.

BE IT FURTHER ORDAINED that:

1. Any Ordinance or parts of ordinances, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of any such inconsistency.
2. This ordinance shall take effect upon final adoption and publication as required by Law.

DATED: February 19th, 2026

SIGNED:



Thomas Marrone, Mayor

ATTEST:



Carie A. Crone, RMC, Municipal Clerk

Passed on first reading at a regular meeting of the Municipal Council held on February 5th, 2026. Laid over and advertised for public hearing and final adoption on February 19th, 2026. Notice is hereby given that the foregoing Ordinance was approved for final adoption by the Municipal Council of the City of Absecon at a regular meeting held on February 19th, 2026.

